

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Pickens County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRAYLON L. MORRIS,

APPELLANT

APPELLATE CASE NO. 2022-000898

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2018-GS-39-03423
COUNTY OF PICKENS	)	2018-GS-39-03424
	)	2018-GS-39-03425
	)	2018-GS-39-03426
	)	2018-GS-39-03428
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
BRAYLON LAMAR MORRIS,	)	
DEFENDANT.	)	
_____	)	

June 15 and 16, 2022
Pickens, South Carolina

B E F O R E:

THE HONORABLE ALEX KINLAW, JR., JUDGE, and a jury.

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

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CHERYL A. SMITH
Circuit Court Reporter

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(Reporter's note: No firearms were sent back to the jury during their deliberations.)

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P R O C E E D I N G S

Wednesday, June 15, 2022

(WHEREUPON, proceedings commenced at 9:53 a.m.)

THE COURT: Good morning. I hope everyone is doing well.

Before we get started, I wanted to thank you on behalf of the citizenry here in Pickens County as well as the State for your willingness to serve as jurors in this case. We cannot function as a country if we did not have a jury system. It's not perfect, but certainly it works. And I want to thank you for your service.

We have one case that we're going to try this term of court in General Sessions. And as I told you on, I think, Monday when I was here, I'm Judge Kinlaw, a judge from 30 miles away over in Greenville. But the first case that we're going to select a jury in is in the case of -- and the only case that I'm aware of at this point is the State of South Carolina vs. Braylon Lamar Morris.

Mr. Morris, are you here?

DEFENDANT MORRIS: Yes, sir.

THE COURT: All right. Would you just stand, face the jury panel? This is Mr. Morris.

All right. Mr. Morris, you can be seated.

Now, I want to tell you that I have five indictments, and I always describe indictments as this because maybe

1 that's a word that you've probably heard at one point or
2 another. An indictment is not any evidence of guilt in a
3 criminal case, because this is a criminal case. And I
4 always liken it to going to the movies. In order to get
5 inside the movie, you have to have a ticket. And you
6 don't know what the movie is going to be about until you
7 actually sit down and watch it. But you can't watch the
8 movie without a ticket. And then once you watch the
9 movie, then you make a determination whether you like the
10 movie or you didn't like the movie. That might not be a
11 great analogy, but these indictments are just tickets by
12 which the matter comes to the Court, comes to the criminal
13 justice system. This is the tickets that brings
14 Mr. Morris into court.

15 So by mere fact that I have these indictments in my
16 hand is not any evidence of guilt as it relates to
17 Mr. Morris, because here in a criminal case -- and I don't
18 know how many of you have served on a jury before in a
19 civil case or a criminal case, but in a criminal case, the
20 burden lies squarely on the shoulders of the State to
21 prove the defendant guilty beyond a reasonable doubt. And
22 we'll talk a little bit more about that later on if you're
23 selected to participate or serve on this jury.

24 And like I said, the defendant in a criminal case is
25 always presumed innocent, and that presumption of

1 innocence cannot be removed unless and until all
2 12 members of the jury that are selected find the State
3 has proven each and every element of the crime beyond a
4 reasonable doubt. The burden of proof is entirely upon
5 the State.

6 Now, there are indictments that I'm going to read to
7 you momentarily. Here, again, I want to repeat this
8 again. I hate to be repetitive. These indictments are
9 merely a way for a citizen -- Mr. Morris is charged with a
10 crime and lets him know what he's charged with. And that
11 is the sole purpose of these indictments. It allows this
12 case to be started in this courtroom by the State of South
13 Carolina through the prosecution. The indictment is not
14 evidence of anything. They're merely allegations.

15 The first indictment in this case against Mr. Morris
16 is Indictment 2018-GS-39-3424. This indictment alleges as
17 follows: It says Braylon Lamar Morris did in Pickens
18 County, on or about the 15th day of November of 2018,
19 knowingly sell, manufacture, deliver or bring into the
20 state of South Carolina or did knowingly provide financial
21 assistance or otherwise aid, abet, attempt or conspire to
22 sell, manufacture or bring into the state or was knowingly
23 in actual or constructive possession of more than 28 grams
24 of heroin, this being in violation of Code Section
25 44-53-370 South Carolina Code of Laws. And that offense

1 is the trafficking in heroin. This is that indictment.

2 The second indictment alleges in Indictment
3 2018-GS-39-3423 that Braylon Morris did in Pickens County,
4 on or about the 15th day of November of 2018, possess with
5 the intent to distribute or aid, abet or conspire to
6 possess with the intent to distribute a quantity of
7 cocaine, a controlled substance, possession not having
8 been authorized by law, this being in violation of Section
9 44-53-370 of our South Carolina Code of Laws.

10 The third indictment, 2018-GS-39-3428, alleges that
11 Braylon Lamar Morris did in Pickens County, on or about
12 the 15th day of November 2018, possess or visibly display
13 a Hi-Point 45 caliber pistol during the commission or
14 attempted commission of a violent crime, to wit, traffic
15 in methamphetamine, this being in violation of Section
16 16-23-490 of our South Carolina Code of Laws as amended.

17 The fourth indictment, Indictment Number
18 2018-GS-39-3426, alleges that Braylon Lamar Morris did in
19 Pickens County, on about the 15th day of November of 2018,
20 willfully and unlawfully store, keep, possess or have in
21 possession or permit another to store, keep, possess or
22 have in possession a sawed-off Harrington & Richardson
23 16 gauge shotgun, this being in violation of Section
24 16-23-230 of our South Carolina Code of Laws as amended.

25 And the fifth and last indictment, 2018-GS-39-3425,

1 alleges that Braylon Lamar Morris did in Pickens County,
2 on or about the 15th day of November of 2018, knowingly
3 sell, manufacture, deliver or bring into the state of
4 South Carolina or did knowingly provide financial
5 assistance or otherwise aid, abet, attempt or conspire to
6 sell, manufacture, deliver or bring into the state, or was
7 knowingly in actual or constructive possession of more
8 than 10 grams of methamphetamine, this being in violation
9 of Section 44-53-375 of our South Carolina Code of Laws.

10 These are the indictments that are before the Court
11 today. Here again, as I indicated earlier, these
12 indictments are just a vehicle by which it comes to the
13 Court. There's no evidence of guilt on behalf of this
14 defendant. This defendant is presumed innocent until
15 proven guilty by the State. The State has the burden to
16 prove the defendant guilty beyond a reasonable doubt.

17 Now, before we get into the actual selection of the
18 jury, I want the lawyers from both sides to introduce who
19 they are. You've had the opportunity to meet Mr. Morris.
20 He stood up before you just a minute ago. And I'll start
21 with the defense. Counsel, if you want to introduce
22 yourself to the panel.

23 MR. CHAMBERS: May it please the Court, Your Honor.
24 Ladies and gentlemen, I am Randy Chambers. I practice law
25 at the Chambers Law Firm which is located in Greenville.

1 I practice in pretty much all the counties here in the
2 Upstate. And I'm here representing Braylon Morris who was
3 introduced to you just a little bit earlier.

4 Thank you.

5 THE COURT: All right. And on the prosecutorial
6 side. Yes, ma'am.

7 MS. OWENS: Thank you, Your Honor. May it please the
8 Court.

9 Good morning, ladies and gentlemen. My name is
10 Katryna Owens. I'm an assistant solicitor. I prosecute
11 criminal cases here in Pickens County.

12 THE COURT: All right. And just so the record will
13 be clear, you do have a young man seated next to you, so
14 you might want to know who he is.

15 MS. OWENS: Certainly, Your Honor. This is Deputy
16 Chet Anthony with the Pickens County Sheriff's Office, the
17 primary investigating case agent.

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

19 JURY VOIR DIRE

20 THE COURT: I'll start off by asking this question.
21 Does any member of the jury panel know any of these
22 individuals? And let me just start off with Mr. Morris's
23 side. Does anyone in the panel know Mr. Morris, seen him
24 before, interacted with him before, any kind of
25 interaction, relationship or anything with him at all? Do

1 you have any idea who Mr. Morris is?

2 UNIDENTIFIED SPEAKER: No, sir.

3 (No response.)

4 THE COURT: All right. And just so -- everybody
5 thinks I'm the most important person in the courtroom, but
6 I'm not. The most important person in the courtroom is
7 this young lady to my right that's speaking through this
8 microphone. And let me tell you why she's important. She
9 has to take down everything everyone says. So if I cough,
10 she takes that down. So if you say something and we just
11 hear a voice that says "no, sir," we don't know where
12 that's coming from. And so she has to take that down, so
13 she has to put -- I don't know what she'll put, but she'll
14 put "no, sir," but she doesn't know where it's coming
15 from. Why do I say that? Basically, if you've got a
16 question or answer, like I said on Monday, you've always
17 got to stand up and say who you are, your juror number and
18 name. And that helps the most important person in the
19 courtroom right here who takes everything down. And
20 she'll be a happy camper if you do that. Okay? All
21 right.

22 So as it relates to Mr. Chambers who represents
23 Mr. Morris, has anyone in the jury panel ever been
24 represented by Mr. Chambers, know him at all, go to church
25 with him, saw him in a grocery store, saw him at the gym,

1 any place? Have you ever seen this young man before?

2 (No response.)

3 THE COURT: All right. Okay. Now let's go through
4 the prosecutorial side. Has anybody ever seen Mrs. Owens
5 before with the solicitor's office? Anybody recognize
6 her, ever seen her before? Y'all go to the same beauty
7 shop, get your nails done, anything? Same place like
8 that?

9 (No response.)

10 THE COURT: Okay. And is it Detective -- last name
11 again?

12 INVESTIGATOR ANTHONY: Anthony, sir.

13 THE COURT: Mr. Anthony who stood up with Pickens
14 County Sheriff's Department, does anybody know
15 Mr. Anthony? Have you ever seen him before?

16 Yes, ma'am. Stand up. Juror number and name. How
17 do you know Mr. Anthony?

18 JUROR NUMBER 168: 168, Megan Shipman.

19 I know the detective through his mom.

20 THE COURT: Through his mom. Okay.

21 JUROR NUMBER 168: I grew up in Pickens. I believe
22 he grew up in Pickens. His mom ran the rec department. I
23 don't know if I can say that.

24 THE COURT: His mom ran the rec department and you
25 were there?

1 JUROR NUMBER 168: Yes, sir. And I went to school
2 with his older brother.

3 THE COURT: Okay. Let me ask you this question. By
4 virtue of that relationship -- well, the fact that you
5 know these parties, would that prevent you from being fair
6 and impartial in the trial of this case?

7 JUROR NUMBER 168: No, sir.

8 THE COURT: You would still be able to listen to both
9 sides and be open-minded?

10 JUROR NUMBER 168: Yes, sir.

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

12 Anyone else know Detective Anthony? Anyone?

13 (No response.)

14 THE COURT: Okay. All right. Now I am going to ask
15 you about some witnesses that -- potential witnesses that
16 could very well testify in this case, whether or not you
17 know these individuals. So listen very carefully. Does
18 anyone in the jury panel know Lieutenant Brett Barwick
19 with the Pickens County Sheriff's Office, Lieutenant Brett
20 Barwick, Pickens County Sheriff's Department?

21 (No response.)

22 THE COURT: Okay. Anyone knows Agent Chet Anthony?
23 That's -- that's him. Okay. Wasn't a trick question.
24 Wasn't a trick question.

25 Anybody know Agent Jeff -- is it Bolde with the

1 Pickens County Sheriff's Department? Jeff Bolde.

2 (No response.)

3 THE COURT: No. Okay.

4 Anyone know Agent Kevin Durham with the Pickens
5 County Sheriff's department?

6 All right. Stand up, sir. Give me your juror number
7 and name.

8 JUROR NUMBER 152: 152, Raper.

9 THE COURT: How do you know Mr. Durham?

10 JUROR NUMBER 152: It's been a minute, but we used to
11 fish on a tournament circuit together. Not together, but
12 in the same circuit. I know him through fishing.

13 THE COURT: So you know him through fishing.

14 JUROR NUMBER 152: Yeah.

15 THE COURT: A few years ago.

16 JUROR NUMBER 152: Yes, sir.

17 THE COURT: What kind of fish were you fishing for?

18 JUROR NUMBER 152: Bass fishing. Tournament bass
19 fishing.

20 THE COURT: All right. Okay. He was a better fisher
21 than you?

22 JUROR NUMBER 152: Negative.

23 THE COURT: All right. Do you think -- even though
24 you know Agent Durham, do you think you can be fair and
25 impartial in the trial of this case?

1 JUROR NUMBER 152: Yes, sir, I do.

2 THE COURT: All right. Thank you.

3 Anyone else? Anyone else?

4 (No response.)

5 THE COURT: All right. Let's go to Deputy Brian
6 Langston with the Pickens County Sheriff's Department.
7 Brian Langston.

8 Yes, ma'am. Stand up. Give me your juror number and
9 name.

10 JUROR NUMBER 168: Me again. 168, Megan Shipman.
11 He was the brother of my aunt.

12 THE COURT: Okay. You went from the mother to the
13 brother.

14 JUROR NUMBER 168: His mother. It's not my mother.

15 THE COURT: He's the brother of your aunt.

16 JUROR NUMBER 168: Yes.

17 THE COURT: All right. Do you think you still can be
18 fair and impartial in the trial of this case?

19 JUROR NUMBER 168: Yes, sir.

20 THE COURT: Anyone else? Anyone else?

21 (No response.)

22 THE COURT: Okay. And that was Brian Langston.

23 Deputy John Ross with the Pickens County Sheriff's
24 Department, anybody know him?

25 (No response.)

1 THE COURT: Tony Robinson, formerly with the Pickens
2 County Sheriff's Department?

3 (No response.)

4 THE COURT: Okay. Investigator Jeremy Jones with the
5 Greenville County Sheriff's Office? Jeremy Jones,
6 Greenville County Sheriff's Office. Nobody?

7 (No response.)

8 THE COURT: Okay. Lieutenant Shannon Piller with the
9 Greenville County Sheriff's Office?

10 (No response.)

11 THE COURT: Investigator Brett RaVell with the
12 Greenville County Sheriff's Office?

13 (No response.)

14 THE COURT: Special Agent BJ Hyatt with the South
15 Carolina Law Enforcement Division?

16 (No response.)

17 THE COURT: Jackie Davis, South Carolina Law
18 Enforcement Division, forensic technician, anybody know
19 her?

20 (No response.)

21 THE COURT: Doris Yarborough, South Carolina Law
22 Enforcement Division, forensic technician?

23 (No response.)

24 THE COURT: Bethany Davidson, South Carolina Law
25 Enforcement Division, forensic technician. Anybody?

1 (No response.)

2 THE COURT: Charlotte Pitts with the South Carolina
3 Law Enforcement Division, forensic technician?

4 (No response.)

5 THE COURT: Brittnee Looney with South Carolina Law
6 Enforcement Division, chemist?

7 (No response.)

8 THE COURT: Kathy with a K Lance with the Greenville
9 County Property and Evidence control?

10 (No response.)

11 THE COURT: Kristen with a K McCall, Greenville
12 County Crime Lab specialist -- Crime Lab chemist? I'm
13 sorry.

14 (No response.)

15 THE COURT: Heidi Merriweather-Walker.

16 (No response.)

17 THE COURT: And lastly, Stinson Ruth.

18 (No response.)

19 THE COURT: These are potential witnesses that may be
20 called by the State, and that's why I went over with you
21 any potential -- whether or not you knew these witnesses
22 or not.

23 Now, obviously, as you can see by me reading these
24 indictments, this is a drug case. That's what we call it
25 in the criminal system, a drug case. So I need to ask

1 you, is there any member of the jury panel a member of or
2 contributed to the organizations of MADD, Mothers Against
3 Drunk Driving, SADD or CAV or any of those organizations
4 at all that you contribute to at all?

5 Yes, ma'am. Stand up. Juror number?

6 JUROR NUMBER 179: 179, Wendy Thames.

7 I volunteered with Mothers Against Drunk Driving in
8 Louisiana for two years and here in Pickens County at
9 Clemson University for six months.

10 THE COURT: All right. Even though you've done that
11 volunteer work in Louisiana and here, do you still think
12 you can be fair and impartial in the trial of this case?

13 JUROR NUMBER 179: Yes, sir.

14 THE COURT: You can listen to both sides and keep an
15 open mind?

16 JUROR NUMBER 179: Yes, sir.

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

18 Anyone else? Anyone else?

19 JUROR NUMBER 147: Your Honor?

20 THE COURT: All right. Stand up. Juror number and
21 name.

22 JUROR NUMBER 147: Juror Number 147.

23 I know BJ Hyatt.

24 THE COURT: Oh, BJ Hyatt, one of those names I just
25 mentioned?

1 JUROR NUMBER 147: Yes, sir.

2 THE COURT: How do you know Special Agent Hyatt?

3 JUROR NUMBER 147: I watched him play baseball. I
4 had a teammate that was a relative on a baseball team. He
5 played for the Upstate. But just mutual friends.

6 THE COURT: You're friends with Mr. Hyatt.

7 JUROR NUMBER 147: Yes, sir.

8 THE COURT: All right. But even though you're
9 friends with him, you still think you can be fair and
10 impartial in the trial?

11 JUROR NUMBER 147: Yes, sir.

12 THE COURT: Very good, very good.

13 Anyone else?

14 All right. Okay. If you think any of these names,
15 they're resonating a little late, let me know.

16 Okay. Now, my next question that I'm going to ask
17 you, does any member of the jury panel have a strong
18 feeling about the use of drugs? Okay. And I'm going to
19 start on this side. Juror number and name.

20 JUROR NUMBER 120: 120, Brittany Looper.

21 My spouse struggled with drug addiction for 14 years
22 and unfortunately succumbed to it in 2020.

23 THE COURT: I'm sorry to hear that. Let me ask you
24 this. Do you think that you could -- and I understand
25 what you just told me because that's a problem not

1 necessarily just in Pickens County. It's all over the
2 nation.

3 JUROR NUMBER 120: Yes, sir.

4 THE COURT: But you think you can be fair and
5 impartial in the trial of this case and listen to both
6 sides even though you've got that in the back of your
7 mind?

8 JUROR NUMBER 120: Unfortunately, I do not.

9 THE COURT: Okay. All right. Now, you know, I don't
10 want you to say no because you don't want to be here.

11 JUROR NUMBER 120: No. That's not the case at all.
12 I'm happy to be here. I just feel like my own
13 personal ---

14 THE COURT: Experience.

15 JUROR NUMBER 120: --- experience would interfere
16 with my ability to process things.

17 THE COURT: To be fair and impartial.

18 JUROR NUMBER 120: Yes.

19 THE COURT: Okay. I can understand that.

20 All right. I'm going to go ahead and excuse her.
21 Ma'am, and I appreciate you coming.

22 JUROR NUMBER 120: Yes, sir.

23 THE COURT: And hopefully you'll be chosen for jury
24 duty again.

25 JUROR NUMBER 120: Yes, sir.

1 THE COURT: And I might be the trial judge, so I'll
2 be looking for you.

3 JUROR NUMBER 120: Thank you.

4 THE COURT: All right. I've got another juror right
5 behind you. Ma'am, would you stand? I think I heard --
6 saw your hand. Juror number?

7 JUROR NUMBER 138: 138.

8 THE COURT: What's your name?

9 JUROR NUMBER 138: Jennifer Norris.

10 THE COURT: All right. Tell me what you've got.

11 JUROR NUMBER 138: I work at Behavior Health.

12 THE COURT: If you would, just lower your mask.

13 JUROR NUMBER 138: I work at Behavior Health, an IOP
14 treatment, intense outpatient treatment for two years and
15 recently, Tuesday maybe, I contacted them back for
16 part-time employment.

17 THE COURT: Now, Behavioral Health, that's here in
18 Pickens County? Remind me, is that ---

19 JUROR NUMBER 138: It's substance abuse treatment.

20 THE COURT: What's your job there?

21 JUROR NUMBER 138: Well, I don't work there now. I
22 intern, but also ran Target, which is a teens program for
23 substance use and treatment and ADSAP maybe, so group
24 therapy.

25 THE COURT: So you're up close and personal.

1 JUROR NUMBER 138: Close and personal to substance
2 use.

3 THE COURT: To the program and whatever goes on.

4 JUROR NUMBER 138: I believe in substance abuse
5 treatment, yes.

6 THE COURT: Let me ask this. You stood. So are you
7 telling me you couldn't be fair and impartial in the trial
8 of this case?

9 JUROR NUMBER 138: I'm trying to figure that out. I
10 don't know.

11 THE COURT: Well, what are you trying to figure out?
12 How to be fair and impartial?

13 JUROR NUMBER 138: If I have a personal bias already.
14 I think it's important.

15 THE COURT: Do you?

16 JUROR NUMBER 138: I don't know.

17 THE COURT: Well, I'll tell you what. I'm going to
18 see if we need to talk to you, but I'm going to let you
19 sit for just a minute. I want you to think about that.
20 Think about it.

21 Anybody else? I've got a juror in the front row.
22 Ma'am, stand.

23 JUROR NUMBER 3: Juror Number 3, Debra Anthony.

24 I don't know if this will matter. I feel sure that I
25 am related to the deputy, but we've never met.

1 THE COURT: So you're related to him?

2 JUROR NUMBER 3: Yes. If you're an Anthony in
3 Pickens County, you're related. You can ask him. I
4 mean, I've never met him. I just wanted to make sure.

5 THE COURT: Anybody, Anthony like that? Anybody else
6 Anthony?

7 You've got Anthony in your name?

8 JUROR NUMBER 3: Yes.

9 THE COURT: Were you at the last family reunion?

10 JUROR NUMBER 3: No. That's what I'm saying. I am an
11 Anthony, and if you're an Anthony in Pickens County,
12 you're related. But as far as I know, I've never met this
13 gentleman.

14 THE COURT: All right. He might be an Anthony of the
15 other set.

16 JUROR NUMBER 3: There's only one set.

17 THE COURT: One set. Okay. All right.

18 JUROR NUMBER 3: But I don't think that -- I mean,
19 like I said, we've never met, Your Honor, and I don't
20 think it would ---

21 THE COURT: So you could be fair and impartial.

22 JUROR NUMBER 3: Yes, sir. I just wanted to make
23 sure you understood.

24 THE COURT: And I see there's a gentleman. I'll tell
25 you, sir, I'm going to get to you. This gentleman in the

1 back raised his hand first. I'm going to get it.

2 Yes, sir. What's your Juror number and name?

3 JUROR NUMBER 172: Juror Number 172. My name is
4 William Sistare.

5 I was married previously, and I had a stepson. He
6 was -- got on drugs. We moved from Philadelphia down to
7 where we lived in North Carolina. And he was -- he got on
8 drugs real bad and everything. We was constantly in and
9 out of treatment facilities and rehab and everything. And
10 he finally one night, my wife and I were in bed, and we
11 heard something on the wall and everything. We went there
12 and checked on him. And he had overdosed and taken an
13 overdose of drugs. And he died in the house on the spot.
14 So I have no tolerance for drugs or anything to do with
15 them, sir.

16 THE COURT: All right. Okay. So your position is,
17 is that you could not be fair and impartial and listen to
18 both sides in this case?

19 JUROR NUMBER 172: No, sir.

20 THE COURT: All right. Okay. I understand. And I'm
21 certainly willing to excuse you from the trial in this
22 case and hopefully we'll -- just transfer him. We're
23 going to excuse you from the trial of this case and
24 transfer you to another term. Perhaps there may be a case
25 that comes up that does not involve drugs, okay?

1 JUROR NUMBER 172: Okay.

2 THE COURT: Thank you, sir. You can give your badge
3 to this bailiff that's standing right at the door.

4 And I think this young man here -- yes, sir. What's
5 your juror number and name?

6 JUROR NUMBER 38: 38, William Chandler.

7 THE COURT: Yes, sir.

8 JUROR NUMBER 38: I mean, it's not anything like
9 that. But she mentioned Behavior Health. My son was a
10 member of the Youth Leadership Board in Pickens County. I
11 actually worked with him to help him develop social media
12 campaigns which were anti-drug.

13 I'm a teacher now, but before that I used to work as
14 a photojournalist for the Anderson Independent Mail.
15 During that time I did ride-alongs with the K-9 unit in
16 the Narcotics Unit in the city of Anderson and went on
17 raids, drug houses and various places like that.

18 THE COURT: So do you think because of those
19 experiences and interactions direct -- direct and indirect
20 actions with drugs in your job you couldn't be fair and
21 impartial?

22 JUROR NUMBER 38: I wouldn't say that, sir. I'm just
23 trying to be full disclosure. So that's part of my
24 background, but I don't think that that would necessarily
25 color my decisions.

1 THE COURT: Okay. Very good. We'll keep you.

2 All right. Anyone else? I think I saw another hand
3 over here. Young lady on the end, yes, ma'am. Stand up.
4 Give me your juror number and name.

5 JUROR NUMBER 144: 144, Parido.

6 My stepbrother had -- or I think he still does have a
7 drug problem. And he has beaten his father and his wife.
8 And they now live in an apartment -- not an apartment, but
9 like one of those hotels that you can buy for a month.
10 And they're living there with their four kids. And I'm
11 just letting you know ahead of time of that. But I have
12 no personal of anything because we kind of limited them
13 out of our lives. I just wanted to let you know because I
14 grew up with him.

15 THE COURT: All right. But you can be fair and
16 impartial in the trial of this case?

17 JUROR NUMBER 144: Yes.

18 THE COURT: Very good. Okay. Thank you, ma'am.

19 Anyone else? That's a very important question.
20 That's what the case is about.

21 Okay. Anything else from the State?

22 MS. OWENS: Nothing from the State, Your Honor.

23 THE COURT: Anything else from the defense?

24 MR. CHAMBERS: No, Your Honor.

25 THE COURT: All right. Clerk, I'll turn it over to

1 you.

2 (Pause in proceedings.)

3 THE COURT: We need about three or four minutes. You
4 can't leave but I will allow you to talk. So we'll be
5 with you in just one second.

6 (Pause in proceedings.)

7 THE COURT: All right. We are ready. Okay. Very
8 good. Mr. Clerk?

9 JURY SELECTION

10 THE CLERK: As I call your name, if you would, please
11 stand so the attorneys can see you.

12 Juror Number 181, Jarod Tolleson.

13 (WHEREUPON, Jarod Tolleson, a white male, stood.)

14 THE CLERK: What says the State?

15 MS. OWENS: Please present Mr. Tolleson.

16 THE CLERK: And the defense?

17 MR. CHAMBERS: Seat Mr. Tolleson, please.

18 THE CLERK: Please come forward and have a seat in
19 the jury box.

20 Juror Number 149, Sara Powell.

21 (WHEREUPON, Sara Powell, a white female, stood.)

22 THE CLERK: What says the State?

23 MS. OWENS: Please present Ms. Powell.

24 THE CLERK: And the defense?

25 MR. CHAMBERS: Seat Ms. Powell, please.

1 THE CLERK: Please come forward and have a seat in
2 the jury box.

3 Juror Number 98, Rashelle Jordan.

4 (WHEREUPON, Rashelle Jordan, a white female, stood.)

5 THE CLERK: What says the State?

6 MS. OWENS: Please present Ms. Jordan.

7 THE CLERK: And the defense?

8 MR. CHAMBERS: Seat Ms. Jordan, please.

9 THE CLERK: Please come forward and have a seat in
10 the jury box.

11 Juror Number 22, Noreene Billado.

12 (WHEREUPON, Noreene Billado, a white female, stood.)

13 THE CLERK: What says the State?

14 MS. OWENS: Please present Ms. Billado.

15 THE CLERK: And the defense?

16 MR. CHAMBERS: Seat Ms. Billado, please.

17 THE CLERK: Please come forward and have a seat in
18 the jury box.

19 Juror Number 140, Amanda O'Leary.

20 (WHEREUPON, Amanda O'Leary, a white female, stood.)

21 THE CLERK: What says the State?

22 MS. OWENS: Please present Ms. O'Leary.

23 THE CLERK: And the defense?

24 MR. CHAMBERS: Excuse Ms. O'Leary from this case,
25 please.

1 THE CLERK: Please return to your seat, ma'am.

2 Juror Number 102, Victoria King.

3 (WHEREUPON, Victoria King, a white female, stood.)

4 THE CLERK: What says the State?

5 MS. OWENS: Please present Ms. King.

6 THE CLERK: And the defense?

7 MR. CHAMBERS: Seat Ms. King, please.

8 THE CLERK: Please come forward and have a seat in
9 the jury box.

10 Juror Number 23, Timothy Bork.

11 (WHEREUPON, Timothy Bork, a white male, stood.)

12 THE CLERK: What says the State?

13 MS. OWENS: Please present Mr. Bork.

14 THE CLERK: And the defense?

15 MR. CHAMBERS: Seat Mr. Bork, please.

16 THE CLERK: Please come forward and have a seat in
17 the jury box.

18 Juror Number 193, Meredith Wilson.

19 (WHEREUPON, Meredith Wilson, a white female, stood.)

20 THE CLERK: What says the State?

21 MS. OWENS: Please present Ms. Wilson.

22 THE CLERK: And the defense?

23 MR. CHAMBERS: Seat Ms. Wilson, please.

24 THE CLERK: Please come forward and have a seat in
25 the jury box.

1 Juror Number 114, Charles Lester.

2 (WHEREUPON, Charles Lester, a white male, stood.)

3 THE CLERK: What says the State?

4 MS. OWENS: Please present Mr. Lester.

5 THE CLERK: And the defense?

6 MR. CHAMBERS: Seat Mr. Lester, please.

7 THE CLERK: Please come forward and have a seat in
8 the jury box.

9 Juror Number 77, Carolyn Hamilton.

10 (WHEREUPON, Carolyn Hamilton, a white female, stood.)

11 THE CLERK: What says the State?

12 MS. OWENS: Please present Ms. Hamilton.

13 THE CLERK: And the defense?

14 MR. CHAMBERS: Seat Ms. Hamilton, please.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 Juror Number 161, Evelin Sanchez-Cervantes.

18 (WHEREUPON, Evelin Sanchez-Cervantes, an Hispanic female,
19 stood.)

20 THE CLERK: What says the State?

21 MS. OWENS: Please present Ms. Sanchez-Cervantes.

22 THE CLERK: And the defense?

23 MR. CHAMBERS: Seat Ms. Sanchez-Cervantes, please.

24 THE CLERK: Please come forward and have a seat in
25 the jury box.

1 Juror Number 37, Olga Camacho.

2 (WHEREUPON, Olga Camacho, an Hispanic female, stood.)

3 THE CLERK: What says the State?

4 MS. OWENS: Please present Ms. Camacho.

5 THE CLERK: And the defense?

6 MR. CHAMBERS: Seat Ms. Camacho, please.

7 THE CLERK: Please come forward and have a seat in
8 the jury box.

9 Juror Number 117, Kristin Lewis.

10 (WHEREUPON, Kristin Lewis, a white female, stood.)

11 THE CLERK: What says the State?

12 MS. OWENS: Please present Ms. Lewis.

13 THE CLERK: And the defense?

14 MR. CHAMBERS: Seat Ms. Lewis, please.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 This will be for the first alternate. Juror
18 Number 152, James Raper.

19 (WHEREUPON, James Raper, a white male, stood.)

20 THE CLERK: What says the State?

21 MS. OWENS: Please present Mr. Raper.

22 THE CLERK: And the defense?

23 MR. CHAMBERS: Excuse Mr. Raper from this case,
24 please.

25 THE CLERK: Please return to your seat, sir.

1 Juror Number 71, Kelley A. Giambrone.

2 (WHEREUPON, Kelley Giambrone, a white female, stood.)

3 THE CLERK: What says the State?

4 MS. OWENS: Please present Ms. Giambrone.

5 THE CLERK: And the defense?

6 MR. CHAMBERS: Seat Ms. Giambrone, please.

7 THE CLERK: Please come forward and have a seat in
8 the jury box.

9 This will be for the second alternate. Juror
10 Number 46, Wilma Crawford.

11 (WHEREUPON, Wilma Crawford, a white female, stood.)

12 THE CLERK: What says the State?

13 MS. OWENS: Please excuse Ms. Crawford.

14 THE CLERK: Please return to your seat, ma'am.

15 Juror Number 36, Dorian Butler.

16 (WHEREUPON, Dorian Butler, a black male, stood.)

17 THE CLERK: What says the State?

18 MS. OWENS: Please present Mr. Butler.

19 THE CLERK: And the defense?

20 MR. CHAMBERS: Seat Mr. Butler, please.

21 THE CLERK: Please come forward and have a seat in
22 the jury box.

23 THE COURT: All right. Could counsel approach for a
24 second?

25 (WHEREUPON, a bench conference was held off the record.)

THE COURT: All right. Before I do this, before I deal with these young people over here, I've got some good news for the rest of you and some bad news. Here's the good news. The good news is that this will be the only trial that we will do this week or this term here in Pickens. That's the good news. The bad news is you won't get to spend any more time with me.

But on a serious note, I want to thank all of you for your willingness to serve as a juror. I hope you get an opportunity to serve again. But even if you get an opportunity to serve as a juror in another court, whether it's magistrate court, city court, wherever you get an opportunity to serve, don't turn down that opportunity. It's a noble opportunity and I appreciate you. And I hope you enjoy the rest of this 100 degree heat today. You might want to stay here, but I'll let you go home.

All right. Just give your badges to the bailiff.

(WHEREUPON, the remaining jury panel exits the courtroom
at 10:34 a.m.)

THE COURT: All right. Let's go back on the record.

Before we swear the jury in, Mrs. Noreene Billado, Juror Number 22, where are you? Ms. Billado, I want you to exchange seats with this young lady right here with the green on. All right.

Mrs. Billado, you have the distinct honor today of

1 serving as the foreperson of this jury.

2 JUROR NUMBER 22: Oh.

3 THE COURT: You said "no"?

4 JUROR NUMBER 22: I said "oh."

5 THE COURT: You're going to serve as the foreperson
6 of this jury. Now, you will always keep that same seat.
7 So whenever the jury enters and exits, which they will
8 from time to time, you will always occupy those two seats.
9 The two alternates are these two -- this young man, and
10 the two of you will always occupy those two seats. You're
11 considered alternates. Now, you can take his seat and he
12 can take your seat.

13 JUROR NUMBER 71: That's what we decided. We're
14 going to keep each other's seat warm.

15 THE COURT: However you all work that out, that's
16 fine. But y'all are going to keep those seats, ma'am,
17 you'll keep that seat, and everybody else.

18 Now, I'm going to let the clerk swear you in and then
19 I'll give you a couple of instructions.

20 Go ahead.

21 THE CLERK: If you would please stand. Again, raise
22 your right hand and answer by saying "I will."

23 (WHEREUPON, the jury is duly sworn.)

24 THE CLERK: Thank you. You may be seated.

25 THE COURT: All right. Now what I'm going to do is

1 I'm going to send you back to your jury room. We're going
2 to be expeditious. I'm going to try to make good use of
3 your time. I'm going to send you back to the jury room
4 for just a few minutes. I want to get with the lawyers on
5 some matters before we get started, then we'll bring you
6 back out here and we'll get started with this trial very,
7 very shortly, okay?

8 Please, ma'am, please, sir, do not talk to each other
9 about the case. No chit-chatting about the case at all.
10 And Ms. Forelady of the jury, you make sure you keep a
11 stick in there.

12 All right. Y'all go in the back.

13 (WHEREUPON, the jury exits the courtroom at 10:38 a.m.)

14 THE COURT: All right. Let me address a couple of
15 things. I know we've got a couple motions I need to hear.

16 From time to time, jurors would ask whether or not
17 they can take notes. I don't know if this case falls into
18 that category, but I know I'd rather throw that out there
19 now. We may not even get a question about that. But I
20 don't normally let the taking of notes because I think
21 it's -- sometimes it distracts them from listening, and I
22 don't think it works to either side's benefit. If you've
23 got a case that involves numbers and things of that nature
24 where you're trying to figure out -- people on the civil
25 side where jurors are trying to figure out the addition of

1 certain numbers, I normally allow that, but I don't think
2 that this case falls into that category. So if any juror
3 were to ask me that, my inclination would be to deny that
4 request. What's your thoughts?

5 MS. OWENS: I certainly have no objection. I defer
6 to the Court's decision on that subject.

7 MR. CHAMBERS: Same as the solicitor.

8 THE COURT: All right. We'll see if it comes -- if
9 it comes up, we'll deal with it.

10 Okay. So we've got a couple motions in limine. Is
11 that your motion, Mr. Chambers?

12 MR. CHAMBERS: Your Honor, I have a couple of
13 motions. And they relate to -- first of all, I have a
14 jurisdictional question which I think affects everything
15 about this case. And then if we get past that, then I've
16 got a motion regarding the search warrant itself.

17 In trying to prepare for this case, I learned fairly
18 recently that there is at least the possibility that
19 200 Glenda Lane, which is where the search warrant was
20 executed and the drugs were found, may actually be located
21 in Anderson County as opposed to Pickens County. This is
22 a -- it's in Easley, but it's in that Powdersville area,
23 part of which is in Anderson County.

24 I have attempted to research this on my own. This is
25 what I've been able to find. And I can pass this up to

1 the Court, Your Honor.

2 While it does say at the bottom this is not to be
3 used as a legal document, we're not offering it for
4 anything other than to raise the question as to whether or
5 not Pickens County has jurisdiction or a Pickens County
6 magistrate had the authority to issue a search warrant in
7 this case.

8 If you look at this, this is a tax plat. And under
9 "tax description," if you look there just above where the
10 red writing is, it says "Anderson County 1," that this lot
11 is located in Anderson County 1. I've tried to go to
12 other sources to confirm that. I would like to have been
13 able to come in with absolute proof that this residence
14 was in Anderson County, but this is what I've been able to
15 come up with. I think it at least raises the question,
16 puts the onus on them. One of the things they have to
17 establish is that this residence was located in Pickens
18 County; otherwise, this court has no jurisdiction, the
19 magistrate had no jurisdiction to issue warrants or search
20 warrants or anything in this case.

21 THE COURT: Let's deal with that, Mrs. Owens.

22 MS. OWENS: Your Honor, I certainly intend to offer
23 testimony through the deputies that participated in the
24 investigation of this case that this residence is inside
25 Pickens County, and that's the evidence upon which the

1 State would rely to demonstrate proof to this jury and to
2 this court that the crime is properly in this
3 jurisdiction.

4 I don't know that this question is a question that we
5 can deal with pretrial. I certainly don't believe there's
6 any reason to proffer testimony ahead of the trial as
7 Mr. Chambers will be free to revisit this issue at the
8 close of the State's case. He's certainly, of course,
9 free to also cross-examine witnesses about the extent to
10 which they're credible, confident on the issue of whether
11 the address is properly in their jurisdiction.

12 I will share for the Court if this document is one on
13 which you intend to rely, the legend in the top right
14 corner, just having seen this for the first time, shows
15 the County of Pickens delineated and then a red square
16 inside that county, which I presume is an indication of
17 where this property is inside the geographical limits of
18 the county. I didn't create this. I don't know who
19 created this.

20 THE COURT: Let me ask you, does this defendant,
21 Mr. Morris, live at this property? Does he live -- was
22 there a house on this property?

23 MR. CHAMBERS: Your Honor, this is, for lack of a
24 better term, a subdivision. There's no question that part
25 of it is in Anderson County. My client has maintained

1 that he did not live at this residence. In fact, he has a
2 residence in that same subdivision, 124 Donna Lane, which
3 was actually listed as his address when he was arrested by
4 the sheriff's office in Greenville back in August 22nd of
5 2018. So it's on that same road. They're about a half a
6 mile apart.

7 He had raised to me just very recently that he
8 believed that this home, Glenda Lane, even though it was
9 not his residence, was located in Anderson County. And
10 that's what got me to start looking for it.

11 And our position would be, you know, obviously, the
12 deputies in this case and all the officers involved
13 believed it was in Pickens County. That's why we're here.
14 I don't believe their testimony is enough, and I think
15 this is something that has to be dealt with pretrial. And
16 I think -- I mean, the solicitor always knows coming into
17 a case that one of the things they have to prove is
18 jurisdiction. Honestly, in all the years I've been trying
19 cases, this is the first time anything like this has ever
20 come up. I've never had to face a question like this.
21 And I would have loved to have been able to have hired
22 somebody to go out and do a property search and be able to
23 tell you conclusively.

24 But I think having raised this question of
25 jurisdiction which affects everything in this case -- I

1 mean, basically, they can't move forward if this property
2 was located in Anderson County. I think they have to
3 offer more than just a deputy's testimony regarding this
4 issue.

5 THE COURT: You know, Counselor, let me just say
6 this. I think both of you are aware that if, in fact,
7 that's true, and if, in fact, there's an appellate appeal,
8 I'm pretty sure if that issue raises to the appellate
9 level and you try this case, how do you -- because what
10 you're saying is, and I'm hearing the State saying, the
11 State is saying that they're going to present deputies who
12 are going to testify that it's in Pickens County. Is that
13 what I heard you just say?

14 MS. OWENS: Well, that's certainly the evidence that
15 I intend to present at this point. And I would, at the
16 appropriate time, make the argument to the Court that
17 that's the basis on which a jury could reasonably conclude
18 that the State had satisfied its burden of proving the
19 element of jurisdiction to the jury's satisfaction that
20 this is properly in this particular county.

21 THE COURT: Have y'all -- the two sides talked about
22 this before today?

23 MS. OWENS: No, sir.

24 MR. CHAMBERS: No, Your Honor, we haven't. Because I
25 just learned about it myself within the last day. And so,

1 you know, I'm not going to sandbag anybody. It wasn't my
2 intent. But I think in every case -- and like I said,
3 this is the first time the issue has ever come up for me.

4 THE COURT: What's the address again?

5 MR. CHAMBERS: The address is 200 Glenda Lane.

6 THE COURT: Is that where the search warrant took
7 place?

8 MS. OWENS: Yes, Your Honor.

9 THE COURT: 200 Glenda Lane.

10 MR. CHAMBERS: And, you know, it is true. And I
11 found this on the Pickens County website. It notes as you
12 see right at the bottom when it's giving the description
13 of this specific plat, which is outlined in green on the
14 map that I gave you, and it indicates at the bottom this
15 is, I guess, tax division or whatever they call it,
16 Anderson County 1.

17 THE COURT: I'm looking at the public net, which is
18 the same thing that Mr. Chambers has. Apparently, this is
19 a mobile home.

20 MR. CHAMBERS: It is, Your Honor. All the residences
21 out there, the best I can tell, and I forget the name of
22 this subdivision, but they're all mobile homes with
23 roughly half acre lots.

24 THE COURT: It's called Powdersville Estates.

25 MR. CHAMBERS: That's it.

1 THE COURT: And the property is in Powdersville,
2 Lot 005, Plat 255. The lot is in Anderson County, and it
3 has a Belmont serial number.

4 Can I see y'all a minute?

5 (WHEREUPON, a bench conference was held off the record.)

6 THE COURT: Let's go back on the record.

7 Mr. Chambers and Ms. Owens, I think there was a
8 motion made by defense counsel regarding the
9 jurisdictional requirement of the Court as it relates to
10 the search warrant issue. So at this time I will allow
11 you to proffer some testimony, give the defense side an
12 opportunity to cross-examine. So I'll let you put up your
13 first witness.

14 MS. OWENS: Thank you, Your Honor. May it please the
15 Court. For the purposes of this limited hearing, the
16 State calls Mr. Pat Welborn.

17 If you would, sir, please come and be sworn.

18 WHEREUPON,

19 PAT WELBORN

20 After having been duly sworn, testified as follows:

21 THE WITNESS: My name is Pat Welborn. I am the clerk
22 of court for Pickens County.

23 DIRECT EXAMINATION

24 BY MS. OWENS:

25 Q Mr. Welborn, in your capacity as clerk of court, do

23 Q Could you please describe for the Court how it is
24 that you know that 200 Glenda Lane, the address that's the
25 subject of this trial today, is inside Pickens County?

1 A Yes. The property address is the street numbers for
2 106, 200, 204, 208 are in Pickens County. Adjacent to 106
3 and 105, there is no house number listed, so I would
4 assume that that is in a different county other than
5 Pickens.

6 Q So the document, Court's Exhibit 1, does not reflect
7 parcel or lot numbers for addresses that are not inside
8 Pickens County, correct?

9 A That is correct.

10 MS. OWENS: Okay. I don't believe I have any
11 additional questions. If you would answer any questions
12 Mr. Chambers may have for you.

13 THE COURT: Mr. Chambers.

14 CROSS EXAMINATION

15 BY MR. CHAMBERS:

16 Q So that document you said is the same document that
17 you looked at online just a few minutes ago?

18 A Yes, sir.

19 Q I want to point your attention, this is Parcel 200.
20 That's what's laid out here, correct?

21 A Yes, sir.

22 Q But it says right here "Anderson County 1." Does
23 that not mean that that's located in Anderson County as
24 opposed to Pickens County?

25 A I don't think so. And I was trying to look up a tax

1 receipt, and I did not have time to complete that, to
2 confirm that they have been paying taxes in Pickens
3 County. If I had a few minutes, I could look that up.

4 Q But I just want to confirm. When you look on the
5 official records, even though this came off of a
6 public.net, that's exactly what is included -- that's an
7 accurate record of what's included in the Pickens County
8 records.

9 A But if it was not in Pickens County, these street
10 numbers would not show up on this.

11 Q But doesn't this paragraph here, Mr. Welborn, does
12 that refer to that specific plot? I mean, it gives the
13 plat number and all of that, and then it clearly says
14 right there "Anderson County 1"?

15 A It does say that. And I have read a lot of property
16 descriptions that are sometimes confusing.

17 Q Well, that's very confusing. If this were, in fact,
18 in Pickens County, wouldn't it say "Pickens County" at the
19 bottom of this document which you said was taken from the
20 Pickens County website? Would it say "Pickens County" at
21 the bottom?

22 A Sir, I'm not the expert, and I didn't make the
23 website. I'm just going by what I see and what I know of
24 not only as a citizen of the county that has access to the
25 website, but also as a fireman that responds to a lot of

1 calls.

2 Q I understand. But it would sound, though, as though
3 you're not sure. You know what you saw online, which
4 you've indicated is the same thing that I've given to the
5 Court.

6 A And, again ---

7 Q So it would be fair to say you're not sure that that
8 property is in Pickens County. It could be in Anderson
9 County.

10 A I feel sure that it is in Pickens County, and if I
11 had time, I could look up to see where the taxes were
12 actually paid on that lot.

13 MR. CHAMBERS: That's all the questions I have, Your
14 Honor.

15 MS. OWENS: Very briefly, Your Honor. One question
16 on redirect.

17 REDIRECT EXAMINATION

18 BY MS. OWENS:

19 Q Is it your testimony here today as the clerk of court
20 for Pickens County that 200 Glenda Lane is inside the
21 county of Pickens?

22 A Yes.

23 MS. OWENS: I don't have any additional questions,
24 Your Honor.

25 THE COURT: Well, Mr. Welborn, why don't you get the

1 tax -- wouldn't that be an excellent litmus test to attach
2 those -- where the taxes are being paid on that?

3 THE WITNESS: If you'll give me just a few minutes.

4 THE COURT: Yeah. I think you need to look that up.

5 THE WITNESS: Okay.

6 THE COURT: It'll take you just a couple minutes, a
7 few minutes?

8 Let's stand at ease while he looks that up.

9 (WHEREUPON, a recess is taken at 11:08 a.m.; Court's
10 Exhibit Number 2 was marked for identification.)

11 THE COURT: Okay. Let's go back on the record.

12 Ms. Owens?

13 MS. OWENS: Thank you, Your Honor. May it please the
14 Court.

15 BY MS. OWENS:

16 Q Mr. Welborn, have you had an opportunity to review
17 Pickens County tax records?

18 A Yes, I have.

19 Q And can you tell the Court a little bit about how
20 that system is maintained?

21 A Well, when you pay your property taxes with the
22 treasurer's office, they keep a copy of the receipt where
23 the taxes are paid for every piece of property in Pickens
24 County.

25 Q And is the treasurer's office a county office?

1 A It is.

2 Q And as the clerk of court, do you have access to the
3 treasurer's records?

4 A Just as a citizen that -- you know, it's on the
5 Public Index where anyone can look at it. And I looked it
6 up myself just to see.

7 Q So this information is part of the public record.

8 A It is.

9 Q After having reviewed that, were you able to
10 determine any more information about where precisely
11 200 Glenda Lane is with respect to Pickens County?

12 A Well, I have what is marked as Court's Exhibit 2 that
13 shows the address of 200 Glenda Lane where the property
14 tax was paid in Pickens County October 6, 2021. Limited
15 Properties, Incorporated owns it and paid the taxes on it.

16 Q Would a property owner pay taxes to a county office
17 if the property was not located inside that office [sic]?

18 A I certainly would not.

19 MS. OWENS: I don't believe I have any additional
20 questions. If you would, answer any questions
21 Mr. Chambers may have.

22 THE COURT: Any questions, Mr. Chambers?

23 MR. CHAMBERS: No more questions, Your Honor.

24 THE COURT: All right. Thank you, sir. You can be
25 excused. You can just give that to the court reporter.

1 Based on the testimony presented as it relates -- and
2 we're finished proffering the testimony of the clerk, and
3 we have nothing as relates to that particular issue; is
4 that right, either side?

5 MR. CHAMBERS: No, Your Honor.

6 THE COURT: All right. I'm going to deny your motion
7 -- the defense's motion and make a finding based upon the
8 testimony and evidence presented that the address
9 200 Glenda Lane is in Pickens County. So this court is
10 vested with proper jurisdiction to move forward in this
11 matter today.

12 My understanding, Mr. Chambers, you had another
13 motion?

14 MR. CHAMBERS: I do, Your Honor. I move to suppress
15 the evidence based on an improperly obtained and
16 improperly issued search warrant. Specifically, my issue
17 with the search warrant is, you know, there's nothing in
18 the search warrant other than surveillance -- or in the
19 search warrant affidavit other than surveillance that they
20 said took place by the officers that were overseeing this
21 operation where they indicated that they saw Mr. Morris
22 get in his car, leave that address and then go to an
23 address in Greenville where he made a drug buy. Other
24 than that, there's nothing contained in this affidavit and
25 no independent testimony given to the magistrate that I'm

1 aware of that took place before this search warrant was
2 issued to indicate that my client, in fact, lived at that
3 residence or would have anything or any property at that
4 residence.

5 And we believe in order for them to be able to
6 establish probable cause to get a search warrant, they
7 would have to show some connection by this defendant with
8 that particular property, just merely that he left that
9 property, which is what is in the search warrant
10 affidavit. And I would -- I don't have an extra copy with
11 me, but I'll just read from Paragraph 6 of Attachment C
12 from the affidavit of the search warrant. It says that
13 within the last 72 hours, agents with Pickens County
14 Sheriff's Office, Greenville County's Sheriff's Office,
15 South Carolina Law Enforcement Division supervised the
16 controlled purchase of heroin from Braylon Morris. Agents
17 conducted surveillance on Morris at 200 Glenda Lane in
18 Easley. The suspect was observed leaving the residence in
19 a red Lexus SUV traveling to an address just off Old
20 Easley Bridge Road inside Greenville County. It was based
21 on that buy that they believed that they had probable
22 cause. That's what they presented to the magistrate.

23 But just seeing him leave that residence, it's not
24 that the confidential informant went to that residence and
25 made a purchase. It's that he met him in Greenville

1 County. There was nothing else proffered at that time to
2 indicate that he lived at that address. If they had any
3 evidence that he lived at that address other than seeing
4 him drive away from that, they did not offer it. And
5 based on that, we believe that there was not probable
6 cause for this to be issued.

7 The other question that I have about that that I
8 really don't know the answer to is they said that there
9 was a controlled buy within 72 hours of them seeking this.
10 But the only arrest I'm aware of in Greenville County
11 occurred on August the 22nd of 2018. I may be in error.
12 Maybe there was one within 72 hours and maybe they chose
13 not to charge him or maybe he was charged. But the charge
14 that I'm aware of was a distribution case from 8/22/18,
15 which coincidentally, by the way, my client's address on
16 the police report, the sheriff's office police report was
17 124 Donna Lane, which is in the same subdivision and is
18 about a half mile from 200 Glenda Lane. And I can give
19 you my copy, Your Honor, of the search warrant affidavit
20 if the Court would like to see it, and we can probably
21 even mark this as a court's exhibit if we need to.

22 THE COURT: You've seen it? You've got a copy?

23 MS. OWENS: Yes, sir, Your Honor.

24 MR. CHAMBERS: She's the one who provided me with the
25 copy, so I know she has one.

1 THE COURT: All right. Are you finished?

2 MR. CHAMBERS: I am, Your Honor.

3 MS. OWENS: Your Honor, to the extent that that
4 argument is a purely legal argument, I don't know that
5 it's necessary that I proffer any testimony at this time,
6 but I'd be happy to do that should the Court require some
7 more information about the details of the case.

8 I will share with the Court that, according to the
9 incident report I have from the Greenville County
10 Sheriff's Office, which I've also provided to
11 Mr. Chambers, there was a controlled transaction meaning
12 an informant working on behalf of, at the direction of,
13 and under the supervision of deputies with both the
14 Greenville County Sheriff's Office and the Pickens County
15 Sheriff's Office on both August 22nd and November 8th of
16 2018. That date is significant because this affidavit was
17 attested and sworn in the presence of a Pickens County
18 magistrate the following day on November 9th of 2018. So
19 to the extent that there was a transaction, an exchange of
20 drugs between this defendant and an informant working for
21 the sheriff's office the day before the search warrant,
22 it's certainly the State's position that there is enough
23 evidence to suggest that the defendant may have stored
24 more narcotics in his home, which brings me to the next
25 contention.

1 It's my understanding and it's attested in the search
2 warrant reviewed by the magistrate that deputies both with
3 the Greenville County Sheriff's Office and the Pickens
4 County Sheriff's Office conducted surveillance at this
5 200 Glenda Lane Pickens property before that transaction
6 for the explicit purpose of making sure that they had an
7 accurate understanding of the location from which this
8 defendant would be traveling before meeting the informant
9 who was being surveilled by officers, who was being
10 monitored by recording devices to conduct this controlled
11 transaction for narcotics.

12 So I remind the Court that, as you know, the standard
13 to determine whether there's sufficient probable cause is
14 not, of course, proof that is enough to convict the
15 defendant beyond a reasonable doubt, but instead if there
16 is an honest belief in the mind of the issuing magistrate
17 that enough facts make it more likely than not that drugs
18 were stored at the defendant's 200 Glenda Lane property
19 since that is the location from which he immediately
20 traveled to the controlled drug transaction that happened
21 to occur in Greenville County.

22 THE COURT: So surveillance there was the day before
23 the search warrant was signed.

24 MS. OWENS: That's correct, Your Honor. The
25 surveillance as well as the actual controlled transaction.

1 The second transaction occurred on November 8th, the day
2 before the November 9th search warrant was sworn to the
3 issuing magistrate.

4 THE COURT: All right. So it was only surveillance
5 on the day before. Not November 6th, not November 7th,
6 just November 8th.

7 MS. OWENS: Yes, sir. There was additional
8 surveillance ahead of the execution of the search warrant.
9 But for the purpose of the magistrate's information, yes,
10 sir, the surveillance would have been conducted on
11 November 8th.

12 THE COURT: All right.

13 MR. CHAMBERS: Your Honor, my response to that is
14 that, again, 200 Glenda Lane, that's where they got the
15 search warrant for. There had been, to my knowledge, and
16 it's certainly not included in any of the discovery that I
17 received, that there had been any reports from any
18 neighbors or anybody else of drug activity from that
19 residence, that there had been any kind of purchase made
20 from that residence. The only supposed connection of my
21 client is they're alleging that he lived there. Well,
22 Heidi Merriweather lived there, someone with whom he was
23 in a relationship. I believe they knew that. But -- and
24 it may be that they have evidence that they garnered as a
25 result of the search warrant that would indicate that he

1 lived there. But prior to getting the search warrant,
2 there wasn't anything presented in there other than they
3 said they observed him at that residence, they observed
4 him leave there when he went to this address at Old Easley
5 Road. That doesn't establish even with the probable cause
6 standard that there would be anything within the house
7 that belonged to him that would necessitate a search
8 warrant. And since all of these officers from these
9 different counties are working together, the Greenville
10 County Sheriff's Office very own police report on one of
11 the buys that she referenced, 8/22/18, references
12 Mr. Morris's address as 124 Donna Lane, which is in that
13 same neighborhood.

14 THE COURT: Is that where he lived?

15 MR. CHAMBERS: That's where he lived was
16 124 Donna Lane.

17 So we believe that the search warrant should not have
18 -- there was not a sufficient affidavit presented and does
19 not rise to probable cause, and the search warrant should
20 not have been issued in this case.

21 THE COURT: And Donna Lane is located in the same
22 subdivision?

23 MS. OWENS: That's correct, Your Honor. It's about a
24 half mile away.

25 THE COURT: All right. Ms. Owens, anything else you

1 want to tell me?

2 MS. OWENS: Very briefly, Your Honor. I, again,
3 remind the Court that the State is not required to prove
4 that a particular subject of a search warrant lives at a
5 property before a search warrant can be issued. If that
6 were the case, this defendant, I'm certain, would be happy
7 to share with the Court that he lived at any number of
8 other addresses besides the one that's the subject of the
9 search warrant. The proper question for this court to
10 consider is whether the magistrate, in hearing that a
11 controlled transaction had occurred immediately the day
12 before and that immediately before that transaction this
13 defendant was observed by police leaving the residence,
14 the magistrate had enough information to decide from that
15 information alone that it is more likely than not that
16 drugs were also stored in the residence. Not more likely
17 than not that the defendant lived there, not more likely
18 than not that they would find out more information about
19 what his residence would be, but whether drugs were stored
20 inside that home.

21 To the extent that it's important for the Court's
22 consideration, I'd like to give the Court some authority
23 on this subject. I think that the Court's opinion in the
24 State vs. Dupree, I'd be happy to provide a copy, gives a
25 very good judicial history of the Court's decisions on

1 informants and the sufficiency of the cause contained in
2 search warrants before issued by a magistrate. And the
3 case specifically mentions that the informant's controlled
4 buy of drugs is sufficient information on which a
5 magistrate can issue probable cause. But, again, there
6 are other notes in that opinion that I think are very
7 instructive and informative on that issue.

8 The bottom line is that between hearing about a
9 transaction that stemmed directly from this residence, the
10 magistrate had enough information to decide it is more
11 likely than not that more drugs were in the home. That's
12 the State's position on the motion.

13 MR. CHAMBERS: Your Honor, I just take issue with
14 them saying that somehow this drug buy was connected to
15 this residence. As far as I know, the confidential
16 informant didn't even know where this residence was
17 located. All that they are able to show is that my client
18 was at that residence and left there and apparently went
19 there and sold drugs to a confidential informant. But
20 there is nothing that's offered in this affidavit, and
21 I've heard no independent testimony that was offered to
22 the magistrate that would indicate that there was any
23 reason to believe, other than the fact that he was there
24 with his girlfriend before he left to go sell drugs, that
25 there were drugs stored at that residence. We're not

1 saying they have to prove that he lived there, but there
2 has to be more of a connection than he was there and left
3 and went and met with a confidential informant in
4 Greenville County. It has to go beyond that. And if the
5 magistrate issues the warrant anyway, then he issued it in
6 error. And that's the whole basis of our motion, Your
7 Honor.

8 THE COURT: If you look in -- as a matter of fact,
9 I'm familiar with this case, but also a case that this
10 Dupree case cites as well is State v. Bennett. And that's
11 found at 256 S.C. 234. It's a 1971 case. But here's the
12 language, and I think I saw it in that case when I looked
13 at it in another case I was presiding. I'll read it. It
14 says: Rather than determining whether a search warrant
15 should be issued, magistrates are concerned with
16 probabilities and not certainties. That's a sentence in
17 here in that case. And then it goes on in another case,
18 the Sullivan case, which was cited in that case at
19 230 S.E.2d 624: Searches based on warrants will be given
20 judicial deference to the extent an otherwise marginal
21 search may be justified if it meets a realistic standard
22 of probable cause.

23 So I think the bar, the probable cause bar that the
24 magistrate utilized in this case I think was proper. And,
25 you know, I think the litmus test language is stated in

1 the Bennett case: Rather than determining whether a
2 search warrant should be issued, magistrates are concerned
3 with probabilities, not certainties. I mean, that goes a
4 long ways saying where the bar is in terms of the
5 magistrate's ability to issue a search warrant.

6 So I'm going to go ahead and deny your motion. But I
7 certainly, Counsel, would rely on the language set forth
8 in the Dupree case that the State provided. And that's
9 State vs. LeRoy Dupree. It's a Court of Appeals case.
10 But I also rely on the language stated in the Bennett case
11 that I gave the cite for a minute ago that was repeated in
12 the Sullivan case.

13 So I'm satisfied that the probable cause standard
14 utilized by the magistrate was sufficient, and I'm going
15 to go ahead and deny your motion, okay?

16 MR. CHAMBERS: And that's all the motions I have at
17 this time, Your Honor.

18 THE COURT: All right. Okay. It is -- anything else
19 before I bring the jury back in?

20 MS. OWENS: Nothing from the State, Your Honor.

21 THE COURT: All right. Now, what I'm going to do is
22 bring them back in and give them my little colloquy, and
23 then we're going to go straight into this. Everybody's
24 good with that?

25 MR. CHAMBERS: I am, Your Honor.

1 THE COURT: You're good with that?

2 MS. OWENS: Yes, sir. If I could have just one
3 minute to make sure that my evidence has appeared before
4 my first witness.

5 THE COURT: Okay.

6 MS. OWENS: I've received an affirmative response.
7 The State's ready to proceed.

8 THE COURT: Okay. And before we move forward, I
9 think both sides were in agreement that this search
10 warrant be marked as a court's exhibit or ---

11 MS. OWENS: I certainly would. That's prudent.

12 THE COURT: All right.

13 MR. CHAMBERS: Yes, Your Honor.

14 THE COURT: Mark that. And I think that would be the
15 third court exhibit.

16 MR. CHAMBERS: And just for the record, Your Honor, I
17 don't think it's going to cause a problem, but I've
18 highlighted certain portions of that because that was
19 actually the copy I was working off of.

20 MS. OWENS: If you feel more comfortable, I have a
21 blank copy.

22 THE COURT: Well, I'm okay with that one. I don't
23 think it makes a difference.

24 (WHEREUPON, Court's Exhibit Number 3 was marked for
25 identification.)

1 THE COURT: What I'm going to do, if everybody's
2 okay, we're going to bring the jury in and we'll get
3 started.

4 Bring them in. Let's see what we've got.

5 (WHEREUPON, the jury entered the courtroom at 11:36 a.m.)

6 JURY INSTRUCTIONS

7 THE COURT: Ladies and gentlemen of the jury, we are
8 about to begin this trial, but here's some stuff I want
9 you to do for both sides, not just for the Court. Two
10 things I want you to do. This case is important to both
11 sides. The case is important for the State, important to
12 the defendant. What I want you to do, I want you to pay
13 attention. I want you to not doze off on me. I'll just
14 be honest. Don't doze off on me. Pay attention, because
15 that's a part of good jury service, to pay attention. I
16 know you're going to do that.

17 The second thing is if there's an issue while you're
18 sitting up there, like, you know, for example, you need to
19 go to the restroom or something, let the bailiff know and
20 he'll accommodate or we'll accommodate you as best we can.

21 And if you cannot hear me, and I think I'm looking at
22 the young lady on the end, you can probably hear me,
23 right?

24 UNIDENTIFIED JUROR: Yes.

25 THE COURT: Okay. If you cannot hear me, let me

1 know.

2 So we're going to get started. Now, anytime we have
3 a trial, whether that trial is in Circuit Court or whether
4 it's in the Court of General Sessions, which this is, I
5 always tell jurors everywhere I go that there are two
6 judges in the courtroom. You may say, well, where are
7 they? Who are these two judges? I'm the judge of the law
8 and you 12 are the judge of the facts. Those are who the
9 two judges are. I know nothing about this case other than
10 what I read to you a minute ago telling you what the case
11 was about. I know nothing about it. So it's your job to
12 be the judge of the facts.

13 And I always tell jurors where I go is you can sort
14 of compare my job to the umpire standing behind the
15 baseball player at a baseball game. I call balls and
16 strikes. That's what I do. I know nothing about the
17 case, but I call balls and strikes. That's my job if you
18 want to put it in that way.

19 Now, the first thing I do as the judge of the law is
20 I rule on the admissibility of the evidence. Like I said,
21 I know very little about -- I know nothing about this
22 case. It may be that a party objects to something a
23 witness is going to say or an exhibit that comes into
24 court. If there's an objection made to evidence, one of
25 my jobs as a judge of the law is to rule on the

1 admissibility of that evidence, and that may require me
2 sending you back to your jury room while I do that. I
3 don't know that, but that may require that. So usually I
4 can do that right on the spot, but if I can't do it on the
5 spot, that means that I would have to send you back to the
6 jury room to listen to both sides before I make a ruling.

7 The second job I have as the judge of the law is that
8 I will tell you what the law is as it applies to the facts
9 in this case. And I'll do that at the end of the trial
10 once you've heard all the evidence and arguments of the
11 lawyers. And you must apply the law as I give it to you,
12 not as what you think it might be or what you think it
13 should be. You should apply the law as I give it to you,
14 and I will do that at the end of the case.

15 Now, your job is to be the judge of the facts. As I
16 said, when it comes to the facts, I'm not going to comment
17 on the facts or indicate in any way what I think your
18 verdict should be or how you should look at it. But in
19 our Constitution and system of justice, the jury and jury
20 alone determines the facts in a trial. So please don't
21 interpret anything I do or any suggestion that suggests in
22 any way that I have a comment about the facts, because I
23 do not.

24 So you decide what the facts are. How do you do
25 that? You weigh the evidence that you're going to hear

1 during the trial.

2 Evidence takes different forms. Evidence could be in
3 the form of a witness's testimony that sits in this
4 witness chair. And you the jury have the opportunity to
5 weigh the credibility of that testimony. You could
6 believe everything a witness says, you could believe some
7 of what a witness says, or you can believe none of what a
8 witness says. Weighing the credibility of a witness's
9 testimony is your job. As the judge of the facts, that's
10 your job.

11 Now, you may also -- and I don't know if there will
12 be, I don't know because I don't know about the case, but
13 if there's an exhibit that comes in or something, a chart
14 or a sketch or something, a video, anything of that
15 nature, you view that the same way you would view this
16 witness that's sitting in this witness box. You can view
17 the credibility of that document or that sketch or that
18 video. You give it as much weight as you think you should
19 give it. So view it the same way.

20 Now, when you consider a witness's testimony, you may
21 consider the demeanor of the witness who testified, you
22 can also consider whether or not the witness has any bias.
23 You can consider all of these things when you weigh the
24 credibility of any testimony.

25 So as I told you at the outset, this is a criminal

1 case, and the mere fact that these indictments are
2 presented to the Court is not evidence of any guilt as it
3 relates to Mr. Morris. He's entitled to a fair trial, and
4 in getting a fair trial, the burden is squarely on the
5 shoulders of the State to prove his guilt beyond a
6 reasonable doubt. And that burden of proof is a
7 reasonable doubt. The only way the defendant can be
8 convicted -- and that presumption of innocence must be
9 removed by you the jury. You must -- have that right.
10 And what you must -- you find that the State has proven
11 every element of the crime beyond a reasonable doubt.
12 That's what you've got -- that's your duty. That's your
13 call.

14 So in a little bit, we're going to have opening
15 statements from both sides. We're going to have opening
16 statements from the defendant's counsel as well as
17 Mrs. Owens who represents the State.

18 But here again, two judges. I'm the judge of the
19 law. You're the judge of the facts. And it's your job to
20 weigh the credibility of any witnesses and evidence and I
21 think -- and provide both sides a fair trial. And that
22 comes with you being very attentive, listening to the
23 facts as presented.

24 And if there's nothing further from the State or from
25 the defendant, we can begin.

OPENING STATEMENTS

MS. OWENS: Thank you, Your Honor. May it please the Court.

THE COURT: All right.

MS. OWENS: Good morning, ladies and gentlemen. And you've heard just a few moments ago, my name is Katryna Owens, and I prosecute criminal cases here in Pickens County.

Now, before we begin the trial of this case, I want to very briefly tell you three things: what this case is about, what the State is required and intends to prove, and how we intend to prove it.

On November 15, 2018, deputies with the Pickens County Sheriff's Office, with the assistance of deputies from the Greenville County Sheriff's Office and agents with the South Carolina Law Enforcement Division, what we call SLED, executed a search warrant at this defendant's residence on 200 Glenda Lane here in Pickens County.

When police entered the home, they met the defendant armed with a shotgun. After the defendant was disarmed and detained, deputies began their search of the home. This trial is about what they found inside.

Now, as you've heard from the judge, the defendant is charged with a number of offenses, the first of those is possession with intent to distribute cocaine. To prove

1 that the defendant is guilty of that crime, the State move
2 prove three things: first, that the defendant possessed a
3 substance; second, that the defendant intended to
4 dispense, deliver or distribute that substance or
5 attempted, aided, abetted someone to dispense, deliver or
6 distribute that substance; and third, that that substance
7 was cocaine.

8 The defendant is also charged with trafficking in
9 methamphetamine. To prove that the defendant is guilty of
10 that crime, the State must prove two things: first, that
11 the defendant sold, manufactured, dispensed, delivered or
12 purchased a substance; aided, abetted, attempted or
13 conspired with someone to sell, manufacture, dispense,
14 deliver or purchase the substance; or that the defendant
15 possessed the substance. The State must prove that the
16 defendant did any one of those things with respect to more
17 than 10 grams of methamphetamine.

18 The defendant is also charged with trafficking in
19 heroin. Similarly, the State has to prove two things:
20 that the defendant sold, manufactured, dispensed,
21 delivered or purchased the substance; aided, abetted,
22 assisted, attempted or conspired with someone to sell,
23 manufacture, distribute, dispense or purchase the
24 substance; or possessed the substance. And the State has
25 to prove that the defendant did any one of those things

1 with respect to more than 28 grams of heroin.

2 The defendant is also charged with possession of a
3 weapon during the commission of a violent crime. To prove
4 that the defendant is guilty of that crime, the State
5 proves two things: first, that the defendant committed a
6 violent crime. And the judge will instruct you at the end
7 of this trial which offenses are classified in this state
8 as a violent offense. I'll tell you now that both
9 trafficking in methamphetamine and trafficking in heroin
10 are classified as violent offenses. The State must prove
11 that while committing a violent offense, the defendant was
12 armed with a firearm.

13 And finally, the defendant is charged with unlawful
14 possession of a sawed-off shotgun. To prove that the
15 defendant is guilty of that crime, the State must prove
16 two things: first, that the defendant was in possession
17 of a shotgun; and second, the State must prove that that
18 shotgun is what the law calls a sawed-off shotgun, meaning
19 that the barrel was less than 18 inches long or that the
20 entire gun was less than 26 inches long.

21 In order to prove the defendant is guilty of each of
22 those crimes, you're going to hear testimony from several
23 witnesses. First, you're going to hear from Agent Chet
24 Anthony with the Pickens County Sheriff's Office. Agent
25 Anthony will testify about how he came to obtain and

1 execute a search warrant at 200 Glenda Lane on
2 November 15th. He'll testify about what happened in the
3 days and hours leading up to police going to the house to
4 execute that search warrant. He'll testify about what he
5 saw and what he did when he arrived at the home. And
6 he'll tell you which areas of the home he searched and
7 what he found inside.

8 You'll hear from some other deputies from both the
9 Greenville County Sheriff's Office and the South Carolina
10 Law Enforcement Division who were assisting in the search
11 that day. They'll testify about what they did, where they
12 searched and what they found.

13 You're also going to hear testimony from some folks
14 whose job it is to store evidence between the time that
15 it's found at a scene until trial. They'll testify about
16 how evidence is packaged and sealed and what's done with
17 it between the time that it's taken from a scene until
18 trial.

19 And finally, you're going to hear from Ms. Brittnee
20 Looney who is a chemist for SLED. Ms. Looney will testify
21 about which substances she analyzed in this case and what
22 her results were.

23 Ladies and gentlemen, the evidence in this case is
24 very straight forward, and I expect the trial of this case
25 to be brief. After you each had the opportunity to hear

1 for yourself from the witnesses who were on scene that
2 day, to the photographs from the scene, to see the
3 evidence that was collected from the defendant's residence
4 on November 15, 2018, I will ask you to return a verdict
5 that the defendant is guilty of each of these offenses.

6 Thank you.

7 THE COURT: All right. Thank you, Counsel.

8 Mr. Chambers.

9 MR. CHAMBERS: May it please the Court, Your Honor.

10 Solicitor, ladies and gentlemen, good morning. As
11 you heard the solicitor go through all of the offenses
12 that she has to prove here today, basically what it comes
13 down to is they are alleging that my client, Braylon
14 Morris, possessed those things. There's no other part of
15 those statutes, the sale, transfer, delivery, any of those
16 things that are really going to come into play in this
17 trial. Really, what it's going to come down to is whether
18 or not Mr. Morris possessed all of these things.

19 I believe that as this case unfolds and they put
20 their evidence up, what you're going to hear is at no
21 point did Mr. Morris have what we call actual possession.
22 These are my car keys. I have actual possession of them.
23 They're in my pocket. Now, over there at my table are my
24 files and those things. I don't currently have actual
25 possession of those, but I exercise what's called dominion

1 and control. And so that's what this case is going to
2 come down to. Those items that were found at 200 Glenda
3 Lane when this search warrant was executed, did Braylon
4 Morris exercise dominion and control over those things?

5 Now, the solicitor alluded to this in her opening
6 statement. You heard that she said that this was his
7 home, that he lived there. We believe that as the
8 evidence unfolds in this case, you will find that he
9 actually lived at 124 Donna Lane, which is in that same
10 neighborhood about a half mile away. It's called
11 Powdersville Estates. He maintained a residence there.
12 We believe that it will come out in the evidence as it's
13 presented that the police were aware that he had a
14 residence at this other address. And you will hear that
15 Heidi Merriweather, who was the defendant's girlfriend,
16 resided at 200 Glenda Lane. And that's where Braylon
17 Morris was that day when this search warrant was executed.
18 We believe that that's what the evidence in this case is
19 going to show.

20 And as you sit here as jurors, there's a few things
21 that you need to think about in how you're going to go
22 about your job. Now, the judge has already told you he is
23 the arbiter of the law in this case. He'll decide all the
24 questions of the law, and he will tell you what the law
25 is, which you will then apply to the facts in this case.

1 But you're the triers of fact. You are the folks that,
2 after you hear all this evidence and you go back to
3 deliberate at the end of this trial, you are going to
4 decide what happened in this case. And it's an important
5 job. That's the reason that when you come in here, they
6 ask you all these questions and they go through the jury
7 qualification.

8 And everybody in this process is very much aware of
9 the fact that this is an intrusion into your daily life.
10 There are probably things that are more important to you
11 that you would rather be doing, places you would rather
12 be. But this is important service.

13 You know, John Adams said that trial by jury is the
14 very heart and lungs of liberty. It's been often said,
15 and I believe it's true, that there's no service short of
16 military service that you can offer that is a greater
17 service to your community than coming here and sitting on
18 a jury, so it's a big responsibility.

19 And as you listen to the evidence that's presented in
20 this case, you have to keep in mind that in this court,
21 they have to prove their case beyond a reasonable doubt.
22 It's not enough -- after the case is over and you're back
23 there pondering what you're going to do here when you're
24 back there deliberating, it's not enough to believe that
25 somebody's probably guilty, might be guilty. You have to

1 believe they're guilty beyond a reasonable doubt. I
2 believe that His Honor will tell you that it's the kind of
3 evidence, the kind of proof that will leave you firmly
4 convinced. If you look those words up, that's just
5 another way of saying definitely sure. It doesn't mean
6 they have to erase all doubt. There's no way you can
7 really do that. I mean, there are some people that would
8 doubt whether the sun will come up tomorrow. That's
9 really possible. We hope it does. But it's possible.
10 But is that a reasonable doubt? It's not. It's the kind
11 of doubt that would cause a reasonable person to hesitate
12 to act. So in other words, if you make that decision, is
13 it going to bother you later? Are you going to say did I
14 do the right thing? Would I bet something that's
15 important to me on the decision that I made in this case?
16 That's what you're looking at.

17 And I always think that a good way to look at it is
18 this. We think about the metaphor of a scale, you know,
19 the scales of justice. There are cases that get tried
20 here in this courthouse that are civil cases, you know,
21 where somebody brings a lawsuit. Some of those cases
22 involve death, great bodily injury, large sums of money.
23 They're important matters. But in that court, ladies and
24 gentlemen, the proof is only by a preponderance of the
25 evidence. So in other words, the plaintiff in a case like

1 that, the one with the burden of proof would only have to
2 move those scales ever so slightly in his or her favor.

3 There are other proceedings. I think about
4 arbitrations where the evidence has to be by clear and
5 convincing evidence. That sounds like a very high
6 standard. But the highest standard is reserved for this
7 court, General Sessions, criminal court. And the reason
8 for that is this is the court that can take somebody's
9 liberty away from them. And so that's why it's so
10 important, and that's why what you're here to do is
11 important. And we've talked about what the evidence is
12 going to show.

13 Like you I look forward to seeing and hearing the
14 State's case. Our belief is that they will not be able to
15 prove, through the case that they're going to present,
16 that Braylon Morris exercised dominion and control over
17 any of the things that were obtained through the search
18 warrant, and as such, we believe at the end of this that
19 the correct verdict to come back with will be a not guilty
20 verdict.

21 I appreciate you being here. I can tell you for sure
22 that Braylon is thankful that you're here today. It's
23 been a long wait, nearly four years. We're going all the
24 way back to November of 2018.

25 Thank you very much.

1 THE COURT: All right. Thank you, Mr. Chambers.

2 Is the State ready to call its first witness?

3 MS. OWENS: Yes, Your Honor.

4 THE COURT: All right.

5 MS. OWENS: Thank you, Your Honor. May it please the
6 Court. The State calls Agent Chet Anthony.

7 Agent, if you would, please come up and be sworn.

8 WHEREUPON,

9 CHET ANTHONY

10 After having been duly sworn, testified as follows:

11 THE CLERK: Thank you. If you would, have a seat and
12 state your name for the record, please.

13 THE WITNESS: Yes, sir. My name is Chet Anthony.

14 THE COURT: Mr. Anthony, if you would, because of
15 that microphone, you can pull the microphone -- there you
16 go.

17 THE WITNESS: Is that better?

18 THE COURT: Good enough.

19 DIRECT EXAMINATION

20 BY MS. OWENS:

21 Q Agent Anthony, where are you employed?

22 A I work for the Pickens County Sheriff's Office.

23 Q And how long have you worked there?

24 A It will be ten years in November.

25 Q What's your current assignment at the sheriff's

1 office?

2 A Right now I'm an agent in the Special Operations
3 Unit.

4 Q So generally speaking, what does that mean? What are
5 your responsibilities as an agent?

6 A So the majority of the cases we work involve
7 narcotics, but they range from different things:
8 counterfeit goods, we also document gang members, things
9 of that nature. I know "special" is quite a large term,
10 but narcotics is mainly what we deal with.

11 Q So day to day, what are you doing at the sheriff's
12 office?

13 A Controlled purchases, surveillance, listening to jail
14 phone calls, interviewing informants, suspects. Anything.

15 Q Were you working in that capacity back in November
16 2018?

17 A Yes, ma'am, I was.

18 Q Could you describe for the Court how this
19 investigation began?

20 A I was notified by a Greenville County investigator
21 about a case they were working and basically started
22 working surveillance for that case.

23 Q Where exactly did you begin that surveillance?

24 A We started at 200 Glenda Lane, which is within
25 Pickens County.

1 Q Could you tell the jury a little bit about what
2 200 Glenda Lane looks like?

3 A Yes, ma'am. So when you turn left onto Glenda Lane,
4 I obviously don't remember it being called Powdersville
5 Estates, but when you turn left onto Glenda Lane, it's a
6 small road. It's a dead end that goes to a cul-de-sac.
7 You can turn around and come right back out. There are
8 houses on both sides of the road. The majority of them
9 are mobile homes.

10 Q And do you recall when you would have conducted
11 surveillance of this location?

12 A Yes, ma'am. That would have been November 8th. It
13 would have been the first day.

14 Q What do you recall seeing at the residence on
15 November 8th during this surveillance?

16 A So when we drove by the residence initially, we had
17 known that we were kind of looking for a red Lexus. And
18 when we drove by the residence, a red Lexus was there as
19 well as another vehicle, a black Dodge truck, I believe.

20 We drove past the residence, and then we continued to
21 sit, for lack of a better term, on the residence, which
22 means we just continued to survey the residence from a
23 distance back in the cul-de-sac.

24 Q During that process did any other cars arrive?

25 A No, ma'am.

1 Q After your surveillance was completed that day, what
2 happened next in this investigation?

3 A So from that surveillance I went to a magistrate
4 judge. And that's when a search warrant was issued for
5 200 Glenda Lane.

6 Q Generally speaking, in any case, how do you and your
7 assisting agents prepare to execute a search warrant?

8 A So search warrants are one of the most dangerous
9 parts of our job. So we -- to mitigate that risk, we
10 decide how we want to execute the search warrant.
11 Sometimes we do what's called a soft approach. When we go
12 execute the search warrant, we'll knock on the door, try
13 to get someone to answer, you know. That way we identify
14 ourselves as law enforcement. It's not what the movies
15 show, just kicking in doors.

16 And the other one is a dynamic entry. That is where
17 we announce we're police, we're there with a search
18 warrant. We'll bump the siren, the blue lights will come
19 on, and then we'll kick the door in.

20 Q After that happens in any particular case, what do
21 you do in terms of the process of executing a search
22 warrant?

23 A So once we get there on scene, everybody is detained.
24 I mean, it doesn't matter who was on scene. If they're
25 not law enforcement personnel, they're at least detained

1 throughout the search warrant till we identify them, what
2 they're there for, what their relationship is to the
3 property. And then after that is established, then we
4 begin a search of the residence for whatever that search
5 warrant might be for.

6 Q In a situation where you are searching a home for
7 drugs, where do you look?

8 A Everywhere. Drugs can be stored everywhere depending
9 on the form. I mean, just the most minute amount can be
10 anywhere in a home.

11 Q If during a search you were to find something of
12 evidentiary value, what happens with it?

13 A So during a search warrant, we have what's called a
14 scribe. And that's someone who documents things we take
15 from the residence, whether it's narcotics, guns, anything
16 illegal or something that we deem as evidence. We take it
17 to that scribe. Sometimes there's more than one scribe,
18 depending on how many people are there, personnel, or how
19 many items we're taking. They'll jot or write everything
20 down, serialize the items, the drugs, where they were
21 found, how they were found. They're photographed and then
22 they're taken into custody.

23 Q So in addition to preparing this list, what do you do
24 with the actual items?

25 A So the items themselves are turned in to forensics,

1 If our -- our forensics division. If they're narcotics,
2 they're sent to SLED for analysis. That's where we figure
3 out what the exact narcotic is. If they are firearms, we
4 run the serial numbers, make sure they are not reported
5 missing, things of that nature.

6 Q Once that process is completed, you've finished your
7 search, you've collected anything that you decide is
8 evidence, what do you do next?

9 A Well, at that point we determine what the charge is
10 for that certain individual, and then they're arrested for
11 that charge.

12 Q Do you prepare documents to return to the magistrate
13 who issued the search warrant?

14 A Yes, ma'am. It's called a return, actually. And it
15 is an itemized list of everything we've taken from the
16 property.

17 Q So zeroing in on November 15th of 2018, what did you
18 do to prepare for this search warrant?

19 A For that search warrant, we decided that we're going
20 to attempt a soft approach. We had spoke with Greenville
21 County and SLED. They also assisted with the search
22 warrant itself. It was determined that myself and another
23 agent were going to go knock on the door and attempt to
24 get the subject to the door, speak with him, let him or
25 her know why we're there, and then obviously identify

1 ourselves as law enforcement. But that's just -- that
2 limits the danger, and not just officer safety, but safety
3 for everybody involved.

4 That day no one came to the door. And as a
5 contingency plan, we determined that after a certain
6 period, if nobody came to the door, we were still going to
7 hit the door with a ram and enter the home.

8 Q Now, did you, before executing this search warrant,
9 do any surveillance like the kind you described doing on
10 November 8th?

11 A Yes, ma'am. A few times. We determined that the
12 vehicles were still there. I had to drive by to -- when
13 I'm obtaining the search warrant, what's called a script,
14 basically it's a description of the property to the
15 magistrate judge of what -- what we're going to execute
16 the search warrant.

17 So I drove by it a few times to get the color, if
18 there's a front porch, how many doors there are, things of
19 that nature, if there's a mailbox, if there's numerics on
20 it, if there's numerics on the side of the house. Things
21 like that.

22 Q Do you recall if, during that process of collecting
23 that information, there were any cars parked at the house?

24 A Yes, ma'am.

25 Q Which cars were parked at the house?

1 A The same -- same two vehicles: the red Lexus and the
2 Dodge Ram truck.

3 Q When you made entry that day, you said that no one
4 answered the door.

5 A Correct. Before entry, yes, ma'am.

6 Q Are the agents with you announcing that they're with
7 the police?

8 A Yes, ma'am. After the soft approach does not work,
9 before -- again, it's called a dynamic entry because it's
10 a dynamic action -- we're yelling the whole time to make
11 sure everybody knows, whether the TV's loud, whatever it
12 may be, that police are entering your home. And, again,
13 we'll bump the siren, hit blue lights. That way neighbors
14 know so everybody can obviously look after their safety
15 during this because it is a dangerous operation.

16 Q Now, do you recall whether you were one of the first
17 agents in the door?

18 A I wouldn't say I was one of the first, but I was
19 probably in the first five, I guess you can say. I was
20 more towards the back of the stack.

21 Q So what do you remember seeing when you finally got
22 into the house?

23 A So once I got into the house, the defendant was
24 already on the ground being handcuffed, and there was also
25 a female inside that was also placed in handcuffs.

1 Q Was the defendant wearing any clothing?

2 A No, ma'am.

3 Q Was the female visitor wearing any clothing?

4 A Once I got into the house, yes. I was told she was
5 not, though.

6 Q Now, you mentioned earlier that everyone at a home is
7 detained. Why do that?

8 A It's an officer safety thing. We have no idea what
9 their role is in it. We have no idea what they're there
10 for, what business they are conducting. So as a
11 precaution, again, I say officer safety, but it's for
12 everyone's safety they're detained.

13 Q Now, on this particular day at 200 Glenda Lane on
14 November 15th, what are you looking for?

15 A We're looking for narcotics.

16 Q Is that what the magistrate's search warrant
17 authorized you to search for?

18 A Yes, ma'am.

19 Q How did you begin the search?

20 A So it's -- sometimes it can be a meticulous process.
21 Sometimes it's plain as day. Sometimes it's just sitting
22 out for us to find. Other times it takes a while.

23 On that particular day, the narcotics we were looking
24 for are the most dangerous narcotics we deal with, so it's
25 a very meticulous process. That day once we split up the

1 rooms who's going to search where, and then we begin the
2 process. That also makes it easier for the scribe. They
3 know that myself, I might be in the bedroom or the living
4 room. But we assign those areas to people so it is easier
5 on their turn and to itemize the list.

6 Agents went into the master bedroom, and they located
7 a substance. And at that time that substance was deemed
8 extremely dangerous, so we kind of call a timeout, pull
9 everybody out and then we send an agent back in with a
10 respirator to kind of break down those drugs. We call it
11 a lab.

12 Q Is that what happened on November 15th?

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

14 Q What about what you found made you concerned that it
15 was dangerous.

16 A We believed it to be fentanyl, which is mixed with
17 heroin a lot of times is what we find. And any heroin we
18 deal with or any powder substances we deal with, we take
19 extra precautions because it's extremely dangerous.
20 People fall out left and right from it.

21 Q Now, before we get into the details of the
22 room-by-room play by play, could you give the jury an idea
23 of what this home looked like?

24 A Yes, ma'am. So if you're looking at the front of the
25 residence, there are actually two doors. Myself and Agent

1 Durham went to the left door for the soft approach, and
2 then dynamic entry was made on the middle to right side
3 door where there's an actual front porch.

4 Once you enter that front door, the first entrance to
5 your right is what we call the master bedroom. It has a
6 bathroom in it, a master closet in it. But you enter the
7 house into the living room area into an open kitchen to
8 the left, and then there are more bedrooms off to the
9 left.

10 Q Were there beds in those other bedrooms?

11 A No, ma'am.

12 Q Based on what you observed in the house that day, did
13 you have any reason to believe that any of those bedrooms
14 was being used beyond a primary master bedroom?

15 A Not for living quarters. One was used for basically
16 housing a dog. There was canine feces all over the floor.

17 Q So where did you decide -- when you're delineating
18 which room each agent is going to search, where did you
19 decide to begin your search?

20 A So my search began more towards the closet area.
21 But, again, once those narcotics were found, another agent
22 put a respirator on. And -- but that is where I began
23 searching, again, after those narcotics were bagged and
24 sealed to make sure everybody was safe.

25 Q Okay. Once that process is completed and you come

1 back in, can you describe to the jury a little bit about
2 what this closet looked like?

3 A Yes, ma'am. So once you take a right into the master
4 bedroom, there is a left that goes into the bathroom, and
5 then right after that, there's a left that goes into the
6 closet. When you enter the closet, it's somewhat narrow.
7 On the left side there was a table, on the right side
8 there was what I would call a bookshelf, and then there
9 were hanged clothes, men's clothing everywhere. And then
10 at the back left corner of the closet, it also enters into
11 the restroom -- master bathroom. Excuse me.

12 Q So in this room with the bookshelf and table, where
13 did you decide to start searching in this room?

14 A So I began more on the right side. There was a --
15 that's where I located some firearms. The left side is
16 where we located the bulk majority of the narcotics, which
17 Agent Bolde took into -- as evidence. So I really didn't
18 need to get to the left side. We needed more help on the
19 right side, and that's where I began locating items.

20 Q What did you find?

21 A I found several firearms.

22 (WHEREUPON, State's Exhibit Numbers 1 and 2 were marked
23 for identification.)

24 BY MS. OWENS:

25 Q Agent, I'm showing you State's Exhibit 1. Do you

1 recognize that item?

2 A Yes, ma'am.

3 Q How do you recognize it?

4 A So that is a safe that was on top of the table on the
5 left side of the closet when we entered Mr. Morris's home.

6 Q Is that the closet that you were just describing in
7 your search?

8 A Yes, ma'am.

9 Q Is it an accurate description of what the closet
10 looked like when you searched on November 15th?

11 A Yes, ma'am, it is.

12 MS. OWENS: Your Honor, at this time the State offers
13 Exhibit 1.

14 THE COURT: Any objection?

15 MR. CHAMBERS: No objection, Your Honor.

16 THE COURT: All right. State's Number 1 is in
17 without objection.

18 (WHEREUPON, State's Exhibit Number 1 was admitted into
19 evidence.)

20 MS. OWENS: With the Court's permission, I'd like to
21 publish the exhibit for the jury.

22 THE COURT: Any objection? None? None to
23 publication?

24 MR. CHAMBERS: No objection, Your Honor.

25 THE COURT: Go ahead, Madam Solicitor.

1 BY MS. OWENS:

2 Q While we wait on that screen, I'm going to show you
3 another exhibit. This is State's Exhibit 2. Do you
4 recognize that item?

5 A Yes, ma'am.

6 Q How do you recognize it?

7 A That is the bookshelf on the right side of the room
8 when -- or closet when you entered it.

9 Q But, again, inside the closet that you've been
10 talking about so far this morning.

11 A Correct. Yes, ma'am.

12 Q Is it an accurate description of what that bookshelf
13 looked like during your search on November 15th?

14 A Yes, ma'am.

15 MS. OWENS: Your Honor, at this time I'd offer
16 State's Exhibit 2.

17 THE COURT: All right. Any objection?

18 MR. CHAMBERS: No objection, Your Honor.

19 THE COURT: All right. State's Number 2 is entered
20 without objection.

21 (WHEREUPON, State's Exhibit Number 2 was admitted into
22 evidence.)

23 BY MS. OWENS:

24 Q I've got on the screen here, the projection across
25 here on the screen, State's Exhibit 1. Can you describe

1 for the jury, we see a door in the back of the picture.
2 Could you help us understand what we're seeing, the
3 perspective that this picture is ---

4 A Yes, ma'am. So in this picture you are more towards
5 the bedroom side. That door on the back left, that's what
6 entered back into the bathroom. So there were two
7 entrances to the bathroom: from the bedroom and from the
8 closet.

9 That is the table I described earlier, and that is a
10 safe on top of it.

11 Q And you did not search these particular items
12 yourself.

13 A I didn't search them, but I also observed them when
14 they were being searched.

15 Q Okay. And I'm going to put up State's Exhibit 2 at
16 this point. Is this the bookshelf we were just hearing
17 about?

18 A Yes, ma'am.

19 Q And did you search this area specifically?

20 A I did, yes, ma'am.

21 Q Okay. And we'll revisit those items shortly. But
22 for purposes of just moving on, you mentioned that you
23 found some firearms.

24 A Correct.

25 Q Do you remember specifically what kind of guns you

1 found?

2 A They were shotguns, but specifically I'd have to look
3 at the return.

4 Q Did you prepare the return to the search warrant in
5 this case?

6 A Yes, ma'am, I did.

7 Q Did you record on that return a list of everything
8 that was found in the house that day?

9 A Everything taken from the house that day, yes, ma'am.

10 Q Would reviewing that return refresh your memory about
11 exactly what was located in the closet?

12 A Yes, ma'am. Yes, ma'am. (Reviews document.)

13 Q After reviewing that return, do you remember
14 specifically what you located inside this closet on
15 November 15th?

16 A Yes, ma'am, I do.

17 Q Let's take it from the top. What's the first thing
18 you found?

19 A So the first thing I found was a Harrington &
20 Richardson 16 gauge shotgun, a sawed-off shotgun. And
21 that was in the floor of the closet.

22 (WHEREUPON, State's Exhibit Number 3 was marked for
23 identification.)

24 BY MS. OWENS:

25 Q Agent, I'm going to show you State's Exhibit 3.

1 A Yes, ma'am.

2 Q Would you please take a look inside that box and tell
3 me if you recognize the items inside.

4 A Yes, ma'am, I do.

5 Q How do you recognize them?

6 A The shotgun on the right is the sawed-off Harrington
7 Richardson shotgun from the search warrant.

8 Q Now, you're characterizing that as a sawed-off
9 shotgun. Could you explain to the jury what it is that
10 expression means?

11 A So it's the terminology to mean that the barrel has
12 been shortened. In older terms it was sawed off.
13 Sometimes it could be taken down different ways now, but
14 we still refer to it as a sawed-off shotgun. But it's
15 basically the barrel has been shortened to an illegal
16 length.

17 Q Did you measure the barrel length of this particular
18 gun?

19 A I did. I don't remember the specific measurement,
20 but it was well under the required measurements.

21 Q Is the barrel of that gun less than 18 inches?

22 A Yes, ma'am.

23 Q Is the total length of that gun less than 26 inches?

24 A Yes, ma'am.

25 Q Is that item in the same condition as when you

1 located it on the floor of the defendant's closet on
2 November 15th?

3 A That is correct.

4 Q Agent, let's move to the next item that you found.

5 A Yes, ma'am. The next item is listed as a Remington
6 12 gauge Model 11-48 semi-automatic shotgun. It was also
7 on the floor of the closet.

8 (WHEREUPON, State's Exhibit Number 4 was marked for
9 identification.)

10 BY MS. OWENS:

11 Q Agent, I'm showing you State's Exhibit 4. If you'll
12 take a look inside and tell me whether you recognize
13 what's inside.

14 A Yes, ma'am, I do.

15 Q How do you recognize it?

16 A That is the Remington shotgun I found on the floor.

17 Q How do you know that?

18 A The serial number is on the return. It is also the
19 matching serial number on this item.

20 (WHEREUPON, State's Exhibit Number 5 was marked for
21 identification.)

22 BY MS. OWENS:

23 Q Agent, I'm showing you State's Exhibit 5. Do you
24 recognize that item?

25 A I do, yes, ma'am.

1 Q How do you recognize it?

2 A It's the same shotgun you just showed me. And it's
3 from the search warrant at 200 Glenda Lane.

4 Q Is that photograph an accurate depiction of where you
5 found the shotgun in the defendant's closet on
6 November 15th?

7 A Yes, ma'am, it is.

8 MS. OWENS: Your Honor, at this time I'd offer
9 State's Exhibit 5.

10 THE COURT: Any objection?

11 MR. CHAMBERS: No objection, Your Honor.

12 THE COURT: All right. State's Exhibit Number 5 is
13 so admitted without objection.

14 (WHEREUPON, State's Exhibit Number 5 was admitted into
15 evidence.)

16 BY MS. OWENS:

17 Q What else did you find?

18 A I also found an Ithaca Deerslayer 12 gauge pump
19 action shotgun also in the closet.

20 (WHEREUPON, State's Exhibit Number 6 was marked for
21 identification.)

22 BY MS. OWENS:

23 Q Agent, I'm showing you State's Exhibit 6. Can you
24 take a look inside that box?

25 A Yes, ma'am.

1 Q Do you recognize what's inside?

2 A I do.

3 Q How do you recognize it?

4 A It is the same serial number of the Ithaca 12 gauge
5 that was found on scene at the search warrant.

6 Q How do you know?

7 A It's serialized, and it's on the return as well as on
8 the firearm.

9 Q Is it in the same condition as when you found it in
10 the defendant's closet on November 15th?

11 A The gun itself, yes, 'ma'am, it is.

12 (WHEREUPON, State's Exhibit Number 7 was marked for
13 identification.)

14 BY MS. OWENS:

15 Q Agent, I'm showing you State's Exhibit 7.

16 A Yes, ma'am.

17 Q Do you recognize what's depicted in that photograph?

18 A I do, yes, ma'am.

19 Q How?

20 A These are two of the shotguns I found on scene inside
21 the closet. They were both in a gun sleeve together. One
22 is the Deerslayer that you just showed me.

23 Q Is that an accurate depiction of how you found
24 State's Exhibit 6 as well as another firearm in the
25 defendant's closet on November 15th?

1 A Yes, ma'am, it is.

2 MS. OWENS: Your Honor, at this time I would offer
3 State's Exhibit 7.

4 THE COURT: All right. Any objection?

5 MR. CHAMBERS: No objection, Your Honor.

6 THE COURT: State's Number 7 is so admitted without
7 objection.

8 (WHEREUPON, State's Exhibit Number 7 was admitted into
9 evidence.)

10 BY MS. OWENS:

11 Q What else did you find?

12 A I also found a Diamondback AR-15 300 Blackout is the
13 caliber.

14 (WHEREUPON, State's Exhibit Number 8 was marked for
15 identification.)

16 BY MS. OWENS:

17 Q Agent, I'm showing you State's Exhibit 8. Please
18 take a look inside that box.

19 A Yes, ma'am.

20 Q Do you recognize that item?

21 | A I do.

22 Q How do you recognize it?

23 A It is the Diamondback AR15 that was found at
24 Mr. Morris's house during the search warrant.

25 Q How do you know?

1 A It is serialized, and it is also serialized on the
2 return. It's also in the exact same box it was found in
3 at the residence.

4 Q The packaging box is the same as you seized?

5 A Yes, ma'am. That's what -- that's what it was
6 located in. Yes, ma'am.

7 Q And just to be clear, you mentioned a number of times
8 that these items are serialized. Can you explain to us
9 exactly what you mean by that?

10 A So firearms are marked with a serial number. That is
11 so we can identify them. If you purchased it from the
12 store, then the serial number would come back to you. But
13 a lot of times that gets mixed up when person-to-person
14 transactions happen. So -- but every firearm has a serial
15 number stamped on it, and that is how we correlate it with
16 the return. Instead of just a description that says
17 Diamondback AR15, it is proven because the serial number
18 is also the same on the firearm.

19 Q So you can verify that the serial number you recorded
20 when you took that gun out of the closet on November 15th
21 is the same gun that sits in front of you today because it
22 has the same serial number?

23 A Correct. That is correct, yes, ma'am.

24 (WHEREUPON, State's Exhibit Number 9 was marked for
25 identification.)

1 BY MS. OWENS:

2 Q Agent, I'm showing you State's Exhibit 9. Do you
3 recognize that item?

4 A I do, ma'am.

5 Q What does that photograph depict?

6 A This is the Diamondback AR15 inside the cardboard box
7 that was found at Mr. Morris's house.

8 Q Is that an accurate depiction of how you found this
9 firearm in the defendant's closet on November 15th?

10 A It is, yes, ma'am.

11 MS. OWENS: Your Honor, at this time the State offers
12 Exhibit 9.

13 THE COURT: Any objection?

14 MR. CHAMBERS: No objection.

15 THE COURT: Without objection, Number 9 is so
16 entered.

17 (WHEREUPON, State's Exhibit Number 9 was admitted into
18 evidence.)

19 BY MS. OWENS:

20 Q What else did you find?

21 A The next item is a Beretta 12 gauge shotgun. It was
22 also found -- it was the other gun inside that gun sleeve,
23 the other shotgun.

24 (WHEREUPON, State's Exhibit Number 10 was marked for
25 identification.)

1 BY MS. OWENS:

2 Q Agent, I'm showing you State's Exhibit 10. Please
3 look inside that box.

4 A Yes, ma'am.

5 Q Do you recognize what's inside?

6 A I do.

7 Q How do you recognize it?

8 A That is the Beretta shotgun that was found in
9 Mr. Morris's closet during the search warrant.

10 Q How do you know?

11 A It has the same serial number on it that we marked on
12 scene on the return by the scribe.

13 Q Is it in the same condition as when you found it ---

14 A It is.

15 Q --- in the defendant's closet on November 15th?

16 A Yes, ma'am, it is.

17 MS. OWENS: Your Honor, at this time I'd offer
18 State's Exhibits 4, 6, 10 and 8 into evidence.

19 MR. CHAMBERS: No objection, Your Honor.

20 THE COURT: All right. So the previous entries were
21 for identification, not as evidence; is that right?

22 MS. OWENS: I don't believe I've yet offered these
23 into evidence yet. Not yet, sir.

24 THE COURT: Without objection?

25 MR. CHAMBERS: Without objection, Your Honor.

1 THE COURT: All right.

2 (WHEREUPON, State's Exhibit Numbers 4, 6, 8 and 10 were
3 admitted into evidence.)

4 BY MS. OWENS:

5 Q Did you find anything else in the closet?

6 A No, ma'am. I did not find anything else in the
7 closet.

8 Q Did you search anywhere else?

9 A Yes, ma'am.

10 Q Where did you search?

11 A The bathroom.

12 Q Did you find anything of evidentiary value inside the
13 bathroom?

14 A I did.

15 Q What did you find?

16 A Inside the vanity, I guess you could say, one of the
17 drawers, I found a -- it's labeled on the return as a
18 black plastic container with a magnet on the bottom. And
19 inside of that was a plastic bag with a crystal-like
20 substance we believed to be methamphetamine.

21 Q Why did you believe it to be methamphetamine?

22 A From my training and experience, I observed it to be
23 methamphetamine, the way it was packaged, was familiar
24 with the way we see methamphetamine.

25 Q Are you able to test any substance on site?

1 A No, ma'am. For officer safety we do not test
2 anything on site.

3 Q So what do you do with it?

4 A So we -- we seize it, we package it up, we bring it
5 in as evidence, and we send it to our forensics unit in
6 what's called a BEST pack from Sled. From that point it's
7 sealed in the BEST pack and then it goes to SLED for
8 analysis with their chemist.

9 (WHEREUPON, State's Exhibit Number 11 was marked for
10 identification.)

11 BY MS. OWENS:

12 Q Agent, I'm showing you State's Exhibit 11. Do you
13 recognize that item?

14 A Yes, ma'am, I do.

15 Q How do you recognize it?

16 A It is the SLED BEST pack.

17 Q Could you describe for the jury a little bit how the
18 BEST pack works?

19 A Absolutely. So a BEST pack, similar to our return,
20 it's an itemized list, this is an itemized list of just
21 drugs that we send to SLED for analysis. We don't test
22 anything in house. They have certified chemists that can
23 tell us exactly what these drugs are.

24 And, again, as I talked about earlier, for officer
25 safety, we don't test drugs like you see in the movies or

1 anything like that because we don't want anybody to get
2 hurt. So that's why we send them to SLED.

3 This package itself has my name printed and signed on
4 it with the date, and that's the date it's sealed. And
5 then, of course, inside the BEST pack, there are multiple
6 bags inside, and they're also itemized and labeled so that
7 way we can correlate them when we get the results of what
8 they are. So, for instance, that crystal substance I
9 seized and put in the BEST pack, it was numbered. And
10 then I can compare it to the analysis they send me, and
11 that will tell me what exactly that substance is, what it
12 weighed.

13 Q Now, you mentioned that evidence, when it's seized
14 from a home, it's packaged up for evidentiary storage.
15 Did you package all the evidence in this case?

16 A Yes, ma'am. So myself along with other agents, we
17 seized what was on scene, the evidence that was on scene.
18 But as far as admitting it into forensics evidence, yes, I
19 did, for storage.

20 Q Okay. Specifically as it relates to State's
21 Exhibit 11, did you seal that item?

22 A Yes, ma'am, I did.

23 Q What does that process look like?

24 A So when the item is sealed, basically there's a
25 tear-off tab. And if the seal is broken, they can tell at

1 SLED because you can tell if it's been damaged or anything
2 like that.

3 So once I seal it, that's when I sign it and date it.
4 And then from there it goes in a locked storage locker at
5 our facility, and then there's a paper trail for that. If
6 our forensics techs, they grab it, they write down that
7 they took it, and then they eventually take it to
8 Columbia, the headquarters of SLED, and that's where it's
9 analyzed.

10 Q Now, you mentioned that assisting agents in this case
11 were helping you with the search of this house.

12 A Yes, ma'am.

13 Q Did you collect all of the suspected drugs found in
14 that house and package them in that particular BEST bag,
15 State's Exhibit 11?

16 A I did, yes, ma'am. Yes, ma'am.

17 Q And how do you know that you're the person that
18 sealed that bag?

19 A My name is on it.

20 Q And specifically as it relates to the item that you
21 found inside the drawer in the bathroom of this home, is
22 that item packaged inside State's Exhibit 11?

23 A It is, yes, ma'am.

24 Q How do you know?

25 A The itemized labeling. So they sometimes relabel

1 things. But, again, it correlates with what -- their SLED
2 analysis, which is what they send us. And you can clearly
3 see that the items are marked in here. And I remember
4 looking at the SLED analysis, and the item that I marked
5 is right there in the bag, labeled.

6 Q Now, we've heard a little bit about the process of
7 how a search warrant return is prepared. Did you prepare
8 the return in this case?

9 A Yes, ma'am, I did.

10 Q What did you do with everything that was collected
11 from the house that day?

12 A Returned to the sheriff's office where it's admitted
13 into forensics.

14 Q To your knowledge, have all of these items been
15 stored at the sheriff's office since the time you turned
16 them in?

17 A To my knowledge, yes, ma'am.

18 Q Now, aside from searching in the bathroom drawer and
19 the closet, did you locate any other personal items in the
20 house?

21 A Yes, ma'am.

22 Q What did you see?

23 A So inside the bathroom itself there were multiple
24 items for hygiene, and inside the closet there were male
25 clothes everywhere, male shoes, things of that nature,

1 other documents with Mr. Morris's name on it.

2 Q Did you see any women's clothing?

3 A Not in the closet. I believe there were some located
4 in the direct vicinity of where she was, but I believe
5 that was the clothes she was supposed to be wearing.

6 Q Do you remember specifically what those items were?

7 A I do not, no, ma'am.

8 Q You mentioned specifically you didn't see any women's
9 clothing in the closet. Did you see women's clothing
10 anywhere in the house?

11 A No, ma'am.

12 Q And I believe you may have testified to this earlier,
13 but it was your understanding the woman in the house was
14 nude when you arrived?

15 A Correct.

16 Q Had you ever encountered Mr. Morris before this day?

17 A No, ma'am.

18 Q After you prepared these search warrant documents,
19 processed all of these items for storage and returned the
20 return to the magistrate, did you do anything else as part
21 of this investigation?

22 A Yes, ma'am. I submitted a warrant request to the
23 magistrate.

24 Q After securing those documents, was there anything
25 left to investigate?

1 A A lot of times we run the serial numbers for the
2 firearms on scene. Later on our forensics techs will run
3 some of those as well to make sure they're supposed to be
4 in his possession. I review his criminal history to make
5 sure he's supposed to have those. And obviously, we're
6 not going to return those if he's not supposed to have
7 them.

8 Q After that process is complete, did you conclude this
9 investigation?

10 A Yes, ma'am.

11 MS. OWENS: I don't have any additional questions for
12 you. If you would, answer any questions Mr. Chambers may
13 have.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Cross-examination, Mr. Chambers.

16 CROSS EXAMINATION

17 BY MR. CHAMBERS:

18 Q All right. You indicated that you knocked on the
19 door and announced yourself when you first got there; is
20 that correct?

21 A So myself and Agent Durham attempted that soft
22 approach. We knocked on the door. We wouldn't have said
23 "police" outside.

24 Q Okay. So you didn't announce yourself as police.

25 A Not until the second time when we actually made

1 entrance. That's correct, sir.

2 Q That was when you hit the door with a battering ram
3 and y'all started coming in.

4 A Correct, sir.

5 Q And it would appear that, based on their lack in
6 clothing, that, you know, Mr. Morris and Ms. Merriweather
7 were involved in something when y'all got there, correct?

8 A Yes, sir. There were also other things that pointed
9 to that, yes, sir.

10 Q So probably you were -- you startled them when they
11 realized that you were coming in the house.

12 A Oh, absolutely. I'm sure we did.

13 Q Now, you talked about doing surveillance and you made
14 the decision you would get a search warrant to go out and
15 search this place. Other than your surveillance, it does
16 not sound like -- at least based on your testimony, did
17 you make any effort to determine who owned the property or
18 who was leasing the property or any way to make some
19 determination so you could come and present it in court
20 today about who actually had control over those premises?

21 A So when I spoke with the -- initially, when I spoke
22 with the investigators from Greenville County, they
23 relayed to me the information of who would lived there,
24 and they also confirmed that with a DMV.

25 Q That's hearsay from what they told you.

1 A Correct, sir. Yes, sir.

2 Q Did you also get information from the Greenville
3 police that you were working with that Mr. Morris actually
4 had an address at 124 Donna Lane which is in that same
5 subdivision about a half mile from 200 Glenda Lane? Were
6 you aware of that?

7 A I was not. I did not receive that information, no,
8 sir.

9 Q And you testified that when you went in, then you saw
10 these -- the male clothing and these other items that you
11 talked about, took a lot of pictures. Do you have any
12 pictures of any of those things that you saw?

13 A I'm sure there are pictures of male clothing, yes,
14 sir.

15 Q Okay. Did you take anything into possession so that
16 you could present it and say these things are here and
17 we've documented that they were here and they belonged to
18 Mr. Morris?

19 A Clothing-wise, no, sir. We did not.

20 Q Or, you know, anything along those lines. I mean,
21 you've got a lot of pictures. Again, I didn't see any
22 pictures of any of these items.

23 A Yes, sir. So there should have been some photographs
24 that depicted some male clothing, but there was also -- I
25 believe it was a vehicle registration, Mr. Morris's name

1 on it.

2 Q There were multiple vehicles at the location,
3 correct?

4 A Correct, sir.

5 Q And were all of you -- did y'all have your body
6 cameras on when you went in that day?

7 A So there was a body camera. I can't speak for SLED.
8 I don't remember if they had body cameras at that time.
9 This is back in 2018. I know we did at the sheriff's
10 office.

11 So myself and Agent Durham, when obviously we do a
12 soft approach, we don't do that in full body armor with
13 our body camera on. Our job is to not let him know we're
14 police until we start speaking with him. So when it was
15 determined that we were going to have to make a dynamic
16 entry with the ram, as you stated, the officers in front
17 would have had their body cameras on. There is a body
18 camera of Deputy Ross. His body camera was on. Myself
19 and Agent Durham, we kind of come in at the back of the
20 stack. We're more of what we call a hands-on team. So if
21 somebody is encountered, everybody else who's in front of
22 the stack with weapons or a shield, whatever they may be,
23 they pass those people back to us so we can put handcuffs
24 on them, get them outside, get them out of the danger area
25 of the home.

1 So myself and Agent Durham, no, we did not take the
2 time to throw on body armor and body cameras. We also
3 just went in to help.

4 Q You said that there was a safe in the bedroom and you
5 located what you identified as a fairly substantial amount
6 of what you believed at that time to be narcotics, inside
7 that safe, correct?

8 A Correct, sir.

9 Q And you referenced forensics a couple times. Knowing
10 that you would later have to come and perhaps come to
11 trial and testify, did you have forensics come out and
12 dust for fingerprints, say, on that safe to show who had
13 used the safe, been in contact with that safe or perhaps
14 stored drugs in that safe? Did you have them do that?

15 A No, sir, we did not.

16 Q Okay. Did you do that for any of the other parts of
17 the house? Or for any of the things you seized
18 themselves, did you have any of those things brushed for
19 fingerprints so that you -- or dusted for fingerprints so
20 that you could determine who had come into contact with
21 those items like these weapons or the containers of drugs
22 or any of the other things that you found in the house?

23 A No, sir. No items to my knowledge were
24 fingerprinted.

25 MR. CHAMBERS: Thank you very much. That's all the

1 questions.

2 THE WITNESS: Yes, sir.

3 THE COURT: Redirect?

4 MS. OWENS: Nothing on redirect, Your Honor.

5 THE COURT: All right. You can step down.

6 THE WITNESS: Thank you, sir.

7 THE COURT: Is your next witness lengthy?

8 MS. OWENS: Probably comparable.

9 THE COURT: Okay. Call your next witness.

10 MS. OWENS: The State calls Jeff Bolde.

11 If you would, sir, please come up and be sworn.

12 WHEREUPON,

13 JEFF BOLDE

14 After having been duly sworn, testified as follows:

15 THE CLERK: Thank you, sir. If you would, have a
16 seat. State your name for the record, please.

17 THE WITNESS: Jeff Bolde.

18 DIRECT EXAMINATION

19 BY MS. OWENS:

20 Q Agent, where are you employed?

21 A Pickens County Sheriff's Office.

22 Q In what capacity?

23 A I work under Special Operations.

24 Q Generally speaking, what are your responsibilities?

25 A Same thing as Agent Anthony's, to investigate

1 narcotics, narcotic complaints, buys. I mean, for the
2 most part, deal with narcotics.

3 Q Were you working in that capacity in November of
4 2018?

5 A Yes, ma'am, I was.

6 Q Did you assist deputies in executing a search warrant
7 at 200 Glenda Lane on November 15th of 2018?

8 A Yes, I did.

9 Q Could you tell the jury a little bit about what you
10 did to assist that day?

11 A Yes. So after Agent Anthony and Agent Durham went to
12 the side door, we got no -- nobody to the door, and that's
13 when we executed the search warrant through the other
14 door. I was towards -- back in the middle of the stack at
15 that point, entered the house, made contact with both
16 subjects that were in there. They were detained. And
17 after they were detained, then we started the search.

18 Q Where specifically did you start the search?

19 A I searched in the master bedroom closet.

20 Q We've heard a little bit of testimony about the size
21 of that closet and what's inside. Do you remember
22 specifically where you started searching inside that
23 closet?

24 A I started -- there was a small table on the left side
25 when you walk in coming from the bedroom. On -- that

1 table had a small safe and various other items on top of
2 the table.

3 Q You mentioned that there was a safe on the table.
4 How did you get access to the safe?

5 A We had keys to the safe. There were keys at the
6 house.

7 Q Where did you find them?

8 A They were brought to me.

9 Q So you're not entirely sure where the keys were.

10 A Not exactly where they come from. There was keys at
11 the house.

12 Q They were inside the house.

13 A Correct, yes.

14 Q Okay. You didn't have to forcibly open that safe.

15 A No, we did not.

16 Q What's projected on the screen is State's Exhibit 1.
17 Do you recognize what's depicted in this photograph?

18 A Yes, ma'am.

19 Q Is this the safe that you've described?

20 A Yes, it is.

21 (WHEREUPON, State's Exhibit Number 12 was marked for
22 identification.)

23 BY MS. OWENS:

24 Q Agent, I'm showing you State's Exhibit 12. Do you
25 recognize what's depicted in that photograph?

1 A Yes, ma'am.

2 Q What is it?

3 A There's several bags of narcotics and some guns.

4 Q Is this inside the safe?

5 A Yes, ma'am. That is inside that safe.

6 Q Is that an accurate depiction of what you found when
7 you opened the safe that we see in State's Exhibit 1?

8 A Yes, it was.

9 MS. OWENS: Your Honor, at this time the State offers
10 Exhibit 12.

11 THE COURT: Any objection?

12 MR. CHAMBERS: No objection, Your Honor.

13 THE COURT: All right. Number 12 is so entered
14 without objection.

15 (WHEREUPON, State's Exhibit Number 12 was admitted into
16 evidence.)

17 MS. OWENS: With the Court's permission, I'd like to
18 publish State's Exhibit 12.

19 THE COURT: All right. Any objection to the
20 publication? Hearing none ---

21 MR. CHAMBERS: No, Your Honor. No objection.

22 BY MS. OWENS:

23 Q Agent, can you describe for the jury what it is we
24 see depicted here in State's Exhibit 12?

25 A The two firearms, a bag of green plant material,

1 there's a container and some other bags of suspected
2 narcotics.

3 Q Is this what the contents of the safe looked like
4 when you opened it?

5 A Yes, it is.

6 Q Had you moved any of these items around?

7 A No.

8 Q How did you start searching this safe?

9 A After we opened up the safe, I saw -- in the one bag
10 I saw a brown powder and a white powder. After seeing the
11 powder, through my training and experience believed it to
12 be possibly fentanyl and maybe heroin. After finding
13 those objects, had everybody pull out of the closet. I
14 went and got a respirator and some gloves. I had on long
15 clothing at that time, so I always had my skin protected.

16 Q And what did you do?

17 A After that time is when I started to pull items out
18 of the safe and separate them.

19 Q Are you or is someone assisting in taking photographs
20 of these items as you're retrieving them?

21 A Yes. Agent Anthony was helping me with that.

22 (WHEREUPON, State's Exhibit Number 13 was marked for
23 identification.)

24 BY MS. OWENS:

25 Q I'm showing you State's Exhibit 13. Do you recognize

1 what's depicted in that photograph?

2 A Yes, I do.

3 Q What does that photograph show?

4 A That shows the white powder substance and the brown
5 powder substance.

6 Q Is it an accurate depiction of what you found inside
7 the safe?

8 A Yes, it is.

9 MS. OWENS: Your Honor, at this time I would offer
10 State's Exhibit 13.

11 THE COURT: Any objection?

12 MR. CHAMBERS: No objection, Your Honor.

13 THE COURT: All right. Number 13 is so admitted
14 without objection.

15 (WHEREUPON, State's Exhibit Number 13 was admitted into
16 evidence.)

17 MS. OWENS: With the Court's permission, I'd like to
18 publish the photograph.

19 THE COURT: Any objection to publication?

20 MR. CHAMBERS: No objection.

21 THE COURT: All right. No objection.

22 BY MS. OWENS:

23 Q Agent Bolde, if you could, describe for the jury what
24 it is we see in this photograph that's slightly different
25 from State's Exhibit 12.

1 A So that's the bag that I'm holding that has the
2 powder substances in it, believed to be the heroin and
3 fentanyl at that time.

4 Q What did you do with this item?

5 A At that time it was then sealed and bagged and given
6 to Agent Anthony to be put in a BEST bag.

7 Q I'm going to show you State's Exhibit 11. Do you
8 recognize that package?

9 A Yes, ma'am.

10 Q Is that the package inside of which these suspected
11 drugs would have been ultimately sealed for testing?

12 A Yes, ma'am.

13 Q Okay. What else did you find in that safe?

14 A The -- I don't have -- if I had a copy of the return
15 it would help as I believe there was numerous things
16 inside that safe. (Reviews document.)

17 Q After having an opportunity to review that return, do
18 you remember anything else that you found inside that
19 safe?

20 A So the two plastic bags that we just spoke about,
21 there was a plastic bag of crystal substance also inside
22 the safe.

23 Q Let me stop you right there. We'll take them one at
24 a time.

25 A Yes, ma'am.

1 (WHEREUPON, State's Exhibit Number 14 was marked for
2 identification.)

3 BY MS. OWENS:

4 Q I'm showing you State's Exhibit 14. Do you recognize
5 what's depicted in that photograph?

6 A Yes, ma'am. That is the crystal substance.

7 Q Is that an accurate depiction of what you discovered
8 inside the safe that was inside this defendant's closet on
9 November 15th?

10 A Yes, it is.

11 MS. OWENS: Your Honor, the State offers Exhibit 14.

12 THE COURT: Any objection?

13 MR. CHAMBERS: No objection, Your Honor.

14 THE COURT: All right. Number 14 state's exhibit is
15 so entered without objection.

16 (WHEREUPON, State's Exhibit Number 14 was admitted into
17 evidence.)

18 MS. OWENS: With the Court's permission, I'd like to
19 publish this photograph for the jury.

20 THE COURT: Any objection?

21 MR. CHAMBERS: No objection, Your Honor.

22 THE COURT: Without objection.

23 BY MS. OWENS:

24 Q Agent, once again, if you could tell us a little bit
25 more about what we're seeing in this photograph.

1 (WHEREUPON, State's Exhibit Number 15 was admitted into
2 evidence.)

3 MS. OWENS: With the Court's permission, I'd like to
4 publish it for the jury.

5 MR. CHAMBERS: No objection.

6 THE COURT: All right. No objection made.

7 BY MS. OWENS:

8 Q Agent, if you could, tell us what we are seeing
9 depicted in State's Exhibit 15.

10 A That is the rock -- the white substance, the rock
11 substance believed to be crack cocaine.

12 Q And would this substance have been packaged inside
13 State's Exhibit 11 for testing by SLED?

14 A Yes, it would have.

15 Q Did you find anything else in that safe?

16 A There was two guns inside the safe also. One was a
17 North American Arms 22 caliber revolver.

18 (WHEREUPON, State's Exhibit Number 16 was marked for
19 identification.)

20 BY MS. OWENS:

21 Q Agent, I'm showing you State's Exhibit 20 [sic]. If
22 you could, take a look inside this box and tell me whether
23 you recognize that specific weapon you just described.

24 A Yes, ma'am.

25 Q Is it the same weapon you found inside the

1 defendant's -- in that safe in the defendant's closet on
2 November 15th?

3 A Yes, it is.

4 Q How do you know?

5 A It has the same serial number.

6 Q Is it in the same condition as the day that you
7 located it in the house?

8 A Yes, it is.

9 Q Did you find anything else?

10 A I found a Davis Industries 32 caliber Derringer
11 pistol as well. It is also in this same box. And it is
12 labeled right here with the same serial number.

13 Q So are you able to determine that that firearm inside
14 State's Exhibit 16 is the same as the one that you
15 retrieved from the defendant's closet?

16 A Yes, I am.

17 Q Is it in the same condition as when you found it on
18 November 15, 2018?

19 A Yes, ma'am, it is.

20 Q Did you find anything else of evidentiary value
21 inside that safe?

22 A Inside the safe, I believe that was everything in the
23 safe.

24 Q Did you search anywhere else?

25 A Yes, ma'am.

1 Q Where?

2 A There was -- also on that table there was a
3 prescription bottle. Inside that prescription bottle had
4 several tablets and pills. And they were also provided to
5 Agent Anthony to be placed -- to be sent off for testing.

6 Q Are you able to determine whether those tablets are
7 inside State's Exhibit 11 that would have been sealed for
8 SLED analysis?

9 A (Reviews exhibit) Yes. It's hard to see through.
10 There's one. Yes.

11 Q What else did you find?

12 A There was two bottles of mannitol powder that was on
13 the shelf, the bookshelf back behind it.

14 Q Before you move forward, tell the jury a little bit
15 about why that was significant to the investigation.

16 A So with -- in a lot of cases with narcotics, people
17 do what we call cut the item to basically add more weight
18 to whatever the suspected item is. So they use items that
19 are close in color and texture. So mannitol is a white
20 powder substance which is consistent with heroin and
21 fentanyl.

22 Q In your experience, is mannitol frequently used to
23 cut or extend the amount of drugs any person has?

24 A Yes, it is.

25 Q Was it immediately apparent to you after finding this

1 in the closet that that was of investigatory value?

2 A Yes, it was.

3 Q I've got on the projector State's Exhibit 2. Could
4 you describe for the jury what we're seeing in this
5 photograph?

6 A That is the bottles of mannitol. And also there's
7 other -- there's acetone and 38 -- it looks like
8 38 special bullets, some other numerous ammunition and, I
9 believe, plastic bags and a vacuum sealed -- vacuum
10 sealer.

11 Q Why is that item significant to you?

12 A That's how they package items is in a plastic vacuum
13 seal bag.

14 Q So is this device, this black device on this shelf,
15 something that packages plastic bags?

16 A It vacuum seals and seals them out.

17 Q Okay. And in your training and experience as a
18 narcotics investigator, is that something that you've seen
19 frequently when doing drug investigations?

20 A Yes, it is.

21 Also, to go back with the -- inside the safe, I
22 forgot to mention the green plant material that was inside
23 the safe as well.

24 Q Now, as far as you recall from your participation in
25 the search that day, were all of the drugs inside the home

1 that you collected inside this one bedroom?

2 A Yes, they were.

3 Q To your knowledge were there drugs in any other
4 location in this home?

5 A That's the only drugs that I located.

6 Q Based on what you recall about being on scene that
7 day, was there any indication to you that a woman was
8 living in this home?

9 A No. So inside the closet was a lot of men's
10 clothing, I believe a lot of clothing and shoes and other
11 numerous items.

12 Q Did you see anything in the home, clothes or
13 otherwise, that appeared to be an indication that a woman
14 was living in this home?

15 A No, I do not.

16 Q Now, after you completed the search that day, did you
17 assist Agent Anthony in packaging up some of these items?

18 A Yes, I did.

19 Q Can you describe to the jury what you did as part of
20 that process?

21 A So since I had the respirator on and the gloves and I
22 had all the long clothing on, I was the one that took all
23 of these suspected narcotics at the time and placed them
24 into bags to be able to seal them and keep them safe,
25 because we don't -- anything with a powder can go up

1 airborne is the reason that I was helping him seal
2 everything out for everybody's safety on scene.

3 Q What are the actual things you do to package
4 evidence? What does that mean? What are you physically
5 doing?

6 A Place them into bags and to seal the bags.

7 Q Do you deposit those with a particular area at the
8 sheriff's office?

9 A Yes. So they will go into -- or the lockers. We
10 have locked lockers. So after everything is packaged up,
11 they will get sent to the lockers where ID or forensics
12 takes over possession of them to be stored.

13 Q Once an item is submitted at that locker for storage
14 or for testing, do you have access to it after that point?

15 A No, I do not.

16 (WHEREUPON, State's Exhibit Number 17 was marked for
17 identification.)

18 BY MS. OWENS:

19 Q Agent, I'm showing you State's Exhibit 17. Do you
20 recognize what's in that package?

21 A That is the sales receipt and the rental for a
22 vehicle or the -- for the sale, and then a registration
23 for the vehicle.

24 Q Do you recall whether you sealed and packaged that
25 item on November 15th?

1 A I do not recall if I sealed this one in particular.

2 Q Is your signature or anyone's signature on it
3 attesting to the seal?

4 A That is -- it says Brett RaVell.

5 Q Nonetheless, as part of the process of you preparing
6 this evidence for storage, is this one of the items that
7 you would have submitted to evidence storage?

8 A Yes. Yes, it is.

9 Q After you placed the guns and the drugs and any of
10 the other items that were packaged up for evidence into
11 storage that day, did you do anything else as part of this
12 investigation?

13 A I was done with the investigation after that point.

14 MS. OWENS: I don't have any additional questions.
15 If you would, answer any questions Mr. Chambers may have
16 for you.

17 THE COURT: Cross-examination.

18 MR. CHAMBERS: Your Honor, I don't have any questions
19 for this witness.

20 THE COURT: All right. Sir, you can step down.

21 All right, this will be a great time. Ladies and
22 gentlemen of the jury, we're going to -- I'm going to
23 pause at this particular time. I have a matter to take
24 care of this afternoon in Greenville County, and so I'm
25 going to send you -- let you go to lunch or you can go

1 home. But we're going to pause and reconvene tomorrow
2 morning very promptly at 9:30. We're going to get started
3 at 9:30 and conclude this matter.

4 So please, ma'am and please, sir, do not talk with
5 anyone about the case. Don't talk to your kids, your
6 spouse, your friends or anybody. Don't read any
7 newspapers. Don't do anything. And I will see you
8 tomorrow morning at 9:30.

9 Okay. Thank you all.

10 (WHEREUPON, the jury exits the courtroom at 12:59 p.m.,
11 and proceedings recessed.)
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1 Thursday, June 16, 2022

2 (WHEREUPON, proceedings reconvened at 9:41 a.m.)

3 THE COURT: Okay. Before we bring the jury out, let
4 me just ask the lawyers, anything we need to cover before
5 we bring the jury out? Anything came up overnight or over
6 yesterday?

7 MS. OWENS: Very briefly, Your Honor. We've reached
8 the point in the trial where not the first witness but I
9 believe the State's second witness this morning is a
10 witness through whom the State intends to elicit testimony
11 regarding a prior drug transaction involving this
12 defendant. And I have some authority on that subject if I
13 could share it with the Court.

14 THE COURT: Okay.

15 MS. OWENS: Your Honor, I know you've heard mention
16 up until this point in the trial, specifically in the
17 pretrial motions, that the day before deputies in this
18 case went to a magistrate to request a search warrant for
19 this residence on Glenda Lane, deputies with the Pickens
20 County Sheriff's Office assisted deputies with the
21 Greenville County Sheriff's Office as they orchestrated
22 and supervised a controlled drug transaction that occurred
23 at a residence in Greenville County. And you may recall
24 there was some discussion before this trial began that a
25 second transaction occurred at some point in August also

1 involving an informant who was being supervised by the
2 Greenville County Sheriff's Office and this defendant.
3 And there was some argument to be made that perhaps a
4 pending murder that happened in July 2019 involving this
5 defendant is also related to this series of transactions.

6 I will share with the Court that my focus for this
7 trial is the very limited and singular transaction that is
8 alleged to have occurred on November 8th. The reason I'd
9 offer that testimony, I believe that the State's required,
10 of course, to prove that the defendant intended to
11 distribute the drugs in his possession specifically
12 related to the cocaine, but as well, to the extent that
13 Mr. Chambers's theory of the case and his presentation to
14 the jury in his opening statement but also over the flavor
15 of cross-examination that has happened thus far is that
16 Mr. Morris was not in possession of these drugs as he
17 wasn't a resident of this home but instead was a visitor
18 and I anticipate, at the end of this trial, merely present
19 at the scene of the crime where these drugs were located.

20 With that being said, it's become even more critical
21 that the State address the defendant's intent both to
22 potentially aid, assist and abet this female person should
23 the jury choose to accept the defendant's theory that this
24 was her home and her drugs, but also more importantly the
25 specific element of intent to distribute.

1 Like I said, I've shared some authority with the
2 Court. The leading case on top is a case from 1989 but it
3 is repeatedly and consistently cited by our court as an
4 authoritative research on this subject. And I point the
5 Court's attention to the end of the opinion that says
6 specifically: The State argues this testimony was
7 admissible to establish the element of intent. The
8 evidence that the appellant sold cocaine on two occasions
9 one month earlier tends to establish his intent regarding
10 the cocaine in his possession.

11 I remind the Court that the allegations thus far are
12 that the drugs in this defendant's home at the time of
13 this search warrant were the subject of a transaction that
14 occurred on November 8th. Not a month before, but just a
15 few days before. So I'd point to that authority.

16 And, of course, to the extent that the other opinion,
17 State vs. King, State vs. Wilson both mentioned that the
18 prior drug transaction is probative on the issue of
19 intent, and that I'd add, of course, that in this case it
20 is particularly probative in addition on the subject of
21 identity now that the issue has been made of the
22 defendant's possession.

23 And as a sort of secondary not necessarily
24 alternative position, it's also the State's position that
25 this information is part of the res gestae in the case.

1 The jury has heard thus far that deputies did surveillance
2 on November 8th, obtained a search warrant on
3 November 9th, and ultimately executed that search warrant
4 on November 15th. They've not yet received information
5 about the underlying basis for that search warrant.

6 THE COURT: What's the dates of the Greenville?

7 MS. OWENS: The drug transaction in Greenville is
8 alleged to have occurred on November 8th.

9 THE COURT: All right. That case is still pending.

10 MS. OWENS: It is.

11 THE COURT: In the State v. Gore case -- and, of
12 course, I'll hear from Mr. Chambers in a minute -- I just
13 looked at the case. I'm familiar with it somewhat. But
14 in this case, was there a conviction of the defendant in
15 the prior drug transaction? In other words, what I'm
16 asking is was there a conviction of that charge? Was this
17 defendant ultimately charged in the prior transaction and
18 when this case was -- this case cites that case -- cites
19 this transaction, was there a conviction already in the
20 prior case?

21 MS. OWENS: In the Gore case?

22 THE COURT: In the Gore case.

23 MS. OWENS: It's my understanding, based on the
24 recited facts in that opinion, that a person who purchased
25 the drugs from Mr. Gore in that case testified about

1 having made that purchase. It doesn't indicate whether it
2 was the subject of a charge. But I will share with this
3 court, and I understand that Your Honor's well aware of
4 this, the State's required to prove that transaction by
5 clear and convincing evidence, not that the defendant has
6 already been convicted of it or should be convicted of it,
7 but instead that the State can demonstrate by clear and
8 convincing evidence that that prior transaction occurred.

9 THE COURT: King stands for the same premise, the
10 King case?

11 MS. OWENS: Yes, sir. The Court specifically notes,
12 and if you want to turn to the fourth page ---

13 THE COURT: Okay.

14 MS. OWENS: --- there's a discussion about Lyle
15 specifically, which is, of course, the underlying basis of
16 the rule that we are offering the 404 evidence, that
17 there's, of course, a logical relevance, that the evidence
18 of the distribution must be clear and convincing, and
19 that, again, they cite Gore for this proposition, and note
20 that in that case proof of intent was integral to the
21 State's case.

22 On the following page it reaches the facts of King
23 and says in that final paragraph before Subsection B that
24 a witness's testimony averred at trial that she bought
25 crack cocaine from King at least 20 times and saw King

1 engage in 40 additional drug transactions with other
2 persons. These experiences factually support the
3 admission of her testimony as evidence of King's prior
4 drug transactions.

5 So to the extent that it's the State's position this
6 case stands for the proposition that the prior
7 transactions are integral and important to the State's
8 ability to prove the element of intent, that's, I believe,
9 the basis for the State seeking to proffer this testimony.

10 THE COURT: So give me a little feedback on the
11 State's Rule 403 analysis in terms of probative value.
12 Give me the State's -- let me do this before I do that.
13 I'm going back and forth with you and I haven't let
14 Mr. Chambers chime in. I'm going to ask you the same
15 question, but I'm going to give him the opportunity to
16 respond to your questions. And I may ask you both the
17 same questions ---

18 MS. OWENS: Certainly.

19 THE COURT: --- about the 403 analysis.

20 Go ahead, Mr. Chambers.

21 MR. CHAMBERS: Well, Your Honor, in all candor, I
22 didn't anticipate that she would be seeking to get in
23 these prior drug transactions in what is a trafficking
24 case.

25 First of all, our position would be -- and I haven't

1 looked at any of the case law on this -- that anything
2 that happened prior to this, the only thing that -- that
3 matters only as far as getting the search warrant. And
4 they got the search warrant. We've litigated the search
5 warrant issue, and so now it is merely whether my client
6 possessed what they found there at that house, exercised
7 dominion and control over it. There's no way in the world
8 that a prior drug buy has anything to do with that. It's
9 too removed. I mean, I get the argument that it goes to
10 intent to be involved in the drug trade, but it doesn't
11 have anything to do with whether or not he controlled
12 those premises there.

13 And as far as the 403 analysis, which you always have
14 to do as the Court has already alluded to anytime that one
15 side seeks to offer the 404(b) evidence, is is it more
16 prejudicial than it is probative? In this case that's
17 clear. The jury hears that he engaged in drug
18 transactions a couple of days before this, we might as
19 well stop now. I mean, there's no way in the world
20 they're not going to convict him at that point, and I
21 suspect that's why she wants so badly to get it in.

22 The truth of the matter is, they had control of these
23 premises. If there was evidence, and they've alluded to
24 some evidence, talk about a car registration that has that
25 -- that's in his name that has that address on it, that's

1 how they make their case that he controlled these
2 premises, that he possessed those drugs. But to try and
3 go back before that and talk about the drug transactions
4 that they used to get this search warrant, that's just an
5 effort to prejudice my client. Because if that comes into
6 evidence, there's no way that the jury is not going to
7 convict him. And that's just the fact.

8 THE COURT: Well, thank you, Mr. Chambers.

9 I want to hear from you, Madam Solicitor, because I
10 think all these cases, the Court is very clear in all
11 these cases that you've got to have a 403 analysis. I
12 think it's critical that you have a 403 analysis,
13 particularly in this case.

14 Now, understanding -- my understanding what the
15 defense's theory of the case is, how do you reconcile what
16 you're asking the Court to do in terms of tipping the
17 scale when you talk about probative value versus
18 prejudicial effect? And you've got to be careful with
19 that scale. And 403 requires that you do that. So a lot
20 of cases on that, and I've read a bunch of them. So I
21 want to hear from you as to why do you -- first of all,
22 understanding the defendant's theory of the case, it's my
23 understanding -- and I'm just listening because there's
24 some question about whether or not the defendant was
25 present -- or not present, but whether or not the

1 defendant, that was the residence where this defendant
2 was, you know. Because that's the defendant's theory of
3 the case. So let me hear from you on that 403 analysis,
4 and let me see what you say. And I'll get Mr. Chambers to
5 respond.

6 MS. OWENS: Yes, sir. I'd certainly say that I
7 understand that Mr. Chambers has limited, at least in his
8 comments to the jury so far, the State to pursuing a
9 theory of only possession. And the State's not bound to
10 that avenue. There are other means by which the defendant
11 could be found by this jury guilty of the offenses of
12 trafficking in heroin and trafficking in methamphetamine
13 based on his assistance to other individuals who sold
14 drugs or his participation in drug transactions.

15 So I say that at the outset to say that this evidence
16 is not just relevant to the intent element that the State
17 is required to prove as to the possession with intent to
18 distribute cocaine. It is also relevant to the intent
19 elements as to each of the trafficking offenses.
20 Likewise, it is relevant, again, to identity to the extent
21 that the defendant has made argument that it is instead a
22 female occupant of this home who is responsible for the
23 drugs. In that respect, I'd suggest to this court that
24 the defendant has opened the door by pursuing that legal
25 theory on top of the independent basis for this to be part

1 of the State's case in chief.

2 Specifically, as it relates to the probative value of
3 this evidence, I think it's apparent that it's probative.
4 But, of course, the question ---

5 THE COURT: Go back to "open the door." Tell me how
6 -- expound upon that.

7 MS. OWENS: Well, had the theory of the case been
8 that the defendant was merely present and that that was
9 the end of the argument, I don't know that it would have
10 been so critical that the State respond to that theory by
11 offering a more full picture of the case. But in this
12 instance when the argument is that the female occupant of
13 this home is responsible for the drugs in the house to the
14 exclusion of this defendant, then it becomes critical,
15 prudent and integral for the State's case to offer
16 information about the defendant's intent and identity.
17 They've become more critical now that the evidence or the
18 argument is that the drugs belonged to another individual
19 to the exclusion of this defendant.

20 So it is that theory which has made this evidence
21 substantially more probative than it otherwise would have
22 been had it only been limited to the subject of intent to
23 distribute. It is now probative on the elements of
24 trafficking as well and probative on the issue of
25 identity.

1 Speaking specifically to that balancing analysis, I
2 direct the Court to the case that I delivered to you, the
3 State vs. Wilson. There is a discussion in that case
4 about the probative value of this evidence, of course,
5 compared to its prejudicial effect.

6 Toward the very end of the opinion on the last page,
7 the paragraph notes that in light of the State's reliance
8 on circumstantial evidence to prove intent, the evidence
9 of a prior drug transaction only two days earlier at the
10 same location was especially probative. Its probative
11 value was not substantially outweighed by the danger of
12 suggesting a decision on an emotional or other improper
13 basis.

14 In that case, similarly, evidence of a prior drug
15 transaction was offered to prove the element of intent.
16 Again, I would suggest in this case it is even more
17 important and more probative because it is offered not
18 only for intent, but identity as well.

19 THE COURT: All right. Mr. Chambers, I know these
20 cases were just provided to you by Madam Solicitor, and
21 I'm just going to be fair to both sides. Do you need an
22 opportunity to read these cases before you respond? And
23 if you do, I'll give you an opportunity.

24 MR. CHAMBERS: I do, Your Honor. But even hearing
25 the solicitor's argument, even if these do have some

1 probative value, which I still think it is in doubt given
2 the nature of this case, regardless, the 403 balancing act
3 that you have to do, I don't know how you get past that.
4 I mean, okay, I realize that there are other ways you can
5 traffic other than possessing, and they can certainly put
6 up evidence to that if they have it.

7 But, again, this is very simple. This is a search
8 warrant case. He either had control of the premises or
9 not. Their position has been that he does. Their
10 position is that they have evidence of that. And in
11 looking at their witness list, as an example, they have
12 Heidi Merriweather-Walker on there. They got a statement
13 from her the day that they executed the search warrant
14 where she says that Mr. Morris lived there, that she only
15 stayed there occasionally, that she sometimes had her
16 children over there. She talks about the fact that she
17 knew that he was involved in drug activity. She talks
18 about the fact that he was keeping those drugs there. You
19 had all those officers out there who gathered up evidence
20 and are able to document who was in control of those
21 premises, who exercised dominion and control over the
22 premises.

23 Basically, what she's saying is he's saying that he
24 was just present, he didn't have anything to do with what
25 was going on there, but we know that he was engaged in the

1 drug trade because he sold drugs just a few days before
2 that. But even if that's true and they prove that, that
3 doesn't lead us to the fact that he somehow had dominion
4 and control over what was present at that address that
5 day. That merely means -- I mean, he could have been
6 going by there to pick up drugs from this woman. That
7 doesn't mean that he's responsible for what's inside the
8 residence there.

9 So I think the probative value is suspect, but I
10 certainly think the prejudicial effect is such that if
11 that comes in, then my client is going -- he's going to be
12 convicted. That's just the bottom line.

13 THE COURT: Anything else, Ms. Owens?

14 MS. OWENS: No, sir, Your Honor.

15 THE COURT: All right. This is a very important
16 issue, so I'm going to take a few minutes and I'm going to
17 read all these cases. And I don't want to keep the jury
18 back there too long. What is it? Ten minutes -- it's
19 about 9:58. Give me about ten minutes to read these
20 cases. We'll stand down in about ten minutes. I'll be
21 right back.

22 (WHEREUPON, a recess is taken at 9:58 a.m.)

23 THE COURT: All right. Let's go back on the record.

24 Let me be as deliberate as I can because I want to
25 make sure that the record is clear on this particular

1 ruling. I read the Gore case, and I think the other case
2 that was of some particular importance was the Wilson
3 case.

4 Now, in the Gore case, you had -- let me just go to
5 it. In the Gore case, we had an appellant was charged
6 with possession of drugs and drug paraphernalia. In that
7 case the appellant, who was the defendant in this case --
8 in that case, denied in open court under sworn testimony,
9 I'm assuming, that he was residing at the trailer at the
10 time in question of a drug transaction. Upon
11 cross-examination by the solicitor, he denied ever selling
12 drugs out of that trailer. That's in the case. Over the
13 appellant's objection, the trial judge allowed reply
14 testimony by a confidential informant who stated he had
15 purchased cocaine from the appellant at the trailer on two
16 prior occasions.

17 Let's stop right here. You've got a defendant who
18 says under oath he denied selling drugs out of a trailer.
19 Okay. Trial judge, over the objection of the defendant,
20 allowed testimony from a confidential informant who
21 testified in that case I -- there was a -- it was a
22 transaction two days earlier. That's that set of facts.

23 Okay. My review of the indictments that I've seen,
24 and that the question is dominion and control in this
25 current case, possession. My understanding, the

1 defendant's theory of the case borders on whether or not
2 this defendant had possession and control. The set of
3 facts in this case is different than in Gore.

4 Now, if you go to the Wilson case, and I looked at
5 the Wilson case, we've got a similar scenario. And
6 counsel, Madam Solicitor went through the last sentence
7 and said in the Wilson case, and that's -- for Madam Court
8 Reporter, that case is found in 545 S.E.2d 827, and that
9 was a 2001 case. The Gore case is a little bit older.
10 That was found in 384 S.E.2d 750. That's a 1989 case.
11 But in the Wilson case, the last paragraph -- and here
12 this was whether or not the admittance of a prior drug
13 transaction: In light of the State's reliance on
14 circumstantial evidence to prove intent, the evidence of a
15 prior drug transaction only two days earlier at the same
16 location was especially probative. Further, probative
17 value was not substantially outweighed by the danger of
18 suggesting a decision on an emotional or other improper
19 basis.

20 In Wilson the facts are different. In this case, the
21 State is relying -- or the State -- the burden -- I'm
22 assuming the burden of the State relies solely on the
23 issues of -- or primarily on the issue of possession,
24 whether that possession is actual possession, constructive
25 possession. Those facts are different.

1 So I take -- this court, not the Court in the Gore,
2 the Court in Wilson or the Court -- the Dunlap case or the
3 King case -- this court has the sole task of looking at
4 the -- looking at this case just before it and making a
5 403 analysis. And upon this court making a 403 analysis,
6 this court, Madam Solicitor, would deny the State's
7 motion. The Court will make a finding on the record that
8 the prejudicial effect outweighs the probative value, and
9 we would respectfully deny your motion.

10 MS. OWENS: I understand, Your Honor. I certainly
11 would like the opportunity to revisit it should the
12 defendant testify and change the landscape of the case.

13 THE COURT: Sure. As noted for the record.

14 All right. Anything else?

15 MS. OWENS: No, sir, Your Honor.

16 THE COURT: All right. Bring them in.

17 (WHEREUPON, the jury entered the courtroom at 10:14 a.m.)

18 THE COURT: All right. Good morning. I trust that
19 everyone is well rested and ready to go. I can see it
20 written all over your face.

21 All right. Madam Solicitor?

22 MS. OWENS: Thank you, Your Honor. May it please the
23 Court. The State calls agent Kevin Durham.

24 Agent, if you would, sir, please come up and be
25 sworn.

1 WHEREUPON,

2 KEVIN DURHAM

3 After having been duly sworn, testified as follows:

4 THE CLERK: If you would, have a seat, and state your
5 name for the record.

6 THE WITNESS: Good morning. My name is Kevin Durham.

7 DIRECT EXAMINATION

8 BY MS. OWENS:

9 Q Agent, where do you work?

10 A Pickens County Sheriff's Office.

11 Q How long have you worked at the sheriff's office?

12 A 18 1/2 years.

13 Q What's your current assignment at the sheriff's
14 office?

15 A I'm an agent within the Special Operations Division.
16 We work primarily narcotics cases. Sometimes we get into
17 other cases, but mostly it's narcotics cases.

18 Q Were you working in that capacity back in November of
19 2018?

20 A I was.

21 Q Did you assist some other deputies in executing a
22 search warrant at a residence on Glenda Lane?

23 A I did.

24 Q Is that residence inside Pickens County?

25 A It is.

1 Q What happened when you arrived?

2 A Once we got there, myself and Agent Anthony attempted
3 to do what we call a soft approach. Went up and knocked
4 on the door. I had a contingency plan in case no one
5 answered the door. But my primary role at the beginning
6 was to knock on the door and see if we can get somebody to
7 come and speak with us.

8 Q Why would you do that?

9 A That's just -- it's just another tactic that we use
10 that tries to use safety first. And, you know, executing
11 search warrants is a very dangerous -- potentially
12 dangerous thing to do. So it's just what we thought might
13 remedy some of that.

14 Q Well, when that didn't work, what did you do next?

15 A At that time the other team stacked up on the right
16 side -- or not in the middle of the trailer but it's more
17 on the right side, and stacked up and made entry, a
18 dynamic entry into the residence. At that time myself and
19 Agent Anthony kind of fell in the back of the stack to
20 handcuff or whatever needed to be done at that time. We
21 were just going to jump in and do what we had to do.

22 Q Generally speaking, in terms of the layout of the
23 home, what did you notice?

24 A Not a lot of furniture. Once we got in there, it was
25 kind of just empty, more of an empty feeling in that

1 living room there.

2 Q Do you remember how many bedrooms the house had?

3 A My primary focus was in the bedroom to the right.

4 I'm not sure that I ever even went into another bedroom.

5 I know there was one bedroom, I think, that was used as a
6 place to house a canine.

7 Q Was there anything else in that room?

8 A Not to my recollection.

9 Q Now, you mentioned that you focused specifically on
10 this one bedroom. Tell us a little bit about what that
11 bedroom looks like.

12 A Once you enter the bedroom, there was like a TV stand
13 on the right, the bed was kind of facing you on your
14 right-hand side, there was a nightstand beside the bed.
15 Once -- the first door to the left would take you into the
16 bathroom. There was a door next to that -- or past that
17 that would actually take you into a walk-in closet area.

18 Q We heard some testimony yesterday about search of
19 that closet area. Did you participate at all in the
20 search of the closet?

21 A Not in the search, no.

22 Q Where did you focus your search?

23 A My search was primarily the master bedroom area, the
24 bed, under the bed, dresser drawers.

25 Q Do you remember what you found?

6 BY MS. OWENS:

9 A Yes, ma'am, I do.

11 A I remember seeing the two pistols once I opened the
12 drawer there.

16 | A Yes, ma'am.

19 THE COURT: Any objection?

21 THE COURT: Without objection, State's Number 18 is
22 so admitted.

25 MS. OWENS: With the Court's permission, I'd like to

1 publish it for the jury.

2 MR. CHAMBERS: No objection, Your Honor.

3 THE COURT: No objection.

4 BY MS. OWENS:

5 Q Now that this photograph is projected on the screen,
6 could you share for the jury what it is we see?

7 A Yes. If you're going from the bottom to the top, the
8 first pistol there, the bigger one, is a -- what I believe
9 -- I don't have the search warrant return in front of me,
10 but it was a Hi-Point pistol, and the one above that would
11 be a revolver pistol.

12 Q Is that the contents of the drawer exactly as you
13 found it on November 15th?

14 A Yes, ma'am, it is.

15 Q Agent, I'm showing you State's Exhibit 16. If you
16 will, open that box and tell me whether you recognize any
17 of the items inside.

18 A Yes, ma'am, I do.

19 Q Now, you testified a moment ago that you assisted in
20 preparing the return to the search warrant in this case.

21 A Yes, ma'am. It's very common for once everything is
22 located and taken to the scribe that we assist each other
23 in making sure all the things that we collected are
24 brought back to the sheriff's office, and we all take part
25 in that.

1 Q And would the serial numbers of the guns that you
2 located in this drawer have been recorded on that
3 return?

4 A Yes, ma'am.

5 Q In that event, are you able to compare what was
6 recorded in the return to the guns that are in that box?

7 A Yes, ma'am, I am.

8 Q Are you able to determine just from looking at those
9 guns whether those are, in fact, the same guns that were
10 in the drawer?

11 A Well, it would be hard if we didn't write the serial
12 numbers down. But since we write the serial numbers down,
13 those don't change.

14 Q Well, do you know those serial numbers by memory?

15 A No, I do not.

16 Q Would it refresh your recollection to review that
17 return to be able to compare those numbers?

18 A It would. (Reviews document.)

19 Q After having an opportunity to review that return,
20 are you able to determine whether the guns, specifically
21 the revolvers in the drawer, are the -- or we'll start
22 with one at a time -- the Hi-Point revolver that you
23 mentioned is, in fact, the same weapon that you retrieved
24 from the defendant's home on November 15th?

25 A (Reviews document) Maybe I'm overlooking it. Give me

1 one second.

2 I'm not seeing those guns on these pages.

3 Q They're two-sided, if that helps.

4 A That would help.

5 (Reviews document) Yes, ma'am, I found them.

6 Item Number 15 says Hi-Point, a .45 caliber pistol
7 with one loaded magazine with a serial number that matches
8 the Hi-Point in front of me. Sorry.

9 Q That's fine.

10 Is that Hi-Point in that -- in State's Exhibit 16 in
11 the same condition as you found it there on November 15th?

12 A It is in the same condition other than being
13 unloaded.

14 Q I understand.

15 A It was loaded then.

16 Q You mentioned that there was a second gun that you
17 found. After reviewing State's Exhibit 16, can you attest
18 whether that gun is the same gun that you retrieved from
19 that drawer on November 15th?

20 A Yes, ma'am, it is.

21 Q Okay. Now, I believe you mentioned just a moment ago
22 that you found another item near that nightstand.

23 A Yes, ma'am.

24 Q What did you find?

25 A Behind the nightstand was a shotgun.

25 | *///*

1 MS. OWENS:

2 Q Agent, I'm showing you State's Exhibit 3. If you
3 could, take a look inside that box and tell me whether you
4 recognize that Mossberg inside.

5 A Yes, ma'am, it is.

6 Q How are you able to determine that it's the same?

7 A Once we collected it, it was taken to the scribe who
8 wrote the serial number down that matches what is on the
9 return.

10 Q And is that particular shotgun in the same condition
11 as you found it there behind the nightstand on
12 November 15th?

13 A Yes, ma'am. Other than being unloaded, it is in the
14 same condition.

15 MS. OWENS: Your Honor, at this time the State offers
16 Exhibit 3 into evidence.

17 THE COURT: Any objection?

18 MR. CHAMBERS: No objection, Your Honor.

19 THE COURT: State's Number 3 is so admitted.

20 (WHEREUPON, State's Exhibit Number 3 was admitted into
21 evidence.)

22 MS. OWENS: And for the Court's information, I'll
23 share these weapons have been rendered safe.

24 THE COURT: All right. So noted.

25 ///

1 BY MS. OWENS:

2 Q Deputy, did you search anywhere else in the house?

3 A Just continued searching in that bedroom.

4 Q During your search of that bedroom or any other areas
5 of the house, did you ever find any items of female
6 clothing?

7 A The only female clothing that was there was what was
8 found in that bedroom which was just one set of -- just a
9 pair of pants and shirt.

10 Q And I know we revisited this yesterday but I just
11 want to make sure, was the female occupant of this home
12 nude when you arrived?

13 A Yes, ma'am, she was.

14 Q Did you see more clothes than the clothes she would
15 have been wearing?

16 A No, ma'am, I did not.

17 Q So a singular set of undergarments and top or bottom?

18 A That's it. That was all we found.

19 Q Did you see any other indications of any kind that a
20 woman lived in this home?

21 A No, ma'am. Through -- through our investigation
22 there, I was just in the bedroom searching. But, you
23 know, we walked through the house, did not see anything
24 indicating that a female lived at that residence.

25 Q And I want to call specific attention to the bathroom

1 or any areas that would been used as a restroom facility.
2 Did you specifically see, at any point during that search,
3 feminine hygiene products?

4 A I did not.

5 Q Now, you testified about the weapons that you found.
6 Did you assist Agent Anthony and Agent Bolde in packaging
7 up these items for submission for testing and storage?

8 A Yes, ma'am, I did.

9 Q Generally speaking, what did you do?

10 A Just collected evidence that had been scribed down,
11 make sure that we didn't leave anything behind, putting
12 things together, bagging items. Just basically gathering
13 items that we deemed evidentiary in this case.

14 (WHEREUPON, State's Exhibit Number 20 was marked for
15 identification.)

16 BY MS. OWENS:

17 Q Agent, I'm showing you State's Exhibit 20. Do you
18 recognize what's depicted in that photo?

19 A Yes, ma'am, I do.

20 Q What is that photo of?

21 A This is a photo of what we had bagged up, a couple
22 bags showing a pill bottle, there's a bag that appears to
23 have cash in it, and also in this picture would be a
24 picture of the defendant's driver's license.

25 Q And is that a photograph of one or some of the items

1 that were collected as part of the search that day?

2 A Yes, ma'am, it is.

3 Q As you recall, is that an accurate depiction of those
4 items as they were laid out for packaging and processing
5 that day?

6 A Yes, ma'am, they are.

7 MS. OWENS: Your Honor, at this time the State offers
8 Exhibit 20.

9 THE COURT: Any objection?

10 MR. CHAMBERS: No objection, Your Honor.

11 THE COURT: All right. State's Number 20 is so
12 admitted without objection.

13 (WHEREUPON, State's Exhibit Number 20 was admitted into
14 evidence.)

15 MS. OWENS: With the Court's permission, I'd like to
16 publish it for the jury.

17 THE COURT: Any objection?

18 MR. CHAMBERS: No objection, Your Honor.

19 THE COURT: All right. So noted.

20 BY MS. OWENS:

21 Q Agent, I've got State's Exhibit 20 projected on the
22 screen, and I'd like to call specific attention to the
23 defendant's driver's license that's depicted in this
24 photo. Are you able to see that?

25 A I am.

1 Q Could you share with the jury what the defendant's
2 address is recorded on his driver's license?

3 A On that driver's license, it shows his name, and
4 under that it says 200 Glenda Lane in Easley.

5 Q And is that the address of the property you were
6 searching on November 15th?

7 A Yes, ma'am, it is.

8 Q Now, Agent, you testified specifically about some
9 weapons in this case. Were you able to find out any
10 information about these guns?

11 A No, ma'am. I wasn't, other than who originally
12 bought the weapon is basically all you can find out
13 through running the serial numbers.

14 Q Are you able to determine whether a gun is registered
15 to a person?

16 A No, ma'am. That's I guess you could call it a myth.
17 People think that just because it has a serial number that
18 it would be registered to whoever actually owns that gun
19 at the time. But short of buying a weapon, there's really
20 no way of actually knowing who actually owns that gun at
21 the time.

22 Q So is there no such thing as a master gun registry?

23 A There's no such thing.

24 Q After you packaged up these items and assisted with
25 the other deputies in preparing this return, did you do

1 anything else as part of this investigation?

2 A No, ma'am, I didn't.

3 MS. OWENS: Thank you, sir. If you would, answer any
4 questions Mr. Chambers may have for you.

5 THE COURT: Cross-examination.

6 CROSS EXAMINATION

7 BY MR. CHAMBERS:

8 Q Agent Anthony was the lead investigator on this case,
9 correct?

10 A That is correct.

11 Q And so he was primarily involved with securing the
12 search warrant, and I guess he was in charge when y'all
13 went out there to the premises, correct?

14 A That's correct.

15 Q And your role was specifically defined, and you went
16 over that you were there to help with the search,
17 correct?

18 A That's correct.

19 Q So as far as making a determination whether there --
20 what pictures would be taken, whether any fingerprints
21 were checked for, anything like that, that would have been
22 for Agent Anthony to determine, correct?

23 A Well, we help each other, but it would be ultimately
24 his decision, yes.

25 Q What was the reason for seizing the guns? And the

1 reason I ask is, as you've already alluded to, it's true,
2 isn't it, that there's nothing illegal about guns in and
3 of themselves? I mean, it can be illegal for certain
4 people to possess them. Certain types of weapons like
5 that sawed-off shotgun can be illegal. But just generally
6 speaking, most people have guns in their homes and there's
7 nothing illegal about that, correct?

8 A There's nothing illegal about having guns in your
9 home if you're allowed to have them, correct.

10 Q I understand. So what was your reason for seizing
11 all of the guns in this particular case?

12 A Well, in this case with the amount of drugs that were
13 found at the residence, we're obviously not going to leave
14 this many weapons at a house where we've just taken the
15 amount of drugs. It was for that reason.

16 Q Okay. And as you said, there's no registry. But was
17 there any attempt at all to check sales record or
18 anything, like to determine ownership of any of the
19 weapons?

20 A That is not my role, sir.

21 Q Okay. And do you know if, once packaged up for
22 evidence purposes, were these guns ever processed for
23 fingerprints or anything like that, to your knowledge?

24 A Not to my knowledge, there was not.

25 MR. CHAMBERS: That's all the questions I have.

1 Thank you.

2 THE COURT: Redirect?

3 MS. OWENS: Nothing on redirect, Your Honor.

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

6 THE WITNESS: Thank you.

7 THE COURT: Both sides want him to remain or be
8 excused?

9 MS. OWENS: I'd certainly defer to the Court, Your
10 Honor.

11 MR. CHAMBERS: I'm sorry, Your Honor. I was talking
12 to my client.

13 THE COURT: You want him to remain or be excused?
14 Sir, you can remain or be excused. It's up to you.

15 THE WITNESS: Thank you. I'll stay.

16 THE COURT: All right. State call its next witness.

17 MS. OWENS: Thank you, Your Honor. May it please the
18 Court. The State calls investigator Jeremy Jones.

19 Sir, if you would, please come up and be sworn.
20 WHEREUPON,

21 JEREMY JONES

22 After having been duly sworn, testified as follows:

23 THE CLERK: Thank you, sir. If you would, have a
24 seat and state your name for the record.

25 THE WITNESS: Jeremy Jones.

DIRECT EXAMINATION

BY MS. OWENS:

Q Investigator, where do you work?

A I work for the Greenville County Sheriff's Office.

Q How long have you worked for the sheriff's office?

A 18 years.

Q What's your current assignment at the sheriff's office?

A I'm assigned to the Multijurisdictional Drug Enforcement Unit.

Q What does that mean?

A So we have a unit. It's basically our Vice and Narcotics Unit, but we've incorporated it with all of the smaller municipalities throughout Greenville County. Just about all of them have representation in our office. We kind of pool our assets and our resources so that we can conduct more thorough investigations.

Q And generally speaking, what does the Drug Enforcement Unit do in Greenville County?

A We do drug investigations. We develop, manage CIs, we do undercover drug purchases, we do controlled purchases with CIs, surveillance. Things of that nature.

Q Now, you say "CI." I'm afraid that might be a term of art. What does that mean?

A Confidential informant. Whether it be criminal or

1 good citizens that just want to help us that have the
2 ability to get to some of the people that we want to
3 investigate, it makes the job a little easier.

4 Q Now, how long have you been working with the Drug
5 Enforcement Unit?

6 A Just over three years. I was there when it first
7 started, when they first put it together. I was one of
8 the first members.

9 Q Were you working in that capacity back in November of
10 2018?

11 A At that time we were just the Greenville County Vice
12 and Narcotics. This was prior to the Drug Enforcement
13 Unit being put together.

14 Q Well, in your capacity as an investigator for the
15 Narcotics Unit at the sheriff's office, do you remember
16 whether you assisted deputies with the Pickens County
17 Sheriff's Office in the execution of the search warrant at
18 200 Glenda Lane here in Pickens County?

19 A I did.

20 Q Do you recall how you became involved?

21 A I do. They -- they obtained a search warrant for
22 this -- for this location. I went to that location the
23 day that they executed it. I was not part of the entry
24 team. I was part of the search team that assisted after
25 -- after entry was made and the residence was secure. And

1 I went in and basically assisted with searching the
2 residence.

3 Q Do you remember where you searched?

4 A I do. I searched -- I focused most of my search to a
5 dresser in the master bedroom. Now, I walked through the
6 master bedroom, the closet, the bathroom.

7 Typically, when I go into a residence, I'll kind of
8 walk through and look for any kind of dangers that could
9 be overlooked, whether it be hand grenades, a pipe bomb,
10 things of that nature. I'll kind of walk through and just
11 kind of get my head around what's around me, of where I'm
12 at and what's there. And then I'll focus a search on a
13 specific area that nobody else is searching already.
14 There was some other investigators searching the bedroom.
15 Nobody was at the dresser, so I went ahead and just
16 elected myself to take care of that piece.

17 Q Now, you described this as a dresser. Do you
18 remember how many drawers it had?

19 A I don't. It was -- it was probably up to here
20 (gesturing) on me, maybe. Maybe five foot tall. Multiple
21 drawers coming up. Yeah.

22 Q Did you look inside each one of those drawers?

23 A I did.

24 Q Do you remember, generally speaking, the contents of
25 those drawers?

1 A Mostly men's clothes. No women's clothes. There was
2 a firearm in the bottom drawer. The rest was just kind of
3 odds and ends and stuff.

4 (WHEREUPON, State's Exhibit Number 21 was marked for
5 identification.)

6 BY MS. OWENS:

7 Q Investigator, I'm showing you State's Exhibit 21. Do
8 you recognize what's depicted in that photograph?

9 A Yes, ma'am. It's the revolver that I located in the
10 bottom drawer.

11 Q Is that an accurate depiction of what you found
12 inside the drawer?

13 A It is.

14 Q Is that photograph taken before you removed that gun
15 from that drawer?

16 A Yes, ma'am.

17 Q So is that photograph exactly how it was situated in
18 that dresser drawer?

19 A Yes, ma'am.

20 And that's common. We try to leave things as they
21 are when we see them. Unless there's a danger that
22 requires us to touch it immediately, we leave it like it
23 is, get a photo of it and then render the gun safe if need
24 be.

25 MS. OWENS: Your Honor, at this time I'd offer

1 State's Exhibit 21.

2 MR. CHAMBERS: No objection, Your Honor.

3 THE COURT: State's Number 21 is so admitted without
4 objection.

5 (WHEREUPON, State's Exhibit Number 21 was admitted into
6 evidence.)

7 MS. OWENS: With the Court's permission, I'd like to
8 publish it for the jury.

9 MR. CHAMBERS: No objection, Your Honor.

10 THE COURT: No objection. So noted.

11 BY MS. OWENS:

12 Q Investigator, I'm showing you State's Exhibit 16. If
13 you could, take a look inside that box and tell me whether
14 you recognize the firearm that you discovered during your
15 search on November 15th.

16 A Yes, ma'am.

17 Q How do you recognize it?

18 A By the grips. It being an older style revolver,
19 they're not real common, the grips are not real what I
20 would classify as a common grip for modern firearms.

21 Q Now, when you located this firearm, what did you do
22 with it there that day?

23 A That day we -- I picked it up. I can't recall if it
24 was loaded or not at the time. I would have checked to
25 make sure it was not loaded, and then I would have taken

3 A To make sure it doesn't get forgotten or left at the
4 scene. But we take it to the scribe. We hand it to them,
5 and then they log it. They log the serial number, you
6 know, who found it, where it was found. And that just
7 helps us keep track of the evidence later.

11 A If I looked at the return, I could, yes. (Reviews
12 document) And it is the same, yes, ma'am.

15 MR. CHAMBERS: No objection, Your Honor.

18 (WHEREUPON, State's Exhibit Number 16 was admitted into
19 evidence.)

21 Q Do you remember whether you searched any other areas
22 that day?

25 Q Did you find his driver's license inside?

1 A I did. The driver's license was inside the wallet as
2 well as some cash. I believe it was just over \$2,000.

3 Q Do you remember where you found the wallet?

4 A I want to say that it was -- I remember sitting in
5 the living room at the coffee table with it.

6 Q But you don't recall exactly where you found it
7 inside the house?

8 A No. I do -- I vividly remember the coffee table
9 because I had the wallet laying on the coffee table with
10 the cash. I was kind of separating things out there in
11 the living room.

12 Q Was that cash collected that day?

13 A It was.

14 Q Why?

15 A Drug proceeds is -- is what we're looking at.
16 Anytime we search a house and we find a large quantity of
17 drugs, if there's cash in the home, we typically seize
18 that cash at that time. And if there's further
19 investigations that need to be done, then we do that.

20 Q Based on your experience as a narcotics investigator,
21 was it of evidentiary value to you that there was \$2,000
22 in cash inside that wallet?

23 A Yes, ma'am.

24 Q Why?

25 A Basically, the amount of drugs that were in the home

1 -- the amount of drugs that were in the home and the cash
2 there coupled with the fact that we had no knowledge of
3 the defendant having a job, that would just tie in more to
4 he is basically sustaining a living off of selling drugs.

5 Q Did that cash indicate to you that the defendant was
6 -- that was evidence of the defendant selling drugs?

7 A It was part of it.

8 MR. CHAMBERS: Objection, Your Honor. He can't --
9 there's not a proper foundation for him to testify whether
10 or not that was the proceeds of drug sales or anything
11 like that.

12 THE COURT: Sustained. I will allow you to rephrase.

13 MS. OWENS: Certainly, Your Honor. I'll move on.

14 BY MS. OWENS:

15 Q Deputy, in your experiences as a narcotics
16 investigator, have you ever heard the expression "stash
17 house"?

18 A Yes, ma'am.

19 Q What does that mean?

20 A A stash house is where a drug dealer will typically
21 store drugs so that they're not caught where he's actually
22 living. Sometimes they will have a limited amount of
23 furniture in the home, they'll store a large quantity of
24 drugs there and typically will not do any drug
25 transactions out of that location. Sometimes they live

1 there, sometimes they don't. But typically, a stash
2 house, they don't have traffic coming in and out of there.
3 They'll usually take the drugs from that location and take
4 them somewhere else to do business. That kind of shields
5 -- it shields law enforcement from finding them or so they
6 believe, but it also keeps other drug dealers from knowing
7 where they're at so that they can -- they can't get
8 robbed.

9 Q Did it surprise you, based on your experience in drug
10 investigations, to find this home so sparsely furnished?

11 A No, ma'am. When we got in there, it was kind of a
12 classic setting. We see it quite frequently, you know.
13 Very little furniture, lots of drugs, guns. And, you
14 know, I was actually shocked to see as many clothes in
15 there as I was -- as what we had found, personally.

16 Q Well, likewise, was it any surprise to you the number
17 of firearms that were inside this home?

18 A Yes, ma'am. It seemed kind of excessive to me with
19 there being that many.

20 MR. CHAMBERS: Objection again, Your Honor. This is
21 a matter of opinion, and there's been no foundation laid
22 for his expertise into how many guns ---

23 THE COURT: I'm going to sustain that objection,
24 Counsel.

25 MS. OWENS: I understand, Your Honor. I'll move on.

1 THE COURT: Move on. Move on.

2 BY MS. OWENS:

3 Q Now, we've heard some testimony that there were two
4 cars parked outside.

5 A Yes, ma'am.

6 Q Were you able to determine that those cars belonged
7 to this defendant?

8 A I was.

9 Q Did you find the keys to those cars inside the home?

10 A Yes, ma'am.

11 Q Now, we've heard some testimony that there was a
12 female inside the home that day.

13 A That's correct.

14 Q Aside from looking for any female clothing during
15 your search or noticing any female clothing during your
16 search, did you find any other indications that this
17 female was a resident of this home?

18 A No, ma'am.

19 Q Did she have a car parked at that home?

20 A No, ma'am.

21 (WHEREUPON, State's Exhibit Number 22 was marked for
22 identification.)

23 BY MS. OWENS:

24 Q I'm showing you State's Exhibit 22. Do you recognize
25 what's depicted in that photograph?

1 A Yes, ma'am.

2 Q Do you recall observing what's depicted in that
3 photograph during your search on November 15th?

4 A I do.

5 Q Is that photograph an accurate representation of what
6 you found inside 200 Glenda Lane on November 15th?

7 A Yes, ma'am. And it's also where we found it, where
8 it's at now.

9 MS. OWENS: I understand.

10 Your Honor, the State offers Exhibit 22.

11 THE COURT: Any objection?

12 MR. CHAMBERS: No objection, Your Honor.

13 THE COURT: Without objection, State's Number 22 is
14 so admitted.

15 (WHEREUPON, State's Exhibit Number 22 was admitted into
16 evidence.)

17 MS. OWENS: With the Court's permission, I'd like to
18 publish this photograph.

19 THE COURT: Any objection to that?

20 MR. CHAMBERS: No objection, Your Honor.

21 THE COURT: Without objection.

22 BY MS. OWENS:

23 Q Investigator, I've got State's Exhibit 22 projected
24 on the screen. Could you describe to the jury what's
25 depicted here?

1 A Okay. This is a -- it's basically a penis pump.
2 It's a male enhancement tool to assist a man with
3 obtaining an erection. And it was -- it's got a doctor's
4 name etched on the side of the pressure barrel there on
5 the grip.

6 Q Is that a device that can be used by a woman?

7 A No, ma'am.

8 Q Now, we heard some testimony yesterday about
9 surveillance that was conducted before this search warrant
10 was executed. Did you participate in any surveillance
11 either ahead of the execution of this search warrant or
12 ahead of the search warrant being sought by the magistrate
13 on November 9th?

14 A I do not recall participating in any of that part of
15 the investigation. No, ma'am.

16 Q Okay. After you helped package these items, did you
17 have any other involvement in this investigation?

18 A No, ma'am.

19 MS. OWENS: I don't have any additional questions.
20 If you would, answer any questions Mr. Chambers may have.

21 MR. CHAMBERS: Your Honor, I don't have any questions
22 for this witness.

23 THE COURT: All right. Sir, you can step down.

24 THE WITNESS: Thank you, sir.

25 THE COURT: Both sides okay with remaining if he so

1 chooses?

2 MR. CHAMBERS: I am, Your Honor.

3 THE COURT: Okay. All right. State call its next
4 witness.

5 MS. OWENS: The State's next witness is Investigator
6 Brett RaVell.

7 Investigator, if you would, please come up and be
8 sworn.

9 WHEREUPON,

10 BRETT RAVELL

11 After having been duly sworn, testified as follows:

12 THE CLERK: If you would, have a seat and state your
13 name for the record, please.

14 THE WITNESS: My name is Brett RaVell.

15 DIRECT EXAMINATION

16 BY MS. OWENS:

17 Q Investigator, where are you employed?

18 A Greenville County Sheriff's Office.

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

20 A Since 2013.

21 Q What's your assignment right now with the sheriff's
22 office?

23 A Greenville County Multijurisdictional Drug
24 Enforcement Unit. And I am a task force officer with
25 Homeland Security.

1 Q Back in 2018, did the Drug Enforcement Unit exist?

2 A No, ma'am. At that time I was part of Greenville
3 County Sheriff's Office Vice and Narcotics.

4 Q And what were your responsibilities as a narcotics
5 deputy?

6 A As a narcotics deputy, we investigate narcotics
7 crimes, any vices, prostitution, gambling. But we like to
8 focus in drug sales, specifically drug trafficking.

9 Q Now, do you recall assisting Pickens County deputies
10 in their search of a home on Glenda Lane on November 15th
11 of 2018?

12 A Yes, ma'am.

13 Q What do you remember about how you became involved,
14 what you saw when you arrived?

15 A When we arrived, they attempted a knock and talk.
16 Once that failed, breach was made into the residence.
17 Upon entry, you entered into a living room. To the left
18 was the kitchen area, to the right was the master bedroom,
19 and I believe there was one or two more bedrooms towards
20 the rear of that living room.

21 Q Did you undertake a search of any of the inside of
22 the house?

23 A I assisted on searching some of the inside, but my
24 main focus was the vehicles outside.

25 Q Do you recall what kind of cars you searched?

1 A I believe one was a red Lexus.

2 Q What did you find inside?

3 A Inside there was multiple documents, papers
4 containing names, addresses, normal things you'd have in a
5 car. I believe some of it was even mail. And then two --
6 two handguns.

7 Q Do you remember where you found those guns?

8 A The handguns were located on the driver's side in the
9 pocket door.

10 (WHEREUPON, State's Exhibit Number 23 was marked for
11 identification.)

12 BY MS. OWENS:

13 Q I'm showing you State's Exhibit 23. Do you recognize
14 what's depicted in that photograph?

15 A Yes, ma'am.

16 Q What is it?

17 A Two revolvers black in color. One of them is visibly
18 loaded.

19 Q Where -- what is that a photograph?

20 A The driver's side door pocket.

21 Q Is that the car that you described searching?

22 A Yes, ma'am.

23 Q Is that an accurate depiction of where you found
24 those guns during your search of that Lexus?

25 A Yes, ma'am.

1 MS. OWENS: Your Honor, I'd offer State's Exhibit 23.

2 THE COURT: Any objection?

3 MR. CHAMBERS: No objection, Your Honor.

4 THE COURT: Without objection, State's Number 23 is
5 so admitted.

6 (WHEREUPON, State's Exhibit Number 23 was admitted into
7 evidence.)

8 MS. OWENS: With the Court's permission, I'd like to
9 publish it.

10 THE COURT: Any objection?

11 MR. CHAMBERS: No objection.

12 THE COURT: All right. So noted.

13 (WHEREUPON, State's Exhibit Number 24 was marked for
14 identification.)

15 BY MS. OWENS:

16 Q Investigator, I'm showing you State's Exhibit 24.
17 Take a look inside that box and tell me whether you
18 recognize what's contained inside.

19 A Yes, ma'am.

20 Q How do you recognize them?

21 A These appear to be similar items that I located. If
22 I can see the return, I can confirm with serial numbers.

23 Thank you. (Reviews document) Yes, ma'am. These
24 appear to be the same items.

25 Q Are those largely in the same condition as you found

24 Q Is your name recorded as having been the person to
25 either package, find or seal those?

1 A Yes, ma'am.

2 Q And what would you have done with those documents
3 that day?

4 A When you locate an item like this, a lot of times you
5 call over the person assigned to take photos, photos are
6 documented of where it's located and generally a better
7 close-up image of it. And then once that's done, you take
8 this item to the scribe who then writes down what's
9 located, where it's located and by who it's located.

10 Q Did you turn those documents over to one of the
11 Pickens County deputies for that purpose?

12 A Yes, ma'am.

13 Q Now, after you completed your search of this car that
14 day, did you have any other role in this investigation?

15 A No, ma'am.

16 MS. OWENS: All right. I don't have any additional
17 questions. If you would, answer any question Mr. Chambers
18 may have.

19 MR. CHAMBERS: Your Honor, I don't have any questions
20 for this witness.

21 THE COURT: All right. Sir, you can step down.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Any objection of him leaving or staying
24 by either side?

25 MS. OWENS: None from the State, Your Honor.

1 THE COURT: Sir, you're free to stay or leave if you
2 so desire.

3 All right. State's next witness.

4 MS. OWENS: The State calls agent BJ Hyatt.

5 If you would, sir, please come up and be sworn.

6 WHEREUPON,

7 BJ HYATT

8 After having been duly sworn, testified as follows:

9 THE CLERK: Thank you. Sir, if you would, have a
10 seat and state your name for the record, please.

11 THE WITNESS: My name is Braylon Hyatt, Jr., but I
12 also go by BJ.

13 DIRECT EXAMINATION

14 BY MS. OWENS:

15 Q Agent, where do you work?

16 A I work for the South Carolina Law Enforcement
17 Division. We also go by SLED.

18 Q How long have you worked at SLED?

19 A It will be six years this November.

20 Q What's your current assignment?

21 A I work in the Narcotics Unit. My job mainly is to
22 work multijurisdictional conspiracy cases, and we also do
23 controlled purchases and a lot of interviews, basically.

24 Q Were you working in that capacity back in 2018?

25 A In 2018 I probably had a split position where I did

1 half alcohol enforcement and then half narcotics.

2 Q Well, in that assignment do you remember assisting
3 deputies with the Pickens County Sheriff's Office in their
4 search of a home on Glenda Lane in November of 2018?

5 A Yes, ma'am, I do.

6 Q Would you please describe for the jury how you
7 participated and what you saw.

8 A All right. When we arrived at the residence, I
9 believe I was in the car with Agent Anthony and Agent
10 Durham along with, I believe it was, Terry Casey that also
11 worked at SLED. The plan was to do a soft approach and
12 let those two go basically plainclothes up to the front
13 door -- or up to the side door, knock on it and try to get
14 somebody to come to the door. Myself and Agent Casey were
15 there to provide protection for those if the knock and
16 talk didn't go as planned.

17 Nobody came to the door, so they came back to the
18 vehicle. We called the other teams up and made a decision
19 to make entry -- or to breach the front door and make
20 entry. Agent Casey breached the front door.

21 As we're leaving the vehicle from the top of the
22 street, one of the other agents hit the siren, I guess, to
23 start the knock and announce from the sidewalk. By the
24 time we got there, Agent Casey breached the front door. I
25 was the first person in the door.

1 The house, as soon as we walked in, it was set up
2 kind of weird. The living room was in front of us but it
3 had almost like a little half wall that -- not to get in
4 too much of tactics, but it prevented me from going left
5 to the point of domination left, so I ended up going
6 straight. But it was almost like a half hallway. So if
7 I'd have stayed in the half hallway, it would have kept
8 the rest of the team from basically entering the house.

9 As soon as I stepped in the threshold of the door, I
10 saw a black male enter the bedroom quickly to the right.
11 So I was the only one that saw that, and at that time I
12 didn't have enough time to relay that to the people behind
13 me. So I made a decision to go around the half wall and
14 basically almost go into the center of the room to get
15 depth on the doorway so I could see into the bedroom and
16 they basically couldn't see me first.

17 So I basically crept around the living room to look
18 into the doorway where I saw Mr. Morris standing there
19 with something behind his -- he had something in his hand.
20 It was behind his leg, so it took me a minute to figure
21 out what it was. And the guy that was standing beside me
22 was yelling at me to basically continue clearing the rest
23 of the house. By that time I figured it was a pistol grip
24 shotgun behind his leg. And I told the guy I was with, I
25 was like I can't. He has a gun in his hand.

1 Agent Bolde is standing on the wall basically about
2 to enter the bedroom. After I realize he has a gun, I
3 tell him to hold up and we basically call Mr. Morris.
4 Well, before that, once I started -- once I saw the gun,
5 we started yelling, "Show us your hands. Show us your
6 hands." He darts back to where I couldn't see him into
7 the room, and he comes back with empty hands. And by that
8 time we basically order him to the ground and he crawls to
9 us.

10 One of the -- I can't remember who it was, but
11 somebody drags him out of the way of the threshold and we
12 continue to clear that room where we encounter the female
13 standing in the unknown corner of the room. She didn't
14 have any clothes on either.

15 After we clear the whole room, as I was exiting that
16 bedroom, I noticed basically a blood trail from the
17 doorway to where he was drug out of the room. So I was
18 asking whose blood that was, because I basically thought
19 he was hurt. And that's when the female informed me that
20 she was on her menstrual cycle and they were in the middle
21 of having sex.

22 Q Did you see blood on the defendant?

23 A Yeah. And she said that they had put a towel on the
24 bed, I guess, to keep the blood from getting all over the
25 sheets.

1 Q Nonetheless, the defendant was not injured as a
2 result of this.

3 A Oh, you're talking about -- oh, yeah, yeah. Yeah. I
4 saw blood on the defendant, yes.

5 Q But you determined that was not the result of any
6 injury.

7 A Yeah, yeah. He was not injured. He went to the
8 ground himself, and he was basically just held on the
9 ground until we cleared the residence.

10 Q Was the defendant completely nude when you
11 encountered him?

12 A Yes, ma'am.

13 Q And are you able to identify who you saw in the
14 trailer that day here in the courtroom?

15 A Yes, ma'am. Mr. Morris (indicating).

16 Q Now, you mentioned that you saw a firearm in the
17 defendant's hand. Did you ultimately locate that firearm?

18 A Yeah. It was on the floor right in front of the -- I
19 guess there's a TV right there. When you walk in the
20 room, it's right to the right.

21 So I pointed it out to -- at that time he was
22 Lieutenant Barwick. I don't think I ever took possession
23 of that gun. I pointed it out to him, and they basically
24 did what they needed to do to seize it and put it on the
25 return.

1 Q So as you understand, that gun was also collected as
2 part of ---

3 A Yes.

4 Q --- all of the other evidence that day.

5 A Yes, ma'am.

6 Q To your knowledge, is that gun still in the custody
7 of the Pickens County Sheriff's Office?

8 A Recently I found out that the gun was returned to its
9 owner.

10 Q Okay. Now, did you assist in the search of the home?

11 A I did assist. I didn't do much with the search of
12 the home. I might have searched a little bit in the
13 kitchen, but also conducted an interview while we were in
14 the home. So that was mainly the job that I had while I
15 was in there.

16 Q Did you deliver anything that you found to agents
17 with the Pickens County Sheriff's Office for purposes of
18 packaging and storing for their evidence collection?

19 A Yes, ma'am.

20 Q After you finished that part of the investigation,
21 did you have any other involvement in the case?

22 A No, ma'am. I don't believe.

23 MS. OWENS: All right. Thank you, sir. I don't
24 believe I have any additional questions. If you would,
25 answer any questions Mr. Chambers may have for you.

1 THE COURT: Cross-examination.

2 CROSS EXAMINATION

3 BY MR. CHAMBERS:

4 Q So based on your testimony, when y'all made entry
5 into the house, it would sound like that Mr. Morris and
6 the young lady that was there, they were in the middle of
7 something, correct?

8 A Yes. Yeah. That's what she said.

9 Q And that would probably account for the fact that
10 they didn't come immediately to the door when you said you
11 did the knock on the door?

12 A Yes, sir.

13 Q And once -- you said that Mr. Morris had a weapon
14 when you went in there. But once he -- it sounds like
15 once he realized that the police were in the house, he put
16 the weapon down and came out with open hands, and I think
17 you said even crawled toward y'all; is that correct?

18 A Yes, sir. Yeah.

19 MR. CHAMBERS: That's all the questions I have.
20 Thank you.

21 THE COURT: Anything on redirect?

22 MS. OWENS: No, sir, Your Honor.

23 THE COURT: All right. Sir, you can step down.

24 Any objection to this officer staying or leaving?

25 MS. OWENS: None from the State, Your Honor.

1 MR. CHAMBERS: No objection, Your Honor.

2 THE COURT: All right. Okay. State's ready to call
3 its next witness.

4 MS. OWENS: May it please the Court, Your Honor. The
5 State calls deputy Brian Langston.

6 If you would, sir, please come up and be sworn.

7 WHEREUPON,

8 BRIAN LANGSTON

9 After having been duly sworn, testified as follows:

10 THE CLERK: Thank you, sir. If you would, have a
11 seat and state your name for the record.

12 THE WITNESS: Brian Langston, Pickens County
13 Sheriff's Office.

14 DIRECT EXAMINATION

15 BY MS. OWENS:

16 Q Deputy, what's your assignment at the sheriff's
17 office?

18 A I'm a forensics investigator working Property and
19 Evidence and forensics.

20 Q So generally speaking, what are your
21 responsibilities?

22 A The scope of my responsibilities can be anything from
23 processing a crime scene, taking photographs, evidence or
24 the storing of that evidence by myself, or we obviously
25 have lockers that when the deputies and agents gather

1 evidence, they secure it in a secured locker at our
2 facility. And then I get it from that secured locker, and
3 I log it in, put it in our system and then secure it again
4 in one of our evidence rooms.

5 Q Could you tell the jury a little bit about one of
6 those evidence rooms. Is that a secured area?

7 A Yes, it is. It's multi -- there's multilayers of
8 security into it. Just the first evidence room we have is
9 at least three doors to get into.

10 Q Who can access those areas?

11 A Only the -- anyone that's in forensics, and I think
12 the command staff might have a key to our main facility
13 but not the evidence rooms.

14 Q So inside those evidence rooms, where do you keep
15 evidence that is collected, for example, in a search
16 warrant?

17 A Locked in one of the evidence rooms on a shelf,
18 and/or sometimes they're in racks if they're guns.

19 Q You described a process by which you would collect
20 evidence from storage lockers. What does that process
21 look like, the logging and the inspection, et cetera?

22 A Correct. In our system we'll see that a deputy has
23 put evidence into one of the lockers. I can go out then.
24 And it's a secure facility. I have a key to it. I get
25 the evidence out of that locker, I bring it into our

1 facility to one of the rooms. I go through and correlate
2 the evidence with what's in the computer, our system, and
3 then I enter it into our system and our evidence.

4 Q Is it stored in that facility until a case is
5 disposed or perhaps scheduled for trial?

6 A It is unless it's been sent somewhere for analysis or
7 something like that.

8 Q Now, there were a number of items submitted for
9 storage in this case, but I'm just going to focus on two
10 of those items.

11 A Okay.

12 Q The first of these is State's Exhibit 11. Do you
13 recognize that item?

14 A I do.

15 Q How do you recognize it?

16 A It is a SLED drug analysis BEST pack, is what they
17 call it. Drugs or -- that is secured in that by the agent
18 or the deputy, and it's submitted to us to log in. I then
19 log it into our system, and then subsequently later, if
20 it's sent off for analysis, which this was, and all of
21 them are, I prelog it with the SLED system and then they
22 have a record of it there that we will be transporting
23 that to SLED in Columbia for analysis.

24 Q Now, when you receive any particular item of
25 evidence, is it important that evidence is sealed when you

1 receive it?

2 A Correct, it is.

3 Q If any item of evidence was not sealed when you
4 received it from either the storage locker or from the
5 agents themselves, what would you do?

6 A Then there would be a problem. We would have to get
7 in touch with that deputy or agent or whoever submitted
8 the evidence and be sure it was properly -- and what the
9 chain of custody was and the parameters around what
10 happened that that -- there was an error in something like
11 that.

12 Q In that sense, were the contents of State's
13 Exhibit 11 sealed when you received them?

14 A Yes, they were. Properly.

15 Q Now, with specifically State's Exhibit 11, do you
16 know what you did with it next?

17 A Yes. I secured it in the -- we have a drug locker
18 inside the secured locker room. And it was secured there
19 until we then take a variety of cases to SLED about once
20 every three to four weeks, and I actually transported this
21 with some other cases to SLED for analysis.

22 Q What happens when you get to SLED?

23 A I have to log it into their secure facility, too.
24 You wait, and they allow you access to it. You have to
25 schedule a date and time. We come in, and I then fill out

1 the proper paperwork, initial it, timestamp it, be sure
2 all the documentation is with each item of evidence, like
3 a BEST pack in this case, and secured in one of their
4 lockers. And then it is left there until one of their
5 techs retrieves it from that locker.

6 Q When you left State's Exhibit 11 at SLED for testing,
7 was it sealed?

8 A It was.

9 Q Had you broken any of the seals?

10 A I had not.

11 Q And I believe you have already here in front of you
12 State's Exhibit 17. Do you recognize that item?

13 A I do.

14 Q How do you recognize it?

15 A It was one of the other items that was turned in to
16 the locker, I guess, from the search warrant. It was
17 documented, and it had the correct number on it. I
18 actually double-check everything when it comes in to be
19 sure it all correlates with what they submit and what I
20 actually get in the locker. And this was paperwork and a
21 registration to a vehicle. It actually was original -- I
22 actually have the original packaging inside this one. For
23 court purposes I repackaged it and resealed it to where it
24 was legible.

25 Q Was it sealed when you received it from the agents

1 after the search warrant?

2 A It was. It was.

3 Q To your knowledge, has it been in the sheriff's
4 office storage since its seizure on November 15th?

5 A It has.

6 MS. OWENS: I don't believe I have any additional
7 questions. If you would, answer any question Mr. Chambers
8 may have for you.

9 MR. CHAMBERS: No questions for this witness, Your
10 Honor.

11 THE COURT: All right. Sir, you can step down.

12 I'm going to send the jury out for just a second.
13 Please, ma'am, please, sir, do not talk about the case to
14 each other and I'll get you back in here shortly. All
15 right.

16 (WHEREUPON, the jury exits the courtroom at 11:12 a.m.)

17 THE COURT: Let me tell you the reason -- we're back
18 on the record, Madam Court Reporter. Let me tell you the
19 reason I took the jury out, not necessarily anything else.
20 I view these matters as being very important to the State,
21 very important to the defendant, and when I detect a juror
22 disengaged, sleeping on a jury, it's not tolerated by me.
23 I don't think it's fair to the State, I don't think it's
24 fair to the defendant. The jurors took an oath to be
25 attentive. I remind them of that.

1 So the juror -- I don't know exactly the number.
2 What's the number you think -- well, I'll describe the
3 young man on the back row with the green shirt, he slept
4 through most of your examination of these officers. And
5 my law clerk called it to my attention. I watched him to
6 see if he would come back to, and he really didn't come
7 back to. I mean, he came back to when the bailiff called
8 it to his attention that we were watching him. So I don't
9 know how much he listened, but I just thought that I'd
10 bring that to the attention. That's why we have two
11 alternates.

12 But I do -- you know, I just think that when you --
13 when we've got trials in the court, the jurors have a
14 responsibility, I have a responsibility to pay attention,
15 you have a responsibility to pay attention, and they have
16 a responsibility to pay attention. And that's why we go
17 through the whole screening process at the beginning. But
18 at least in my court I don't tolerate that. You know, if
19 a juror's falling asleep, I'll -- so I'll defer to either
20 -- if you're leaving it up to me, I would just replace him
21 with one of the alternates or I can have an inquiry. I
22 can bring him up here and ask him, you know, basically.
23 But I think that he knows that I know, and I don't know
24 how that's going to impact his thought process one way or
25 another. But he knows that I know.

1 So other judges handle it differently, but in my
2 court you don't sleep on the jury. You don't sleep in the
3 jury box. Not in my court.

4 MS. OWENS: Your Honor, the State is comfortable with
5 either course of action. I certainly defer to you about
6 what you think would be most prudent in this case.

7 THE COURT: All right.

8 MR. CHAMBERS: And I'm taking the same position, Your
9 Honor. Whatever you think is best.

10 THE COURT: Bring that -- do you know which one I'm
11 talking about?

12 THE CLERK: He's Number 181.

13 THE COURT: Bring number 181 out.

14 The first alternate is the black gentleman, I think.

15 MS. OWENS: I don't believe so, Your Honor.

16 THE COURT: Whoever's the first alternate. The lady?

17 MS. OWENS: I believe her last name is Giambrone.

18 THE COURT: The lady on the end? Okay.

19 MS. OWENS: Yes, sir.

20 (WHEREUPON, Juror Number 181 entered the courtroom.)

21 THE COURT: All right. Sir, how are you?

22 JUROR NUMBER 181: I'm all right.

23 THE COURT: Okay. I'm going to excuse you from the
24 trial in this case, okay?

25 JUROR NUMBER 181: Okay.

1 THE COURT: All right. You have yourself a good
2 day.

3 JUROR NUMBER 181: Thank you.

4 THE COURT: Take care.

5 And I want to bring the alternate Juror Number 1
6 back. I'm just going to tell her that she's going to be
7 -- because you've got to tell them. They don't know.

8 Could you -- you said alternate juror, the lady that
9 was sitting ---

10 THE CLERK: Giambrone.

11 THE COURT: Yeah. Bring her back. Bring her out.

12 THE CLERK: She's number 71.

13 (WHEREUPON, Juror Number 71 entered the courtroom.)

14 THE COURT: All right. Ma'am, you are Juror
15 Number 71?

16 JUROR NUMBER 71: Yes.

17 THE COURT: You have been moved to be a regular
18 juror, so you're no longer an alternate. So you can take
19 one of the 12 seats, and then we'll just have one
20 alternate. And, of course, y'all can direct her where she
21 needs to go.

22 JUROR NUMBER 71: Okay.

23 THE COURT: All right. Thank you.

24 Okay. I think we're -- let me ask you this. Ask the
25 jury, since they're back there, this might be a good time

1 if they needed a bathroom break or whatever. Let's go
2 ahead and do that and then reconvene by 11:30. That
3 will give them -- everybody an opportunity to kind of
4 stretch their legs, get a little break and that kind of
5 thing.

6 (WHEREUPON, a recess is taken at 11:17 a.m.)

7 THE COURT: Okay. All right. State's ready to
8 proceed?

9 MS. OWENS: Yes, Your Honor.

10 THE COURT: Defense ready to proceed?

11 MR. CHAMBERS: I'm sorry, Your Honor. My client was
12 talking to me.

13 THE COURT: Are y'all ready to proceed?

14 MR. CHAMBERS: We are, yes, sir.

15 THE COURT: All right. Bring the jury in.

16 (WHEREUPON, the jury entered the courtroom at 11:32 a.m.)

17 THE COURT: All right. Is the State ready to
18 proceed?

19 MS. OWENS: Yes, sir, Your Honor. May it please the
20 Court.

21 THE COURT: Yes.

22 MS. OWENS: The State calls Ms. Jackie Davis.

23 THE COURT: Ms. Davis, where are you?

24 MS. OWENS: Ms. Davis, if you would, please come up
25 and be sworn.

1 WHEREUPON,

2 JACKIE DAVIS

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you, ma'am. If you would, have a
5 seat and state your name for the record, please.

6 THE WITNESS: My name is Jackie Davis.

7 DIRECT EXAMINATION

8 BY MS. OWENS:

9 Q Ms. Davis, where do you work?

10 A SLED, South Carolina Law Enforcement Division.

11 Q How long have you worked for SLED?

12 A Since February of 2015.

13 Q What's your current assignment at SLED?

14 A Currently, I am the administrative coordinator for
15 the Active Shooting Training Unit.

16 Q Were you working in that capacity back in November of
17 2018?

18 A I was not.

19 Q What was your assignment then?

20 A I was a forensic technician in the lab.

21 Q What does that mean?

22 A It means that we basically packaged, transferred and
23 logged in evidence from the agencies that brought it in
24 from throughout the State to submit evidence to the lab.

25 Q Would you have accepted evidence in this case at SLED

1 from another agency?

2 A I would have.

3 Q I'm going to show you State's Exhibit 11. Take a
4 look at that exhibit and tell me, do you recognize that
5 item?

6 A Yes, I do.

7 Q How do you recognize it?

8 A There's a unique lab number right there (indicating),
9 and that's how I recognize it.

10 Q Would you have affixed that lab number to the exhibit
11 when it was received by SLED?

12 A Yes, I would have.

13 Q If an item comes to you at SLED and it is not sealed,
14 what do you do?

15 A We make note of it, we take pictures of it, and then
16 we properly seal it, take pictures again as well, and then
17 we submit it to the lab.

18 Q Was there any indication that when you received
19 State's Exhibit Number 11 it was not sealed?

20 A It was properly sealed.

21 Q After an item of evidence is received at SLED and
22 you've assigned it a lab number, what happens next?

23 A Then we transfer it to the evidence room. It is very
24 secure. And we leave it there until the analyst requests
25 it to analyze it.

1 Q At any point in that process between the time you
2 receive it and the time a chemist analyzes it, do you
3 break open the package in any way?

4 A No.

5 Q Do you have any reason to have opened the package?

6 A No.

7 Q After the testing is complete, what happens to the
8 piece of evidence?

9 A They bring it back to us, it is sealed, initialed and
10 dated by the analyst who worked on it, and we
11 electronically transfer it back into the evidence room, we
12 put it on a shelf, and we leave it there until the agency
13 comes and picks it up.

14 Q So the Pickens County Sheriff's Office would have
15 returned to SLED to retrieve that item.

16 A That is correct.

17 MS. OWENS: Okay. I don't believe I have any
18 additional questions. If you would, answer any questions
19 Mr. Chambers may have.

20 MR. CHAMBERS: Your Honor, no questions for this
21 witness.

22 THE COURT: All right. Thank you, ma'am. You can
23 step down.

24 Any objection to her leaving or staying? None?

25 MS. OWENS: None from the State, Your Honor.

1 MR. CHAMBERS: No objection, Your Honor.

2 THE COURT: All right. State call its next witness.

3 MS. OWENS: The State calls Ms. Brittnee Looney.

4 Ms. Looney, if you would, please come up and be
5 sworn.

6 WHEREUPON,

7 BRITTNEE LOONEY

8 After having been duly sworn, testified as follows:

9 THE CLERK: Thank you, ma'am. If you would have a
10 seat and state your name for the record.

11 THE WITNESS: Brittnee Looney.

12 DIRECT EXAMINATION

13 BY MS. OWENS:

14 Q Ms. Looney, where do you work?

15 A I work for the South Carolina Law Enforcement
16 Division, commonly known as SLED, in the Drug Analysis
17 Department.

18 Q And generally speaking, what do you do in the Drug
19 Analysis Department?

20 A So we test drugs that are submitted from agencies
21 across the State.

22 Q What do you do to test an item?

23 A Sure. So normally we would obviously have to take a
24 weight of the item without packaging, and then we would do
25 an indicative test. Usually that's a chemical test. So

1 it's just like a color test. It gives us an indication of
2 what we might be dealing with. And then we do a
3 confirmatory test on it.

4 Q And how long have you done that specific job?

5 A A little over six years.

6 Q Did you receive any special training or education to
7 become a drug analyst?

8 A Yes, ma'am. I have a bachelor's of science from
9 Wofford College in math and chemistry, I went through
10 extensive in-house training under a senior drug chemist, I
11 went to basic legal and law training at the South Carolina
12 Criminal Justice Academy, and I also attended the forensic
13 chemist seminar put on by the Drug Enforcement
14 Administration.

15 Q Do you still receive any continuing or ongoing
16 education as part of that job?

17 A Yes, ma'am. There are opportunities for us to go to
18 conferences.

19 Q Over the years that you've worked as a drug analyst,
20 in approximately how many cases have you been asked to
21 analyze substances?

22 A Well, I normally do about 25 to 30 cases a week. So
23 in my time there, it's right under like 10,000 cases that
24 I've done.

25 Q How many times have you testified in court about the

1 results of your analysis?

2 A 14 times.

3 Q Have you ever been qualified as an expert in court in
4 the field of drug analysis?

5 A Yes, ma'am.

6 Q How many times?

7 A 14.

8 Q Have you ever not been qualified as an expert in drug
9 analysis?

10 A There was one. That was a civil case.

11 MS. OWENS: Your Honor, at this time I'd offer
12 Ms. Looney as an expert in the field of chemical
13 analysis.

14 THE COURT: Any objection?

15 MR. CHAMBERS: No objection, Your Honor.

16 THE COURT: All right. She's so qualified.

17 BY MS. OWENS:

18 Q Now, drilling down specifically on this case, were
19 you asked to analyze some substances in this case?

20 A Yes, ma'am.

21 Q How did you obtain the substances that you tested?

22 A So I would have sent down a list or just asked for
23 the next, say, 30 cases from our Evidence Control
24 Department. And so I would go downstairs and get the
25 evidence directly from one of our evidence technicians.

1 Q You would have taken it directly from storage inside
2 SLED.

3 A So yes. One of our evidence technicians has to go
4 and pull it from that location. And then it's a
5 person-to-person transfer, so I would have gotten it from
6 one of the evidence technicians downstairs.

7 Q Now, you've got in front of you State's Exhibit 11.
8 Take a look at that item and tell me whether you recognize
9 that package.

10 A Yes, ma'am.

11 Q How do you recognize it?

12 A I can see my initials on it and my handwriting on the
13 items on the back. And it has -- like Ms. Davis pointed
14 out, there's a specific lab number. And our BEST kits,
15 there's also a specific number on that as well, and that
16 is unique to each BEST kit. Each one has a different
17 number, so that is also a way to identify the evidence.

18 Q When you received State's Exhibit 11 from the
19 forensic technician or the storage area, was it sealed?

20 A Yes, ma'am. I have on here actually then, too. It
21 says "seal intact," the date that I cut into it, then my
22 initials.

23 Q So after you retrieved that substance for the purpose
24 of analysis, walk us through the steps of what exactly you
25 do.

1 A So I would cut it open, and then I would take each
2 item out and inventory it based on what is inside.

3 So in this case I think the first item was a Ziploc
4 bag that had a plastic sandwich bag inside and it had two
5 items. So I'd have to separate out each item. I only
6 open one item at a time. And then I would go ahead and
7 take a net weight without packaging, and then I would do
8 my indicative test on that and then a confirmatory test if
9 I needed that as well.

10 Q After you testified each of the -- or I'm sorry.
11 After you tested each of the items that's inside State's
12 Exhibit 11, what do you do with those items?

13 A So then I would put them back inside here, and then I
14 seal up the bag. And I have to type up a report. And
15 everything is 100 percent peer reviewed. And once it's
16 been reviewed, then I can take the evidence back
17 downstairs and they can return it back to the agency.

18 MS. OWENS: Your Honor, at this time the State offers
19 Exhibit 11.

20 THE COURT: Any objection?

21 MR. CHAMBERS: Your Honor, I would object based on my
22 prior objection during our pretrial motion phase.

23 THE COURT: All right. So noted. I'll admit it.

24 (WHEREUPON, State's Exhibit Number 11 was admitted into
25 evidence.)

1 BY MS. OWENS:

2 Q Ms. Looney, could you please tell the jury about the
3 results of your analysis.

4 A Sure. Would you like me just to go through each
5 item?

6 Q If that's clear for you, we'd be happy to take them
7 one at a time.

8 A Okay. So the very first item was a Ziploc bag that
9 was labeled with a Number 1 on there that contained a
10 plastic sandwich bag. And inside of that was a plastic
11 sandwich bag that had white powder. And that was --
12 fentanyl was found in the sample tested. The net weight
13 was 13.83 grams.

14 The next item inside of that bag that was labeled
15 Number 1 was a plastic sandwich bag that had another
16 plastic sandwich bag that contained a gray powder. And
17 that tested to have heroin and fentanyl found in the
18 sample tested. And the net weight on that is 39.99 grams.

19 And then the next item was a plastic sandwich bag
20 that had a Number 2 on it. And inside of that was crystal
21 substance that was found to be meth with a net weight of
22 8.61 grams. And it also had in there a plastic sandwich
23 bag that also had crystal substance in it that tested to
24 be meth, a net weight of 6.98 grams.

25 And then the next item was 1.3, and that is a plastic

1 corner bag labeled Number 3 that had crystal substance in
2 it as well. And that one I did an indicative test on, and
3 because the weight of that item would not get to the next
4 statutory threshold, I did not actually confirm that item.
5 So the results on that just say that the maximum
6 attainable statutory threshold has been met for the
7 substance based on indicative testing consistent with the
8 results of 1.2.1 and that it was not subjected to
9 confirmatory testing.

10 And then Item 1.4 was a plastic corner bag labeled 4
11 that contained two plastic bags inside of it that
12 contained a rock substance. Cocaine base, also known as
13 crack, was found in the sample tested, and the net weight
14 was 1.10. The untested item also has a weight on that as
15 well, but I did not confirm both of those bags.

16 And then Item 1.5 is a plastic corner bag labeled 5
17 containing a powder substance that's found to be cocaine
18 found in the sample tested, and the net weight was
19 2.72 grams.

20 And then the next item is a Ziploc bag that had a 6
21 through 7 on it. And inside of that was what we called
22 clandestine tablets then. So there were five round, green
23 tablets inside of there. I did not confirm those as well.
24 The indicative test was consistent with a previous item
25 that would not put the weight up over the next statutory

1 threshold.

2 And the next item was also a round, red tablet that
3 also I did not confirm based on the same reasoning.

4 And then the next item was a round, blue tablet that
5 was found to be meth. And the net weight of that was
6 0.20 grams.

7 And the last time was a plastic corner bag labeled 7
8 that contained one round, blue tablet with the markings on
9 it A215. And fentanyl was found to be in that sample, and
10 the net weight was less than 0.10 grams.

11 MS. OWENS: All right. I don't have any additional
12 questions. If you would, answer any questions
13 Mr. Chambers may have for you.

14 MR. CHAMBERS: No questions for this witness, Your
15 Honor.

16 THE COURT: All right. Thank you, ma'am. You can
17 step down.

18 Any objection to this witness leaving or staying?

19 MS. OWENS: No, sir, Your Honor. None from the
20 State.

21 MR. CHAMBERS: No objection, Your Honor.

22 THE COURT: All right. The State may call its next
23 witness.

24 MS. OWENS: Just very briefly, Your Honor, at this
25 point I'd offer State's Exhibit 17. I believe I neglected

1 to do that when Mr. Langston was testifying. But I would
2 offer that as evidence at this point.

3 MR. CHAMBERS: What was State's Exhibit 17?

4 Your Honor, I just object consistent with my prior
5 objection pretrial.

6 THE COURT: All right. That objection is noted for
7 the record. Exhibit 17 is so introduced subject to the
8 defendant's counsel objection.

9 (WHEREUPON, State's Exhibit Number 17 was admitted into
10 evidence.)

11 MS. OWENS: Yes, sir, Your Honor. With that, the
12 State rests.

13 THE COURT: Okay. Thank you, ma'am.

14 Ladies and gentlemen of the jury, let me tell you
15 what we're going to do. I am going to give you a present.
16 I'm going to give you an early lunch. It's about a
17 quarter to 12:00. By the time you get out here and walk
18 to your car, it's going to be probably lunchtime. So I
19 want you back at 2:00. Please, ma'am, please, sir, not
20 2:01, or 2:04. 2:00.

21 So please, ma'am, during the lunch break, wherever
22 you go, please, ma'am, please, sir, do not talk about the
23 case to each other. Don't talk about the case to anybody.

24 All right. So I will see you promptly back around
25 2:00.

1 Now, you may not get back in here exactly at 2:00,
2 but we will get you back in here as close as possible so
3 we won't utilize your time as expeditiously as we can.
4 Okay. All right. Y'all have a good lunch.

5 (WHEREUPON, the jury exits the courtroom at 11:45 a.m.)

6 THE COURT: All right. Let's address a few
7 housekeeping matters. The defendant, does he intend --
8 how many witness does the defendant have?

9 MR. CHAMBERS: Your Honor, we don't have any
10 witnesses. My client is currently -- I think we're going
11 to need some more discussion. We're trying to determine
12 whether he's going to testify or not. I'd like to reserve
13 that until we come back.

14 THE COURT: All right. And then I'll go through the
15 colloquy with him based upon what you tell me when we get
16 back.

17 MR. CHAMBERS: That's correct.

18 THE COURT: All right. The other thing is I'm going
19 to put the solicitor's office to work, and the work is
20 that I'm going to let your office prepare any proposed
21 verdict forms.

22 MS. OWENS: I'd be happy to, Your Honor.

23 THE COURT: I knew you would be.

24 And, obviously, I've got the standard charges, but as
25 it relates to each individual indictment, if either side

1 would be so kind as to give me the language, or I can just
2 do it myself. But Ms. Owens is such a nice person, she's
3 going to provide me the language for each one of those
4 offenses and share it with Mr. Chambers as well.

5 So when we get back, I'll deal with Mr. Chambers in
6 terms of what he wants to do, and then what I'll probably
7 do is I'll -- I'll just wait until you just tell me what
8 you want to do on that side. We'll deal with that at
9 2:00, okay?

10 Any other questions?

11 MS. OWENS: Nothing from the State, Your Honor.

12 MR. CHAMBERS: Before we break, Your Honor, just for
13 the record, I do need to make a motion for a directed
14 verdict.

15 THE COURT: Yes. You know what? I'm glad that you
16 -- go ahead.

17 MR. CHAMBERS: Just I would make a motion for a
18 directed verdict at this point. Do you want me to expound
19 on that?

20 THE COURT: It's up to you.

21 MR. CHAMBERS: I would simply say that, considering
22 the evidence in the light most favorable to the solicitor,
23 which is obviously the standard, that they haven't -- as
24 to each offense they have not proven all of the elements.

25 THE COURT: All right. Unless the State wants to say

1 anything, I'm inclined to deny the motion.

2 MS. OWENS: I have no reason to reply, Your Honor.

3 THE COURT: All right. Okay. All right. We'll
4 stand down until about 2:00.

5 And, Ms. Owens, I appreciate you helping us out on
6 that side.

7 MS. OWENS: Yes, sir. Thank you, Your Honor.

8 (WHEREUPON, a recess is taken at 11:48 a.m.)

9 THE COURT: Let's go on the record for just a minute.
10 This is in the interest of State of South Carolina vs.
11 Braylon Lamar Morris.

12 It is my understanding that the State has rested its
13 case; is that correct?

14 MS. OWENS: That's correct, Your Honor.

15 THE COURT: And I think before we broke for lunch,
16 Mr. Chambers, you were going to confer with the defendant
17 as it relates to his wanting to testify or not.

18 MR. CHAMBERS: We've discussed that thoroughly, Your
19 Honor. We've gone over all the options. He's indicated
20 to me at least in our discussions that he does not intend
21 to testify. But obviously, after you apprise him of his
22 rights, he can make that election for himself on the
23 record.

24 THE COURT: All right. Mr. Morris, would you stand?
25 I typically sometimes swear you in on these kinds of

1 questions. So raise your right hand for me.

2 (WHEREUPON, BRAYLON LAMAR MORRIS is duly sworn.)

3 THE COURT: All right. Now, you've been represented
4 by Mr. Chambers; is that correct?

5 DEFENDANT MORRIS: Yeah.

6 THE COURT: All right. Make sure that you say yes,
7 sir or no, sir on the record ---

8 DEFENDANT MORRIS: Yes, sir.

9 THE COURT: --- keep the record consistent.

10 And it's my understanding, based upon what your
11 lawyer just told me and after ample discussion with him,
12 you have made a decision not to testify in your behalf; is
13 that correct?

14 DEFENDANT MORRIS: Yes, sir.

15 THE COURT: All right. And obviously, the jury would
16 be instructed at some point that your failure to testify
17 should not be held against you. And I will do that in my
18 instructions. But this is your decision; is that correct?

19 DEFENDANT MORRIS: Yes, sir.

20 THE COURT: And is that decision being freely and
21 voluntarily made by you?

22 DEFENDANT MORRIS: Yes, sir.

23 THE COURT: You're not under any influence of
24 anything at all. And I'm talking about anything. I'm
25 talking about any medication or anything at all that may

1 cloud your judgment. This decision is your decision with
2 a clear mind, understanding that you do have the absolute
3 right to testify if you wanted to; do you understand that?

4 DEFENDANT MORRIS: Yes, sir.

5 THE COURT: And the only person that could waive that
6 right to testify is yourself; is that what you're telling
7 me?

8 DEFENDANT MORRIS: Yes, sir.

9 THE COURT: All right. Do you have any complaints
10 whatsoever to make against your lawyer?

11 DEFENDANT MORRIS: No, sir.

12 THE COURT: All right. You're satisfied with the
13 advice of counsel that he's given you to this point.

14 DEFENDANT MORRIS: I feel like we needed more time,
15 and I feel like it's a lot of biased things indicating
16 that nothing connects me to what they're trying to accuse
17 me of and nothing illegal's been presented in court.

18 THE COURT: Hold on. Hold on. I'm not asking about
19 the case. The only thing I'm asking about right now is
20 because we've got twelve jurors over there, they're the
21 fact finders and we're not trying -- I'm not trying to try
22 the case between me and you. The only thing that I'm
23 trying to do right now is ask you a question about your
24 ability or willingness to testify. And based upon what
25 you've told me, that you're satisfied in not moving

1 forward and testifying on your behalf; is that correct?

2 DEFENDANT MORRIS: That's correct.

3 THE COURT: That's the only thing that I'm asking you
4 right now. Do you understand that?

5 DEFENDANT MORRIS: (Nods head affirmatively.)

6 THE COURT: Do you need any additional time to speak
7 with your lawyer about anything as it relates to what I
8 just asked you?

9 DEFENDANT MORRIS: No, sir.

10 THE COURT: All right. Because you understand that
11 the State presented its witnesses, and the defendant has
12 the absolute right to present witnesses. And you have the
13 absolute right to take this witness stand and tell the
14 jury anything you want to tell them because that's --
15 that's your right. But I just need to make sure ---

16 DEFENDANT MORRIS: But it's a contradictory right,
17 because when you tell them the facts of the truth, you're
18 being fed fiction and everything that hasn't -- that
19 hasn't been proven against you to be convicted of.

20 THE COURT: That's not what I'm asking you. I can't
21 go in the minds of the jurors ---

22 DEFENDANT MORRIS: I understand.

23 THE COURT: --- and figure out what they're thinking.
24 My question to you is very simple.

25 DEFENDANT MORRIS: It's going to be bias. It's going

1 to be bias to me in the state for me to testify. It's
2 going to be prejudice.

3 THE COURT: What?

4 DEFENDANT MORRIS: It's going to be -- it's going to
5 be prejudice. It's going to be a prejudice Lego block
6 built against me.

7 THE COURT: I don't -- all right. Here is -- here's,
8 Mr. Morris, my situation. I have nothing to do with the
9 facts of the case. Absolutely nothing. I didn't know
10 anything about this case -- hold on a second. I didn't
11 know anything about this case till I got to Pickens County
12 on Monday and I was told that this is the case. I don't
13 have an opinion about this case. I can't have an opinion.
14 I can't have an opinion about the facts. I can't -- any
15 of that. So I don't have any of that. When I told the --
16 at the beginning of this case and I said there were two
17 judges, I said they're the judge of the facts and I'm the
18 judge of the law. So I can't comment on anything that you
19 just said.

20 So just so we don't get this, you know, blown out and
21 carried out -- out farther than it should be, my question
22 to you is very simple. Very simple. Are you telling me
23 today that you choose not to testify in your behalf?

24 DEFENDANT MORRIS: I choose not to testify against
25 myself.

1 THE COURT: Okay. And that's your decision.

2 DEFENDANT MORRIS: Yeah. Yes, sir.

3 THE COURT: All right. That's all.

4 Anything else, Mr. Chambers, I did not ask him?

5 MR. CHAMBERS: No, Your Honor. We don't plan on
6 putting up a case.

7 THE COURT: All right. Now, the State has rested,
8 the defendant does not intend to put up a case. Now, are
9 both sides prepared to go into closing arguments at this
10 juncture?

11 MS. OWENS: Yes, sir, Your Honor. I'm prepared.

12 MR. CHAMBERS: Yes, Your Honor.

13 THE COURT: Okay. Now, secondly, did you get my work
14 done?

15 MS. OWENS: Yes, sir, I did.

16 THE COURT: All right.

17 MS. OWENS: I don't know where those documents have
18 gone.

19 MR. CHAMBERS: I'm sorry. I thought those were my
20 copies.

21 MS. OWENS: I'm sorry. I just wanted you to have an
22 opportunity to see them.

23 THE COURT: Let me take a look at them right quick.

24 MR. CHAMBERS: If I can find them. I stuck them in
25 here.

1 MS. OWENS: Well, I'll share with the Court the
2 verdict form is a single verdict form that lists all five
3 of the indictments. If you'd like me to separate them,
4 I'm happy to do that. And I can very easily do that
5 quickly.

6 THE COURT: No. I think that . . .

7 JURY CHARGE CONFERENCE

8 MS. OWENS: With respect to the instructions, I
9 fortunately had access to Judge Verdin's instructions on
10 the offense of trafficking, so those are the instructions
11 from which I've modified for this case here today. So
12 those are the only two offenses for which I've prepared.
13 But I have expanded charges if there are any other
14 subjects about which you would like some information.

15 THE COURT: All right. And I will -- let me
16 just . . .

17 MR. CHAMBERS: And I've looked those over, Your
18 Honor. Both of the charges on the statutes looks like
19 they are complied with the statute. Don't have any issue
20 with that. I've looked at the verdict form, and that
21 looks like it's in order as well.

22 THE COURT: Say that again?

23 MR. CHAMBERS: I've looked at all the documents
24 including the verdict form, and they all look to be in
25 order to me. I don't have any objection to any of those.

1 THE COURT: All right. Anything on the weapons
2 charges?

3 MS. OWENS: No, sir. I defer to the Court. But,
4 again, if you'd like for me to put something together, I
5 would likely model after the statute. I don't think
6 there's anything -- any reason to expand from that
7 statutory language.

8 THE COURT: On the indictment regarding the sawed-off
9 shotgun, that's 16- let me just -- the language that
10 states -- I'm just going to say this so everybody will be
11 on the same page. It says: It is unlawful for a person
12 to store, keep, possess or have in -- it is unlawful for a
13 person to store, keep, possess or have in possession or
14 permit another to store, keep, possess or have in
15 possession a machine gun or firearm, commonly known as
16 machine gun, military firearm, sawed-off shotgun or
17 sawed-off rifle.

18 MS. OWENS: I'm comfortable if you omit the
19 irrelevant weapons, but I'm otherwise pleased with that
20 language.

21 THE COURT: That's why I wanted some specific
22 language that you both could agree upon. Because you just
23 asked me to review a statute, you asked me -- when those
24 two -- can you just get some just streamlined language?

25 MS. OWENS: Of course I can.

1 THE COURT: Because, you know, sometimes when I do
2 it, lawyers get mad, and I said, well, yeah I shouldn't
3 have said that or she didn't say that. So I want it to
4 come from you guys.

5 MS. OWENS: I apologize. I thought you only wanted
6 language on the trafficking offense. That's my fault.

7 THE COURT: I want it all. I want it all.

8 MS. OWENS: I understand.

9 THE COURT: I want it all.

10 So can you get me -- I think it was on the gun
11 charges? Can you get that to me ---

12 MS. OWENS: Yes, sir.

13 THE COURT: --- by the time we do that? That just
14 makes it easier for me. And I like to be -- you know, I
15 know you'll do that for me. And I don't mind doing --
16 going through stats like I just did, but then I'm going to
17 do the red-letter word of the statute. Sometimes I'll say
18 -- like, for example, this one, it talks about these other
19 weapons, and see, you know, that may come in if I say it.
20 So -- but if you put it the way you want it, then I'm okay
21 with that. Show it to Mr. Chambers, then we can do it
22 that way. Is that okay?

23 MS. OWENS: Yes, sir.

24 THE COURT: All right. You've got a little time to
25 do that. You've got some people at your office doing that

1 kind of work.

2 All right. The verdict form looks fine to me.

3 Mr. Chambers, you said you didn't have any issue with it,
4 right?

5 MR. CHAMBERS: No issue, Your Honor.

6 THE COURT: And this will be the standard charge. I
7 will mention in there that the jury should not hold the
8 defendant's failure to testify against him, you know, that
9 standard boilerplate language.

10 All right. Anything else before we ---

11 MR. CHAMBERS: No, Your Honor.

12 THE COURT: Okay. All right. Give me one second,
13 then we'll bring the jury in.

14 MS. OWENS: Judge, I don't mean to interrupt, but I
15 want to make sure that we've covered a charge on actual
16 constructive possession. I'm sure you already intended to
17 do that. I feel confident circumstantial evidence is a
18 standard part of your charge as well. But I'd ask
19 specifically in this case to be sure that we revisit on
20 the inference weight for possession with intent to
21 distribute.

22 THE COURT: You're going to give me a charge that
23 says that or do you want me to put one together?

24 MS. OWENS: Well, I happen to have Judge Anderson's
25 request to charge with me, so I may be able to find

1 something relatively quickly myself.

2 THE COURT: Constructive versus actual, is that what
3 you're talking about?

4 MS. OWENS: Yes, sir.

5 THE COURT: Yeah. You've got Ralph King's book?

6 MS. OWENS: Yes, sir.

7 THE COURT: He has something in there. I normally
8 use that. But pull it out there and give it to me.

9 MS. OWENS: Yes, sir.

10 MR. CHAMBERS: Your Honor, Judge King's charge is, I
11 believe, appropriate. I don't have any objection to it.

12 THE COURT: All right.

13 MR. CHAMBERS: Or Judge Anderson, I mean.

14 THE COURT: Okay. I'm starting at 4.1. I'm going to
15 read possession of cocaine with intent to distribute all
16 the way to page 361, I think. Tell me what portion that
17 you want me to read.

18 MS. OWENS: Well, to the extent that those pages
19 include a charge about constructive and actual possession,
20 it certainly suits me to use that instruction as part of
21 your bigger instruction.

22 THE COURT: Yeah. Well, you know, I mean, Judge
23 Anderson's instruction is very wordy. But, I mean ---

24 MS. OWENS: I understand. And I'm comfortable if you
25 have a charge to substitute yourself. I certainly don't

1 mean to suggest that that charge is superior to yours.

2 But to the extent that that's included, I don't have an
3 issue with that one.

4 THE COURT: Starting with possession of cocaine with
5 intent to distribute?

6 MS. OWENS: Yes, sir.

7 THE COURT: And then continuing with the constructive
8 and actual possession definitions on 361, is that where
9 you are?

10 MS. OWENS: Yes, sir. I no longer have those pages
11 in front of you. But yes, sir.

12 THE COURT: Do you want to make a copy of it as I'm
13 going to take yours?

14 MS. OWENS: Well, then no. I'll just retrieve them
15 when you're finished.

16 THE COURT: Okay. All right.

17 (Pause in proceedings.)

18 THE COURT: Come up here a second. Let me ask you
19 something.

20 MS. OWENS: Yes, sir.

21 (WHEREUPON, a bench conference was held off the record.)

22 THE COURT: All right. Everybody ready to bring the
23 jury out?

24 MS. OWENS: The State's ready, Your Honor.

25 THE COURT: Is the defense ready?

1 MR. CHAMBERS: Defense is ready.

2 THE COURT: Bring them in.

3 (WHEREUPON, the jury entered the courtroom at 2:23 p.m.)

4 THE COURT: All right. I trust that all of you
5 enjoyed lunch while you were out. But ladies and
6 gentlemen of the jury, the defendant -- the State has
7 rested its case. The State rested prior to you going to
8 lunch. The defendant -- the defense has rested as well.
9 You will note that the defendant has chosen not to testify
10 in this case, and I will give you some specific
11 instruction that the failure of the defendant to testify
12 in his behalf should not be held against him in your
13 consideration of the facts presented to you. And I'll
14 give you a specific instruction on that in that regard
15 when I charge you on the law in the case. I wanted to
16 tell you that right now.

17 So now, ladies and gentlemen of the jury, the parties
18 have presented the evidence in the case. Now it is time
19 for the attorneys to make their closing argument. And I
20 don't think I told you this at the beginning, but when the
21 attorneys made the opening statements, you know, that's
22 not evidence. That's the roadmap that they wanted to go.
23 But here again, the arguments of the attorneys are not
24 evidence in the case. Their statements and arguments are
25 meant to help you understand the evidence and apply the

1 law to the evidence. You should disregard any remark,
2 statement or argument which is not supported by the
3 evidence presented during the trial or the law that I will
4 explain to you after the argument.

5 So we're at this juncture in the trial where the
6 attorneys are going to present to you closing arguments,
7 so I will defer to counsel.

8 Yes, ma'am.

9 CLOSING ARGUMENTS

10 MS. OWENS: May it please the Court, Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. OWENS: Good afternoon. Ladies and gentlemen, as
13 I told you yesterday, the evidence in this case would be
14 straightforward in the trial of this case, relatively
15 brief.

16 200 Glenda Lane is Braylon Morris's stash house,
17 period. It's armed to the T with any number of firearms.
18 There's a guard dog inside, and there's a safe with plenty
19 of drugs to eventually sell. Of all the things I told you
20 at the beginning of this trial that the State had to
21 prove, you'll note and I'll remind you now, the State does
22 not have to prove that Braylon Morris lived in that house.
23 The State has to prove that the defendant exercised
24 control over the items in that house, and we'll revisit
25 each of those offenses one by one. But it's important for

1 you to know because it's been at issue throughout the
2 presentation of evidence in this case whether the
3 defendant lives in this house. That is not part of the
4 State's burden. But it just so happens to be exactly what
5 all of the evidence in this case points to.

6 The defendant's driver's license can be seen in
7 State's Exhibit 20 bearing the address of 200 Glenda Lane.
8 The defendant's car registration in State's Exhibit 17
9 pulled from the Lexus parked outside bears his name and
10 this address, 200 Glenda Lane. You heard testimony that
11 the truck parked outside the house was also registered to
12 the same address. You saw photographs and you heard
13 testimony about men's clothes in that house. No women's
14 clothes. All men's clothes.

15 Both cars parked outside were registered to
16 Mr. Morris, and on November 8th when police were
17 conducting surveillance before getting their search
18 warrant, both cars were parked outside that house. In the
19 intervening days as police prepared to execute that search
20 warrant on November 15th, both of those cars parked
21 outside the house. No other cars.

22 And perhaps most informative are the keys that can be
23 seen in State's Exhibit 13. These keys are the keys that
24 open the safe. And I want you to look very closely at
25 this photograph because also on these keys to the safe are

1 a Lexus key and a Dodge Ram. These are the defendant's
2 keys for the defendant's cars. This is the defendant's
3 house.

4 Now, despite the fact that the State does not have to
5 prove that the defendant lived in that house, his
6 connection to that house is very important as part of your
7 deliberation. It helps you decide whether you believe
8 there's enough evidence that this defendant was in control
9 of that house and as a result was in possession of the
10 drugs and the guns inside.

11 Now, Mr. Chambers mentioned very briefly and I expect
12 the judge will give you some instructions about the
13 difference in what the law calls actual possession and
14 constructive possession. And actual possession is very
15 easy for us to think of. It's the thing you hold in your
16 hand. We're actually possessing the things that's in our
17 hand. The only thing that you've heard evidence about
18 this defendant actually possessing is the shotgun he armed
19 himself with when police forced their way into the door.

20 So during your deliberations you'll ask yourselves
21 more about what it means whether the State satisfied the
22 burden regarding constructive possession. And I think
23 there's an illustration that helps, particularly in
24 circumstances of this case. My car is parked outside. I
25 have keys to that car. That car is registered to me. At

1 any time I have the ability to go downstairs and drive
2 away in that car. At any time I have the ability to
3 exercise dominion and control over that car. I am
4 constructively possessing everything in that car right
5 now. Now, I'm not in the car, but if I were, that would
6 get you one step closer to feeling confident that I was
7 constructively possessing everything inside. And that's
8 the difference between a vacant house where this
9 defendant's belongings may have been found as opposed to
10 this defendant inside the house that he uses as his
11 address with the DMV, that he registers his car for.

12 And I'll note, too, once you look closely at State's
13 Exhibit 17, that there are a couple of other items that
14 were inside that car bearing this defendant's name and
15 this defendant's address. This is an address he used on a
16 number of transactions. This wasn't a place to go visit.
17 This wasn't someone else's address that he happened to be
18 using. This was a secondary location used to store drugs
19 separate and apart from where police might find them in
20 the home where maybe the rest of his family lived.

21 Now, the truth is this defendant picked up a girl,
22 brought her to his house, they decided to have sex and the
23 police happened to show up and execute a search warrant.
24 That's what actually happened. How do we know that?
25 Because it's supported by logic, common sense, and the

1 evidence. And that's exactly the standard that you should
2 apply when you're deliberating: logic, common sense and
3 the evidence.

4 So in doing so I wanted to talk about each of the
5 crimes that you heard the defendant is charged with, and
6 I'll start with possession with intent to distribute
7 cocaine. I told you at the beginning of the trial that
8 the State has to prove the defendant possessed that
9 substance, and the State has to present to you some
10 evidence that he intended to distribute it.

11 Now, you may imagine that it's very difficult to know
12 what's inside any person's head at any given time, so
13 you'll often have to look at other clues to know what
14 someone planned to do. Well, what should you look for?

15 You heard testimony that this defendant had more than
16 \$2,000 of cash in his wallet. I'd suggest to you that's
17 evidence that he's selling drugs. You heard about the
18 firearms in the home designed to protect that collection
19 of drugs. And the fact that it's stored with, in that
20 safe, a number of other drugs gives you some indication
21 that Mr. Morris was offering a variety of options to his
22 potential customers. They could purchase methamphetamine,
23 they could purchase heroin, they could purchase cocaine,
24 they could purchase crack cocaine. There were options.
25 That's how you know that these were going to be

1 distributed. This was the pharmacy inside the safe, the
2 key to which was on his key ring.

3 Now, there are a number of guns piled on that table.
4 And you heard from a lot of officers about the variety of
5 guns they found throughout the house, in the bedroom, in
6 the car. And the reason those guns are important to your
7 analysis is to help you decide exactly what the truth is.
8 Why would there be 14 guns in and around this house? Why?
9 Logic, common sense and the evidence. Those guns are
10 everywhere to be able to do exactly what Mr. Morris did
11 when police forced their way in. He thought someone was
12 coming into the home. He armed himself to defend himself
13 against it. That's what those guns are designed for.
14 They're there to protect the stash, bottom line. That's
15 why it was important that you see them, and that's why
16 it's important that you consider them in your
17 deliberations.

18 Now, as I told you before and as the judge will
19 instruct you in just a minute, the defendant is also
20 charged with trafficking in methamphetamine. And I listed
21 a whole great list of things about how the defendant is
22 guilty of that offense, depending on what you believe the
23 State has proven. The most basic of those and the most
24 clear in this case is that the defendant possessed more
25 than 10 grams of methamphetamine.

1 If you believe that the defendant exercised
2 constructive possession or actual possession of more than
3 10 grams of methamphetamine, he is guilty of trafficking
4 in methamphetamine. But there are a number of other
5 avenues that the statute describes about what might make
6 someone guilty of that crime. And it's the sale, the
7 manufacture, the distribution, the delivery, the purchase.
8 If the defendant did any one of those things or you
9 believe that the evidence is that he did any one of those
10 things or attempted, aided, abetted someone or conspired
11 with someone to do any one of those things with respect to
12 more than 10 grams of methamphetamine, he's guilty of
13 trafficking.

14 Similarly, the same applies to the offense of
15 trafficking in heroin. This time it's more than 28 grams
16 of heroin.

17 You heard testimony from the SLED chemist that she
18 analyzed all the substances in this case. She told you
19 that she found 39.9 grams of heroin in that safe. I
20 believe the total amount of methamphetamine was just over
21 15 grams. But, again, if you believe the defendant
22 possessed, actually or constructively, more than 28 grams
23 of heroin, he's guilty of trafficking in heroin. But if
24 you believe instead that he sold, manufactured, dispensed,
25 delivered, distributed or purchased that quantity, aided,

1 abetted, assisted anybody or conspired with anybody to do
2 any one of those things with respect to more than 28 grams
3 of heroin, he's guilty of trafficking.

4 All of the signs point to the defendant selling these
5 drugs. But it's important that you understand that with
6 respect to those offenses in particular, the State may
7 convince you only that he possessed them, and that's
8 enough for the law.

9 You heard testimony that the defendant was not only
10 carrying a shotgun when police entered the home, but there
11 were a number of guns throughout the home. And early
12 yesterday you heard testimony about one gun in particular.
13 And it's a gun that's inside State's Exhibit 3. I know
14 you've seen me struggle with these boxes over the course
15 of this trial, but I don't know that you've had an
16 opportunity to see for yourself.

17 This small gun here with the electrical tape is the
18 sawed-off shotgun. Its barrel measures shorter than
19 18 inches, its total length less than 26. That's what the
20 law says makes a shotgun a sawed-off shotgun. And the
21 fact that it is so small is what makes its possession
22 unlawful. So if, after considering the evidence, you've
23 decided there's enough evidence that the defendant
24 constructively or actually possessed the sawed-off
25 shotgun, then he's guilty of that offense.

1 And finally, Mr. Morris is charged with possession of
2 a weapon during the commission of a violent crime. The
3 judge will instruct you in just a few moments that
4 trafficking in methamphetamine and trafficking in heroin
5 are each classified as violent crimes in our law. And if
6 you believe that he committed those crimes and that he
7 possessed a firearm while doing so, he's guilty of that
8 offense.

9 Now, there are very few things in this world that we
10 know with absolute certainty, and the law does not require
11 proof that overcomes any possible doubt. If, after
12 reviewing the evidence, you are firmly convinced of the
13 defendant's guilt, you should find him guilty.

14 The standard by which you measure the defendant's
15 guilt you've heard over and over again is a reasonable
16 doubt. You can think of that as a doubt to which you can
17 assign a reason. It is supported by common sense and
18 logic.

19 Is it reasonable to believe that this defendant had
20 both cars parked at a house that he was visiting? Is it
21 reasonable to believe that he would register those cars,
22 list the address on a driver's license and be seen by
23 police at the location during their surveillance on
24 November 8th and in the days leading to the search warrant
25 on November 15th if he wasn't living there? Is that

1 reasonable?

2 Is it reasonable to believe that the woman police
3 encountered in the house was living in that house but had
4 no clothes inside? And as uncomfortable as it is to
5 discuss in an open courtroom, is it reasonable to believe
6 that a woman who is menstruating would not have any
7 feminine hygiene products anywhere in the house or in her
8 purse?

9 Is it reasonable to believe that the defendant, if he
10 was just visiting, would have packed and taken with him
11 this erectile device. But most importantly, is it
12 reasonable to believe this defendant would have keys to a
13 safe full of guns and drugs on his key chain with the two
14 cars we know he owns and at least one of the cars police
15 have seen him repeatedly drive?

16 That is why it is so important and you apply common
17 sense and logic that these things, the doubts that you're
18 being asked to have about this case and about the State's
19 case are not reasonable. Everyone in this courtroom knows
20 exactly what was going on inside that trailer because it's
21 supported by logic, common sense and the evidence.

22 If you accept the defendant's theory that's been
23 introduced in opening statements and through a little bit
24 of the cross-examination in this trial that it was the
25 female occupant of this home who actually lived there,

1 that Mr. Morris was just visiting that day, that it was a
2 coincidence that police came when they did and found him
3 there, that it was a coincidence that they saw his car
4 there during their surveillance on November 8th and in the
5 days leading up to the search warrant, that there were no
6 men's clothes in the house -- or that there were no
7 women's clothes in the house, if you believe that this was
8 her house and that he was simply present, unfortunately
9 present when police chose to arrive, what you must also
10 believe is that there's another man whose closet we saw,
11 whose clothes those are, whose guns these are. You would
12 have to suspend logic and common sense to believe that
13 this other man who stores his clothes in this house has
14 given this defendant the key to his safe, has allowed this
15 defendant to use the address to register his cars and to
16 list on his driver's license and store his sensitive,
17 personal items. The reason that you can't also believe
18 those things is because they're not supported by common
19 sense.

20 The evidence points to 200 Glenda Lane being a home
21 that this defendant used to store the drugs he planned to
22 sell himself. That's the bottom line. And because all of
23 the evidence that you've seen over the course of this
24 trial points directly and exclusively to that, I ask you
25 to find him guilty of each of the five crimes with which

1 he's charged.

2 Thank you for your time.

3 THE COURT: All right. Thank you.

4 MR. CHAMBERS: Please the Court, Your Honor.

5 Solicitor, ladies and gentlemen, as the solicitor said,
6 this is a relatively short case, but it's an important
7 case. It's certainly an important case to my client who's
8 been waiting almost four years to come to trial.

9 And as the solicitor told you, there are other ways
10 you can be guilty of trafficking. But this really comes
11 down to a possession case. And it's pretty well
12 established that Braylon Morris never had actual
13 possession of any of these items that they brought into
14 court. So the whole question is of constructive
15 possession, did he exercise dominion and control over
16 these items.

17 One of the things you have to bear in mind is if you
18 exercise dominion and control, at some point you come into
19 contact. Just like the solicitor was talking about with
20 her car, I mean, we all probably came here in our cars.
21 Our cars are parked around the courthouse here somewhere.
22 We're not there now. We're not in actual possession of
23 it. But guess what? We drove them here. And there's
24 certainly ways to determine whether or not we've ever
25 actually possessed them.

1 You know, the police obviously have put a lot of
2 effort in going out there to execute that search warrant.
3 They went in force. We heard from people, in fact,
4 they're so interested in the case that they're all still
5 here from three different police agencies: Greenville
6 County Sheriff's Office, SLED, Pickens County Sheriff's
7 Office, all of the tools and everything that they have at
8 their disposal, knowing that at some point they might have
9 to walk into a courtroom and prove that Braylon Morris
10 possessed these illegal items.

11 And they have a lot of tools at their disposal.
12 Trust me, when it benefits them, they use those things.
13 They're usually all geared up with body cameras. Did you
14 see any body-cam footage in this case? They all talked
15 about what they saw and what they didn't see. But you
16 could have seen it. You could have seen exactly what they
17 saw. They took a lot of photographs, but did they take
18 photographs inside any of the closets, inside any of the
19 drawers? They talk about what they saw, but they don't
20 bring it to you.

21 They talk about this safe where all of the drugs were
22 found. How hard would it have been for them to dust it
23 for fingerprints? You've got Braylon Morris's
24 fingerprints on that safe, then you know he's been in it,
25 you know he's exercised dominion and control over it.

1 That makes it an easy case.

2 We can all speculate about what was going on that
3 day, but speculation is not what this case is all about.
4 We all know from using our own common sense that you were
5 in a relationship with somebody, even if it's a casual
6 relationship, you don't know who else may have been at
7 that house other than Braylon Morris. You don't know if
8 there were men's clothes, as it's been testified to, that
9 they didn't belong to somebody else. We don't have any
10 evidence to show that this penis pump that they wanted to
11 talk about had anything to do with Braylon Morris. That
12 could have belonged to anybody. I mean, he's a young man.
13 Does he look like somebody that needs a penis pump to you?
14 Probably not.

15 But there are ways to prove if he came into contact
16 with any of this stuff. And maybe you can think, well,
17 that's just overkill. Why would they have to do that?
18 But it's important. They've got the burden of proof.
19 They have to prove those things.

20 They talk about the automobiles being there. How
21 many times do you know yourself or somebody being in a
22 relationship with somebody and you lend them a car of
23 yours to drive? They have the keys. It's registered to
24 you. You want to help them out. You allow them to do
25 that. That is a common practice.

1 You know, before they even went to that house, they
2 could have -- it would have been very easy to determine is
3 this -- who owns this property. If it's -- and if it's a
4 landlord, who leases this property? Who are they renting
5 it to? And they can tell you exactly who had control over
6 those premises.

7 Bottom line is they have all the tools to really nail
8 this down. They could have done that. They chose not to.
9 They want to come in and I would argue to prejudice you by
10 bringing all of these guns in here and saying, well, that
11 just shows it was a stash house. First of all, again,
12 they haven't proven that he possessed any of these guns
13 other than the one that he came out of the bedroom with
14 after they were basically interrupted with what was
15 clearly going on there.

16 The solicitor even argues that she didn't have
17 feminine hygiene products there. But I assume she had a
18 purse. I assume she carries those with her. She
19 obviously wasn't using them at the time because she was
20 having sex. She was nude. But that's an argument they
21 make because they're trying to put this over the top.
22 They're trying to run this over the goal line at this
23 point and prove -- and getting you to conclude that he
24 possessed all of these items that they found.

25 And even if he did own all of these guns, which

1 there's no evidence that he did, I would wager to you that
2 you can walk into a lot of houses in Pickens County where
3 you would find a lot more guns than this, and you would
4 find them throughout the home. None of those guns with
5 the exception of the one that -- with the barrel sawed
6 off, anything illegal about any of them. And anybody in
7 here could possess one, and there wouldn't be anything
8 wrong with it, and you could have ten of them in every
9 room of your house and you're not breaking any laws. But
10 that's just another way to come in and try -- and
11 prejudice you against Mr. Morris.

12 Bottom line is, they have no proof that he actually
13 or constructively possessed any of those things. They
14 have no proof that this was his full-time residence or
15 that he -- and even if it were -- let's just say for the
16 sake of argument, I mean, all of us -- or most of us
17 anyway have multiple family members that live with us. A
18 lot of us have parents, we have teenage children in the
19 home. Well, sometimes we just have people stay with us.
20 Just because someone in your home possesses something
21 illegal doesn't mean that you knew about it or that you in
22 any way participated in it. If my 14-year-old son has
23 drugs stashed in his room, I hope he doesn't, but if he
24 does, I don't know about it. But if the police were to
25 come in and search, I'd probably be looking at at least

1 the potential for trouble.

2 It is not against the law to be merely present where
3 criminal activity is taking place. And to give you an
4 example which is unrelated to the kind of case that we're
5 talking about here, but if I called the bailiff up over
6 here and I said, hey, drive me down here to the QT so that
7 I can get a six pack of beer, and he drives me over there,
8 while I go in there, unbeknownst to him, I rob the store.
9 Well, he's in a bad situation. It looks like he was my
10 wheel man, like he helped me do that. But truthfully,
11 he's not guilty of anything. He didn't know what I was
12 going to do. And that's what I'm talking about here.

13 If drugs are present in a home where you are and you
14 don't know anything about it even if it's your home,
15 doesn't mean you knew about it. That's why it would be so
16 important to have dusted for prints. You would know
17 whether he'd been in there. Perhaps even the containers,
18 the baggies, the things that the drugs were found in, they
19 could have done that there. They had forensics people out
20 there, but they didn't do any of that. That's a choice
21 they made, just like they choose not to have body cameras
22 so that you could see what they saw. They chose not to
23 take pictures so that you could see what they say they
24 saw, and then you'd know. It's a choice they made.

25 Ladies and gentlemen, as we talked at the beginning

1 of this trial, His Honor is going to tell you you have to
2 conclude beyond a reasonable doubt that Braylon Morris is
3 guilty of all of these offenses. And it's one of those
4 things he's either guilty of all of them or he's guilty of
5 none of them. Because it all comes down to whether or not
6 he exercised constructive possession, had dominion and
7 control over those items. And you can think about all the
8 things that they could have brought in that they didn't
9 bring.

10 As you go back there and you deliberate, if any of
11 this causes you to hesitate, that's not a guilty verdict,
12 and that's where we are with this case.

13 One of the things that I've learned over the years is
14 that juries take this responsibility very seriously, and I
15 know that you will. And His Honor is going to give you
16 the law in this case that you will apply. Our position
17 and I would submit to you that the correct verdict in this
18 case is not guilty.

19 I appreciate you being here. I know that Braylon
20 Morris appreciates you being here. I look forward to your
21 verdict in this case. Thank you.

22 THE COURT: All right. Thank you, Mr. Chambers.

23 Ladies and gentlemen of the jury, it is my time to
24 charge you on the law in the case, but I'm going to take
25 about a five-minute break -- five- or ten-minute break.

1 So I'm going to send you back to your jury room. Please,
2 ma'am, please, sir, do not discuss the case with anyone.
3 I'll bring you back in in about ten minutes. Okay.

4 (WHEREUPON, the jury exits the courtroom at 2:52 p.m.)

5 THE COURT: Madam solicitor, I think I have
6 everything that I need. I've got a charge I used on
7 possession of a weapon during a violent crime. I have
8 that. And I think the only thing that I'm going to do --
9 unless you've got something different, the only thing I'm
10 going to do as far as the sawed-off shotgun offense is
11 just read that two-liner out of the statute.

12 MS. OWENS: That suits me just fine. I'll let
13 Mr. Hill know that we're no longer compiling this.

14 THE COURT: Yeah. I don't need it. Are you good
15 with that?

16 MR. CHAMBERS: I'm good with it, Your Honor.

17 THE COURT: All right. Let's go off the record just
18 for a second.

19 (WHEREUPON, a recess is taken at 2:54 p.m.)

20 THE COURT: If everybody's okay, let's go ahead and
21 bring the jury out and let's go ahead and do it.

22 (WHEREUPON, the jury entered the courtroom at 2:58 p.m.)

23 CHARGE ON THE LAW

24 THE COURT: All right. Let's go on the record, Madam
25 Court Reporter.

1 Ladies and gentlemen of the jury, at the beginning of
2 the trial I told you that there were two judges in the
3 case: the judge of the facts, which the 12 of you are the
4 judge of the facts, and I am the judge of the law. I am
5 going to say a lot of things to you, and what I want you
6 to do for me is pay particular attention to what I'm
7 getting ready to say. I'm going to try to speak loud
8 enough so you can hear me. And if you cannot hear me,
9 please, ma'am, please, sir, let me know. But I think I'm
10 going to speak loud enough so all of you can hear me.

11 The indictments in this case charge this defendant,
12 Mr. Braylon Lamar Morris, with five criminal offenses
13 which I'll get into in just a minute. But I remind you
14 that the fact that this defendant was arrested, charged
15 and indicted in this case is not evidence in this case and
16 cannot be considered by you as evidence of his guilt in
17 this case, nor does it create any presumption or inference
18 of guilt. Remember the discussion I told you about the
19 indictments at the beginning of the trial and what that
20 means. This document, these indictments are simply the
21 formal written instruments which contain the charges made
22 against Mr. Morris. It is the formal documents by which
23 this case is brought into court. That's how it gets here.

24 Now, Mr. Morris, has multiple charges. The
25 indictments in this case allege several different offenses

1 against Mr. Morris. The charges alleged against
2 Mr. Morris are as follows: he is charged with trafficking
3 in methamphetamine. That is one indictment. He is also
4 charged with trafficking in the drug of heroin. That is
5 another charge or offense. He is also charged with
6 possession of cocaine with the intent to distribute. That
7 is the third indictment that you are to consider. He is
8 also charged with a fourth indictment, possession of
9 unlawful firearms, and that would be a sawed-off shotgun,
10 which you will hear from me about that in just a little
11 bit. The last charge, he is also charged with possession
12 of a weapon during the commission of a crime. These are
13 the five indictments that Mr. Morris is currently charged
14 with.

15 Now, each indictment charges a separate and distinct
16 offense. You must decide each indictment separately on
17 the evidence and the law applicable to it.

18 We've got five indictments. There's a law that's
19 applicable to each one of those indictments which I will
20 get to. You must try it separately on the evidence and
21 the law applicable to it, uninfluenced by your decision as
22 to any other indictment. You must decide each indictment.
23 You must not be influenced by the other indictment -- or
24 I'll read it as -- by your decision as to another
25 indictment. That's specific.

1 The defendant may be convicted or acquitted on any or
2 all of the offenses charged. You will be asked to write a
3 separate verdict on the verdict sheet, which I will show
4 to you a little later. I did not prepare a separate
5 verdict sheet for each one of the offenses. As a matter
6 of fact, there's one verdict sheet that I'll go over with
7 you that I think spells it out separately on one sheet,
8 and I'll cover that with you in a little bit.

9 Now, the defendant has pled not guilty to each one of
10 these indictments that I just enumerated to you, and that
11 plea puts the burden squarely on the shoulders of the
12 State to prove the defendant guilty beyond a reasonable
13 doubt, which I will go over that with you in just a
14 second.

15 A person charged with committing a criminal offense
16 in South Carolina is never required to prove himself or
17 herself innocent. I charge you that it is an important
18 rule of law that the defendant in a criminal trial, no
19 matter what the seriousness of the charge may be, will
20 always be presumed to be innocent of the crime for which
21 the indictments -- or indictments were issued unless guilt
22 has been proven by evidence satisfying you the jury that
23 this defendant is guilty beyond a reasonable doubt.

24 This presumption of innocence does not end when you
25 begin your deliberations, but it accompanies the defendant

1 throughout the trial until you reach a verdict based --
2 verdict of guilt based on evidence satisfying you of that
3 guilt beyond a reasonable doubt as to each one of the
4 indictments that you are to consider.

5 The presumption of innocence is like a robe of
6 righteousness placed around the shoulders of the defendant
7 which remains with the defendant until it has been
8 stripped from the defendant by evidence satisfying you of
9 the defendant's guilt beyond a reasonable doubt. And I'll
10 talk to you a little bit about evidence in just a minute.

11 The presumption of innocence is not a mere legal
12 theory. It is not just a legal phrase. It is a
13 substantial right to which every defendant is entitled
14 until you the jury are satisfied from the evidence of the
15 defendant's guilt beyond a reasonable doubt as to each
16 indictment that you're to consider.

17 What is reasonable doubt? Reasonable doubt is the
18 kind of doubt that would cause a reasonable person to
19 hesitate to act.

20 The State has the burden of proving the defendant
21 beyond a reasonable doubt. Some of you may have served as
22 jurors in civil cases where you were told it's only
23 necessary to prove that a fact is more likely true or not
24 true such as the greater weight or preponderance of the
25 evidence. And I think that was mentioned earlier by one

1 of the attorneys. In criminal cases, the State's proof
2 must be more powerful than that. It must be beyond a
3 reasonable doubt.

4 Proof beyond a reasonable doubt is proof that leaves
5 you firmly convinced of the defendant's guilt. There are
6 few things in the world that we know are absolutely
7 certain, and in criminal cases the law does not require
8 proof that overcomes every possible doubt.

9 If, based on your consideration of the evidence, you
10 are firmly convinced that the defendant is guilty of the
11 crimes or offenses charged, you must find the defendant
12 guilty. If, on the other hand, you think there's a real
13 possibility that the defendant is not guilty, you must
14 give the defendant the benefit of the doubt and find him
15 or her not guilty.

16 Now, I remind you -- and I said this two or three
17 times. I remind you that during the trial, you and I have
18 certain responsibilities to perform. As a trial judge, it
19 was my responsibility to preside over for trial of this
20 case, which I have done and continue to do so. And I also
21 have the duty to rule on the admissibility of evidence
22 offered by the trial. You are to consider only the
23 competent evidence that was presented.

24 If there was any testimony ordered stricken from the
25 record, I don't think there were, then you should

1 disregard. You are to consider the testimony which was
2 presented from this witness stand, any exhibits that were
3 made a part of the record and any stipulations of counsel.

4 I said at the beginning that the witness's testimony
5 is one piece of evidence, then you -- I also alluded in
6 the beginning that there may be sketches, photographs or
7 things of that nature which you're also to consider.
8 And I'll talk about the credibility of witnesses and that
9 kind of thing in a minute. But these are the things that
10 you are to consider. And all of the documents or anything
11 that was introduced into evidence when you heard a motion
12 made by counsel to introduce certain things into evidence,
13 you will have the opportunity to see all that during your
14 period of time in the jury room at the conclusion of my
15 charge.

16 Now, you're only to consider the testimony which was
17 presented from the witness stand and exhibits which have
18 been made. Now I have the additional duty to charge you
19 on the law applicable to this case.

20 As the presiding judge, I'm the sole judge of the law
21 on the case. It is your duty to accept the law as I give
22 it to you. And if you already have an idea in your head
23 what you think the law should be, then get rid of that.
24 Because the only law that you should consider is the law
25 that I apply and accept the law as I have given it to you.

1 Now, as I said, in every criminal case, the jury
2 becomes the exclusive judge of the facts, and that is your
3 job as jurors.

4 Now let's talk about evidence and what's direct and
5 what's circumstantial evidence. Let me give you a
6 definition. There are two types of evidence which are
7 generally presented during a trial: direct evidence and
8 circumstantial evidence. Direct evidence is the testimony
9 of a person who claims to have knowledge of a fact such as
10 an eyewitness. Circumstantial evidence is proof of a
11 chain of facts and circumstances indicating the existence
12 of a fact. Let me read those definitions again. Direct
13 evidence is a testimony of a person who claims to have
14 actual knowledge of a fact such as an eyewitness.
15 Circumstantial evidence is proof of a chain of facts and
16 circumstances indicating the existence of a fact.

17 The law makes absolutely no distinction between the
18 weight or value to be given to either direct or
19 circumstantial evidence by you the jury, nor is a greater
20 degree of certainty required of circumstantial evidence
21 than of direct evidence.

22 You should weigh all of the evidence in the case.
23 After weighing all of the evidence, if you are not
24 convinced of the guilt of the defendant beyond a
25 reasonable doubt, you must find the defendant not guilty.

1 Now, there are two types of evidence which are
2 generally presented during trial. I told you direct and
3 circumstantial evidence. Cases may be proven by
4 circumstantial evidence, and the law makes no distinction
5 between the weight and value to be given to either direct
6 or circumstantial evidence. However, to the extent that
7 the State relies on circumstantial evidence, all of the
8 circumstances must be consistent with each other and when
9 taken together point conclusively to the guilt of the
10 accused beyond a reasonable doubt. If these circumstances
11 merely portray the defendant's behavior as suspicious, the
12 proof has failed.

13 The State has the burden of proving the defendant
14 guilty beyond a reasonable doubt. This burden rests with
15 the State regardless of whether the State relies on direct
16 evidence, circumstantial evidence or some combination of
17 the two.

18 Credibility of witnesses. I mentioned that word a
19 minute ago. Let me just talk about it. You the jury are
20 the judge of the facts. You the jury are the judge of the
21 credibility of witnesses and evidence. What do I mean?
22 You must determine the credibility of witnesses who will
23 testify in this case. Credibility simply means
24 believability.

25 It becomes your duty as jurors to analyze and

1 evaluate the evidence and determine which evidence
2 convinces you of its truth. In determining the
3 believability of witnesses who have testified in this
4 case, you may believe one witness over several witnesses
5 or several witnesses over one witness; you may believe a
6 part of the testimony of a witness and reject the
7 remaining part of the testimony of that same witness; you
8 may believe the testimony of a witness in its entirety or
9 reject the testimony of the witness in its entirety; you
10 may consider whether any witness has exhibited to you any
11 interest, bias, prejudice or other motive in this case;
12 you may also consider the appearance and manner of a
13 witness while on the witness stand. These are things you
14 as the jury can consider.

15 Now, in this case the defendant has chosen not to
16 testify. As I told you at the close of the State's case
17 and when you came back out that you should not hold that
18 against this defendant for not testifying. I instruct you
19 and emphasize that the fact that the defendant did not
20 testify is not a factor to be considered by you in any way
21 in your deliberations and in your consideration on the
22 question of guilt or innocence of that defendant. It must
23 not be considered by you in any manner whatsoever. A
24 defendant has the constitutional right to remain silent,
25 and the assertion of this right must not be construed by

1 you in your deliberations -- considered, I'm sorry, by you
2 in your deliberations. I repeat, under oath, you are to
3 draw no conclusion whatsoever from the fact that the
4 defendant in this case did not testify. The fact that
5 this defendant did not testify should not even be
6 discussed in the jury room. You shouldn't even talk about
7 it. The burden of proof, as I have stated to you, is on
8 the State. The defendant is not required to prove his
9 innocence. The burden of proof remains on the State to
10 prove the guilt of this defendant beyond a reasonable
11 doubt as to the indictments that would be presented to
12 you.

13 All right. I believe there was one witness that was
14 presented as an expert witness. And let me just give you
15 some instruction on that. The rules of evidence do not
16 ordinarily permit witnesses to testify to opinions or
17 conclusions. And exception to this rule exists for
18 witnesses we call expert witnesses. And I think there was
19 one presented by the State in this case. A witness who,
20 by education and experience, has become expert in some
21 art, science, profession or calling may state an opinion
22 as to relevant and material matter in which the witness
23 claims to be an expert.

24 You should consider any expert opinion received into
25 evidence like any other evidence. If you've got an expert

1 witness testifying, you should give it whatever weight you
2 would give any other evidence that is presented that it
3 deserves. If you decide that the opinion of the expert
4 witness is not based on sufficient education and
5 experience or if you conclude that the reasons given in
6 support of the opinion are not sound or that the opinion
7 is outweighed by other evidence, you must disregard the
8 opinion entirely. An expert witness's testimony is to be
9 given no greater weight than any other witness's simply
10 because the witness is an expert. Further, you're not
11 required to accept an expert opinion even though it is not
12 contradicted.

13 Let's talk about mere presence. Mere presence at the
14 scene of a crime is not sufficient to prove someone guilty
15 of a crime. A defendant's presence where a crime is being
16 committed or mere association with a person who commits a
17 crime does not make a defendant an accomplice or an aider
18 and abettor of the person committing the crime. The
19 burden is on the State to prove every element of the crime
20 charged. If you find, after reviewing all of the
21 evidence, that the State has proved that the defendant was
22 only present at the scene of the crime and that they have
23 not proved beyond a reasonable doubt any other
24 participation in the crime, then you must find the
25 defendant not guilty. The law is that proof at the scene

1 of a crime is not sufficient to find someone guilty.

2 In order to establish criminal liability, criminal
3 intent is required. For example, the mental state
4 required to be proven by the State for a particular crime
5 must be purpose, intent, knowledge, recklessness or
6 criminal negligence.

7 Criminal intent must be proven by the State beyond a
8 reasonable doubt. Criminal intent is always a matter that
9 must be determined by the jury from the circumstances
10 surrounding the situation.

11 There is no way to prove intent to a mathematical
12 certainty. There is no way medical science can dissect a
13 person's brain or determine what the person had in mind,
14 so the law says that criminal intent may be inferred from
15 the circumstances shown to have existed. This is how you
16 make a determination of whether or not the element
17 requiring intent was present. It is not necessary to
18 establish intent by direct and positive evidence, but
19 intent may be established by inference in the same way as
20 other facts by taking into consideration all of the facts
21 of the parties and all of the facts and circumstances of
22 the case.

23 Now, in this case, this defendant was charged with
24 five criminal offenses. To go back over those offenses,
25 he was charged with possession of a weapon during the

1 commission of a crime; he was charged with possession of
2 unlawful firearms, and that's the sawed-off shotgun that I
3 talked about; he was also charged with possession of
4 cocaine with the intent to distribute; he was also charged
5 with trafficking of heroin; and he was also charged with
6 trafficking of methamphetamine. Let's talk about these
7 criminal offenses and what the law says specifically.

8 Let's start with trafficking heroin. The State must
9 prove beyond a reasonable doubt that the defendant
10 trafficked heroin 28 grams or more. The State need not
11 prove the defendant trafficked heroin for less than
12 28 grams, only that he trafficked heroin for more than
13 28 grams. Let me read that -- start that over, say that
14 paragraph again. The State must prove beyond a reasonable
15 doubt the defendant trafficked heroin 28 grams or more.
16 The State need not prove the defendant trafficked heroin
17 for less than 28 grams, only that he trafficked heroin for
18 more than 28 grams.

19 Trafficking means to knowingly sell, manufacture,
20 cultivate, deliver, purchase, bring into this state,
21 provide financial assistance or otherwise aid, abet,
22 attempt or conspire to sell, manufacture, cultivate,
23 deliver, purchase or bring into this state or knowingly to
24 be in actual or constructive possession, which we'll talk
25 about a little bit, or knowingly attempt to be in actual

1 or constructive possession of more than 28 grams of
2 heroin.

3 Constructive possession means that the defendant had
4 dominion and control or the right to exercise dominion and
5 control of the heroin itself or the property on which the
6 heroin was found. Mere presence at the scene where the
7 drugs were found is not enough to prove possession.
8 Actual knowledge of the mere presence of the heroin is
9 strong evidence of the defendant's intent to control its
10 disposition or use.

11 The defendant's knowledge and possession may be
12 inferred when a substance is found on the property under
13 the defendant's control. However, this inference is
14 simply an evidentiary fact to be taken into consideration
15 by you the jury along with the other evidence that is
16 presented in the case and to be given whatever weight you
17 decide to give it in your consideration.

18 The second offense or the next offense that I alluded
19 to earlier that this defendant is charged with is
20 trafficking in methamphetamine. Let me tell you about
21 that under our law. The State must prove beyond a
22 reasonable doubt that the defendant trafficked
23 methamphetamine 10 grams or more.

24 Trafficking means to knowingly sell, manufacture,
25 cultivate, deliver, purchase, bring into this state,

1 provide financial assistance or otherwise aid, abet,
2 attempt or conspire to sell, manufacture, cultivate,
3 deliver, purchase or bring into this state or knowingly be
4 in actual or constructive possession or knowingly attempt
5 to become in actual or constructive possession of more
6 than 10 grams of methamphetamine.

7 Constructive possession means that the defendant had
8 the dominion and control or the right to exercise dominion
9 and control over either the heroin or the property -- or
10 the methamphetamine where the property in which the
11 methamphetamine was found. Mere presence at the scene
12 where the drugs were found is not enough to prove
13 possession. Actual knowledge of the presence of
14 methamphetamine is strong evidence of the defendant's
15 intent to control its disposition.

16 The defendant's knowledge and possession may be
17 inferred when the substance is found on the property under
18 the defendant's control. However, the inference is simply
19 an evidentiary fact to be taken into consideration by you
20 along with the other evidence in the case and to be given
21 whatever weight you the jury as the fact finders decide to
22 give it.

23 The third matter or offense in which this defendant
24 is charged is -- and pay no particular attention in the
25 order that I'm going through these because I have to go

1 through it in some order. So don't attach any meaning to
2 the order I'm going through it.

3 Possession of a weapon during the commission of or
4 attempt to commit a violent crime. The defendant is
5 charged with the possession of a weapon during the
6 commission of a violent crime. The State must prove
7 beyond a reasonable doubt that the defendant was in
8 possession of a firearm or visibly displayed what appeared
9 to be a firearm during the commission of a violent crime.
10 A firearm means any machine gun or automatic rifle,
11 revolver, pistol, any weapon which was designed or may be
12 readily converted to expel a projectile.

13 A knife means an instrument or tool with a sharp
14 cutting blade. And there was no knife in this instance.

15 But in order to find the defendant guilty of
16 possession of a weapon during a violent crime, you must
17 first find them guilty of either committing a violent
18 crime or attempting to commit a violent offense.

19 And specifically, this indictment stated this
20 occurred -- allegedly occurred in Pickens County, that he
21 possessed -- that this defendant possessed with the intent
22 to distribute a certain amount of cocaine. But I'm going
23 to talk about -- and that's not the one I want. I
24 apologize. Let me just read what I want.

25 Okay. This indictment alleges that Braylon Morris

1 allegedly did in Pickens county, on the 15th day of
2 November 2000 [sic], possess or visibly displayed a
3 Hi-Point 45 caliber pistol during the commission of -- an
4 attempted commission of a violent crime, to wit,
5 trafficking methamphetamine. So the trafficking of
6 methamphetamine would qualify as a violent crime under
7 this particular statute. So I hope I didn't confuse you
8 on that. I didn't have my glasses on one of them, but I
9 think I cleared it up fairly well.

10 All right. The next offense -- and I've covered
11 three of them. Number 4, possession of cocaine with the
12 intent to distribute. The defendant is charged with
13 possession of cocaine with the intent to distribute.
14 There are three elements to the offense of possession of
15 intent to distribute and the State must prove beyond a
16 reasonable doubt, Number 1, that the substance involved
17 was, in fact, cocaine; 2, that the defendant had
18 possession of that cocaine, either actual possession of it
19 or constructive possession of it; and thirdly, that the
20 defendant possessed the cocaine with intent to distribute.

21 The State must prove that the defendant had actual or
22 constructive possession of the cocaine. What does
23 possession of cocaine mean under the law? This is rather
24 lengthy but I'm going to read it to you. Actual control
25 occurs when the controlled substance is found to be in the

1 actual and physical custody of the person charged.

2 Constructive control occurs when the person charged with
3 the possession has dominion and control either over the
4 controlled substance or the premises upon which the
5 controlled substance was found.

6 Constructive control means the defendant's knowledge
7 and possession may be inferred if the controlled substance
8 was found on the premises under the defendant's control.
9 This is by a permissive inference. The jury is free to
10 accept or reject this permissive inference of knowledge
11 and possession, depending upon your view of the evidence
12 as the fact finders.

13 Constructive control may be established by
14 circumstantial evidence as well as direct evidence, and
15 constructive control may be jointly shared by two or more
16 individuals, because actual knowledge of the presence of a
17 controlled substance is such strong evidence of intent to
18 control its dispositional use, that knowledge may be
19 equated with or substituted for intent element. However,
20 actual knowledge of the presence of a controlled substance
21 is not the only circumstances upon which the intent to
22 control the disposition or use of a controlled substance
23 may be inferred.

24 So you the jury has to make a determination regarding
25 whether or not this defendant had actual possession or

1 constructive possession. That's certainly within your
2 realm as the fact finders in this case.

3 Now, the last offense that this defendant is charged
4 is possession of a firearm -- unlawful possession of a
5 firearm. And in this indictment, the law is clear. This
6 is where we go back to the whole sawed-off shotgun
7 document that says it is unlawful for a person to store,
8 keep, possess or have in his or her possession or permit
9 another to store, keep, possess or have in possession a
10 machine gun or firearm commonly known as a machine gun,
11 military firearm, sawed-off shotgun or sawed-off rifle.
12 That's what this particular statute says.

13 So I've gone over with you several things. I've gone
14 over with you the burden of proof that the State has.
15 I've gone over with you the witnesses, the evidence that
16 was presented and your assignment to weigh the credibility
17 of the evidence including the witnesses' testimony. I've
18 gone over with you that you should not take -- hold
19 against this defendant his failure to testify. I've gone
20 over that with you. I've gone over with you the charge
21 regarding expert witness testimony. I've gone over with
22 you the difference between direct evidence and
23 circumstantial evidence. I went over with you at length
24 how to determine credibility and what weight you should
25 give, that's within your realm, whether you can believe

1 some of what the witness says, none of what a witness
2 says, all of what a witness says. I've covered all that
3 with you.

4 Then I actually went -- after that I went over each
5 one of these offenses that Mr. Morris was charged, and I
6 went over the elements that the State has the burden to
7 prove.

8 Now, after having done all that, I have prepared a
9 verdict form. And you should not pay any attention to the
10 order in which these offenses are listed on the verdict
11 form because we could have done it two ways.

12 I've listed on the verdict form all five of the
13 offenses. Don't pay any particular attention the order
14 this is in. It means absolutely nothing. I had to put
15 them in some order. Or I could have presented to you,
16 Ms. Forelady -- Madam Forelady, five different verdict
17 forms, one for each one. So we've got everything on this
18 document.

19 And this verdict form is the State of South Carolina
20 vs. Braylon Lamar Morris, Case Number 2018-GS-39-3423
21 through 26 and 3428. And it says as to the first one I
22 have on here -- here again, pay no attention to the order
23 that it's in. As to Indictment 2018-GS-39-3423 charging
24 the defendant with the offense of possession with intent
25 to distribute cocaine, we the jury unanimously find the

1 defendant, Braylon Lamar Morris, you either have to check,
2 Madam Forelady, guilty or not guilty. As to indictment --
3 this is after deliberating and that kind of thing.

4 As to the indictment 2018-GS-39-324 [sic] charging
5 this defendant with the offense of trafficking in heroin
6 greater than 28 grams, we the jury unanimously find the
7 defendant, Braylon Lamar Morris, either guilty or not
8 guilty. You check which one you decide. There's a box.

9 As to the Indictment 2018-GS-39-3425 charging the
10 defendant with the offense of trafficking in
11 methamphetamine greater than 10 grams, we the jury
12 unanimously find the defendant, Braylon Lamar Morris,
13 there's a line for guilty or not guilty. Same thing.

14 As to the 2018-GS-39-3426 charging the defendant with
15 the offense of unlawful possession of a sawed-off shotgun,
16 we the jury unanimously find the defendant, Braylon Lamar
17 Morris, either guilty or not guilty.

18 As to the indictment 2018-GS-39-3428 charging the
19 defendant with the offense of possession of a weapon
20 during the commission of a violent crime, we the jury
21 unanimously find the defendant, Braylon Lamar Morris,
22 either guilty or not guilty, and you will check the
23 appropriate box.

24 And it says: I certify that this is the unanimous
25 decision of this jury. And then, Madam Forelady, you will

1 sign this document as forelady, and you will date it
2 today's date.

3 Now, in this case you've got five -- there are five
4 indictments which means there are five offenses. And I
5 alluded to this earlier. You must consider each offense
6 individually in terms of the elements of the offense and
7 what the burden of the State -- the burden on the State to
8 prove each one of these offenses as it relates to the
9 defendant guilty beyond a reasonable doubt. So you've got
10 to consider them individually. I just wanted to share
11 that with you.

12 Now I am going to send you back to your jury room
13 because, you know, I hope I didn't miss anything. And I
14 need to confer with these learned counsels in front of me.
15 And then I am going to instruct the bailiff, he will let
16 you know when it's time to deliberate because you're going
17 to be given -- some of the exhibits are sent back into
18 your jury room, some of the things that you saw today and
19 that kind of thing.

20 I need to discuss something with the lawyers. But
21 anyway, please, ma'am, please, sir, go back to the jury
22 room. Do not discuss the case with each other at all.
23 Just wait back there until I instruct you when to get
24 started, okay?

25 (WHEREUPON, the jury exits the courtroom at 3:33 p.m.)

1 THE COURT: Okay. Any exceptions to the charge from
2 the State?

3 MS. OWENS: No, sir, Your Honor.

4 THE COURT: Any exceptions from the defense?

5 MR. CHAMBERS: No, Your Honor.

6 THE COURT: Okay. Here's my question. You had --
7 what are we going to do with all these guns? I mean,
8 unless they -- you have pictures of all that, all the
9 weapons, right?

10 MS. OWENS: Largely.

11 THE COURT: So we'll send those documents back and
12 keep all the weapons out here?

13 MS. OWENS: That suits me fine. If you want to
14 instruct the jury that they're free to review and if
15 they'd like to, but ---

16 THE COURT: Any weapons? Okay.

17 THE CLERK: There is no ammunition, Your Honor.

18 THE COURT: You checked it out?

19 THE CLERK: I've not seen any.

20 MS. OWENS: I've been assured by the sheriff's office
21 staff ---

22 THE COURT: You know, well, if that's an issue, we'll
23 just leave them right now. But right now we're just
24 talking about the actual sketches -- pictures that you
25 have.

1 Okay. What else do we have other than that?

2 MS. OWENS: There's a package of drugs. It would be
3 especially concerning if the jury decided to open that
4 package, so I'd just like them to be instructed that they
5 should not open the package.

6 THE COURT: All right. So we bring them back and say
7 don't open the package?

8 MS. OWENS: Or send word to the bailiff. I don't
9 mind either way. But just so that they understand that
10 that would be a dangerous proposition.

11 THE COURT: How many packages are you sending back?

12 MS. OWENS: One.

13 THE COURT: Okay. So we've got one package. And how
14 many -- y'all looked at the exhibits to see -- I mean, how
15 many sketches have we got? About ten?

16 THE COURT REPORTER: There's a total of 24 exhibits,
17 but that includes all the guns.

18 THE COURT: Okay. So everybody's in agreement just
19 to send the pictures back, and if they need to see the
20 guns, we deal with that when -- we cross that bridge when
21 we get to it?

22 MR. CHAMBERS: I certainly agree to that, Your Honor.

23 MS. OWENS: I'd like for them to have the drugs in
24 the jury room, but if you're not comfortable with that,
25 then I'm ---

1 THE COURT: No, no, no.. Yeah. I'll send it back
2 with some specific instructions that they not open it.

3 MS. OWENS: That suits the State, Your Honor.

4 THE COURT: Okay. Is that okay?

5 MR. CHAMBERS: That's fine with me, Your Honor. Yes,
6 sir.

7 THE COURT: All right. So where are the exhibits?
8 Do y'all want to come up and see? Where are they?

9 Bring the alternate back while we're doing that.

10 (Pause in proceedings; Juror Number 36 enters the
11 courtroom.)

12 THE COURT: All right. Sir, first of all, I want to
13 thank you for agreeing to serve as an alternate. I don't
14 know whether you wanted to or not, but I could just tell
15 that you're real thrilled about it by your body language.

16 Your services have been completed, although feel free
17 to stick around if you want to stick around if you so
18 desire. But if you do not and you want to leave, you're
19 free to leave. But hopefully next time you get to serve
20 on the jury and you'll be one of the jurors and not the
21 alternate, okay?

22 JUROR NUMBER 36: All right. I'm going to stay. I'm
23 already here now.

24 THE COURT: You want to stick around. You can sit in
25 the back anywhere.

1 (WHEREUPON, a recess is taken at 3:37 p.m., and the jury
2 starts deliberating; Court's Exhibit Number 4 was marked
3 for identification.)

4 THE COURT: Ready for the jury?

5 MS. OWENS: Yes, sir, Your Honor.

6 THE COURT: Bring them.

7 (WHEREUPON, the jury entered the courtroom at 4:54 p.m.)

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

10 JURY FOREPERSON: We have, Your Honor.

11 THE COURT: All right. If you would, would you pass
12 the verdict form to the clerk -- I mean to the bailiff and
13 then to the clerk. All right.

14 Clerk, would you publish the verdict.

15 VERDICT

16 THE CLERK: Yes, sir. This is State of South
17 Carolina vs. Braylon Lamar Morris. As to the indictment
18 2018-GS-39-3423 charging the defendant with the offense of
19 possession with intent to distribute cocaine, we the jury
20 unanimously find the defendant guilty.

21 As to Indictment 2018-GS-39-3424 charging the
22 defendant with the offense of trafficking in heroin
23 greater than 28 grams, we the jury unanimously find the
24 defendant guilty.

25 As to Indictment 2018-GS-39-3425 charging the

1 defendant with the offense of trafficking in
2 methamphetamine greater than 10 grams, we the jury
3 unanimously find the defendant guilty.

4 As to Indictment 2018-GS-39-3426 charging the
5 defendant with the offense of unlawful possession of a
6 sawed-off shotgun, we the jury unanimously find the
7 defendant guilty.

8 As to indictment 2018-GS-39-3428 charging the
9 defendant with the offense of possession of a weapon
10 during the commission of a violent crime, we the jury
11 unanimously find the defendant guilty.

12 Is this your verdict and still your verdict, so say
13 you all by raising your right hand.

14 (All jurors raised their right hand.)

15 THE CLERK: Thank you very much.

16 THE COURT: Anything from either side?

17 MR. CHAMBERS: No, Your Honor.

18 THE COURT: State?

19 MS. OWENS: Not as it relates to the jury, Your
20 Honor.

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, I've got some good news for you and I've got some
23 bad news. The good news is that this will be the final
24 trial this week so we will not have another trial.
25 Tomorrow is Friday, so we won't start another trial. So I

1 want to thank you for your attentiveness. I've been
2 watching, and everybody, all of you have been listening
3 and paying attention. And that's important because jury
4 service is important to both sides. The State as well as
5 the defendant needed your attention. And you gave them
6 that, and I want to applaud all of you for doing that
7 during this trial.

8 The bad news is that, you know, you won't get to
9 spend any more time with me. And I know that just breaks
10 your heart. But maybe fortunately in the future you'll
11 have an opportunity to serve as a juror again where I'm
12 the presiding judge, and that could very well be in
13 criminal court or civil court.

14 So I'm not going to keep you any longer. The air
15 conditioner works out here, so you might want to stay in
16 the building. But I can't keep you in the building, so
17 I'm going to send you out in that 100 degree heat.

18 So appreciate your service as jurors, and thank you,
19 thank you so very much from the State as well as the
20 defendant and all of the Pickens County judicial system.
21 Okay?

22 All right. And we need the signature of the
23 foreperson. All right. But everybody else can leave.

24 (WHEREUPON, the jury exits the courtroom at 4:58 p.m.)

25 THE COURT: Okay. I am assuming, Counsel, that they

1 probably left in the jury room those charge instructions,
2 I'm assuming. Do we need to make that a part of the
3 record since they did ask for that? I would think ---

4 MS. OWENS: I certainly think that's a prudent idea,
5 and I have no objection.

6 MR. CHAMBERS: Probably be a good idea, Your Honor.

7 THE COURT: Yeah. Can you check on that and see if
8 they left those instructions? And that could be marked as
9 a second court exhibit.

10 THE COURT REPORTER: Number 5.

11 THE COURT: Number 5. There you go.

12 All right. Any motions?

13 MR. CHAMBERS: Just make a motion for a new trial,
14 Your Honor.

15 THE COURT: All right. Okay. I'm going to go ahead
16 and deny your motion. All right. But all other
17 objections noted for the record regarding the
18 admissibility of evidence, anything are noted for the
19 record.

20 All right. Anything before sentencing from either
21 side?

22 MS. OWENS: No, sir, Your Honor. The State's ready
23 to proceed with sentencing.

24 MR. CHAMBERS: No, Your Honor.

25 THE COURT: Do we have sentencing sheets? Is that

1 somewhere? Have you got that for me?

2 MS. OWENS: Yes, sir. I don't know that the Court's
3 seen it.

4 THE COURT: Oh, and I've got the verdict form.

5 Okay. Mr. Morris, would you come forward along with
6 your lawyer.

7 All right. Let me hear from the State.

8 MS. OWENS: Your Honor, may it please the Court. I
9 know the Court's real familiar with the allegations in the
10 case. I won't belabor any additional information about
11 the case. But I will share with the Court the defendant's
12 criminal history.

13 THE COURT: Yeah.

14 MS. OWENS: It includes a 2007 conviction for
15 possession of methamphetamine and possession of marijuana,
16 and a 2011 conviction for attempted armed robbery and
17 assault with intent to kill.

18 THE COURT: Can you give that to me again?

19 MS. OWENS: Yes, sir. 2007, possession of meth,
20 possession of marijuana; 2011, attempted armed robbery and
21 assault with intent to kill.

22 And for the Court's information, Mr. Morris served, I
23 believe, 43 days before he was released on bond on these
24 charges, but it's my understanding he's been in Greenville
25 County custody since July 15th of 2019 on unrelated

1 charges.

2 THE COURT: All right. But as it relates to the
3 Pickens charges, there's only 43 days of credit here.

4 MS. OWENS: Yes, sir.

5 THE COURT: Everything else is related to the pending
6 Greenville County charges?

7 MS. OWENS: Yes, sir.

8 THE COURT: All right. And those charges are still
9 pending is my understanding.

10 MS. OWENS: Yes, sir.

11 MR. CHAMBERS: Your Honor, as far as jail time goes,
12 my client's indicated to me that prior to -- or in
13 addition to that 43 days, he has about seven months on
14 house arrest on these Pickens charges. I'm going based on
15 what he told me. But I want to make the Court aware of
16 that. Our position would be that if he was, in fact, on
17 house arrest ---

18 THE COURT: Was he on house arrest for the Greenville
19 County charges?

20 MR. CHAMBERS: He says on the Pickens County
21 charges.

22 THE COURT: That was part of his bond?

23 MR. CHAMBERS: Yes, sir.

24 THE COURT: Did he violate that?

25 MR. CHAMBERS: He ended up -- the only reason he

1 ended up going back to jail was because he picked up the
2 murder charge in Greenville.

3 MS. OWENS: Which I would say is a violation, Your
4 Honor.

5 THE COURT: How could he get credit?

6 MR. CHAMBERS: It's clearly a violation. But, I
7 mean, he -- I know that the Court can give credit for
8 house arrest.

9 THE COURT: But the Greenville County charges was a
10 violation of the house arrest -- I mean of the HIP
11 condition.

12 MR. CHAMBERS: Well, it is, Your Honor. But up until
13 the time that he violated and you go to jail, the Court
14 can give credit for those ---

15 THE COURT: I'm not going to do that. I'm not going
16 to do that. I clearly look at it as a violation, so I'm
17 not going to do that.

18 Anything else from the State?

19 MS. OWENS: No, sir, Your Honor.

20 THE COURT: All right. Go ahead, Mr. Chambers. What
21 do you want to tell me about him?

22 MR. CHAMBERS: Well, Your Honor, you know, I've
23 gotten to know Braylon over the last several years, and
24 he's always been a pretty straight shooter with me. He
25 has steadfastly maintained his innocence throughout this

1 process. He has turned down, I think, at one point the
2 best deal that we were offered was seven years on this
3 case. And, you know, he's wanted to go to trial, and here
4 we are.

5 In relation to sentencing, he doesn't have a
6 substantial record. You heard from the solicitor what he
7 has is all over ten years old, fairly minor in the scheme
8 of things. It's certainly not anything near what he's
9 charged with. Unfortunately, in South Carolina, at least
10 from my view it's unfortunate, we have mandatory minimums
11 for certain things, and this is one of those. On the
12 trafficking heroin charge, unfortunately, I believe the
13 least that you can give him by law is 25 years. I would
14 love to be able to argue for less than that, but we're
15 kind of stuck with that.

16 I would ask the Court to give him the minimum
17 sentence that the law allows you to give him, I believe
18 that that is a very harsh penalty in this case, and to run
19 everything else concurrent with that.

20 THE COURT: All right. Anything else?

21 MR. CHAMBERS: No, Your Honor.

22 THE COURT: Mr. Morris, anything you want to say to
23 me?

24 DEFENDANT MORRIS: It was no fair trial, but it is
25 what it is.

SENTENCING

1
2 THE COURT: All right. On indictment ending in 3424,
3 State vs. Braylon Lamar Morris, charged with trafficking
4 in illegal drugs, the sentence of the Court is that you be
5 committed to the South Carolina Department of Corrections
6 for a period of 28 years. 43 days of jail time credit is
7 given to you.

8 On indictment ending in 3423, State vs. Braylon Lamar
9 Morris, charged with possession with intent to distribute
10 cocaine, the sentence of the Court is ten years -- ten
11 years. That sentence will be concurrent to the prior
12 sentence.

13 On indictment ending in 3428, State vs. Braylon Lamar
14 Morris, charged with possession of a weapon during a
15 violent crime, the sentence of the Court is you be
16 committed to the South Carolina Department of Corrections
17 for a period of five years. That sentence will be ran
18 concurrent with the prior sentence.

19 On indictment ending in 3425, State vs. Braylon Lamar
20 Morris, charged with trafficking in methamphetamine, the
21 sentence of the Court is you be committed to the South
22 Carolina Department of Corrections for a period of ten
23 years. That sentence is to likewise be ran concurrent
24 with the prior sentence.

25 And on indictment ending in 3426, State vs. Braylon

1 Lamar Morris, charged with unlawful possession of a
2 sawed-off shotgun, sentence of the Court is you be
3 committed to the South Carolina Department of Corrections
4 for a period of five years. That sentence will be ran
5 concurrent with the prior sentence.

6 The lead indictment is the indictment ending in 3428,
7 State vs. Braylon Lamar Morris, charged with trafficking
8 in illegal drugs. And here, again, the sentence of the
9 Court is that you be committed to the South Carolina
10 Department of Corrections on that sentence for 28 years.
11 That's the lead indictment.

12 Good luck to you, sir.

13 (WHEREUPON, proceedings concluded at 5:10 p.m.; Court's

14 Exhibit Number 5 was marked for identification.)
15
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25

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF PICKENS)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Pickens County, South Carolina, on
14 the 15th and 16th day of June, 2022.

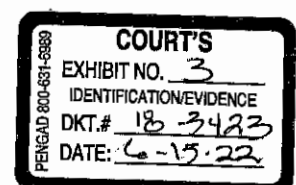
15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.

17
18 November 23, 2022

19
20
21 Cheryl A. Smith

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

STATE OF SOUTH CAROLINACounty of Pickens**SEARCH WARRANT**Date 11-09-2018Officer Agent Chet AnthonySCCA 513
(3-1978)

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

Affidavit

Personally appeared before me, one Agent Chet Anthony
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under
 provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following
 premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

See Attachment "B"

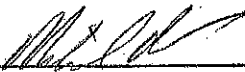
DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED

See Attachment "A"

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

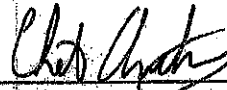
See Attachment "C"

Sworn to and subscribed before me

this 9th day of November, 20 18

Signature of Judge

(L.S.)



Affiant

Address 216 C. David Stone Road
Pickens, South Carolina 29671
 Phone (864) 898-5500

STATE OF SOUTH CAROLINA)
) SEARCH WARRANT
 COUNTY OF Pickens)

Form Approved by
 SC Attorney General
 Section 19-13-160

March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY
 OR OF THE MUNICIPALITY OF Pickens :

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES, (PERSON, PLACE, OR THING)
 TO BE SEARCHED**

See Attachment "A"

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

See Attachment "B"

This Search Warrant shall not be valid for more than ten days from the date of issuance.
 A written inventory of all property seized pursuant to this Search Warrant shall be made to

Pickens County Magistrate Judge Baker

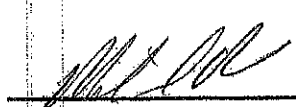
within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Pickens, S.C.

November 9th, 20 18

(L.S.)


 Signature of Judge

SCCA 513
 (3-1978)

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

)
)

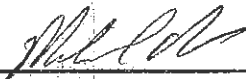
ATTACHMENT "A"
DESCRIPTION OF PREMISES

From the Tri County Technical College-Easley Campus (1774 Powdersville Rd. Easley, SC 29642) parking lot turn right onto Powdersville Road traveling northeast for 0.3 miles. Then continue left onto Old Easley Bridge Road for 0.6 miles. Then turn right onto Turner Hill Road, travel 0.8 miles. Then turn left onto Glenda Lane, traveling approximately 400 feet. The residence to be searched will be on your right. It has a gravel drive-way that leads to the side of the house. It is a double-wide with white vinyl siding and brick underpinning, red shutters, and a grey shingle roof. The residence has a small wooden front porch the leads to a white front door.



Agent Chet Anthony, Affiant

Sworn to and subscribed before me this 9th day of November, 2018.

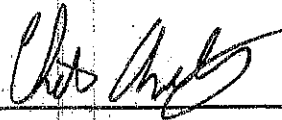


Signature of Judge

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

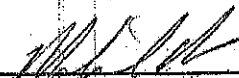
ATTACHMENT "B"
DESCRIPTION OF PROPERTY

1. Heroin, and/or paraphernalia relating to the use and/or sale of Heroin such as baggies, and scales. Books, records, receipts, notes, ledgers and other papers relating to the trafficking, transportation, ordering, purchase, manufacture and/or distribution of controlled substances, in particular, Heroin, a Schedule II Controlled Substance, and other controlled dangerous substances.
2. Papers, tickets, notes, receipts and other items relating to domestic and international travel.
3. Books, records, invoices, receipts, computers, computer records, records of real estate transactions, bank statements and related records, passbooks, money drafts, letters of credit, money orders, bank drafts, and cashier's checks, bank checks, safe deposit box keys, money wrappers, and other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transfer, concealment, and/or expenditure of money.
4. United States currency, precious metals, jewelry, and financial instruments, including, but not limited to, stocks and bonds.
5. Photographs, including still photos, negatives, video tapes, films, undeveloped film and the contents therein, slides, (in particular photographs of co-conspirators), of assets, and/or controlled dangerous substances.
6. Address and/or telephone books, rolodex indices and any papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, sources of supply, customers, financial institutions, and other individuals or businesses with whom a financial relationship exists.
7. Indicia of occupancy, residency, rental and/or ownership of the premises described herein and other premises rented or owned to conceal an illegal narcotics business, including, but not limited to, utility and telephone bills, canceled envelopes, rental purchase or lease agreements, and keys.
8. Video surveillance equipment, including but not limited to, video cameras, cables, monitors, and recording equipment.
9. Firearms and ammunition, including but not limited to, handguns, pistols, revolvers, rifles, shotguns, machine-guns, and other weapons, and any records or receipts pertaining to firearms and ammunition.



Agent Chet Anthony, Affiant

Sworn to and subscribed before me this 9th day of November, 2018.



Signature of Judge

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

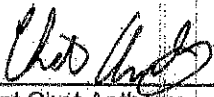
ATTACHMENT "C"
AFFIDAVIT FOR SEARCH WARRANT

Personally appeared before me on this 9th day of November, 2018, Chet Anthony, who on oath hereby deposes and states:

1. That the affiant is a Deputy Sheriff with the Pickens County Sheriff's Office, having been in law enforcement for six (6) years.
2. That during this time, the affiant has been assigned as a case agent on numerous narcotics and illegal drug cases. The affiant has also received specialized training on numerous occasions in the area of drug investigations, search and seizures, and legal issues.
3. That during this time period, the affiant has conferred with other local, state, and federal drug agents, prosecuting attorneys, witnesses and informants and as a result has gained considerable knowledge and experience in the investigation of drug trafficking and related financial matters.
4. That the affiant is assigned as an Agent with the Special Operations Division of the Pickens County Sheriff's Office, and as a normal part of his duties, is assigned to investigate the trafficking, manufacture, cultivation, possession, and/or distribution of controlled substances including Heroin, a Schedule II Controlled Substance.
5. The affiant states that the information set out in this affidavit is personally known to the affiant or was furnished by law enforcement officers or a reliable and confidential informant involved in the investigation.
6. That within the last seventy-two (72) hours, Agents with Pickens County Sheriff's Office (PCSO), Greenville County Sheriff's Office (GCSO), and The South Carolina Law Enforcement Division (SLED) supervised the controlled purchase of Heroin from Braylon Lamar Morris (Suspect). Agents conducted surveillance on Morris at 200 Glenda Ln, in Easley. The suspect was observed leaving the residence in a red Lexus SUV and traveling to an address just off Old Easley Bridge Rd inside Greenville County. The suspect then met with a Confidential Informant (C/I) and exchanged a quantity of Heroin for documented funds. The suspect then left the incident location and traveled back in the direction of the residence on Glenda Lane. See GCSO Case #: 01-2018-148237 for details.
7. Based on the affiant's training and experience as a narcotics investigator, individuals who are involved in drug trafficking activities maintain and keep records of their illegal investment ventures in the form of various documents, including drug notebooks or ledgers, detailing amounts purchased, amounts sold, and monies owed. The affiant states that in his experience, this documentation and other items of evidence relating to these types of records are frequently found within the residences of many major drug traffickers. Further, such individuals maintain other forms of documentation of drug trafficking operations, such as computer records, phone numbers of distributors and sources, banking records and transaction notes. These items of documentation are kept as running accounts as well as historical accounts of past drug / financial transactions. Furthermore, based on the affiant's training, experience, and participation in other narcotic and financial investigations involving large amounts of illegal narcotics, the affiant further knows that:
 - That these items of evidentiary value may also be located elsewhere on the property as well as in any vehicle the subject may have access to.

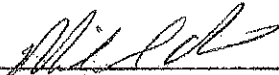
- Narcotic traffickers often keep large amounts of U.S. currency on hand in order to maintain and finance their on-going narcotics business.
- Persons involved in drug trafficking conceal large amounts of currency, jewelry, and other items of value.
- Persons involved in drug distribution or trafficking activities often have items relating to their business in places used as distribution or storage sites, such as scales, baggies, packaging materials, and other paraphernalia.
- Persons involved in the purchase of large quantities of controlled substances for resale, delivery, or distribution, often travel out of state to obtain these illegal drugs, and maintain records of such trips within their residences as well as other information pertaining to the names and locations of such sources.
- Persons involved in drug trafficking activities often have numerous bank accounts, or accounts with other financial institutions, which hold the proceeds of their illegal activities and maintain information pertaining to such accounts within their residences.
- Persons involved in drug trafficking activities often conceal illegal cash proceeds obtained as a result of their narcotics transactions by purchasing money orders to pay bills, retaining those records in their residence.

Therefore, the affiant believes that the residence, any outbuilding(s), and the vehicles used by the residents and/or visitors to the residence contain evidence of ongoing criminal activity involving the illegal trafficking and/or distribution of controlled substances in violation of Title 44, Chapter 53, Section 370 of the South Carolina Code of Laws, 1976, as amended. The affiant also believes there exists sufficient probable cause for the issuance of a search warrant for the residence, any outbuilding(s), and any vehicles associated with the residents or any visitors located at 200 Glenda Lane Easley, South Carolina 29642.


 Agent Chet Anthony
 Pickens County Sheriff's Office

SWORN to before me this the
 9th day of November, 2018.

Time: 2:25 p.m.


 Signature of Judge

RETURN

I received the attached Search Warrant Nov. 15, 20 18, and have executed it as follows:
 On Nov 15, 20 18 at 2 o'clock p M, I searched (the person)
 described in the warrant and (the premises)

I left a copy of the warrant with at incident location
 Name of person searched or "at the place of search" with.
 Together with a receipt for the items seized.
 The following is an inventory of property taken pursuant to the warrant: _____

See Attachment "D"

_____ This inventory was made in the presence of See Attachment "D"

AND _____

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.
 SWORN to before me this 2/15)

day of November, 20 18) 2 EATZ
 (Signature of Officer Executing Warrant)

[Signature] (L.S.)
 Signature of Judge

SCCA 513(3-1978)

**STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)**

**ATTACHMENT "D"
RETURN**

Officers on Scene:

Pickens County Sheriff's Office: Lt. Brett Barwick, Agent Kevin Durham, Agent Chet Anthony, Agent Jeff Bolde.

Greenville County Sheriff's Office: MD Jeremy Jones, MD Shannon Piller, Investigator Charlie Cunningham, Investigator Brett Ravell.

South Carolina Law Enforcement Division (SLED): S/A Terry Casey, S/A BJ Hyatt, S/A Ryan Gibson.

Inventory of Property Taken Pursuant to the Warrant:

From Inside Residence:

Master Bedroom

1. SLED B.E.S.T. Pack #B285410
 - 1.1. Plastic bag with two bags of white powder substance. (Sentry Safe in closet- J. Bolde)
 - 1.2. Plastic bag of crystal like substance. (Sentry Safe in closet- J. Bolde)
 - 1.3. Plastic bag of crystal substance. (Black plastic container with magnet in bathroom- Anthony)
 - 1.4. Plastic bag of white rock substance. (Sentry Safe in closet- J. Bolde)
 - 1.5. Plastic bag of white powder substance. (top drawer of dresser on right side of master bedroom- Durham)
 - 1.6. (7) Pressed tablets. (Prescription bottle inside closet- J. Bolde)
 - 1.7. (1) Round blue pill inscribed A215. (Prescription bottle inside closet- J. Bolde)

Master Bedroom Closet

2. Plastic freezer bag with green plant material (Sentry Safe- J. Bolde).
3. Black Plastic container with blue top and magnet on bottom (Sentry Safe- J. Bolde).
4. Prescription pill bottle (On top of table beside Safe- J. Bolde).
5. Two Bottles of Mannitol (Bookshelf- J. Bolde).
6. Digital Scales (Bookshelf- J. Bolde).
7. Book bag with assorted ammunition (Floor- J. Bolde).
8. North American Arms .22 caliber LR revolver S/N: V64253 (Sentry Safe- J. Bolde).
9. Davis Industries .32 caliber Derringer S/N: 069865 (Sentry Safe- J. Bolde).
10. Harrington and Richardson 16 ga. Shotgun (Sawed-off) S/N: 54143 (Floor- Anthony).
11. Remington 12 ga. Model 1148 semi-auto S/N: 5069364 (Floor- Anthony).
12. Ithaca Deer Slayer 12 ga. Pump-action shotgun S/N: 974645 (Floor- Anthony).
13. Diamondback AR15 300 Blackout S/N: DB1720826 (Inside box on the floor- Anthony).
14. Pietro Beretta 12 ga. Model AL1 S/N: G16272 (Floor- Anthony).

Bottom drawer of night stand

- 15. Hi Point .45 caliber pistol with 1 loaded magazine S/N: X421186 (Durham).
- 16. Sentential .22 caliber revolver S/N: 2070543 (Durham).

Dresser on left side of master bedroom

- 17. Plastic bag with two bags of plant material (J Jones).
- 18. Western Auto Supply .22 caliber revolver S/N: 1451350 (bottom drawer- J. Jones).

Bathroom

- 19. Black Plastic container with magnet on bottom (Vanity Drawer- Anthony).

Behind Night stand in Master Bedroom

- 20. Mossberg 12 ga. Pistol-grip shotgun with 4 rounds of ammunition S/N: J269561 (Durham).

Laying on Bed in Master Bedroom

- 21. Black iPhone Model X (Laying on bed- Anthony)
- 22. Smith and Wesson M&P Shield 9mm with 2 magazines S/N: LEP6551 (Inside pocketbook lying on bed- Durham).

Suspects Wallet

- 23. \$2,394.00 in US Currency (J. Jones).

Kitchen

- 24. Assorted food saver bags (Sitting on stool- Hyatt).

In suspects hand when residence was entered

- 25. Mossberg Maverick Pistol-grip Shotgun with 5 rounds of ammunition S/N: MV87748N (Hyatt).

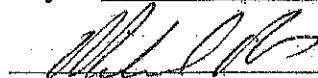
Living Room

- 26. White LG Cellphone Model: LS676 S/N: 801CYGW3232943 (Anthony).
- 27. White LG Cellphone Model: LS676 S/N: 710CYNL2809847 (Anthony).

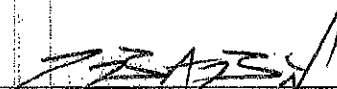
Taken Outside of the Residence**Inside Red Lexus**

- 28. HWM .357 revolver loaded S/N: 1725686 (inside driver's door- Ravell).
- 29. Taurus .38 caliber revolver S/N: NE20472 (inside driver's door- Ravell).
- 30. Miscellaneous Paperwork (inside console- Ravell).

SWORN to before me this _____
Day of November 21st, 2018.



Signature of Judge



Signature of Officer

WITNESSES

Chet T Anthony

Pickens County Sheriff's Office

11/16/2018

ARREST WARRANT NUMBER
2018A3910101379

ACTION OF GRAND JURY

TRUE BILL
Date

JUN 11 2019

Tia R Proster
Foreperson of Grand Jury

VERDICT

GUILTY

Noelene Billard
Foreperson of Petit Jury
Date: 6/16/22

DOCKET NO. 2018-GS-39-^{BBH}3423

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 11 2019 TERM 2018

THE STATE

vs.

BRAYLON LAMAR MORRIS

Indictment for

0185

POSSESSION OF COCAINE WITH INTENT TO
DISTRIBUTE

VIOLATION § 44-53-0370(B)(1)

RECEIVED

JUN 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
POSSESSION OF COCAINE WITH INTENT TO DISTRIBUTE

At a Court of General Sessions, convened on JUN 11 2019 the Grand Jurors of Pickens County present upon their oath:

That BRAYLON LAMAR MORRIS did in Pickens County, on or about the 15th day November, 2018, possess with intent to distribute or aid, abet, or conspire to possess with the intent to distribute a quantity of Cocaine, a controlled substance, such possession not having been authorized by law. This is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Williams

Clerk of Court

Pickens County, SC

Dated 6/21/22

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Brenda Hunter
SOLICITOR BAR # 77844

WITNESSES

Chet T Anthony

Pickens County Sheriff's Office

11/16/2018

ARREST WARRANT NUMBER

2018A3910101380

ACTION OF GRAND JURY

TRUE BILL

Date

JUN 11 2019

Tia R Probst

Foreperson of Grand Jury

VERDICT

Guilty

Arnette B. Probst

Foreperson of Petit Jury

Date: 6/16/22

DOCKET NO. 2018-GS-39-3424

BBH

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 11 2019

TERM 2018

THE STATE

vs.

BRAYLON LAMAR MORRIS

Indictment for

0149

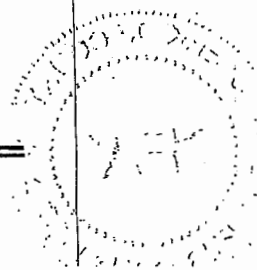
TRAFFICKING HEROIN

VIOLATION § 44-53-0370(E)(3)(

RECEIVED

JUN 28 2022

SC Court of Appeals



STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
TRAFFICKING HEROIN

At a Court of General Sessions, convened on
County present upon their oath:

JUN 11 2019

the Grand Jurors of Pickens

That BRAYLON LAMAR MORRIS did in Pickens County, on or about the 15th day of November, 2018, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 28 grams of Heroin. This is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Handwritten signature

Clerk of Court

Pickens County, SC

Dated 6/21/22

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Brandi Hunter
SOLICITOR BAR # 77844

WITNESSES

Chet T Anthony

Pickens County Sheriff's Office

11/16/2018

ARREST WARRANT NUMBER

2018A3910101381

ACTION OF GRAND JURY

TRUE BILL

Date: JUN 11 2019

Tia R Probst

Foreperson of Grand Jury

VERDICT

Guilty

Anna Bilal

Foreperson of Petit Jury

Date: 6/16/22

DOCKET NO. 2018-GS-39-^{BBH} 3425

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 11 2019

TERM 2018

THE STATE

vs.

BRAYLON LAMAR MORRIS

Indictment for

0452

TRAFFICKING METHAMPHETAMINE

VIOLATION § 44-53-0375(C)(1)(

RECEIVED

JUN 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
TRAFFICKING METHAMPHETAMINE

At a Court of General Sessions, convened on _____
County present upon their oath:

JUN 11 2019

the Grand Jurors of Pickens

That BRAYLON LAMAR MORRIS did in Pickens County, on or about the 15th day of November, 2018, knowingly sell, manufacture, deliver or bring into the State of South Carolina or did knowingly provide financial assistance or otherwise aid, abet, attempt or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 10 grams of Methamphetamine. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Wilkins

Clerk of Court

Pickens County, SC

Dated. 6/21/22

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Brenda Hunter
SOLICITOR BAR # 77844

BAR # 77844

WITNESSES

Chet T Anthony

Pickens County Sheriff's Office

11/16/2018

ARREST WARRANT NUMBER
2018A3910101382

ACTION OF GRAND JURY

TRUE BILL

Date **JUN 11 2019**

Tia R Prosser
Foreperson of Grand Jury

VERDICT

GUILTY

Norma B. Adams
Foreperson of Petit Jury

Date: *6/16/22*

DOCKET NO. 2018-GS-39-^{BBH} **3426**

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 11 2019 TERM 2018

THE STATE

vs.

BRAYLON LAMAR MORRIS

Indictment for

0315

POSSESSION OF UNLAWFUL FIREARMS

VIOLATION § 16-23-0230, 0260

RECEIVED

JUN 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS)

INDICTMENT FOR
 POSSESSION OF UNLAWFUL FIREARMS

At a Court of General Sessions, convened on **JUN 11 2019** the Grand Jurors of Pickens

County present upon their oath:

That BRAYLON LAMAR MORRIS did in Pickens County, on or about the 15th day of November, 2018, willfully and unlawfully store, keep, possess, or have in possession or permit another to store, keep, possess, or have in possession a sawed-off Harrington and Richardson Arms 16 gauge shotgun. This is in violation of § 16-23-230 of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Walker

Clerk of Court

Pickens County, SC

Dated 6/21/22

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Braudi Hunter
 SOLICITOR BAR # 77844

WITNESSES

Chet T Anthony

Pickens County Sheriff's Office

11/16/2018

ARREST WARRANT NUMBER

2018A3910101384

ACTION OF GRAND JURY

TRUE BILL

Date

JUN 11 2019

Tia R Proster
Foreperson of Grand Jury

VERDICT

Guilty

Monroe B. Webb
Foreperson of Petit Jury

Date: 10/11/22

DOCKET NO. 2018-GS-39-3428

BBH

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 11 2019

TERM 2018

THE STATE

vs.

BRAYLON LAMAR MORRIS

Indictment for

0549

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A CRIME

VIOLATION § 16-23-0490

RECEIVED

JUN 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
POSSESSION OF A WEAPON DURING THE COMMISSION OF A
CRIME

At a Court of General Sessions, convened on **JUN 11 2019** the Grand Jurors of Pickens

County present upon their oath:

That BRAYLON LAMAR MORRIS did in Pickens County, on or about the 15th day of November, 2018, possess or visibly display a Hi Point .45 caliber pistol during the commission or attempted commission of a violent crime, to wit: Trafficking Methamphetamine. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Walker

Clerk of Court
Pickens County, SC

Dated 6/21/22

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Brian Hunter
SOLICITOR BAR # 77844

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

STATE

VS.

Braylon Lamar Morris

AKA:

Race: BLACK Sex: M Age: 36

DOB: SS#

Address: Glenda Ln

City, State, Zip: Easley, SC 29642-9197

DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS3903423

A/W#: 2018A3910101379

Date of Offense: 11/15/2018

S.C. Code § : 44-53-0370(B)(1)

CDR Code #: 0185

SENTENCE SHEET

Up to 15 yrs &/or up to \$25,000

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

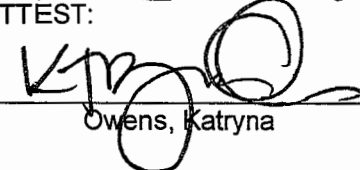
TO: POSSESSION WITH INTENT TO DISTRIBUTE COCAINE 1ST OFFENSE

in violation of § 44-53-0370(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0183

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

 73989 65302
Owens, Katryna SC Bar# Defendant CHAMBERS, RANDALL SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center,

for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
430 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Braylon Lamar Morris INDICTMENT/CASE#: 2018GS3903423SPECIAL CONDITIONS: A/W#: 2018A3910101379☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$ _____
§14-1-206 (Assessments 107.5 %)		\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>8.25</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
TOTAL		\$ <u>283.25</u>

Clerk of Court/ Deputy Clerk: Harold P. WellsPresiding Judge: [Signature]Judge Code: 2763Court Reporter: Cheryl SmithSentence Date: 6-10-22

SCCA/217 (07/2021)

Certified Copy

Harold P. Wells

Clerk of Court

Pickens County, SC

Dated 6/21/22

300

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens

STATE

VS.

INDICTMENT/CASE#: 2018GS3903424

Braylon Lamar Morris

AKA:

Race: BLACK

Sex: M

Age: 36

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED]

SID#: [REDACTED]

RECEIVED

JUN 28 2022

SC Court of Appeals

A/W#: 2018A3910101380

Date of Offense: 11/15/2018

S.C. Code § : 44-53-0370(E)(3)(

CDR Code #: 0149

SENTENCE SHEET

25-40 yrs and \$200,000

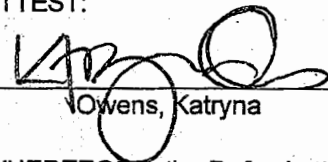
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: TRAFFICKING IN ILLEGAL DRUGS >28 GRAMS

in violation of § 44-53-0370(E)(3)(of the S.C. Code of Laws, bearing CDR Code # 0149

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:



73989

Owens, Katryna

SC Bar#

Defendant

CHAMBERS, RANDALL
Attorney for Defendant

65302

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 28 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment
 of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
43 days/months

☒ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

 Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65
 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Braylon Lamar Morris INDICTMENT/CASE#: 2018GS3903424SPECIAL CONDITIONS: A/W#: 2018A3910101380☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>8.25</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ <u>283.25</u>

Clerk of Court/ Deputy Clerk: Harold P. WellsPresiding Judge: [Signature]Court Reporter: Cheryl SmithJudge Code: 2763Sentence Date: 6-16-22

SCCA/217 (07/2021)

Certified Copy Page 2 of 2

Harold P. Wells
 Clerk of Court
 Pickens County, SC
 Dated 6/21/22

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

STATE

VS.

Braylon Lamar Morris

AKA:

Race: BLACK Sex: M Age: DOB: SS#: Address: City, State, Zip: DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS3903425A/W#: 2018A3910101381Date of Offense: 11/15/2018S.C. Code § : 44-53-0375(C)(1)C.D.R. Code #: 0450**RECEIVED**

JUN 28 2022

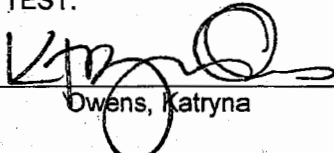
SENTENCE SHEET

SC Court of Appeals

3-10 yrs and \$25,000

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: TRAFFICKING IN METHAMPHETAMINE 10-28 GRAMS 1ST OFFENSEin violation of § 44-53-0375(C)(1) of the S.C. Code of Laws, bearing CDR Code # 0450☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

73989

65302

Owens, Katryna

SC Bar#

Defendant

CHAMBERS, RANDALL
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.
45 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Braylon Lamar Morris INDICTMENT/CASE#: 2018GS3903425SPECIAL CONDITIONS: A/W#: 2018A3910101381☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 8.25

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk: Harold P. WalkerPresiding Judge: [Signature]Judge Code: 2763Court Reporter: Cheryl SmithSentence Date: 6-16-22

SCCA/217 (07/2021)

Certified Copy Page 2 of 2

Harold P. WalkerClerk of Court
Pickens County, SCDated 6/21/22

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

STATE

VS.

Braylon Lamar Morris

AKA:

Race: BLACK Sex: M Age: 36DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED]SID#: [REDACTED]

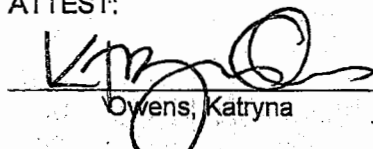
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS3903426A/W#: 2018A3910101382Date of Offense: 11/15/2018S.C. Code § : 16-23-0230, 0260CDR Code #: 0315

SENTENCE SHEET

Up to 10 yrs &/or up to \$10,000**SC Court of Appeals***CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADSTO: UNLAWFUL POSSESSION OF SAWED OFF SHOTGUNin violation of § 16-23-0230, 0260 of the S.C. Code of Laws, bearing CDR Code # 0315☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

73989

65302

Owens, Katryna

SC Bar#

Defendant

CHAMBERS, RANDALL
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
45 days/months☒ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Braylon Lamar Morris INDICTMENT/CASE#: 2018GS3903426SPECIAL CONDITIONS: A/W#: 2018A3910101382☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 178.75

Clerk of Court/ Deputy Clerk: Harold P. WalkerPresiding Judge: [Signature]Judge Code: 2763Court Reporter: Cheryl SmithSentence Date: 6-16-22

SCCA/217 (07/2021)

Certified Copy Page 2 of 2

Harold P. WalkerClerk of Court
Pickens County, SCDated 6/21/22

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

STATE

VS.

Braylon Lamar Morris

AKA:

Race: BLACK Sex: M Age: 36DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS3903428A/W#: 2018A3910101384Date of Offense: 11/15/2018S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

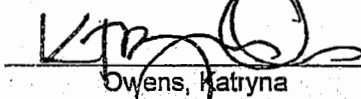
RECEIVED

JUN 28 2022

5yrs

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐ **SC Court of Appeals**In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: POSSESSION OF WEAPON DURING COMMISSION OF VIOLENT CRIMEin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

73989

65302

Owens, Katryna

SC Bar#

Defendant

CHAMBERS, RANDALL
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
45 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Braylon Lamar Morris INDICTMENT/CASE#: 2018GS3903428SPECIAL CONDITIONS: A/W#: 2018A3910101384☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Harold P. WellsPresiding Judge: [Signature]Court Reporter: Cheryl SmithJudge Code: 2763Sentence Date: 6-16-20

SCCA/217 (07/2021)

Certified Copy Page 2 of 2

Harold P. Wells
 Clerk of Court
 Pickens County, SC
 Dated 6/21/22

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED

Jan 12 2023

SC Court of Appeals

Respectfully Submitted,



Breen Richard Stevens
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of January, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jan 12 2023

SC Court of Appeals

Appeal from Pickens County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRAYLON L. MORRIS,

APPELLANT

APPELLATE CASE NO. 2022-000898

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blicht, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Braylon L. Morris, #347230, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335-9308, this 12th day of January, 2023.



Breen Richard Stevens
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BLITCH WILLIAM](#); [SC - COLLINS CAROLINE](#)
Cc: [Stevens, Breen](#)
Subject: Morris, Braylon - Anders Brief of Appellant & Record on Appeal - 2022-000898
Date: Thursday, January 12, 2023 10:39:00 AM
Attachments: [Morris, Braylon - Anders Brief of Appellant - 2022-000898 - AG Cover Letter.pdf](#)
[Morris, Braylon - Anders Brief of Appellant - 2022-000898.pdf](#)
[Morris, Braylon - Record on Appeal - 2022-000898.pdf](#)

Mr. Blitch,

Please find attached for service the Anders Brief of Appellant, Designation of Matter and Record on Appeal for Braylon L. Morris's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock

Administrative Assistant

Commission on Indigent Defense

Appellate Division

(803) 734-1330