

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Cherokee County

Honorable William A. McKinnon, Circuit Court Judge

RONNIE BONNER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001522

APPENDIX

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

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

CHELSEY MARTO
Assistant Attorney General
1000 Assembly St.
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRANSCRIPT OF TRIAL HELD APRIL 16 THROUGH 18, 2019	1
TRANSCRIPT OF HEARING ON MOTION TO RECONSIDER SENTENCE HELD JUNE 3, 2019.....	387
APPLICATION FOR POST-CONVICTION RELIEF	395
RETURN.....	410
TRANSCRIPT OF EVIDENTIARY HEARING HELD JUNE 6, 2022	419
ORDER OF DISMISSAL.....	466
INDICTMENT.....	476
SENTENCE SHEET.....	478

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Cherokee County

Honorable William A. McKinnon, Circuit Court Judge

RONNIE BONNER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001522

APPENDIX

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

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

CHELSEY MARTO
Assistant Attorney General
1000 Assembly St.
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED APRIL 16 THROUGH 18, 2019.....	1
HEARING ON MOTION TO RECONSIDER SENTENCE DATED JUNE 3, 2019.....	387
APPLICATION FOR POST-CONVICTION RELIEF	395
RETURN.....	411
EVIDENTIARY HEARING TRANSCRIPT DATED JUNE 6, 2022.....	420
ORDER OF DISMISSAL.....	467
INDICTMENT.....	477
SENTENCE SHEET.....	479

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

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
6 -vs-) 2018-GS-11-00653
7)
RONNIE BONNER,) APRIL 16, 2019
8) GAFFNEY, SOUTH CAROLINA
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

(VOLUME I)

B E F O R E:

THE HONORABLE J. DERHAM COLE, JUDGE. ; And a Jury.

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

MATT KENDALL, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

KIM LESKANIC, DEPUTY ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

CHRIS THOMPSON, ESQUIRE
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

INDEX

(APRIL 16, 2019)

WITNESSES	PAGE
JURY VOIR DIRE --	PAGE 13
JURY SWORN --	PAGE 37
OPENING STATEMENT BY MR. KENDALL --	PAGE 48
OPENING STATEMENT BY MR. THOMPSON --	PAGE 50
OFFICER TIM TATE (SW)	
DIRECT EXAMINATION BY MR. KENDALL	52
CROSS EXAMINATION BY MR. THOMPSON	59
REDIRECT EXAMINATION BY MR. KENDALL	68
OFFICER DAVID OWENS (SW)	
DIRECT EXAMINATION BY MR. KENDALL	72
CROSS EXAMINATION BY MR. THOMPSON	83
REDIRECT EXAMINATION BY MR. KENDALL	92
ANGELA UPCHURCH (SW)	
DIRECT EXAMINATION BY MS. LESKANIC	94
CROSS EXAMINATION BY MR. THOMPSON	106
REDIRECT EXAMINATION BY MS. LESKANIC	123
RECROSS EXAMINATION BY MR. THOMPSON	127

INDEX

(APRIL 17, 2019)

WITNESSES	PAGE
BRIAN PARKER (SW)	
DIRECT EXAMINATION BY MS. LESKANIC	136
CROSS EXAMINATION BY MR. THOMPSON	143
REDIRECT EXAMINATION BY MS. LESKANIC	164
SHARON STONE (SW)	
DIRECT EXAMINATION BY MS. LESKANIC	168
CROSS EXAMINATION BY MR. THOMPSON	173
REDIRECT EXAMINATION BY MS. LESKANIC	185
OFFICER BILLY ANTHONY (SW)	
DIRECT EXAMINATION BY MR. KENDALL	188
CROSS EXAMINATION BY MR. THOMPSON	192
SLED AGENT BRITTNEE HILL (SW)	
DIRECT EXAMINATION BY MR. KENDALL	193
CROSS EXAMINATION BY MR. THOMPSON	199
STATE RESTS -- PAGE 200	
OFFICER TIM TATE (DW)	
DIRECT EXAMINATION BY MR. THOMPSON	205
CROSS EXAMINATION BY MS. LESKANIC	214
REDIRECT EXAMINATION BY MR. THOMPSON	216

INDEX

(APRIL 17, 2019)

WITNESSES	PAGE
KIKI SMITH (DW)	
DIRECT EXAMINATION BY MR. THOMPSON	221
CROSS EXAMINATION BY MR. KENDALL	224
OFFICER DAVID OWENS (SW)	
DIRECT EXAMINATION BY MR. THOMPSON	227
(NO CROSS EXAMINATION)	
RONNIE BONNER (DW)	
DIRECT EXAMINATION BY MR. THOMPSON	228
CROSS EXAMINATION BY MS. LESKANIC	244
REDIRECT EXAMINATION BY MR. THOMPSON	270
RECROSS EXAMINATION BY MS. LESKANIC	276

REPORTER'S CERTIFICATE -- PAGE 283

EXHIBITS

	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-1	PHOTOGRAPH		79
4	S-2	DRUGS		198
5				
6	D-1	SEARCH WARRANT		213
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 (PROCEEDINGS, APRIL 16, 2019)

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

4 THE COURT: All right. The State versus Ronnie
5 LeShanon Bonner.

6 Mr. Thompson, you represent Mr. Bonner?

7 MR. THOMPSON: Yes, Your Honor.

8 THE COURT: Does he wish to proceed with the jury
9 trial, or does he wish to enter a plea of guilty?

10 MR. THOMPSON: My last conversation with Mr.
11 Bonner, he indicated he did want a trial.

12 THE COURT: All right.

13 Mr. Bonner is charged in Indictment 2018-00653
14 with the crime of trafficking in methamphetamine.

15 Based upon prior criminal history which has been
16 provided to me, it appears that he's previously been
17 convicted, that at least two prior crimes that were
18 classified as serious offenses; that is, distribution of
19 crack cocaine, or possession with intent to distribute
20 within a half-mile of a school. So he has two prior
21 convictions for serious offenses.

22 Based upon his criminal history, it appears that
23 this trafficking methamphetamine would be a third offense
24 under the law. And a third offense of trafficking in
25 methamphetamine, 28 grams or more, is a serious offense.

1 MS. LESKANIC: Yes, Your Honor, serious and
2 violent.

3 THE COURT: Serious and violent.

4 So, Mr. Thompson, have you explained to Mr. Bonner
5 that if he were to be convicted of trafficking in
6 methamphetamine, 28 grams or more, based upon his prior
7 history that he would be subject to a life sentence without
8 the possibility of parole?

9 MR. THOMPSON: I have discussed that with him and
10 I've made sure that I have conveyed each and every offer to
11 him, as I do all clients. Even if they offer 99 years --

12 THE COURT: I understand.

13 MR. THOMPSON: -- I am obligated to do so.

14 THE COURT: Have there been any plea negotiations
15 or offers in this case?

16 MR. THOMPSON: They have made an offer and Mr.
17 Bonner has come back with some counter-offers. You now,
18 they've dug in at 15, and I believe he offered eight on a
19 first offense.

20 THE COURT: All right. So they --

21 MR. THOMPSON: Under 65 percent.

22 THE COURT: They offered a negotiated 15 years?

23 MR. THOMPSON: Yes, and that would dispose of
24 other charges he has pending at this time.

25 THE COURT: So that would take care of this

1 charge, as well as others?

2 MR. THOMPSON: And other traffickings.

3 THE COURT: What are other charges are pending?

4 MR. THOMPSON: Another trafficking charge from
5 2016 is pending, and a habitual traffic offender also is
6 pending.

7 Now, I believe the other driving charges, he may
8 have enough time served to dispose of those. I think it's
9 driving under suspension, maybe.

10 THE COURT: Is it fair to say that the four
11 pending charges, aside from this one, would be the other
12 trafficking in methamphetamine?

13 MR. THOMPSON: Yes, sir.

14 THE COURT: All right.

15 Mr. Bonner, do you understand what Mr. Thompson
16 just told me?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: He says that he's talked to the
19 solicitor and the solicitor has agreed to negotiate with you
20 and he about this case and that they have agreed that if you
21 plead guilty to trafficking in methamphetamine, that they
22 would agree to a negotiated 15 year sentence.

23 If you don't plead guilty to it and you want to go
24 to trial on it, I have in my hand a notice of a life
25 sentence pursuant to Section 17-25-45, and also I have an

1 affidavit of service where it says that you were served with
2 this notice of the State's intent to seek a life sentence,
3 if you were convicted of trafficking methamphetamine, and
4 they say that you were served with this notice on July the
5 12th of 2017, is that right?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: So you are aware of their notice of
8 their intent to seek a life sentence for you, in the event
9 you are convicted of trafficking in methamphetamine?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Did Mr. Thompson explain to you that
12 if you are convicted for trafficking methamphetamine on this
13 indictment by the jury, that I wouldn't have any discretion
14 in sentencing? You would get a life sentence without the
15 possibility of parole.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you also understand that based upon
18 what Mr. Thompson told me is that you have another
19 trafficking case that's pending?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: So even if the jury in this case were
22 to find you not guilty, they could try you on the other
23 trafficking case. And if you are found guilty on that
24 trafficking case, you could still receive a life sentence
25 without the possibility of parole.

1 So more easily stated, they got two shots to get
2 you a life sentence.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. They have agreed -- or they
5 have offered you a sentence of 15 years, which would take
6 care of everything. Both the trafficking charges and any
7 other pending charges that you have, they will be all be
8 wrapped together for a total of 15. Is that what Mr.
9 Thompson explained to you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you understand it?

12 THE DEFENDANT: Yes, sir, Mr. Cole. I thought
13 about it a thousand times sitting in that cell. I -- I
14 didn't do nothing.

15 THE COURT: Okay.

16 THE DEFENDANT: If they were my drugs, I would
17 plead guilty. I pled guilty to the last one that I went to
18 prison for.

19 THE COURT: All right.

20 THE DEFENDANT: These were not my drugs. You can
21 try the other case once this case is over it. Neither one
22 of them, I ain't got no drugs. They are not my drugs.

23 If they were my drugs, you better know I would
24 plead guilty before I go to -- before I get a life sentence
25 and leave my loves ones. I would go for 10 years, but I

1 ain't go 10 years for nothing. They were not my drugs. If
2 they were my drugs I would plead guilty and take the 15.
3 They -- in both cases, no drugs. It's not mine, Your Honor.

4 THE COURT: Okay. Well, of course, that's always
5 your choice. You are the one that gets to decide if you are
6 going to trial or you want to plead guilty. That's up to
7 you.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: I just want to be sure before we pick
10 this jury, because once this jury gets picked, there will be
11 no negotiations. I will not permit it.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: So once the jury gets selected, all
14 offers and agreements are off the table. It would then be
15 up to the jury and if the jury finds you guilty, you will
16 most definitely receive a life sentence without the
17 possibility of parole.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And I just want to be sure that you
20 understand that, because sometimes folks come to court and
21 they don't quite understand it. I just want to be sure that
22 you do, because I'm not trying to talk you into one way or
23 another. I don't care what you do. That's up to you.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You are the one that's charged. You

1 are the one that gets to make the decision.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: But I don't want something to pass
4 that you didn't understand and then later you say "well, I
5 didn't quite understand that I could get 15 instead of
6 life," if you get convicted. And so -- that happens, and so
7 I want to be sure now that you understand what the
8 consequences are of either going to trial and being found
9 guilty, going to trial being found not guilty, as well as
10 coming to court and pleading guilty.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: The decision is always yours. I just
13 want to be clear that you understand what all the factors
14 that go into making that decision and what the State has
15 offered and what you will be giving up, if you reject it.
16 Okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: So have you had plenty of time to talk
19 with Mr. Thompson about the decision that you make?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you need to talk to him any more
22 about it?

23 THE DEFENDANT: I'll talk to him. Yeah, let me
24 talk to him a little bit more.

25 THE COURT: You need to talk to him some more?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Y'all talk to him some more.

3 We will take 15 minutes.

4 (Whereupon, proceedings were recessed)

5 (Whereupon, proceedings were reconvened)

6 (Drugs marked as State's Exhibit No. 2 for
7 identification).

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

10 THE COURT: Thank you, ladies and gentlemen, for
11 your patience.

12 We are now ready to begin with jury selection in
13 the first case that's going to require some of your
14 participation and the title of that case is the State versus
15 Ronnie LeShanon Bonner.

16 Mr. Bonner has been accused by the prosecutor by
17 way of this document. This is called an indictment. An
18 indictment is simply a charging paper. It's like an arrest
19 warrant. It's not evidence of anything. It doesn't prove
20 anything. It's just the means by which any person who is to
21 be brought into this court for a trial has to be brought
22 here by way of the indictment and it serves to put the
23 defendant, the person accused, on notice as to what the
24 State claims that they have done by way of a criminal
25 offense.

1 In this particular case the State alleges that Mr.
2 Bonner committed the crime of trafficking in
3 methamphetamine. And the indictment specifically alleges
4 that Mr. Bonner did, here in Cherokee County, on or about
5 March the 16th of 2018, knowingly sell, manufacture,
6 deliver, purchase, or bring into the state; or, he did
7 knowingly, actually, or constructively; or, did knowingly
8 attempt to actually or constructively possess 28 grams, or
9 more, of methamphetamine, which is a Schedule II controlled
10 substance under the law of this state.

11 Now, as to those allegations and as to the charge
12 in the indictment the defendant has entered a plea of not
13 guilty, and the plea of not guilty places upon the State,
14 because they made the charge, to prove the allegations that
15 they have made by way of the indictment. The State has the
16 burden of proving the essential elements of the crime as
17 they have alleged against the defendant, and, therefore, the
18 burden is upon the State to establish the defendant's guilt
19 to the satisfaction of 12 jurors beyond a reasonable doubt
20 before any verdict of guilty could be returned.

21 So we are going to be selecting 13 of you. There
22 will be 12 primary jurors and one additional juror to serve
23 as an alternate. In the event one of the original 12 cannot
24 continue to serve for some reason, we will have an extra.
25 And by way of your participation, you are simply going to be

1 called upon to consider the evidence received during the
2 trial of the case by way of testimony and otherwise. At the
3 trial's conclusion the jury goes back to deliberate and they
4 decide the facts. They apply the law. They determine
5 whether or not the defendant has been proven guilty beyond a
6 reasonable doubt. And if he has, then the verdict is
7 guilty. And if he has not, then the verdict is not guilty.

8 Before we begin with jury selection I'm going to
9 be introducing some folks to you, that is folks involved in
10 the trial of this case, as well as departments or agencies
11 that they may work with. The purpose of these introductions
12 is to find out if any juror has any connection with anybody
13 that's involved in the trial of this case or any departments
14 that they work for. In other words, I need to find out if
15 you have any family relationship; in other words, you are
16 related by blood or marriage to any of these people that I'm
17 going to introduce. I need to know if you go to school with
18 them, or you did go to school with them; do you work with
19 them, or did you work with them; do you attend church with
20 them, or did you attend church with them; have you met them
21 anywhere; do you know them in any capacity whatsoever. So
22 if you do, or you have that connection, I'll ask that you
23 stand and respond and we will determine what that connection
24 is and then determine whether or not that would have any
25 impact or bearing upon your decision in the case. And then

1 I'll have some additional questions to ask you in order to
2 determine if there is any reason why you believe you could
3 not be fair and impartial if you were called upon to serve
4 as a juror in this particular case.

5 So in this case the defendant, that is the person
6 who has been accused of a crime, as I told you is Ronnie
7 LeShanon Bonner.

8 Mr. Bonner, if you will please stand and face the
9 jury panel.

10 Standing with Mr. Bonner is Chris Thompson. Mr.
11 Thompson is Mr. Bonner's lawyer. He will be assisting him
12 in the trial of the case.

13 Presenting the case on behalf of the State are
14 Matt Kendall and Kim Leskanic. They are both assistant
15 circuit solicitors for the Seventh Judicial Circuit.

16 Potential witnesses in the --

17 Are any of these witnesses in the courtroom? I
18 know some are.

19 MR. KENDALL: Yes, sir, Your Honor.

20 THE COURT: Is everybody here? Anybody back
21 there?

22 MR. KENDALL: No, there is some people that are
23 not here now, Your Honor, but --

24 THE COURT: Okay.

25 MR. KENDALL: -- there is no one else outside the

1 courtroom.

2 THE COURT: All right.

3 Potential witnesses to be called include Timothy
4 Tate with the Cherokee County Sheriff's Department.

5 David Owens with the Cherokee County Sheriff's
6 Office.

7 Jeff Cole with the Cherokee County Sheriff's
8 Office.

9 Billy Anthony of the Cherokee County Sheriff's
10 Office.

11 Brittnee Looney Hill employed by the State Law
12 Enforcement Division.

13 We also have Angela Upchurch.

14 Brian Parker.

15 And Sharon Stone, not the actress.

16 Any other potential witnesses to be called by the
17 State?

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

19 THE COURT: By the defendant?

20 MR. THOMPSON: Possibly Ms. Kiki Smith, Your
21 Honor. She is in the back.

22 THE COURT: Kiki, K-I-K-I.

23 MR. THOMPSON: Yes, sir.

24 THE COURT: Kiki Smith, okay.

25 All right. So now that's everybody.

1 So I need to know if any juror has any connection,
2 as I have described it, with anybody who has been
3 introduced?

4 I also need to know if you have any connection, as
5 I have described it, with any other person who is employed
6 in the Seventh Judicial Circuit Solicitor's Office and/or
7 the Cherokee County Sheriff's Department? If you know
8 anybody? If so, please stand.

9 All right. Now, what I'm going to do, I have got
10 several standing, so I'm going to start on the front row and
11 I'll work my way back by rows, and I'll start on my right
12 and go to my left and work my way to the back.

13 So as I address you, you address me, I'll ask you
14 to please give me your name and your juror number and then
15 tell me how the question relates to you.

16 I'll begin with you, sir.

17 JUROR NUMBER 77: Juror 77, Dennis Mintz.

18 I go to church with Officer Tate.

19 THE COURT: All right. And would that have any
20 bearing in your decision in this case?

21 JUROR NUMBER 77: No, Your Honor.

22 THE COURT: Thank you. You can be seated.

23 All right, next row, your name?

24 JUROR NUMBER 32: Sabrina Earls, juror 32.

25 I know the gentleman in the green. I know of him.

1 THE COURT: That's Mr. Parker?

2 JUROR NUMBER 32: Yes.

3 THE COURT: How do you know him?

4 JUROR NUMBER 32: I know him through his uncle.

5 THE COURT: Okay. Would that have any bearing in
6 your decision?

7 JUROR NUMBER 32: Excuse me?

8 THE COURT: Would that have any bearing in your
9 decision --

10 JUROR NUMBER 32: No, sir.

11 THE COURT: -- in the case if you were selected?

12 JUROR NUMBER 32: No, sir.

13 THE COURT: Okay. Thank you. Be seated.

14 Yes, ma'am.

15 JUROR NUMBER 16: Beverly Carver, juror 16.

16 I work for Cherokee County emergency management
17 and we would -- we work with the sheriff's office.

18 THE COURT: Okay. And would that have any bearing
19 in your decision in this case, if you were selected?

20 JUROR NUMBER 16: No, sir.

21 THE COURT: Thank you. Be seated.

22 JUROR NUMBER 18: Susan Cash, juror 18.

23 I was a former employee of the Cherokee County
24 Sheriff's Department. I worked with several of the
25 deputies.

1 THE COURT: Okay. And would that have any bearing
2 in your decision?

3 JUROR NUMBER 18: No, sir.

4 THE COURT: Thank you. Be seated.

5 Juror number 109, Christopher Smiley.

6 Billy Anthony I think you mentioned.

7 THE COURT: I did.

8 JUROR NUMBER 109: He's my cousin.

9 THE COURT: And would that have any bearing in
10 your decision in this case if you were selected?

11 JUROR NUMBER 109: No, sir.

12 THE COURT: Thank you. Be seated.

13 Next row.

14 JUROR NUMBER 123: Jimmy White, 123.

15 My son-in-law is a city policeman.

16 THE COURT: Okay. Would that have any bearing in
17 your decision?

18 JUROR NUMBER 123: No, sir.

19 THE COURT: Thank you. Be seated.

20 Anybody on the same row with him?

21 (No response)

22 THE COURT: All right, next row.

23 JUROR NUMBER 87: Chris Parker, 87.

24 I think you mentioned a Jeff Cole?

25 THE COURT: I did.

1 JUROR NUMBER 87: I used to live up the road from
2 him years ago.

3 And Brian Parker, if I'm not mistaken, might have
4 been to my house just this last week.

5 THE COURT: He might have been at your house last
6 week?

7 JUROR NUMBER 87: Yeah, it was a Brian Parker, but
8 I'm not sure if --

9 THE COURT: Well, that's him, Brian right here.

10 JUROR NUMBER 87: That's not him I don't think.

11 THE COURT: Well, what about your connection with
12 Mr. Cole? Would that have any bearing in your decision?

13 JUROR NUMBER 87: No.

14 THE COURT: All right. Thank you. Be seated.
15 Next.

16 JUROR NUMBER 7: Natalie Bolden, number 7.

17 I attend church with Tim Tate.

18 THE COURT: And would that have any bearing in
19 your decision?

20 JUROR NUMBER 7: No, Your Honor.

21 THE COURT: Thank you. Be seated.

22 Next?

23 JUROR NUMBER 29: Juror number 29, Bernice
24 Dawkins. I'm a cousin of Ronnie Bonner.

25 THE COURT: Cousin of who?

1 JUROR NUMBER 29: Ronnie Bonner.

2 THE COURT: Okay. And what -- how close? First,
3 second, third, more?

4 JUROR NUMBER 29: First.

5 THE COURT: All right. Would that have any
6 bearing in your decision?

7 JUROR NUMBER 29: No, sir.

8 THE COURT: All right. Thank you. Be seated.

9 JUROR NUMBER 49: Juror number 49, Cathy Herrin.
10 I am related to David Owens.

11 THE COURT: And what is that relationship?

12 JUROR NUMBER 49: First cousin.

13 THE COURT: All right. Would that have any
14 bearing in your decision?

15 JUROR NUMBER 49: No, sir.

16 THE COURT: Thank you. Be seated.

17 Next row.

18 JUROR NUMBER 52: James Holmes, juror 52.

19 I know and I'm related to a handful of officers
20 within this county.

21 THE COURT: Okay. And would any of those
22 connections have any bearing in your decision?

23 JUROR NUMBER 52: No, Your Honor.

24 THE COURT: Are any of those particular officers
25 here in court?

1 JUROR NUMBER 52: No, Your Honor.

2 THE COURT: Okay. Thank you. Be seated.

3 Next.

4 JUROR NUMBER 94: Benji Peterson, number 94.

5 I went to school and know Tim Tate.

6 THE COURT: And would that have any bearing in
7 your decision?

8 JUROR NUMBER 94: No, sir.

9 THE COURT: Thank you. Be seated.

10 Next.

11 JUROR NUMBER 117: Barry Turner, 117.

12 Tim Clark, a detective with the sheriff's
13 department.

14 THE COURT: Which detective?

15 JUROR NUMBER 117: Clark.

16 THE COURT: Clark?

17 JUROR NUMBER 117: Yes.

18 THE COURT: Would that have any bearing in your
19 decision?

20 JUROR NUMBER 117: No, sir.

21 THE COURT: Thank you. Be seated.

22 Yes, ma'am.

23 JUROR NUMBER 88: Katelyn Parks, number 88.

24 I went to high school with Jeff Cole.

25 THE COURT: Would that have any bearing in your

1 decision?

2 JUROR NUMBER 88: No, sir.

3 THE COURT: Okay. Thank you, ma'am. You may be
4 seated.

5 Where does the State allege this event occurred?

6 MR. KENDALL: Pulling out of the Happy Valley
7 Trailer Park in Cherokee County, Your Honor.

8 MS. LESKANIC: Cherokee Avenue.

9 MR. KENDALL: On Cherokee Avenue. It was just a
10 little ways outside of Happy Valley Trailer Park. It was on
11 Cherokee Avenue near Freeman Gas.

12 THE COURT: Okay. In the event some juror did not
13 hear that, this is an event which the State alleges
14 occurred, as I say, back on March the 16th of 2018, and they
15 allege it occurred at the Happy Valley Trailer Park located
16 on Cherokee Avenue near Freeman Gas Company. As I say, they
17 allege the defendant trafficked in methamphetamine at that
18 location.

19 Does any juror think you might have been exposed
20 to any type of information that relates to the case? In
21 other words, have you heard anything about it, seen anything
22 about it, read anything about it from any source? If so,
23 please stand.

24 (No response).

25 THE COURT: Is there anything about the nature of

1 the case itself that would prevent any juror from being able
2 to be fair and impartial if you were selected as a juror in
3 the case?

4 (No response)

5 THE COURT: Does any member belong to or
6 contribute time or money to the organization referred to
7 NORML, which seeks to legalize certain types of drugs? If
8 so, please stand.

9 (No response)

10 THE COURT: Does any juror have such an opinion
11 about the use or abuse, sale, purchase of drugs, either
12 legal or illegal? Do you have such an opinion about that
13 subject matter that it would impact your decision or prevent
14 you from being able to be fair and impartial if you are
15 selected to participate in the trial of this particular
16 case? If so, please stand.

17 (No response).

18 THE COURT: Has any member of the jury panel
19 already formed an opinion as to what you think the outcome
20 ought to be in this case, based upon what you have heard up
21 to this point, or based upon any other consideration? Have
22 you already made up your mind as to the ultimate decision?
23 If so, please stand.

24 (No response)

25 THE COURT: Does any juror know of any reason

1 whatsoever why you believe you could not be fair and
2 impartial if you were selected to participate as a juror in
3 this particular case? If so, please stand.

4 (No response)

5 THE COURT: Any other questions requested by the
6 State?

7 MR. KENDALL: No, sir, Your Honor.

8 THE COURT: By the defendant?

9 MR. THOMPSON: No, Your Honor, I don't have any.

10 THE COURT: Okay.

11 All right. Now, the way a jury is selected, the
12 computer, of course, as you know has all your names and the
13 computer is going to generate a list. And as the name
14 appears on the list, starting with the first slot, you will
15 be called to come forward. You will just come to where the
16 bailiff is there. Ms. Bolin is going to open that gate for
17 you and you will come right through that gate and you will
18 stand right here in front of the clerk, Ms. McBee, and each
19 side has an opportunity to have you excused from serving in
20 this case, or to have you seated for service in the case.

21 If either side asks that you be excused from
22 serving, just go back and have a seat where you are now.

23 If both agree to have you seated for service in
24 the case, you will be having a seat in the jury box to your
25 right and to my left.

1 So please come forward as your name is called and
2 you will be instructed if you are to be accepted for serving
3 in the case or excused from serving in the case.

4 MR. THOMPSON: May we approach, Your Honor?

5 (Whereupon, the lawyers approached the bench for
6 an off-the-record discussion)

7 THE CLERK: Juror 32, Sabrina Earls.

8 What say you for the State?

9 MR. KENDALL: Please excuse Ms. Earls.

10 THE CLERK: You have been excused.

11 Juror 124, James R. White.

12 What says the State?

13 MR. KENDALL: Please seat the juror.

14 THE CLERK: What says the defense?

15 MR. THOMPSON: Please present the juror.

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

17 Juror 27, Jeffrey Daves.

18 What says the State?

19 MR. KENDALL: Please excuse the juror.

20 THE CLERK: You have been excused.

21 Juror 56, Tyson Humphries.

22 What says the State?

23 MR. KENDALL: Please seat the juror.

24 THE CLERK: What says the defense?

25 MR. THOMPSON: Please present the juror.

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

2 Juror 18, Susan Cash.

3 What say you for the State?

4 MR. KENDALL: Please seat the juror.

5 THE CLERK: What says the defense?

6 MR. THOMPSON: Please present the juror.

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

8 Juror 68, Melissa Massey.

9 What says the State?

10 MR. KENDALL: Please seat the juror.

11 THE CLERK: What says the defense?

12 MR. THOMPSON: Please present the juror.

13 THE CLERK: Please have a seat in the jury box.

14 Juror 78, Debra Montgomery.

15 What says the State?

16 MR. KENDALL: Please seat the juror.

17 THE CLERK: What says the defense?

18 MR. THOMPSON: Please present the juror.

19 THE CLERK: Please have a seat in the jury box.

20 Juror 88, Katelyn Payne.

21 What says the State?

22 MR. KENDALL: Please seat the juror.

23 THE CLERK: What says the defense?

24 MR. THOMPSON: Please excuse the juror.

25 THE CLERK: You have been excused.

1 Juror 129, Justin Zell.

2 What says the State?

3 MR. KENDALL: Please seat the juror.

4 THE CLERK: What says the defense?

5 MR. THOMPSON: Please present the juror.

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

7 Juror 69, Dennis Matthews.

8 What says the State?

9 MR. KENDALL: Please seat the juror.

10 THE CLERK: What says the defense?

11 MR. THOMPSON: Please present the juror.

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

13 Juror 16, Beverly Carver.

14 What says the State?

15 MR. KENDALL: Please seat the juror.

16 THE CLERK: What says the defense?

17 MR. THOMPSON: Please excuse the juror.

18 THE CLERK: You have been excused.

19 Juror 49, Cathy Herrin.

20 What says the State?

21 MR. KENDALL: Please seat the juror.

22 THE CLERK: What says the defense?

23 MR. THOMPSON: Please excuse the juror.

24 THE CLERK: You have been excused.

25 Juror 122, Barbara Webb.

1 What says the State?

2 MR. KENDALL: Please seat the juror.

3 THE CLERK: What says the defense?

4 MR. THOMPSON: Please present the juror.

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

6 Juror 125, Allen Wilkerson.

7 What says the State?

8 MR. KENDALL: Please seat the juror.

9 THE CLERK: What says the defense?

10 MR. THOMPSON: Please present the juror.

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

12 Juror 52, James Holmes.

13 What says the State?

14 MR. KENDALL: Please seat the juror.

15 THE CLERK: What says the defense?

16 MR. THOMPSON: Please dismiss the juror.

17 THE CLERK: You have been excused.

18 Juror 108, Luvenia Sizemore.

19 What says the State?

20 MR. KENDALL: Please seat the juror.

21 THE CLERK: What says the defense?

22 MR. THOMPSON: Please present the juror.

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

24 Juror 61, Samuel Johnson.

25 What says the State?

1 MR. KENDALL: Please excuse the juror.

2 THE CLERK: You have been excused.

3 Juror 95, Tyler Phillips.

4 What says the State?

5 MR. KENDALL: Please excuse the juror.

6 THE CLERK: You have been excused.

7 Juror 22, Cherish Coggins.

8 What says the State?

9 MR. KENDALL: Please present the juror.

10 THE CLERK: What says the defense?

11 MR. THOMPSON: Please present the juror.

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

13 Juror 62, Joy King.

14 What says the State?

15 MR. KENDALL: Please seat the juror.

16 THE CLERK: What says the defense?

17 MR. THOMPSON: Please present the juror.

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

19 THE COURT: This will be for the alternate.

20 THE CLERK: Juror 123, James M. White.

21 What says the State?

22 MR. KENDALL: Please seat the juror.

23 THE CLERK: What says the defense?

24 MR. THOMPSON: Please dismiss the juror.

25 THE CLERK: You have been excused.

1 Juror 87, Chris Parker.

2 What says the State?

3 MR. KENDALL: Please seat the juror.

4 THE CLERK: What says the defense?

5 MR. THOMPSON: Please present the juror.

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

7 THE COURT: Those who have been selected, I will
8 ask you to please go with the bailiff to the jury room and
9 I'll bring you back shortly to begin.

10 (The following takes place outside the presence of
11 the jury panel)

12 THE COURT: Are there any matters that need to be
13 addressed regarding jury selection, by the State?

14 MR. KENDALL: No, sir, Your Honor.

15 THE COURT: The defendant?

16 MR. THOMPSON: No, Your Honor.

17 THE COURT: All right. Those who were not
18 selected, you are excused for the balance of the afternoon.
19 Please call back to the number that you have.

20 Is that on a pamphlet or a card? How did you
21 do --

22 THE CLERK: Pamphlet.

23 THE COURT: On the jury information pamphlet, the
24 1-800 number, call that number after six o'clock.

25 THE CLERK: It's not a 1-800 number.

1 THE COURT: It's not a 1-800 number.

2 THE CLERK: He does this all the time, so that's
3 he said at. They have it, judge. It's 487-2585.

4 THE COURT: 487-2585. You know which one to call.

5 Call that number after six o'clock this evening to
6 receive further reporting information.

7 Thank you again for your participation. Have a
8 good afternoon.

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

11 THE COURT: All right. Any matters to address
12 prior to the jury being sworn?

13 MS. LESKANIC: Your Honor, as the court is aware
14 before we broke, the defense was discussing the State's
15 offer of 15 years. Now that we are going to trial, I assume
16 that offer has been rejected, but we would just like to make
17 that part of the record of having Mr. Thompson or Mr. Bonner
18 reject that, so that the record is clear.

19 THE COURT: All right.

20 Mr. Thompson?

21 MR. THOMPSON: My understanding is that Mr. Bonner
22 has made a counter-offer based upon what he believes was
23 offered from someone yesterday and they rejected that. He
24 does reject the 15.

25 Correct, Mr. Bonner?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: I'm not sure. He made an offer based
3 on --

4 MR. THOMPSON: He counter-offered nine. He
5 countered nine.

6 THE COURT: Oh.

7 MR. THOMPSON: And they rejected that.

8 THE COURT: Okay. Well, that's up to him.

9 Mr. Bonner, is that true? You reject their offer?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You want to go forward with the trial?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand what the risks are?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay.

16 Bring the jury in, please, and ask Ms. Cash to
17 take the foreperson's seat.

18 THE BAILIFF: Yes, sir.

19 (The following takes place in the presence of the
20 jury panel)

21 THE COURT: All right, ladies and gentlemen, we
22 are ready to begin with the trial of the case for which you
23 have been selected, and I'm aware of the time and I know we
24 are going to break for lunch shortly, but I have got some
25 remarks to make to you.

1 Ms. Cash, I'm going to ask you to serve as the
2 foreperson of the jury. As the foreperson you will have
3 three duties that the other jurors do not have.

4 Number one, you are to serve as the spokesperson
5 for the jury, and that just means if something arises that
6 needs to be brought to my attention, you or one of your
7 fellow jurors has some difficulty or problem or question,
8 you are going to be the person to let me know that fact.
9 You will do that directly if you are in the courtroom. You
10 will do it through the bailiff if you are outside the
11 courtroom.

12 Secondly, you will be called upon to preside over
13 jury deliberations when that time comes in the jury room
14 simply to ensure that those deliberations are carried out in
15 some orderly fashion.

16 And, thirdly, you will be the person who will
17 actually write the verdict or the decision of the jury. You
18 will do that on the verdict form that I'll provide you at
19 the trial's conclusion on which you will indicate the jury's
20 unanimous decision.

21 The foreperson has those specific duties that I
22 have just indicated. That does not, however, mean that she
23 is any more important than any of you other jurors and
24 that's because the decision of a jury is the unanimous
25 consensus opinion of all 12 jurors. And so all of you and

1 each of you will have an equal say and an equal vote in what
2 the ultimate decision will be in this case. Someone simply
3 has to be delegated those responsibilities that I have just
4 indicated and I have delegated those to Ms. Cash in
5 appointing her as the foreperson, but all of you jurors are
6 equally important so far as the ultimate decision in this
7 case is concerned, because, as I have stated, the verdict
8 has to be unanimous. All of you must be in agreement.

9 Now, Mr. Parker, you have been selected as an
10 alternate juror, and the function of an alternate is to take
11 the place of one of the original 12 jurors, in the event
12 during the trial one of these 12 for some reason cannot
13 continue to serve as a juror. If that's the case, then you
14 take that person's place. In that event you become the
15 twelfth juror. And if you do, then you participate
16 throughout the trial, including the jury deliberations at
17 the trial's conclusion.

18 If, however, when the trial comes to an end, if
19 all of the original 12 are able to participate in jury
20 deliberations, then your service ends and you don't
21 participate any further, because, as I indicated earlier,
22 the verdict of the jury is that of 12. No more than 12 can
23 engage in that deliberation process, but it is important
24 that you pay just as careful attention, as we ask of all of
25 the jurors in this case, because it does occur from time to

1 time for one reason or another one of these 12 may be unable
2 to continue. In that event you become the twelfth.

3 So we do appreciate your participation as an
4 alternate juror, just as we appreciate the participation of
5 each of you jurors who have been selected for the purpose of
6 deciding the verdict in this case.

7 You may swear the panel.

8 THE CLERK: Madam Forelady, ladies and gentlemen,
9 please stand and raise your right hand.

10 Do you solemnly swear you will truly try the
11 issues joined in this case and true verdict rendered
12 according to the law and evidence, so help you God?

13 JURY PANEL: (Collectively said I do).

14 THE CLERK: You may be seated.

15 THE COURT: All right.

16 Ladies and gentlemen, as you know, you have been
17 selected to decide the verdict in the case of the State
18 versus Ronnie LeShanon Bonner. And you also know Mr. Bonner
19 has been accused by the prosecutor by way of this indictment
20 with having committed the crime of trafficking in
21 methamphetamine.

22 The State alleges by way of the indictment that
23 the defendant did, back on March the 16th of 2018, knowingly
24 have in his actual or constructive possession 28 grams, or
25 more, of methamphetamine, in violation of the law,

1 methamphetamine being a Schedule II controlled substance
2 under the law of this state.

3 And you also know Mr. Bonner has entered a plea of
4 not guilty. And as I have told you, that plea of not guilty
5 has placed upon the State the burden of proving the
6 allegations that they make by way of the indictment, the
7 burden of proving each of the essential elements of the
8 crime that has been alleged against the defendant. And,
9 therefore, the burden is upon the State to establish the
10 defendant's guilt to the satisfaction of you 12 jurors
11 beyond a reasonable doubt before any verdict of guilty could
12 be returned.

13 Every person in a criminal trial, and it doesn't
14 matter how serious the offense might be for which that
15 person stands charged, a person is always presumed to be
16 innocent of the charge made against them. That presumption
17 of innocence remains with every defendant, as it does with
18 this defendant, from the time that he is placed under arrest
19 and throughout the course of the criminal process, and even
20 throughout the course of the trial in the case. And that
21 presumption of innocence will be with Mr. Bonner even at
22 this trial's conclusion when you go back to begin with your
23 deliberations in the case. That presumption of innocence
24 will be with him in the jury room and it will be with him
25 forever, unless you 12 jurors determine that he's no longer

1 entitled to the presumption of innocence.

2 In other words, after you have carefully
3 considered all of the testimony and the other evidence
4 received during the trial of the case, and from that
5 evidence you have been able to decide the facts as they
6 relate to the allegations made against Mr. Bonner, and upon
7 deciding the facts you apply the law that I will have
8 provided you, if you 12 jurors unanimously determine that
9 his guilt has been proven beyond a reasonable doubt, then he
10 would no longer be entitled to the presumption of innocence.
11 But it is only, if, unless, and until you are satisfied of
12 his guilt beyond a reasonable doubt that the presumption of
13 innocence would no longer be applicable.

14 Now, the way the trial would proceed is that when
15 I get through, and probably after lunch, the lawyers are
16 permitted to make what are called opening statements to you.

17 There are two occasions in the trial of a case
18 where lawyers are permitted to address the jury directly,
19 and that is at the beginning of the trial before any
20 evidence has been introduced. Then again at the conclusion
21 of the trial after all of the evidence has been received.
22 But please keep in mind, as I have just indicated, the
23 evidence comes in between the opening and closing
24 statements. The statements are not evidence. So what the
25 lawyers tell you in their statements is not to be considered

1 by you as any evidence upon which you will base your
2 decision, and that's because the lawyers don't know anything
3 about this case of their only personal knowledge or
4 perception, like witnesses will testify to when they take
5 the witness stand and testify before you. The lawyers
6 aren't going to take the witness stand. They are not going
7 to be placed under oath. They are not going to be subjected
8 to direct and cross-examination, like each witness will be
9 who comes into court to provide you with information. And
10 that's why the statements of the lawyers should not be
11 considered by you as any evidence upon which you will base
12 your decision, but the statements do serve a purpose, so you
13 should listen to what they have to say.

14 The opening statements serve to provide you with
15 the basic understanding as to what this case is about from
16 both the perspective of the State, as well as the defense,
17 so that you will have some context in which to place the
18 evidence that we will be receiving shortly thereafter.

19 The closing statements occur after all the
20 evidence has been received. Again, while those statements
21 are not evidence, the closing statements do afford the
22 lawyers an opportunity to discuss with you the evidence that
23 you have seen and heard during the course of this trial and
24 through that discussion each will have an opportunity to try
25 to persuade you or to convince you that the evidence in the

1 case does or does not support a particular decision,
2 depending upon their perspective.

3 And, as I say, it's in between the opening and the
4 closing statements when we actually receive the evidence
5 upon which you will base your determination of facts and
6 ultimately your decision.

7 The State has the burden of proof and so the State
8 must go forward first in its presentation of evidence. The
9 State has the burden of proving a defendant guilty beyond a
10 reasonable doubt, so they have to introduce evidence in
11 order to establish that fact.

12 After the State has concluded with their evidence
13 presentation, any defendant on trial has the same
14 opportunity to testify, or to call a witness, or to
15 introduce evidence, but understand the burden is never upon
16 a person accused of a crime to prove that they are not
17 guilty or to prove that they are innocent, because in some
18 cases that might not be possible. The burden is on the
19 State to prove the defendant is guilty, but there is no
20 burden upon the defendant to prove anything. And so a
21 defendant in a criminal case doesn't have to take the
22 witness stand, doesn't have to call any witness, doesn't
23 have to introduce any evidence.

24 And where a defendant chooses not to testify or
25 call a witness or introduce evidence, that's not a fact or

1 circumstance that a jury may consider in the slightest
2 degree against the defendant. You cannot allow it to
3 influence your judgment. It cannot enter into your
4 deliberations at the trial's conclusion, but every person
5 accused of a crime is always afforded an opportunity to
6 testify or present evidence, should he or she wish to do so.

7 So after all the evidence is received, you will
8 hear the final summations of the lawyers, and then I will
9 instruct you fully on the law as it relates to the criminal
10 law generally and as it relates to this particular crime
11 specifically. Then you will be asked to go back and begin
12 with your deliberations and through that process you are
13 simply going to be called upon through the exercise of good
14 judgment and common sense, conscientiously applied to the
15 evidence received during the trial, to determine the facts
16 where you can, apply the law as I provide and determine
17 whether or not the defendant's guilt has been proven beyond
18 a reasonable doubt. If it has, then the verdict is guilty.
19 If it has not, then the verdict is not guilty.

20 Now, all we are going to ask for you to do is pay
21 careful attention throughout the course of the trial. Don't
22 let your minds wander.

23 There will be several witnesses that are going to
24 testify. I don't know if there is going to be any conflict
25 in witness testimony. Sometimes there is, sometimes there

1 are not, but if there is a conflict in witness testimony and
2 that conflict relates to a material fact that has to be
3 decided by the jury in order to arrive at a decision, you
4 are the people who decide the facts. And, therefore, you
5 are the people who resolve the conflict, if you can. And in
6 deciding what the facts are that relate to the allegations
7 based upon witness testimony you can believe everything that
8 a witness testified to. You may choose to believe none of
9 it. You may believe some portion of a witness' testimony
10 and reject some other portion of that same witness'
11 testimony. You could believe one witness as opposed to
12 several, or several as opposed to one. But whatever your
13 good judgment and common sense tells you is the most
14 believable and credible testimony is the testimony that you
15 should accept, and you should reject any testimony that you
16 find not to be credible or believable.

17 So in deciding the facts based upon the evidence
18 presented and you decide the facts based upon the exercise
19 of good judgment and common sense. But in order for you to
20 be in a proper position to fairly evaluate each witness'
21 credibility and believability, you got to pay attention
22 while they testify, so that when you do go back to begin
23 deliberations, you will be in a proper position to be able
24 to fairly examine each witness' testimony in light of not
25 just that witness' testimony, but in light of all of the

1 testimony and all of the evidence received during the course
2 of the trial.

3 It's also important that you keep an open mind
4 throughout the course of the trial. And that just means you
5 are not to begin making up your minds or formulating your
6 opinions as to what you think the ultimate decision in this
7 case ought to be until all the evidence has been received,
8 until I have instructed you on the law, and until you have
9 been asked to begin with your deliberations at the trial's
10 conclusion. That is the process that has been designed over
11 the last two hundred and forty some odd years to ensure that
12 you can arrive at a fair and just decision in this case, or
13 any case that you might be called upon to participate in.

14 So I do want to thank you in advance for your
15 participation, as well as for your careful attention.

16 We are going to break for lunch now. And let me
17 caution you that in compliance with your oath and
18 obligations as a juror you are not permitted to talk about
19 the case in any fashion whatsoever, with any person
20 whatsoever, until you are instructed to begin deliberations
21 at the trial's conclusion. So from now until that time
22 comes don't discuss the case with anybody, not family, not
23 friends, not even your fellow jurors. You can't do that
24 until you begin deliberations.

25 Now, after you reach a decision, you can talk

1 about it as much as you would like, or as little as you
2 would like, to as many as you would like, or as few as you
3 would like, but until you have reached your decision in this
4 case you cannot talk about the case with anybody outside of
5 it, and you can only discuss it with your fellow jurors
6 during deliberations at the trial's conclusion.

7 It's also important that you not be influenced by
8 any outside or extraneous information. That's why you can't
9 talk to anybody about it. That's also why you can't conduct
10 any research or do your own investigation into any issue.
11 You can't go on the internet to try to find out more about
12 the case or something about the case or some issue related
13 to the case. You have to make your decision upon what you
14 see and hear during the trial. Your decision cannot be
15 influenced by any outside or extraneous information, because
16 that information might not even be accurate. We are going
17 to ensure that you get information related to the case here
18 in the courtroom. So no outside investigation or research.

19 And also I don't know if there will be any media
20 exposure that relates to the case, but you cannot permit
21 yourselves to be exposed to any type of television, radio,
22 or newspaper articles that relate to it. So don't look at
23 anything, listen to anything or read anything about it,
24 okay?

25 With that you are excused for lunch.

1 When you come back you will be coming in the side
2 door. The bailiff will show you where that is. You will
3 come up the back steps to your jury room.

4 Please be back not later than 2:30. 2:30 this
5 afternoon. Okay.

6 Have a good lunch. I'll see you at 2:30.

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

9 THE COURT: All right. Court is in recess until
10 2:30.

11 (Whereupon, proceedings were recessed)

12 (Whereupon, proceedings were reconvened)

13 THE COURT: Are there any matters to address
14 before the jury is brought in?

15 MS. LESKANIC: Not from the State, Your Honor.

16 MR. THOMPSON: Your Honor, I would -- I think we
17 have three witnesses - Upchurch, Parker and Stone - listed
18 and I would just request that they be sequestered during
19 testimony.

20 THE COURT: What's the State's position?

21 MR. KENDALL: If we are sequestering witnesses, we
22 would also like -- Ms. Kiki Smith is here, sequestered as
23 well. That shouldn't be a problem. Mr. Parker is here. We
24 would just have him step out and the other two are
25 incarcerated, so I don't see that being a problem.

1 I will say this for the record. They may -- Ms.
2 Stone and Ms. Upchurch are in the woman's pod at the
3 detention center, so they will be in the same place. I
4 don't mind keeping them out of the courtroom, though, while
5 trial is going on. I don't think that would be a problem.

6 THE COURT: Okay. So y'all agree on the
7 sequestration order?

8 MR. KENDALL: Yes, sir.

9 Mr. Parker, if you would step outside.

10 THE COURT: Kiki Smith has got to leave too.

11 (Off the record).

12 (Back on the record)

13 THE COURT: Are there any witnesses now in the
14 courtroom?

15 MR. KENDALL: Just the law enforcement, Your
16 Honor.

17 THE COURT: Is she going to testify?

18 MR. THOMPSON: No.

19 THE COURT: Okay. All right.

20 Ready for the jury?

21 MR. KENDALL: Yes, sir, Your Honor.

22 THE COURT: Bring them in.

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

25 THE COURT: Good afternoon, ladies and gentlemen.

1 As you know when we recessed for lunch we had not
2 yet begun with the opening statements or the reception of
3 evidence, so we will begin with the opening statements to be
4 accomplished by the lawyers.

5 Again, as I told you, their statements are not
6 evidence, but after we receive those statements we will
7 begin with the presentation of evidence. So please give the
8 lawyers your attention now as they give you their opening
9 statements.

10 Mr. Kendall?

11 MR. KENDALL: Thank you, Your Honor.

12 May it please the court?

13 THE COURT: Yes, sir.

14 MR. KENDALL: Counsel.

15 Ladies and gentlemen of the jury, thank you all
16 very much for coming here this afternoon.

17 We are all here because on March 16th, 2018, the
18 defendant, Mr. Ronnie Bonner, was caught trafficking
19 methamphetamine between 28 and 100 grams.

20 This took place around 9:45 in the evening here in
21 Cherokee County, Your Honor -- or ladies and gentlemen. Law
22 enforcement was patrolling the Happy Valley area down the
23 road here in Cherokee when they saw a black Mercury
24 Mountaineer with the taillight -- it was a tag light out,
25 excuse me. Law enforcement executed a traffic stop at that

1 time and approached the vehicle.

2 In the vehicle were three individuals. Driving
3 the vehicle was Mr. Brian Parker. In the passenger's seat
4 was Angela Upchurch, and in the back on the passenger's side
5 behind Mr. Parker -- behind Ms. Upchurch was the defendant
6 Ronnie Bonner.

7 Law enforcement approached the vehicle and they
8 asked Mr. Parker to step out showing him the tag light.
9 They asked for consent to search the vehicle, which he
10 granted.

11 As law enforcement approached from the passenger's
12 side of the vehicle they noticed Mr. Bonner. He was
13 swearing profusely, despite the fact it was only 53 degrees
14 outside. They asked him to step out of the vehicle so they
15 could conduct a search and there on the CD case right in
16 that back seat where he was sitting was two large bags of
17 methamphetamine totaling a little over 50 grams. And at
18 that time -- excuse me, a little over 47.45 grams. At that
19 time, ladies and gentlemen, they were placed under arrest
20 and all three taken to the detention center.

21 Now, at the end of this trial --

22 And this trial today is only for Mr. Bonner,
23 ladies and gentlemen.

24 At the end of this trial we are going to ask you
25 to return a verdict of guilty, but for right now I'm only

1 going to ask of you three things.

2 First, you listen very carefully to the
3 instructions the judge gives. The judge is the decider of
4 the law in this case and following those instructions will
5 ensure this is a fair trial.

6 Second, as the decider of facts you all, ladies
7 and gentlemen, must listen to all the facts that are
8 presented here over the course of this trial.

9 And finally, ladies and gentlemen, in this case we
10 ask that you use common sense. I believe you will find it
11 goes a long way. Thank you.

12 THE COURT: Mr. Thompson.

13 MR. THOMPSON: If it please the court, Your Honor.

14 Ladies and gentlemen of the jury, I always like to
15 take the opening statement to let you know how much I really
16 appreciate you being here. You have played a central role
17 in our judicial process and without you our process doesn't
18 work, so I sincerely appreciate you being here.

19 As Mr. Kendall said, you are going to apply your
20 common sense, your good judgment and your life experiences
21 to what comes from this stand right here. And I ask that
22 you listen intently, pay attention to what's presented to
23 you, but I also ask you to make sure that you are very
24 careful to scrutinize the candor and the believability of
25 the witnesses, because that's what this is going to come

1 down to.

2 Now, Judge Cole, he will do a great job of
3 explaining some key terms to you throughout this process.
4 Some will be the elements of the crime. Some will be burden
5 of proof. One will be reasonable doubt.

6 Reasonable doubt he will explain will be proven
7 here. I believe at the end of the day you are not going to
8 be able to convict Mr. Bonner of what he's alleged to have
9 done.

10 Also the burden of proof lies squarely on these
11 folks here, with the State. Judge Cole touched on it
12 earlier that the defendant has nothing to prove. We can sit
13 over here and do crossword puzzles, or whatever we want to
14 do. The burden of proof lies squarely on the State.

15 So I ask that you use your good judgment, your
16 common sense, judge the candor and believability of the
17 witnesses and I believe you will come back with a not guilty
18 verdict.

19 And, again, I really appreciate you being here.
20 Thank you.

21 THE COURT: Mr. Kendall.

22 MR. KENDALL: Your Honor, at this time the State
23 would call Tim Tate.

24 THE CLERK: Please raise your right hand and place
25 your left hand on the Bible.

1 OFFICER TIM TATE, having been first duly sworn,
2 testified as follows:

3 THE WITNESS: I do.

4 DIRECT EXAMINATION BY MR. KENDALL:

5 Q. Could you please state your name for the record?

6 A. Timothy Tate.

7 Q. And Mr. Tate, where are you currently employed?

8 A. At the Cherokee County Sheriff's Department.

9 Q. And how long have you been employed with the sheriff's
10 department?

11 A. Three years.

12 Q. And were you working there back in March of 2018?

13 A. I was.

14 Q. And what were your responsibilities at that time?

15 A. I'm in the narcotics unit and we look for drug dealers,
16 drug sellers.

17 Q. Okay. And so basically your primary focus is
18 narcotics, is that fair to say?

19 A. That's correct.

20 Q. And were you patrolling on March 16th, 2018 at
21 approximately between nine and eleven o'clock in the
22 evening?

23 A. The area's name is Happy Valley --

24 Q. Okay.

25 A. -- located in Gaffney, Cherokee County.

1 Q. All right. What state is that located in?

2 A. South Carolina.

3 Q. Okay. And what did you observe while you were down
4 there? Did you see any vehicles of interests?

5 A. I did.

6 Q. And did you execute a traffic stop?

7 A. Yes, I did.

8 Q. And if you would for the jury, just please describe to
9 me what happened just as it relates to the traffic stop and
10 why.

11 A. That night we were patrolling the Happy Valley area.
12 We came through and the black Mountaineer parked out in
13 front of some apartments. Me and my partner circled around.
14 And when we circled around the block and came back the car
15 was going up the road. So when we finally caught up with
16 the car, the vehicle, it was on Cherokee Avenue. We noticed
17 they didn't have no tag light, so I activated my blue light
18 and stopped him.

19 Q. All right. And where approximately did you stop him?
20 Were there any landmarks or businesses around there to kind
21 of help the jury understand where you were?

22 A. Right there in the Freeman Gas parking lot where we
23 stopped them at.

24 Q. Okay. And is that still in Cherokee County, South
25 Carolina?

1 A. Yes, it is.

2 Q. All right. And what happened when you approached the
3 vehicle?

4 Which side did you approach on?

5 A. I approached the driver's side.

6 Q. Okay. Did you have anybody with you at that time?

7 A. I had Sergeant Owens, David Owens.

8 Q. Okay. And which side did he approach on?

9 A. The passenger's side.

10 Q. Okay. And when you got to the vehicle, who was in the
11 car?

12 A. It was -- I made contact with Brian Parker.

13 Q. Okay.

14 A. It was Angela Upchurch and Ronnie Bonner.

15 Q. And you pointed over -- is Ronnie Bonner, the defendant
16 that's here today?

17 A. Yes, sir.

18 Q. Okay. And where was everybody sitting inside the car?

19 A. Parker was driving, Angela Upchurch was the passenger
20 in the front seat, and Bonner was in the back seat behind
21 her.

22 Q. All right. And who did you talk to when you approached
23 the vehicle?

24 A. Mr. Parker.

25 Q. Okay. And where was Mr. Owens -- excuse me, Sergeant

1 Owens when this was going on?

2 A. He was on the passenger's side. He made contact with
3 Bonner and Upchurch.

4 Q. Okay. Did he at this point in the stop kind of remain
5 on the passenger side?

6 A. Yes, he did.

7 Q. Okay. And what did you do after making contact with
8 the driver?

9 A. Explained to him the reason why I was pulling him over,
10 because he asked. I told him he didn't have no tag light.
11 He didn't believe me, so I gave him the opportunity to step
12 out and look. So he stepped out, walked around and see that
13 he didn't have no tag light.

14 Q. Okay. And where were Upchurch and Bonner at this time?

15 A. At that time they was still in the car. They was
16 talking to Sergeant Owens.

17 Q. Okay. And was that the end of the stop or did you all
18 ask anything else?

19 A. Well, while I was sitting there explaining to Parker
20 about his tag light, Parker really wasn't paying me no
21 attention. I was explaining to him if he get them fixed,
22 you know, it would help him out more in the future, but the
23 whole time his focus was Sergeant Owens, Upchurch and
24 Bonner.

25 Q. Okay. And did you ask anything of him?

1 A. Yes, I asked consent to search the car.

2 Q. All right. And did he give you that consent?

3 A. Yes, he did.

4 Q. All right. What did you all do after that?

5 A. I patted him down for weapons and I patted I want to
6 say his right pocket and I asked him what that was. He said
7 it was a set of brass knuckles, but he pulled the brass
8 knuckles out and I took the brass knuckles and had him stand
9 right there in front of my vehicle.

10 Q. All right. And what was Owens doing? The other
11 passengers stay in the vehicle?

12 A. At that time he was still talking to Upchurch and
13 Bonner.

14 Q. Okay. Did they stay in the vehicle while y'all
15 searched? Did Upchurch and Bonner stay in the vehicle while
16 you searched?

17 A. No, he had both of them to step out.

18 Q. Okay. At any point in time was Upchurch ever in the
19 car by herself? In other words, when you guys were all
20 talking to Bonner some way or talking to Parker some way and
21 Upchurch was in there by herself?

22 A. No, uh-uh.

23 Q. Okay. And what happened once you got them out of the
24 vehicle?

25 A. When he had both of them to exit the car and I had

1 Bonner, Upchurch step back where I was at, he started
2 searching the car, but he had a little difficult time
3 searching the car because every time he walked to the car
4 Bonner would follow him.

5 Q. Okay. Was anything located in the car?

6 A. Yes, it was.

7 Q. Who located that?

8 A. Sergeant Owens.

9 Q. All right. And what did he -- what did he locate?

10 A. Two bags of methamphetamine.

11 Q. All right. And what did he do with those drugs?

12 A. Took it out of the car and brought them to me.

13 Q. All right. I'm going to show you what is marked
14 State's Exhibit 2. Do you recognize this?

15 A. Yes, I do.

16 Q. And what is that?

17 A. That's meth.

18 Q. All right. And did you make any markings --

19 What did you do with the meth once you took it out of
20 the car?

21 A. I took the meth and I secured it in my car, because we
22 still was searching the vehicle.

23 Q. Okay. And what did you do with it after that?

24 A. I took it back to the sheriff's department where I
25 filled out an evidence bag and dropped it in the evidence

1 drop box.

2 Q. All right. And what is an evidence bag? How does that
3 work?

4 A. You get the weight of the -- not say the weight, but
5 describing what you collected.

6 Q. Okay. And when you put it in the bag, is that just
7 dropped in there, or any kind of seals to it or zips or
8 anything like that?

9 A. Yeah, it's sealed.

10 Q. Okay. And are they reusable? Like can I -- if I seal
11 it, can I open it back up again and like --

12 A. Negative, you can't open it back up.

13 Q. Okay. I'm going to show you again what is marked
14 State's Exhibit 2. Were these the narcotics that you took
15 off of -- or found in the vehicle, the Mountaineer --

16 A. Yes, it was.

17 Q. -- on May, I guess 16th, 2018? I believe you dropped
18 it the 17th, but --

19 A. Yes, that's it.

20 Q. And did you -- and how do you know that's it?

21 A. They got my signature on it.

22 Q. Okay. And what did you do -- did you seal this bag?

23 A. I did.

24 Q. And what did you do with it once you sealed it?

25 A. Once I sealed it, I take it up to the front. It's a

1 vault that's got a little slot in it and we drop it in
2 there.

3 Q. Okay. And who has access to the vault? Can I go in
4 there? I mean, anybody that wants to just walk on in?

5 A. No. You got the sheriff and I guess the evidence guys.

6 Q. The evidence guys?

7 A. Yeah.

8 Q. Okay. So very few people have access to it, is that
9 fair to say?

10 A. That's correct. That's fair to say.

11 Q. Okay. Please answer any questions the defense may have
12 for you.

13 A. Yes, sir.

14 MR. THOMPSON: If it please the court, Your Honor?

15 CROSS EXAMINATION BY MR. THOMPSON:

16 Q. Officer Tate, you said this was on the 16th of March of
17 last year, correct?

18 A. That's correct, sir.

19 Q. And do you recall making a narrative investigative
20 report on that?

21 A. Yes, sir.

22 Q. Now --

23 MR. THOMPSON: If I may approach the witness, Your
24 Honor?

25 BY MR. THOMPSON:

1 Q. Now, would this be your report here? I have marked it
2 up some, but does that look like what you would have done?

3 A. That's it.

4 Q. Okay. So you got March 19th, 2018 written in there.
5 Is that just an error on the date?

6 A. Yes. It would have to be, yes.

7 Q. Okay. So 21:45 is 9:45 p.m., correct?

8 A. That's correct.

9 Q. I think you testified that you were patrolling at Happy
10 Valley, correct?

11 A. That's correct.

12 Q. Now, Happy Valley has a reputation in Cherokee County,
13 does it not?

14 A. It does.

15 Q. What type of reputation does it have?

16 A. It's a high drug area.

17 Q. Okay. And that black Mountaineer that you saw that you
18 decided to follow up the road, you just didn't decide to
19 follow it on a whim, did you?

20 A. I had a complaint. I had an unknown female call one
21 day, I think it was March the 2nd, 2018. She described that
22 vehicle --

23 Q. Uh-huh.

24 A. -- and said they would be -- whoever was driving it is
25 pushing dope out of the car.

1 Q. Okay. So you had -- that car was kind of on your radar
2 then, correct?

3 A. I was on the lookout for it.

4 Q. So you seeing that car in that area created a need for
5 you to follow that car, correct?

6 A. Yes.

7 Q. Okay. Now, at the time you were looking for that car,
8 how much -- how long was that when you received the report?

9 A. What, the complaint on that car?

10 Q. Yes.

11 A. March the 2nd.

12 Q. The 2nd?

13 A. Uh-huh.

14 Q. So about two weeks, or a little more than that --

15 A. Yes.

16 Q. -- that car is moving around?

17 A. Yes.

18 Q. And when you pulled that car over, did you determine
19 who owned the car?

20 A. I don't think I didn't. I'm not for sure. All we know
21 is that somebody was driving it.

22 Q. Okay.

23 A. I want to say.

24 Q. So you just knew that it was a black Mountaineer?

25 A. That's all.

1 Q. You didn't know the identity of the driver --

2 A. Uh-huh.

3 Q. -- or anything about the driver. Okay.

4 So you find the car and its taillight -- or tag light
5 is out?

6 A. Tag light, right.

7 Q. Now, at that point when you removed Mr. Parker, he --
8 Mr. Owens goes to the side of the car, correct?

9 A. To the passenger's side.

10 Q. This wouldn't be a normal tag light stop where two
11 narcotics officers feel the need to approach the car?

12 A. Well, we treat every traffic stop the same way. If
13 it's me and him together, I take the driver's side, he takes
14 the passenger's side. It's just the way me and him operate
15 together.

16 Q. And when you approached the car, you asked for consent
17 to search, correct?

18 A. When I approached the car, I explained to him the
19 reason why I was pulling him over.

20 Q. Eventually he gives you consent to search --

21 A. Yes.

22 Q. -- right?

23 A. Yes.

24 Q. Now, are you in an unmarked car or a marked vehicle?

25 A. Unmarked.

1 Q. Unmarked?

2 A. Uh-huh.

3 Q. Now, does that have a dash cam?

4 A. It does not.

5 Q. It does not?

6 A. No.

7 Q. And you don't have a body cam?

8 A. No, sir, not at the time.

9 Q. So there is no video footage of any of the arrest?

10 A. None.

11 Q. At some point Mr. Owens requires Ms. Upchurch and Mr.
12 Bonner to get out of the car, correct?

13 A. That's correct.

14 Q. Was it a four-door car or a two?

15 A. I can't recall if it was four door or two door.

16 Q. And you don't recall Mr. Bonner having to be let out of
17 the car by Ms. Upchurch because the back door was damaged or
18 something?

19 A. No, I was still at the back. Basically I'm at the back
20 of the car, but I'm still on the driver's side. I couldn't
21 see on that side of the car.

22 Q. Okay. So there was no --

23 Ms. Upchurch and Mr. Parker were in the front seat,
24 right, and then Mr. Bonner is in the back seat behind Ms.
25 Upchurch --

1 A. That's correct.

2 Q. -- on the passenger's side?

3 A. That's correct.

4 Q. You indicated that Mr. Owens found the drugs, correct?

5 A. That's correct.

6 Q. Now, as far as the search of the person, did you search

7 Mr. Bonner?

8 A. No. I think David Owens searched Mr. Bonner.

9 Q. Okay. And then he turns up the drugs.

10 Did anybody claim the drugs?

11 A. Nobody.

12 Q. Nobody claimed them, correct?

13 A. Nobody.

14 Q. And at some point Deputy Cole arrives, right?

15 A. That's correct.

16 Q. And I think in your report you indicated that Mr.

17 Parker and Mr. Bonner stated that Upchurch had some dope in
18 her pants, is that correct?

19 A. That's correct.

20 Q. And at some point Mr. Cole put Upchurch and Parker in
21 the same car, is that right?

22 A. That's right.

23 Q. And then Mr. Bonner is in a different car?

24 A. That's right.

25 Q. And do you remember at any point where Mr. Parker

1 encouraged Ms. Upchurch to claim her drugs?

2 A. I can't recall that.

3 Q. You don't recall that?

4 A. Uh-uh.

5 Q. Do you recall at any point where the story changed from
6 nobody claims the dope to the point where those two folks
7 all of the sudden say Mr. Bonner is the one that had the
8 drugs?

9 A. They put Angela in Cole, Jeffrey's Cole's car. Bonner
10 and Parker told me that she had some dope in her pants.

11 Q. Okay. So Mr. Bonner told you she had drugs in her
12 pants?

13 A. Yeah.

14 Then Parker and Upchurch got in the car, they say it
15 was Bonner's dope.

16 Q. All so. It was after they went to the same car --

17 A. Uh-huh.

18 Q. -- they said it was Bonner's?

19 A. Yeah.

20 Q. At any point on the scene did Ms. Upchurch ever
21 acknowledge that she had drugs in her pants?

22 A. Never. We asked them several times. She said she
23 didn't have no dope on her.

24 Q. And from that point you took everybody to the county
25 jail, correct?

1 A. That's correct.

2 Q. And at some point I believe some drugs were found on
3 Ms. Upchurch?

4 A. There was.

5 Q. Do you recall that?

6 A. Yes, there was.

7 Q. Okay. But that was separate from what we have in here
8 today, correct?

9 A. That's correct.

10 Q. But it was the same kind of drug, methamphetamine?

11 A. Exactly.

12 Q. So at one point toward the end of the stop, it's your
13 car there --

14 A. Uh-huh.

15 Q. -- and Officer Cole's car?

16 A. That's correct.

17 Q. But you took Parker -- or Cole took Parker and Upchurch
18 together?

19 A. That's correct.

20 Q. You didn't separate the male from the female?

21 A. No.

22 Q. And going back to your report that you received on the
23 black Mountaineer, you never -- did you have any description
24 of the drugs being sold, or --

25 A. They didn't say. They just said that --

1 MR. KENDALL: Objection, Your Honor. I believe
2 that would be hearsay.

3 THE COURT: Well, there has been a lot of that,
4 but sustained.

5 MR. THOMPSON: Thank you, Your Honor.

6 BY MR. THOMPSON:

7 Q. Did you have any idea of the identity of the person in
8 the Mountaineer --

9 A. No.

10 Q. -- prior to pulling it over?

11 A. Uh-uh.

12 Q. Now, did Mr. Parker get charged for having the brass
13 knuckles?

14 A. No.

15 Q. And just to clarify at the end. Now, the Mountaineer
16 leave an address? Did you see it parked?

17 A. It was parked in front of -- I don't know what address
18 it was, but it was in front of some apartments.

19 Q. Okay. So that was an apartment complex, right?

20 A. It's hard to describe Happy Valley. You got houses on
21 this side, and you have got a few houses here, some in the
22 back, but the set of apartments right there on the right
23 side, that's where he was parked at, in front.

24 Q. Is that like a house -- like an apartment -- a two
25 story, three story?

1 A. No, they're just single level.

2 Q. Was that -- you observed him leaving that, you don't
3 know whose house that was?

4 A. No, uh-uh.

5 MR. THOMPSON: I have no further questions.

6 MR. KENDALL: Just a couple of things to touch on
7 very quickly.

8 REDIRECT EXAMINATION BY MR. KENDALL:

9 Q. Mr. Thompson asked you about methamphetamine on Ms.
10 Upchurch, is that correct?

11 A. That's correct.

12 Q. What was found on Ms. Upchurch?

13 A. Methamphetamine.

14 Q. Okay. Approximately how much?

15 A. Six grams. I want to say six. Between five and six
16 grams.

17 Q. Okay. And where was that located on her? Did she have
18 it in her pockets?

19 A. No, it was inside.

20 Q. Is it fair to say it was her private area?

21 A. Yeah, it was. Yes.

22 Q. Put the methamphetamine in her private area?

23 A. Yes.

24 Q. Is that the same drugs we are talking about here? Is
25 it the same drugs that we have in these bags right here?

1 A. Yes, it's the same type of drug, meth.

2 Q. Is it the same actual drugs?

3 A. I don't think so. I -- I can't say.

4 Q. No, no, no. Let me ask you this.

5 When y'all were arresting Ms. Upchurch, where did you
6 find the drugs that were in her private area? Did you find
7 them on the side of the road?

8 A. No, found them on her.

9 Q. Okay. And where was that? Where did all that happen?

10 A. At the jail.

11 Q. Okay. And did you put those drugs in this BEST bag?

12 A. No.

13 Q. All right. You submitted those as a separate BEST bag?

14 A. A separate BEST bag.

15 Q. All right. We are talking about two different
16 locations of drugs here?

17 A. Okay, yeah.

18 Q. Is that fair to say?

19 A. That's fair to say, yes.

20 Q. Okay. So she's got her thing at the jail --

21 A. At the jail.

22 Q. -- and she's charged, and then you also charged her --

23 A. With that.

24 Q. -- with these as well, correct?

25 A. That's correct.

1 Q. Okay. As well as Mr. Parker, is that fair to say?

2 A. That's fair to him say, him too.

3 Q. Okay. You testified a moment ago about cameras. I just
4 wanted to clear it up for the jury. Did you all have body
5 cameras back then?

6 A. Not at the time, uh-uh.

7 Q. Okay. And do you now?

8 A. We do now, yes.

9 Q. That was something that you all simply didn't have them
10 at that time?

11 A. That's correct.

12 Q. And why you --

13 And just so we are clear, Mr. Thompson asked you about
14 a tip that was called in?

15 A. Yes.

16 Q. This wasn't like a CI or something, right? It was
17 just --

18 A. No, just --

19 Q. You said an unknown person, but was it -- do you know
20 who it was, or --

21 A. I have no idea. I just checked my messages one day.

22 Q. Okay. Okay.

23 Why did you all transport them the way that they were?

24 In other words, why did you put the guys together -- excuse
25 me, why did you put the two of them together and Mr. Bonner

1 separate?

2 A. To tell you the truth, I don't know. Maybe that --

3 Q. Okay.

4 A. -- they took Parker -- not Parker, but --

5 He put Angela in the car first and we were going to
6 transport both of them in my vehicle, but since I ain't got
7 a cage, so Cole had to transport another person.

8 Q. And you said that Mr. Bonner and Mr. Parker said that
9 Angela had dope in her pants?

10 A. Yes.

11 Q. Did she?

12 A. Yes, she did.

13 Q. Did Mr. Parker's statement ended up being accurate on
14 that front?

15 A. Yes.

16 Q. All right. And who did he say then the dope belonged
17 to that was in the back of the car, the other dope, that
18 dope right there?

19 A. Bonner.

20 Q. Bonner. Okay.

21 MR. KENDALL: All right. No further questions,
22 Your Honor.

23 THE COURT: You may step down.

24 MR. KENDALL: The State would call David Owens.

25 THE CLERK: Please raise your right hand.

1 OFFICER DAVID OWENS, having been first duly sworn,
2 testified as follows:

3 THE WITNESS: I do.

4 DIRECT EXAMINATION BY MR. KENDALL:

5 Q. Could you please state your name for the record?

6 A. My name is David Owens.

7 Q. Mr. Owens, where are you employed?

8 A. Cherokee County Sheriff's Office.

9 Q. How long have you been employed there?

10 A. May the 11th will be ten years.

11 Q. Okay. And what is your rank at the sheriff's office?

12 A. Sergeant.

13 Q. All right. And what are your responsibilities there?

14 A. I work with the Cherokee County Sheriff's Narcotics
15 Division. We search areas known for high drug use and
16 that's what we look around any suspicious behavior to try to
17 get it off the street.

18 Q. All right. So your job is basically to target
19 narcotics?

20 A. Yes, sir.

21 Q. And what were you doing the evening of March 16th?

22 A. Just routine patrolling them high drug areas and rode
23 through Happy Valley. It's Marietta Street is where it's
24 actually at.

25 Q. All right. And sometime around that nine to eleven

1 o'clock time frame did you conduct a traffic stop?

2 A. Yes, sir, we did.

3 Q. And who were you with at that time?

4 A. I was Sergeant Tim Tate.

5 Q. Okay. And where were you all -- were you all driving
6 separate vehicles, same vehicle, or what?

7 A. Riding in the same vehicle.

8 Q. Okay. And is it fair to say that this isn't a standard
9 issue police car? Is that fair to say?

10 A. That's right, it's unmarked.

11 Q. Okay. That's why you all could have a stationary
12 sitting around?

13 A. That's right.

14 Q. And what kind of vehicle did you actually do a traffic
15 stop on at that time?

16 A. It was a black SUV, Monterey, or something like that.

17 Q. Mountaineer?

18 A. Yeah, Mountaineer, I'm sorry.

19 Q. Okay. And what did you do when the traffic stop
20 occurred?

21 A. Like Tate said, when we -- when me and him ride
22 together he gets out. You know, he activated his blue
23 lights. He got out and he went to the driver's side.

24 I generally go to the passenger's side. Look around in
25 the car and stuff is what we are doing. We were looking to

1 see if there is anything out of place, anything abnormal,
2 and just started talking to Angela Upchurch and Ronnie
3 Bonner.

4 Q. All right. And who was on the passenger's side, do you
5 recall?

6 A. Angela Upchurch was in the front seat. Ronnie Bonner
7 was in the back passenger's seat.

8 Q. All right. And can you please describe what the
9 weather was like that night?

10 A. It was about 54 degrees, a little chilly to me. I
11 mean, I get cold easier. It was about 54 degrees.

12 Q. Okay. And please describe what happened as you walked
13 up to the car.

14 A. When I walked up to the car, I typically talk to the
15 people a lot, but I walked up and I realized it was Angela
16 Upchurch and it was Ronnie Bonner. I know him as "Oop". I
17 knowed her. I usually call her Angela. I walked up and
18 asked them how they were doing, you know. They started
19 talking to me and calling me Mr. Owens. That's what they
20 called me.

21 When I was standing there talking to them, you know,
22 they was just speaking, but Ronnie is sitting in the back
23 passenger's seat and he turns all the way. He's facing me,
24 you know, as I'm standing at the door and he is just
25 sweating profusely. I mean, even his hands were sweating.

1 So I'm talking to him, looking at him. I said "you okay,
2 Oop" and he's like "yeah, I'm just hot." And, I don't know,
3 for some reason he pulled his hoodie off and hands it to me
4 outside the window. I take his hoodie in my hand and look
5 at him and I said "are you sure you are alright?" He's like
6 "yeah, I just need to get out" and I said "okay." I told
7 him "come on, step out."

8 Q. All right.

9 A. So I got him and Angela both out.

10 Q. How he was positioned inside the vehicle, were you able
11 to see kind of the middle section of the car?

12 A. No, specifically the window he was facing leaning up on
13 the window door frame, you know, looking at me.

14 Q. So he was basically blocking the view into the --

15 A. I couldn't see nothing past him. It was dark. I mean,
16 it was night also, you know.

17 Q. All right. What was Angela doing?

18 A. Angela was just sitting there, you know, just speaking
19 like, you know, she had been to Ike and all that stuff.

20 Q. Okay. And you said the weather was in the fifties, 53,
21 54 degrees?

22 A. About 53, 54.

23 Q. All right. And he was sweating profusely?

24 A. Profusely.

25 Q. What was his demeanor like? Was he --

1 A. Real active. Real moving. I mean just wailing his
2 arms. Like I said, he took his hoodie off and handed it to
3 me.

4 Q. Okay. And did ask him to step out of the car?

5 A. Yes.

6 Q. And did they do that?

7 A. Yeah, had both of them step out.

8 Q. All right. Was there any point in time where one of
9 them was still in the car but the other one wasn't?

10 A. No, sir.

11 Q. And you didn't -- you weren't watching them?

12 A. No, sir, not at all.

13 Q. Okay. So you were standing right there when they got
14 out of the car --

15 A. That's right.

16 Q. -- is that fair to say?

17 A. Yes, sir.

18 Q. And once they -- once they got out of the car, what did
19 you do?

20 A. I told them to walk with me to the back of the car
21 where Sergeant Tate was with Mr. Parker.

22 Q. Okay. And what did you do after that?

23 A. Once I walked him back, I told him, you know, stand
24 around there with Mr. Tate, Sergeant Tate had informed me
25 that, you know, Brian had gave us consent to search the

1 vehicle. So I told them, I said "y'all stay back here with
2 Tate. I'm going to walk back up here and look."

3 As I turned around and started to walk back towards the
4 car Mr. Bonner sort of followed me going "hey, Mr. Owens,
5 let me talk to you."

6 I said "well, just stand back there for a few minutes,
7 Bonner. Let me search the vehicle."

8 As I started back again he started to follow me. I
9 told him -- I turned around, it was a little scold him, I
10 said "look, you need to stay back here with them and let me
11 do what I got to do," and he stayed back there then.

12 So I go back to the car.

13 I don't recall having anyone let him out, because the
14 doors, you know, were open at this point. And when I walked
15 back and I looked to where he was sitting, it was like the
16 little center piece in the middle, you know, where -- I
17 don't know, like the little hump in your back of your car, I
18 saw the two bags laying on some kind of like a little CD
19 case, or something like that, and I just noticed it and went
20 ahead. I saw it laying there and one of them was spilling
21 out, so I took it and I sort of picked both bags up and I --
22 there was a Crown Royal bag laying somewhere right there in
23 the back seat, so I just picked it up and put it inside the
24 Crown Royal bag. Then I carried it back over to Tate and I
25 told him I found this and went ahead and told him to secure

1 everybody --

2 Q. Hold on for a second.

3 A. -- and put them in cuffs.

4 Q. I just want to make sure we --

5 When you talk about a CD case, are you talking about an
6 individual --

7 A. It's just a little square case that you open up. It's
8 what it looked like to me.

9 Q. Like in the old days when CD's were popular, you have
10 it in the back of the car?

11 A. Just a little bitty small pouch case. Not really a
12 case like that, just a pouch.

13 Q. All right. I'm going to show you what is marked
14 State's Exhibit 1. Do you recognize this?

15 A. Yes, sir.

16 Q. And what is that?

17 A. If you look here you can see the case and this is the
18 meth and this is where it was spilling around.

19 Q. Okay. And is this a fair and accurate representation
20 of how the --

21 A. Yes, sir, exactly?

22 Q. -- methamphetamine was that night?

23 A. What?

24 Q. Is that a fair and accurate representation of how the
25 methamphetamine was positioned that night?

1 A. Absolutely.

2 MR. KENDALL: Your Honor, we would offer State's
3 Exhibit 1 into evidence.

4 MR. THOMPSON: And he may have said that he -- did
5 he say who took the photograph?

6 THE WITNESS: I believe I took the photograph. I
7 normally do.

8 MR. THOMPSON: No objection.

9 THE COURT: It's admitted.

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

12 MR. KENDALL: And we would request permission to
13 pass this around to the jury, Your Honor.

14 THE COURT: You may.

15 BY MR. KENDALL:

16 Q. Now, looking at this picture, State's Exhibit 1, and I
17 want you to hold it, could you please describe to me the
18 condition of -- the condition of those bags?

19 A. One was tied off like a twist tie sort of, but the
20 other one you can see it was sort of torn open and the meth
21 was falling out inside the car on top of that pouch.

22 Q. Okay. And once you found the bags, did you continue
23 searching the car?

24 A. Not at that point. I picked both these bags up. And
25 like I say, I found a little purple Crown Royal bag. I

1 picked them and I put them inside and I took the dope back
2 to Tim and handed it to him.

3 At that point we put them in cuffs and I have the
4 people sit down, because we are out numbered, so I get them
5 to sit down. It's just puts us at a -- and then I go back
6 and continue my search.

7 Q. All right. And did you look --

8 It appears from the photograph the bag is torn open and
9 there is meth kind of leaking out there, is that fair to
10 say?

11 A. That's fair to say.

12 Q. Did all the meth stay right on top of that CD case, or
13 did some sort of fall off, or how --

14 A. It appeared me it was all right there. I didn't see
15 any more laying around in the car either.

16 Q. Did you look in the front seat of the car? Was there
17 any methamphetamine scattered around the front seat of the
18 car?

19 A. None whatsoever. I searched everything.

20 Q. Okay. So you didn't find any like shards in the
21 driver's seat?

22 A. No.

23 Q. What about shards in the passenger seat?

24 A. No.

25 Q. What about on the floorboard or anywhere around there?

1 A. No.

2 Q. So the methamphetamine that's in the open --

3 A. Uh-huh.

4 Q. -- is consolidated to kind of that back hump in the
5 back of the car?

6 A. Right there on top of that pouch.

7 Q. Okay. And who was sitting back there that whole time?

8 A. That would have been Ronnie Bonner.

9 Q. All right. And at any point in time, to include when
10 you are following them in the car, did you ever see Angela
11 Upchurch or Brian Parker reaching back there?

12 A. No. I believe them windows were sort of tinted. We
13 couldn't see in there.

14 Q. When you approached the vehicle, did you see her
15 reaching --

16 A. Oh, no.

17 Q. -- back there, or anything like that?

18 A. Negative. No, sir.

19 Q. What about when you were getting them out of the
20 vehicle, when you were physically getting them out?

21 A. No.

22 Q. Did you see?

23 A. No.

24 Q. Did it appear there was any time when like you are
25 dealing with Bonner, but Upchurch is still sitting in there

1 by herself?

2 A. No, I got them both out at the same time.

3 Q. Okay. What about Parker, was he ever allowed to go
4 back in the car and just hang out there by himself?

5 A. No.

6 Q. Okay. So the methamphetamine in those two big bags --

7 A. Yes, sir.

8 Q. -- was found in the back seat on the hump and the only
9 person back there was Mr. Parker?

10 A. Mr. Bonner.

11 Q. Mr. Bonner?

12 A. Yes.

13 Q. Okay. I want to show you what is marked State's
14 Exhibit 2. Can you take a look at this?

15 A. Yes, sir.

16 Q. And what does that appear to be?

17 A. It's just where we wrapped it up and put it in our BEST
18 bags.

19 Q. And did you ever handle that methamphetamine?

20 A. When I picked it up and put it in the Crown Royal bag.

21 Q. Okay. And who did you give it to?

22 A. I gave it to Tate.

23 Q. Okay. All right.

24 And that's the same methamphetamine -- that appears to
25 be the same methamphetamine that you gave Mr. Tate?

1 A. Yes, sir.

2 Q. Or Officer Tate?

3 A. Yes, sir.

4 Q. All right. This all occurred in Cherokee County, South
5 Carolina, is that right?

6 A. Yes, sir, right there on Cherokee Avenue and Ford Road.

7 Q. Please answer any questions that the defense attorney
8 may have.

9 A. Yes, sir.

10 MR. THOMPSON: If it please the court, Your Honor.

11 CROSS EXAMINATION BY MR. THOMPSON:

12 Q. Deputy Owens, you said that you were on the passenger's
13 side of Officer Tate's car, correct?

14 A. Yes, sir.

15 Q. And at the time that you pulled the Mountaineer or he
16 pulled the Mountaineer over, did you get out immediately
17 when he did?

18 A. Yes, sir.

19 Q. And you approached the passenger's side?

20 A. Yes, sir.

21 Q. And I believe you indicated that the windows on that
22 vehicle were tinted, correct?

23 A. I couldn't see through the back window. The windows
24 were down when I walked up to the passenger's side.

25 I'm talking about -- he was asking me could I see them

1 moving around when we started to pull them over. You can't
2 see through the back.

3 Q. You said the windows were down?

4 A. On the passenger's side when we walked up.

5 Q. And as you approached, you said that you got both of
6 them out at the same time, correct?

7 A. Yes, sir.

8 Q. And I believe you indicated Mr. Bonner was sweating and
9 gave you a hoodie, correct?

10 A. Yes, sir.

11 Q. Now, have you ever dealt with folks that were high on
12 drugs?

13 A. Oh, yes, sir.

14 Q. Did he show any signs of that?

15 A. He was sweating profusely and moving around. I mean,
16 yeah, you could associate that with that. That's a good
17 sign of it, somebody on methamphetamine, stuff like that.

18 Q. So you -- he indicated he wanted to get out of the car.
19 Is that when you let he and the --

20 A. When I was standing there talking to him and he was
21 just, you know, acting up, he was -- something about wanting
22 to straighten his clothes up, or something, and he wanted to
23 get out, so I told him "yeah, come on out." I was going to
24 get them out anyway, though, you know, because Parker was
25 already outside of the car.

1 Q. So he -- was it a four-door door or --

2 A. It was a four-door car.

3 Q. He got out of the back door?

4 A. Yes.

5 Q. And Ms. Upchurch was still in the front seat at that
6 point?

7 A. I told them both to step out at the same time. Both of
8 them opened up the doors. Both of them come out pretty
9 well -- I mean, as close as simultaneously as you could.

10 Q. And I want to talk a little bit more about, you said
11 the --

12 As you approached, you knew Ms. Upchurch, right?

13 A. Yeah, I recognized them when I walked up.

14 Q. And you indicated that once Mr. Bonner got out, you saw
15 some -- the drugs on a CD case?

16 A. I didn't see them immediately.

17 As soon as they both stepped out, I walked them to the
18 back of the car. That's when I was -- you know, Tate told
19 me that we had consent to search the vehicle, and I walked
20 back. And as soon as I walked back, they were there. They
21 were laying there. I hadn't looked in the door when they
22 got out, but when I went back, re-approached the vehicle and
23 actually looked. I was watching them because, like I said,
24 they kept walking up on me as we was walking.

25 Q. And the box that you are -- the CD box?

1 A. Not really a box. It was like a pouch, a cloth pouch.

2 Q. A cloth pouch.

3 So it's not built into the car?

4 A. No. No, it's laying on top of like a little hump.

5 Q. Okay. So I could pick it up and take it and put it in
6 another car, for example?

7 A. Oh, yeah, it could be picked up, yeah.

8 Q. Okay. So it's not part of the car?

9 A. I don't believe it's part of the car, yeah. It looked
10 like one of them little pouches.

11 Q. Okay. And you have indicated that there was a Crown
12 Royal bag?

13 A. Yeah. I don't remember exactly where, but it was
14 laying right in that area, you know, as I was searching. I
15 could see it.

16 Once I got back, I saw the methamphetamine. It was
17 slung out. I looked around, you know, and that's what I
18 saw, a little bag, so I just picked it up and put it inside
19 the bag.

20 Q. Where was that bag?

21 A. It was laying in the back area somewhere. I can't
22 remember if it was on the seat or in the floor, or whatever,
23 but as I seen the drugs were spilling out, I just looked for
24 something to put it in to keep from losing any more
25 evidence.

1 Q. After you secured that, the two bags, what did you do
2 with it?

3 A. Carried them straight back there to Tate.

4 Q. And then what did you do?

5 A. Placed all three of them in cuffs. Well, I placed
6 Bonner in cuffs. Tate placed on the cuffs and I probably
7 placed two of them in cuffs and had them sit down on the
8 ground out there. Then I went back and finished my search.

9 Q. Do you recall taking a statement from Ms. Upchurch?

10 A. Yes, I remember going over there with Tate to do
11 statements.

12 Q. And what was her demeanor after the arrest?

13 A. During the statement, or directly after the arrest?

14 Q. Directly after the arrest.

15 A. Well, they all wanted to talk to us. You know, it was
16 like they wanted to give us information of other people, to
17 not arrest them I guess is what you want to say.

18 Q. And I believe in your report you did, you indicated
19 that she continued to deny having drugs on her on the scene.
20 Do you recall that?

21 A. I remember asking her and she said no, she didn't have
22 anything, but I didn't -- I wasn't the one that continued,
23 you know, to make sure you don't have anything on you,
24 because once --

25 While I was searching the car and went back, I didn't

1 have too much more conversation with them, because I knew
2 they were all under arrest and we were just going to, you
3 know, hash it out later, I guess.

4 Q. Do you recall at some point Parker -- and Mr. Bonner
5 and Mr. Parker just gave --

6 A. I remember I was standing there with them, but I don't
7 remember having -- I didn't engage them in conversation
8 after we found the dope. I was there, you know, but I
9 typically, you know -- you know, we already got that dope.
10 I don't remember engaging him in conversation, but they were
11 talking and stuff and I -- you know, I'll keep -- it's been
12 about a year.

13 Q. And are you -- you are familiar with Happy Valley too,
14 correct?

15 A. Yes, sir.

16 Q. And do you recall -- do you know whose home that was
17 that they left from?

18 A. I did. They typically move around a lot down there,
19 but at that point in time it was -- I would say it was
20 Sharon Stone's.

21 Q. Sharon Stone?

22 A. Yes, sir.

23 Like I said, they jump around a lot down there. They
24 move anywhere at any time back then.

25 Q. Do you know if she was in a house, apartment, mobile

1 home?

2 A. They rent them out as apartments, but it's basically a
3 structure built with three different doors, you know, three
4 different rooms. It's just one structure there.

5 There is mobile homes in the valley and there is houses
6 and things, you know.

7 Q. And you said that you searched the car again?

8 A. I went back and finished my search. The dope was
9 obvious when I walked back up the first time. I just went
10 back to complete my search.

11 Q. And what did that entail?

12 A. Just going through literally everything in the car,
13 under the seats, front seat, back seat, passenger's side,
14 driver's side, everything.

15 Q. Did you find any cell phone?

16 A. We had cell phones there, but I didn't find them in the
17 car then. I don't remember finding them just laying around
18 in the car, you know, but we did collect three cell -- four
19 cell phones, I think.

20 Q. And were those on anyone's person, or how did you find
21 those?

22 A. I can't remember whose phone we got from who or
23 whatever. I mean, you know, it was four different phones,
24 though.

25 Q. And I believe there were search warrants done to search

1 those phones, correct?

2 A. Yes, sir, that would have been something Sergeant Tate
3 handled there. It's his case.

4 Q. Okay. But you recall four phones, correct?

5 A. It seemed like there was --

6 Q. Do you recall if they were in the front seat, back
7 seat?

8 A. I don't. I don't remember where they were coming from.

9 Q. At any time during the arrest did anyone claim the
10 drugs?

11 A. No. Once -- once I completed my search I went back and
12 I -- basically I look at each one. I ask them "is it your
13 drugs," individuals. Everyone said no.

14 Q. And this is a Mountaineer --

15 A. Yes, sir.

16 Q. -- the vehicle was.

17 So that's a smaller SUV, is it not?

18 A. It looked about mid-size to me. I mean, not no real
19 small SUV.

20 Q. It's not like a big Suburban?

21 A. Yeah, not like -- no, not like a Suburban or nothing
22 like that.

23 Q. Would the two bags of methamphetamine, would they have
24 fit into that pouch -- just based upon your observation --

25 A. Inside the CD pouch?

1 Q. -- would they have fit in that CD pouch?

2 A. No, it's a lot of bundles, you know. They're flat in
3 there, but when you find they are like a golf ball. They
4 are round, you know. I mean, if you would have put them in
5 a case, the case would probably look like about that thick,
6 I guess. It would bulge and stuff. You know, it was just
7 laying flat on top when I found them.

8 Q. Did you --

9 Now, I think Officer Tate testified there is no dash
10 cam on that patrol car, right?

11 A. No, sir, we don't have dash cams. Our cars are made to
12 blend in as much as possible.

13 Q. You don't have a dash cam or the body cam, correct?

14 A. We have body cams now, but at that point we did not.

15 Q. So -- and then I think y'all said the car didn't have a
16 cage?

17 A. Our cars do not, no.

18 Q. It was strictly narcotics investigations, correct?

19 A. Yes. Well, I mean, we can -- we patrol and maybe we
20 see somebody just breaking the law, you know, we stop on
21 that too, but primarily we are a narcotic cages and that's
22 what our cars are for.

23 MR. THOMPSON: I have no further questions.

24 MR. KENDALL: I have a couple of things to
25 clarify, a couple of things.

1 REDIRECT EXAMINATION BY MR. KENDALL:

2 Q. You testified you could kind of see inside the car.

3 Were you able to see inside of the car from the passenger's
4 side?

5 A. Yes. Well, without him in the window I would have been
6 able to see inside the car, yes, sir.

7 Q. You could see him inside the car --

8 A. Yes.

9 Q. -- is that fair to say?

10 A. Yes.

11 Q. And were you able to see Ms. Upchurch clearly?

12 A. Yes.

13 Q. Okay.

14 A. We had actually stopped them on the Freeman Gas parking
15 lot is pretty lit.

16 Q. Okay. And during that time were the windows -- were
17 the windows tinted on the passenger's side?

18 A. When I got there the windows were down when I walked up
19 to the car.

20 Q. So the windows were rolled down?

21 A. Yes.

22 Q. Okay. And looking in there you didn't see anybody
23 reaching in the back seat or anything like that?

24 A. Uh-uh, no.

25 Q. Okay. All right.

1 You testified to something a moment ago I would like to
2 ask you about. They all asked about not taking them to
3 jail?

4 A. Yes.

5 Q. Something else. What was going on with that?

6 A. The way it works, when I was talking to them, they kept
7 saying they wanted to talk to me, you know, like that. They
8 was talking like they could go make a buy somewhere else.

9 Bonner actually stated "you know, if you all don't take
10 me to jail, I can go ahead. I can do it right now."

11 Q. Okay.

12 A. Ms. Upchurch stated she would go with him and help him,
13 if we just didn't take them to jail.

14 Q. Okay. So nobody claimed the drugs? They were offering
15 to do things to make the drugs go away?

16 A. That's correct.

17 Q. That was Bonner and Upchurch?

18 A. Yes.

19 Q. Was Parker involved in that?

20 A. I never had too much conversation with Bonner.

21 Q. Bonner or Parker?

22 A. I mean -- I'm sorry, Parker. He was pretty quiet.

23 Q. Okay. So it was Bonner who offered and Upchurch said
24 she would go with him?

25 A. Yes.

1 Q. All right. Did y'all take them up on that?

2 A. No.

3 Q. All right.

4 MR. KENDALL: Nothing further, Your Honor.

5 MR. THOMPSON: Nothing else, Your Honor.

6 THE COURT: Step down.

7 MS. LESKANIC: The State calls Angela Upchurch.

8 THE CLERK: Please raise your right hand and place
9 your left hand on the Bible.

10 ANGELA UPCHURCH, having been first duly sworn,
11 testified as follows:

12 THE WITNESS: Yes, ma'am.

13 MS. LESKANIC: May it please the court?

14 THE COURT: Yes.

15 DIRECT EXAMINATION BY MS. LESKANIC:

16 Q. Okay. Will you please introduce yourself to the ladies
17 and gentlemen of the jury?

18 A. My name is Angela Upchurch.

19 Q. And you are currently at the Cherokee County detention
20 center, is that correct?

21 A. Yes, ma'am.

22 Q. That's the orange jumpsuit?

23 A. Yeah.

24 Q. All right. And you have pending charges in the
25 solicitor's office, is that correct?

1 A. Yes, ma'am.

2 Q. And you are currently facing charges for this case that
3 we are here about today?

4 A. Yes, ma'am.

5 Q. All right. And you also have a criminal history --

6 A. Yes.

7 Q. -- is that correct?

8 A. Yes, ma'am.

9 Q. That includes third degree burglary. You have been
10 convicted of third degree burglary?

11 A. Yes, ma'am.

12 Q. Possession of methamphetamine?

13 A. Yes, ma'am.

14 Q. Shoplifting?

15 A. Yes, ma'am.

16 Q. Okay. All right.

17 Now I want to go back to March 16th of 2018.

18 Now, do you know Ronnie Bonner?

19 A. I do.

20 Q. All right. Do you see him in the courtroom?

21 A. I do.

22 Q. Can you please point him out or describe what he's
23 wearing?

24 A. He's sitting beside the guy in the black and he's got
25 on blue, navy blue.

1 Q. Okay. Seated at the defense table?

2 A. Yes, ma'am.

3 Q. All right.

4 MS. LESKANIC: Please have the record reflect that
5 she's identified the defendant.

6 THE COURT: It shall.

7 MS. LESKANIC: Thank you, Your Honor.

8 BY MS. LESKANIC:

9 Q. How long have you known Ronnie Bonner?

10 A. More than ten years. A long time.

11 Q. Okay. Would you consider him a friend?

12 A. I do.

13 Q. Were you with him on March 16th of 2018?

14 A. I was.

15 Q. All right. And how did the two of you get together
16 that day?

17 A. We met up at a friend's house. He was there and I came
18 there. And when I got there, Ronnie had some drugs on him
19 and I had wanted some of them and I asked him to sell me a
20 bag. He did. He asked me for a ride. I was with someone
21 else, so I asked someone else would they give him a ride.
22 They said yeah.

23 Q. All right. Let's fill in some of those holes, okay?

24 You go to somebody's house. Whose house do you go to?

25 A. Sharon Stone's.

1 Q. All right. Where does Ms. Stone live? Where did she
2 live at that time?

3 A. It's in the valley.

4 Q. Is that known as Happy Valley? Is that what everybody
5 calls it?

6 A. Yes, ma'am.

7 Q. Okay. When you arrived at Ms. Stone's house, was the
8 defendant already there?

9 A. He was.

10 Q. Okay. Who was with you?

11 A. Brian Parker.

12 Q. How did y'all get there?

13 A. He -- we drove in his car there.

14 Q. Okay. Is that this Mercury Mountaineer that we have
15 heard about?

16 A. Yes, ma'am.

17 Q. I know you haven't been in the courtroom, but there has
18 been testimony about riding in a Mercury Mountaineer.

19 A. Yes, ma'am.

20 Q. All right. Y'all get to Ms. Stone's house and who goes
21 inside?

22 A. Brian goes in first and then I go in.

23 Q. Okay. Who do you see when you get into the house?

24 A. Ronnie.

25 Q. Okay. Who else? Anybody else in the house?

1 A. Sharon is in the house. Shawn is in the house and
2 Brian. We are all in the house.

3 Q. Okay. Who is Shawn?

4 A. That's Sharon's son.

5 Q. So the homeowner Sharon, her son Shawn, the defendant,
6 and then you and Brian Parker, who is the driver of the
7 Mercury Mountaineer, is that correct?

8 A. Right.

9 Q. Okay. Why did y'all go to the house?

10 A. We went there because Brian had left something in a
11 lock box, a safe, the night before and he went there to get
12 it back, so that's why we went there. It was a watch.

13 Q. Okay. So where did Brian go when y'all come into the
14 house?

15 A. He went straight in the room with Shawn.

16 Q. Where did you go?

17 A. I was in there talking to Ronnie.

18 Q. Okay. What were you and Ronnie talking about?

19 A. We were just talking about him selling me some drugs.

20 Q. Okay. And how did you know he had drugs?

21 A. Because he showed them to me.

22 Q. Okay. And you asked to buy some?

23 A. I did.

24 Q. Okay. And did that happen?

25 A. It did.

1 Q. All right. Tell the jury how you got the drugs.

2 A. I bought them from him.

3 Q. Okay. Did you have money on you?

4 A. I did.

5 Q. I want you to walk them through. If they had been
6 there with you, what would they have seen happen and where
7 did it happen?

8 A. I asked -- well, I asked Brian to go get my wallet.
9 And when he come back in, I got my money out. I had change.
10 I had some quarters, change, and I even counted my change
11 out and gave him my money, and we was in the bathroom and
12 that's where I got my drugs at.

13 Q. Okay. What did he have, as far as drugs in his
14 possession that you saw?

15 A. I don't know exactly how much he had, but he had two
16 bags.

17 Q. Okay. And did the drugs -- what kind of drugs are you
18 trying to buy?

19 A. Meth.

20 Q. Okay. Are you a meth addict?

21 A. I am.

22 Q. Okay. Now, you saw two bags in his possession and you
23 bought drugs. Did he get the methamphetamine that you
24 bought out of one of those two bags?

25 A. He did.

1 Q. Okay. And what did you do with that?

2 A. I had it on me until, you know -- we got pulled over
3 and I stuffed it up in me.

4 Q. Okay. Did you have a baggy on you, or was in it
5 plastic, or what?

6 A. It was in a bag.

7 Q. Okay. How did that happen?

8 A. Okay. Well, we was going down the road and we got
9 blued lighted.

10 Q. No, I mean you getting the meth that you bought from
11 Ronnie, did he just put it in your hand? Where did you get
12 the plastic baggy?

13 A. I don't remember.

14 Q. Okay.

15 A. I don't.

16 Q. All right.

17 A. I don't know if I had a bag or if he had a bag. I
18 don't know.

19 Q. Okay. So he sells you the meth for approximately how
20 much money?

21 A. Oh, I think it was like a hundred and some dollars. A
22 hundred dollars.

23 Q. Okay. Is anybody else in the bathroom with you?

24 A. No.

25 Q. Who's in the house when that sale takes place?

1 A. Just me, him, Sharon, and Shawn.

2 Q. Okay. Do you know where Shawn was at the time?

3 A. No.

4 Q. Do you know where Sharon was at the time?

5 A. She was in there on -- she's got a hospital bed in the
6 living room. That's where she was.

7 Q. Okay. Can you see into the bathroom from the living
8 room?

9 A. You can.

10 Q. Okay. Was the door open or closed to the bathroom?

11 A. It was open.

12 Q. After the defendant sold you the methamphetamine, what
13 happened next?

14 A. He asked me to give him a ride and we gave him a ride,
15 and we wasn't going down the road two minutes and we got
16 blue lighted.

17 Q. All right. When he got in the car, you had
18 methamphetamine in your possession, is that right, that you
19 bought from him?

20 A. Yes, ma'am.

21 Q. All right. Approximately how much did you buy?

22 A. About six grams, close to it.

23 Q. All right. Did he have the two bags of meth that you
24 had seen in his possession with him?

25 A. As far as I know, yeah, they were with him.

1 Q. Okay.

2 A. They was with him.

3 Q. Would he have left that amount of methamphetamine at
4 Ms. Stone's house?

5 A. No, I knew -- I knew he had it.

6 Q. Okay. So when you got in the car with Mr. Bonner, you
7 knew he had two bags of methamphetamine and you knew that
8 you had methamphetamine in your possession?

9 A. Yes, ma'am.

10 Q. Okay. What happened when y'all started driving away?

11 A. We didn't get far and we got blue lighted and we got
12 pulled over.

13 Well, before we pulled over when they said we was blue
14 lighted I started stuffing mine in in me, and he asked me to
15 stuff his and I told him I couldn't too much and he put it
16 down on the floor.

17 Q. Okay. All right.

18 Walk me through. Who said that you were blue lighted.

19 A. Brian said "we are blue lighted."

20 Q. All right. And then what happens inside the vehicle at
21 that point?

22 A. I started putting mine away and --

23 Q. When you say putting it away, tell the jury what you
24 did.

25 A. Put in my pants.

1 Q. Okay. Down your pants?

2 A. In my pants, inside of me.

3 Q. Okay. Stuffed it inside of you?

4 A. Yes, ma'am.

5 Q. Okay. And then what about these bags of
6 methamphetamine that Mr. Bonner had?

7 A. Well, after I told him that I couldn't put all that in
8 my pants, he -- I seen him put them down. I thought that he
9 was sticking it in a bag, because there was several -- all
10 kinds of stuff in the car. We was living out of the car,
11 but he actually I guess laid it down in the floor where they
12 found it at.

13 Q. Okay. So y'all pulled over at that point, and what
14 happens when the officer walks up to the car?

15 A. One officer walks up to Brian's side and one officer
16 walks up to our side and they asked Brian to get out of the
17 car, of course, and he got out.

18 Well, before they came back and said anything, Ronnie
19 asked could he get out and he got out, he dusts his pants
20 off and then they told me to step out. So we all --

21 Q. Was the officer standing there the entire time?

22 A. He was.

23 Q. Okay. And why did Ronnie need to dust his pants off?

24 A. I'm not sure.

25 Q. Okay. But he had something on his clothing and he

1 wanted to get out and dust himself off?

2 A. Yeah

3 Q. Okay. All right.

4 And then you get out of the vehicle?

5 A. I did.

6 Q. Okay. And what -- what happens next?

7 A. They just sat us down and searched the car. Ronnie and
8 Brian was in handcuffs. I wouldn't.

9 I think Tate was the one that sit there and talked to
10 us mostly, and then we got put in the police car. He rode
11 with the narcotics and then we come to jail.

12 Q. Okay. And what happened when you got to the jail?

13 A. When we first pulled up --

14 Well, before we left to go to jail I asked Jeff Cole to
15 get a narcotics officer and let me talk to him. I had
16 something to tell him, and they wasn't going to talk to me.
17 I was trying to tell them I had drugs on me.

18 And then when we got to the jailhouse I told Jeff Cole
19 as soon as we got here that I needed a lady officer, that I
20 also had drugs on me too.

21 Q. Okay.

22 A. And as soon as I came in I gave my drugs to her.

23 Q. All right. I'm going to show you what's been marked
24 State's Exhibit 1. Do you recognize this?

25 A. I mean, I recognize it, but -- I don't know.

1 Q. Explain what you are --

2 A. I know I seen two bags when I got it from him, but I
3 don't know how it got open and thumped around like that, I
4 don't. I don't know.

5 Q. Okay. So you never saw the drugs in this condition?

6 A. Never.

7 Q. Does that appear to be the two bags of methamphetamine
8 that you saw in possession of Mr. Bonner before y'all left
9 Ms. Stone's house?

10 A. Yes, ma'am.

11 Q. Were these your drugs?

12 A. No, ma'am.

13 Q. Is this your methamphetamine?

14 A. No, ma'am.

15 Q. What did you do with your methamphetamine?

16 A. I stuck it in my pants.

17 Q. How long have you been a meth addict?

18 A. About ten years.

19 Q. Have you been offered or promised anything for your
20 testimony today?

21 A. No, ma'am.

22 Q. Why are you here?

23 A. I'm here because I feel like I'm being woman enough and
24 I'm saying what's mine is mine. I'm claiming mine. I feel
25 like he should be a man and claim his too and let's both

1 just get this put behind us.

2 Q. Okay.

3 (Off the record).

4 (Back on the record).

5 BY MS. LESKANIC:

6 Q. I think that's all the questions that I have for you.
7 If you would, please answer any questions that Mr. Thompson
8 has.

9 MR. THOMPSON: If it please the court?

10 THE COURT: Mr. Thompson.

11 CROSS EXAMINATION BY MR. THOMPSON:

12 Q. Ms. Upchurch, you were arrested on the 16th of March of
13 last year, correct?

14 A. Yes, sir.

15 Q. At any time since then have you bonded out of jail?

16 A. No, sir.

17 Q. And since then have you seen Ms. Stone?

18 A. Yes, sir.

19 Q. Where did you see her?

20 A. She's in the Cherokee County detention center with me.

21 Q. Okay. And you have had a year, over a year now, to
22 make sure that you get a good story up, right?

23 A. You could say that, yes, sir.

24 Q. And do you recall giving a voluntary statement the
25 night that you got arrested?

1 A. Yes, sir.

2 Q. And you indicated at the end of it that jail was no
3 good for you, correct?

4 A. I did.

5 Q. And you were willing to work for the police officers in
6 order to avoid jail, correct?

7 A. I asked for some help. I did ask for help on my
8 statement.

9 Q. And what would that help involve?

10 A. I just was asking for help, like I needed help with my
11 drug problem. I grew up on the streets.

12 If I'm going to be punished, then I need some kind of
13 way of showing me a different way to live. That's what I
14 was asking for.

15 Q. All right. So do you recall saying that you wanted to
16 work with them, with the police?

17 A. I was asking for help.

18 Q. So you were looking for help for a drug problem, or
19 help from the police, or what's help?

20 A. Well, at that time probably both.

21 Q. And would you agree with me that for six grams of
22 methamphetamine, that a hundred dollars is pretty cheap?

23 A. I guess so, yeah.

24 Q. All right.

25 Now, I'm going to try to go through your statement

1 first.

2 MR. THOMPSON: And if I may approach, Your Honor,
3 I will make sure that this is the same one.

4 BY MR. THOMPSON:

5 Q. Is that your statement there?

6 A. (Shaking head yes).

7 Q. It's two pages, right?

8 A. Right.

9 Q. Okay. Now, you indicated in your statement that you
10 had been home all day?

11 A. Right.

12 Q. And that Parker came over after awhile, right?

13 A. Right.

14 Q. What time do you remember that he came over?

15 A. I really don't remember what time he came over.

16 Q. It was -- was it in the morning, afternoon, evening?

17 A. I'm going to say it was in between morning and
18 afternoon. When you are a meth addict the days run
19 together.

20 Q. You were under influence, you believe?

21 A. I'm sure I wasn't.

22 Q. To be safe, he came over sometime after one p.m.?

23 A. Yes, sir.

24 Q. And you indicated that he had to go to the valley?

25 A. He did.

1 Q. He had to go to Shawn's house, right?

2 A. Right.

3 Q. Shawn is Sharon Stone's son, right?

4 A. Right.

5 Q. And they had a ring and a watch he had left with Shawn,
6 correct?

7 A. Right.

8 Q. In a lock box?

9 A. (Shaking head yes).

10 Q. And did you know why those items were over there?

11 A. He was with those -- he was with those people the night
12 before, so I really don't know exactly why. No, I don't.

13 Q. But you went with him, right?

14 A. I went with him to get it.

15 Q. Did you guys have plans for that day and night?

16 A. We were going to go a friend's house for the weekend.

17 Q. Where does that friend live?

18 A. In Blacksburg.

19 Q. Okay. So you guys go over there.

20 And do you recall in your statement indicating that you
21 and a guy got into an argument, that you were shoved?

22 A. I do.

23 Q. And that guy was Gage, wasn't it?

24 A. Right.

25 Q. Okay. And was Gage there too?

1 A. He wasn't.

2 Q. Well, where did you run into Gage?

3 A. Gage -- well, Gage called and wanted -- they had a car
4 that had run hot on the side of the road. We went to go
5 take them water and that's where me and Gage got into it at,
6 on the side of the road.

7 Q. So you guys got -- that's where he pushed you?

8 A. Right.

9 Q. Okay. Was Mr. Parker present then?

10 A. He was.

11 Q. And at some point you said that you called 911 about
12 that incident?

13 A. I did.

14 Q. But you never made contact with the police officers
15 about that, did you?

16 A. I didn't.

17 Q. All right. When you said you -- you said you left
18 because the police didn't show up and you went back to the
19 boy's house. Who is the boy?

20 A. That's Shawn's house. We went to Shawn's house.

21 Q. Okay. Went back to Shawn.

22 And do you recall what time that was?

23 A. It was nighttime.

24 Q. It was already dark?

25 A. Yeah.

1 Q. Okay. Now, how long had you known Mr. Parker before
2 this day?

3 A. I have known Mr. Parker for about 10, 15 years.

4 Q. And were you and him -- you were going to spend the
5 night with a friend, at the friend's house, correct?

6 A. Right.

7 Q. You and he together?

8 A. Right.

9 Q. And at any time prior to March 18, 2008 -- March 16th,
10 2018, was Ronnie Bonner ever in that Mountaineer, to your
11 knowledge, with you and Mr. Parker?

12 A. No, sir.

13 Q. And, to your knowledge, did Mr. Parker know Mr. Bonner
14 very well?

15 A. No, sir.

16 Q. Were you aware that Mr. Parker had been to Happy Valley
17 before in that car?

18 A. Yes, sir.

19 Q. Had you been there with him?

20 A. Yes, sir.

21 Q. Okay. And you indicated when you went back to Shawn --
22 did you go to Shawn's, then go to help Gage?

23 A. No, sir. We went straight to Gage and Shawn. When we
24 got there, they wasn't there. They had already caught a
25 ride and left the car on the side of the road.

1 Well, I got out to go ahead and put the water in the
2 car. That's when they pulled up and he thought that I was
3 trying to take the car, so that's why he got mad and we got
4 into a conflict.

5 Well, then they just left the car and got back in the
6 car and went back to Shawn's and we was behind them, but,
7 you know, a little piece behind them. Then that's when we
8 got to Shawn's. Gage was not there. He didn't go back
9 there. He got dropped off at home, I guess. I don't know
10 where he went.

11 Q. But Shawn was?

12 A. Shawn was.

13 Q. What were you putting back in the car?

14 A. I was trying to put water in the other car that was on
15 the side of the road.

16 Q. So it was running hot?

17 A. Yes, sir.

18 Q. Then you indicate when you got to Sharon Stone's house,
19 that Napoleon answered the door?

20 A. Yes.

21 Q. Who is Napoleon?

22 A. That's Ronnie.

23 Q. Okay. And you indicated that you bought the drugs from
24 him, six grams?

25 A. I did.

1 Q. That's when he needed a ride, correct?

2 A. Correct.

3 Q. You indicated in your statement that Brian had already
4 went back to the Mountaineer?

5 A. He did.

6 Q. And I believe you testified that Ms. Stone was laying
7 in a hospital bed in the living room?

8 A. (Shaking head yes).

9 Q. And I believe you stated that you could see the
10 bathroom from there?

11 A. You can.

12 Q. Well, if she -- why would you go to the bathroom? Is
13 that where you conducted the drug sale, or --

14 A. I mean, I guess there was a big counter and it was
15 room.

16 Q. And how did you know it was six grams?

17 A. I don't know exactly that it was six grams. I don't.

18 Q. It wasn't weighed or put on a scale or anything?

19 A. I don't remember it being weighed.

20 Q. So you don't know.

21 How did you come up with six grams?

22 A. I'm going to say it was six grams. I really don't even
23 know. I don't even know how I came up with that.

24 Q. Do you recall in your statement that you said that you
25 told Mr. Bonner put the drugs on him and not in the car?

1 A. I did, because he tried to hand them to me, and then he
2 tried to put them down in the car and I told him "don't do
3 that. They are yours. You hold onto them."

4 Q. You told him to put them on his person?

5 A. To hold -- they are his, hold them.

6 Q. In the car?

7 A. I had mine and he should have had his.

8 Q. Are you familiar with the CD container that the
9 officer -- that the drugs were found on top of?

10 A. I didn't know they were found on top of a CD container.

11 Q. You didn't know anything about the CD container?

12 A. Uh-uh.

13 Q. Now, you have indicated that you guys were living out
14 of the car for awhile?

15 A. Brian was living out of the car. There was a lot of my
16 stuff in there too.

17 Q. Do you recall if you had a cell phone with you?

18 A. I did.

19 Q. Do you recall if Mr. Parker had one?

20 A. He did.

21 Q. And I believe the officer -- there is maybe four
22 phones. Do you recall if you had more than one?

23 A. I know I had my dad's, which is deceased. I had his
24 phone with me too.

25 Q. So you had that one? You had two?

1 A. I'm not really sure how many with me, but I had -- I
2 know I had two phones on me in my purse.

3 Q. Well, what about --

4 A. I don't know what all was in the car, though.

5 Q. What about Mr. Parker? Do you know if he had a phone?

6 A. I know he had a phone, but I don't know how many.

7 Q. Had you been in contact with Mr. Parker?

8 A. What do you mean?

9 Q. By phone that day? Is that how you guys communicated?

10 A. I'm pretty sure we had communicated by phone that day.

11 Q. And you guys usually call or text one another?

12 A. Both.

13 Q. All right. And at some point did you go over -- did
14 you ever -- you never -- you saw Gage one time, right?
15 That's when you guys got into it, right?

16 A. Right.

17 Q. I'm going to show you some text messages that went back
18 and forth.

19 Gage has an 828 number, doesn't he?

20 A. I'm not sure. I got him in my phone under Gage.

21 Q. Do you recall texting with Gage on the 16th?

22 A. I probably did.

23 Q. Let me show you page 383 of the discovery. I believe
24 it's 316, around nine o'clock. Would that be about the
25 time, a little bit after, shortly after you and Gage had had

1 your disagreement?

2 A. I'm not sure what time it was, sir.

3 Q. Okay. I'm going to show --

4 MR. THOMPSON: If I may approach, Your Honor?

5 BY MR. THOMPSON:

6 Q. Number 20 on PAGE 383. It looks like this is incoming
7 from Gage. Do you remember getting that text right there?

8 A. Yes, I do.

9 Q. Okay. So he says "all I did to help you and you
10 threatened me with the police."

11 A. Right.

12 Q. Okay. So exactly how was he helping you?

13 A. He was a friend of mine. He helped me any time that I
14 needed help.

15 Q. All right. And then the next one up here is number 17.
16 Do you recall that text coming in?

17 A. I do.

18 Q. And that one says, from him --

19 MS. LESKANIC: Your Honor, I'm going to object.
20 It's hearsay.

21 If they want to call Gage to --

22 THE COURT: Sustained.

23 MS. LESKANIC: Thank you.

24 BY MR. THOMPSON:

25 Q. Do you recall outgoing to Gage, sending that to him?

1 MS. LESKANIC: What is he referring to?

2 MR. THOMPSON: It would be page 383, number 11.

3 A. Right.

4 BY MR. THOMPSON:

5 Q. Okay. That one says "be good. I'm out. Brian coming
6 to get his box. This is me and you. I'm ducking first,"
7 right?

8 A. Right.

9 Q. What was that referring to?

10 A. Because he shoved me. We had a conflict. That's the
11 reason why -- I'm hurt, I'm mad. I threatened him with the
12 police. I called the police, but then I changed my mind and
13 I didn't -- you know, I didn't report to the police, like I
14 should have.

15 Q. So that's at 9:23 you are saying that Brian is going to
16 get his box?

17 A. He's coming back -- he's coming back to Shawn Stone's
18 house to get his watch and the box. That's what I was
19 saying.

20 Q. To get his box? Was it his box?

21 A. It's his -- it's a watch box. He had a watch in it,
22 and I didn't know Green was there. I didn't know --

23 Q. Then I believe you send one -- is that --

24 I'm sorry. You said the box -- you said "he isn't in
25 this." Does that mean the argument?

1 A. Right.

2 Q. So, Gage, does he live in Happy Valley with Shawn?

3 A. He doesn't.

4 Q. Where does he live?

5 A. I'm not sure the name of the street, but it's up town.

6 He doesn't live with Shawn.

7 Q. Okay. He's your friend that the car broke down, right?

8 A. Right.

9 Q. And did he call you about the car being broke down?

10 A. He did.

11 Q. Or did he text you?

12 A. I know he called. I'm not sure if he texted too.

13 Q. And you say that you have been a methamphetamine addict
14 for ten years now?

15 A. Yes, sir.

16 Q. And do you ever have occasion to sell methamphetamine?

17 A. No, sir, I use methamphetamine.

18 Q. You have never sold any?

19 A. I use it. I don't sell it.

20 Q. Do you usually buy it from Gage?

21 A. No, I don't get it from Gage.

22 Q. Do you get it at the Stone's house?

23 A. I have.

24 Q. Now, once you were pulled over by the police, you
25 indicated that you were wanting help, correct?

1 A. Right.

2 Q. And offered to work, correct?

3 A. Right.

4 Q. And at some point did you and Mr. Parker get put into
5 the same police car?

6 A. We did.

7 Q. All right. That's Officer Cole's car, correct?

8 A. Right.

9 Q. And you indicated that --

10 Well, you go down to the jail, but you didn't claim
11 your drugs on the scene, correct?

12 A. I didn't say I had them on me.

13 I asked to speak to a police officer, the narcotic
14 officers. I was going to tell them that I had them on me,
15 but they -- you know, they were talking to Ronnie. They --

16 Q. Well --

17 A. Once I got put in the police car, that was it.

18 Q. But Officer Tate and Officer Owens were there. You
19 didn't tell either one of them that you had drugs?

20 A. I didn't.

21 Q. All right. In fact, you denied having drugs, correct?

22 A. I didn't get asked.

23 Q. You didn't get asked?

24 A. I didn't get asked if I had drugs on me.

25 Q. So -- did you -- you picked up another -- you picked

1 up --

2 You got arrested on this. Everybody got arrested,
3 right?

4 A. Right.

5 Q. Do you recall at any point telling Mr. Bonner to take
6 off running with the drugs?

7 A. No, sir.

8 Q. You deny knowing any knowledge of the two bags being in
9 the car?

10 A. I know the bags was in the car.

11 Q. You knew they were?

12 A. I knew he had drugs on him.

13 Q. And you just gave him a ride anyway?

14 A. I did.

15 Q. Or you had Parker give him a ride?

16 A. I did.

17 Q. Do you recall whose house you were going to in
18 Blacksburg?

19 A. It was a friend of Brian's. I can't -- I don't know
20 exactly who the man is, but we were taking Ronnie somewhere
21 first and then we were going to Blacksburg.

22 Q. You guys been up there before?

23 A. No, this was a friend that he worked with.

24 Q. All right.

25 So -- I believe you indicated that you had known Gage a

1 long time, correct?

2 A. No. I have not known Gage a long time.

3 Q. How long have you known him?

4 A. Probably about six months before we got arrested.

5 Q. Why would you refer to him as "the guy" in your
6 statement?

7 A. I think I'm referring to Shawn as the guy.

8 Q. Who pushed you, Shawn, or --

9 A. He pushed me, but when I stated we are going back to
10 the guy's house, I'm referring to Shawn's house, not Gage's.

11 Q. Okay. I think you said "when we got there, the boy
12 wasn't there." Is that Shawn or Gage?

13 A. Gage.

14 Q. "We call them. They were broke down on the side of the
15 road. Me and the guy got into an argument."

16 A. Right. I never put his name in the statement.

17 Q. Gage or Shawn?

18 A. Gage or Shawn.

19 Q. Neither one.

20 So you didn't want to name them?

21 A. I didn't. I didn't see where I should name them. They
22 didn't have anything to do with what we had going on.

23 Q. Well, you did call the police on them, right?

24 A. Right, because I was mad at him. I had been in an
25 argument with him. I was trying to tell the police what we

1 had been doing from the time I got with Brian until the time
2 we got pulled over and that's what we had been doing.

3 Q. Is Gage his real name or is that a nickname?

4 A. I'm guessing it's a nickname.

5 Q. I believe Ms. Leskanic went over your prior criminal
6 history. Was she correct on that, a burglary?

7 A. She was.

8 Q. Shoplifting?

9 A. Yes.

10 Q. And was that an enhanced charge?

11 A. Right.

12 Q. And then a methamphetamine charge, correct?

13 A. Yes, sir.

14 Q. So you have been in jail since March 16th, 2018,
15 correct?

16 A. Right.

17 Q. When did Ms. Stone join you down there?

18 A. I'm not real sure. It was I guess during December.
19 I'm not sure.

20 Q. And are you guys in the same pod or area?

21 A. All the women are housed together.

22 Q. Do you speak with her often?

23 A. I do. I speak with all the ladies.

24 Q. Did you have an occasion to speak with Mr. Parker since
25 being in jail?

1 A. When I first got arrested, yeah, but I haven't spoke to
2 him in eight, nine months.

3 Q. When you were involved with him, he was going through a
4 divorce, wasn't he?

5 A. Right.

6 Q. You don't have any knowledge of why his watch or ring
7 would be at Happy Valley?

8 A. No, I really don't. In fact, if I said it, then I --

9 Q. That's okay.

10 Do you recall how often you guys would go to Happy
11 Valley?

12 A. Not all the time, but we have been down there a few
13 times.

14 Q. Did you go to the same place every time?

15 A. Yeah.

16 MR. THOMPSON: I have no further questions.

17 REDIRECT EXAMINATION BY MS. LESKANIC:

18 Q. Ms. Upchurch, just to clarify a few things.

19 I know on my direct we didn't go into the car breaking
20 down with Gage. Did that have anything to do with the
21 methamphetamine that was found in the car?

22 A. No, ma'am.

23 Q. Okay. But now that it's been brought up, can you just
24 briefly give a rundown of what happened before you got to
25 Ms. Stone's house to explain that to the jury?

1 A. Okay. Gage and Shawn called. They had a car. They
2 had borrowed it. It ran hot. They were on the side of the
3 road and they needed some water, so I filled up jugs of
4 water and I put it in the car and I'm taking it to them in
5 Blacksburg on the road where I called the police from. It's
6 front of Munchie's. I don't even know the name of the road.

7 When we got there they wasn't there, so I went ahead
8 and put the water -- I was going to put the water in the car
9 and leave and tell them "well, I put the water in the car,
10 you know. Well, I did my part."

11 Well, they pull up as I'm doing that. They think that
12 I'm trying to take the car, that I'm going leave in the car,
13 put the water in it and leave in it. So that's why me and
14 Gage gets into an argument.

15 So that we got in our little argument. Me and Brian
16 got in the car. They got in the car. They left. They left
17 the car on the side of the road. Me and Brian -- I'm still
18 arguing, fussing, and, you know, saying I'm going to call
19 the law. And then shortly after that we went to Shawn's.

20 When we got there --

21 Q. Okay. So the text messaging that was between you and
22 Gage and calling the law, that had to do with the car
23 incident?

24 A. With that, and he shoved me. It hurt my feelings. I
25 felt like he shouldn't have did that. You know, I'm

1 supposed to be more than that, you shoved me over water in
2 the car. That's the way I felt, over somebody's car you
3 don't even really know. You borrowed it and you shoved me
4 over it. I was trying to help you. That's the reason why I
5 was hurt and I was saying that, you know, I was going to
6 call the law and that's the reason why those texts came in
7 place.

8 Q. Okay. And you actually did call the police, but then
9 you just didn't stay. Y'all ended up going back to Shawn
10 and Sharon's?

11 A. Correct.

12 Q. Okay. Now, Gage wasn't at the house when you got
13 there?

14 A. He wasn't.

15 Q. Okay. And that's where you met up with Mr. Bonner and
16 where -- when I first was questioning you, that's where it
17 picked up at their house where Mr. Bonner was there and you
18 purchased methamphetamine from him?

19 A. That's correct.

20 Q. Okay. Now, there was also mention of you offering to
21 work. Was there a time where you or Mr. Bonner offered to
22 do something after you were arrested?

23 A. Bonner did first and I just said that I would go with
24 him, I would go along with him. I would go with him.

25 Q. Okay. So tell us about that.

1 A. When Bonner gets out of the car, he got us all over
2 there with Tate, Bonner is telling him that he will work.
3 He has Cliff Hamrick in the palm of his hand that -- you
4 know, that he can go make a buy, this and that, and I'm over
5 there and I'm like, well, I'll go with him, I'll help him,
6 whatever it takes. I did that.

7 Q. And who had you known longer, the defendant Ronnie
8 Bonner or Mr. Parker?

9 A. I have knowed Ronnie Bonner longer.

10 Q. Okay. So you have been friends with him the longest
11 out of anybody in this case?

12 A. Right.

13 Q. Now, Mr. Thompson mentioned, he said that you have had
14 a year, but you have actually been in the Cherokee County
15 detention center for over a year now, is that correct?

16 A. Yes, ma'am.

17 Q. And he said that you have had a year to get a good
18 story and you said "I guess you could say that." Is the
19 story, what you have told the jury today, the exact same
20 thing that you told the police the day that you were
21 arrested?

22 A. It is.

23 Q. Okay. So has that changed?

24 A. No, ma'am.

25 Q. All right. And at the time that this happened, you say

1 that you paid a little over a hundred dollars for the
2 approximately six grams of methamphetamine? How did you get
3 that money?

4 A. I worked at Mighty Dollar.

5 Q. Okay. So you were employed at the time that this
6 happened?

7 A. I was.

8 MS. LESKANIC: That's all the questions. Thank
9 you very much.

10 MR. THOMPSON: Briefly, Your Honor.

11 RECROSS EXAMINATION BY MR. THOMPSON:

12 Q. Ma'am, you just indicated that you went to take the car
13 with Mr. Parker?

14 A. I did.

15 Q. And do you recall indicating that --

16 Well, you said something in a text about getting put
17 out of the car. Do you recall that, or got left on the side
18 of the road?

19 A. When I called the law, Brian was going to leave me on
20 the side of the road, but I got back in the car and left
21 with him.

22 Q. He just threatened to leave you, but he never did?

23 A. Because I was acting crazy. I was. I was mad.

24 Q. Okay. And do you remember -- you indicated on the side
25 of that when you were pulled over. Do you remember letting

1 Mr. Bonner out of the car?

2 A. Me let Mr. Bonner out of the car?

3 Q. Uh-huh.

4 A. No, I don't remember letting Bonner out of the car.

5 Q. All right. And you -- so you said Mr. --

6 I'm going to go back to Mr. Parker. He threatened to
7 leave you, did he not?

8 A. Yes.

9 Q. From there you went to Stone's house, right?

10 A. Right.

11 MR. THOMPSON: I have no further questions.

12 THE COURT: Step down.

13 MR. KENDALL: Your Honor, may we approach briefly?

14 (Whereupon, the lawyers approached the bench for
15 an off-the-record discussion).

16 THE COURT: Ladies and gentlemen of the jury, we
17 are going to recess for the evening.

18 Again, I caution you that you are not to talk
19 about the case. Don't conduct any research. Don't do any
20 investigation. Don't allow yourselves to be exposed to any
21 type of media coverage.

22 Do have a good afternoon. Please report to your
23 jury room at 9:30 in the morning. 9:30 in the morning.

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

1 THE COURT: Ms. Upchurch, in this case the
2 witnesses have been sequestered and that means they have
3 been separated for the duration of the case and that means
4 that they can't discuss the case with anybody. I understand
5 that you are housed in the same location as Ms. Stone.

6 MR. KENDALL: Sharon Stone.

7 THE COURT: Sharon Stone, and so, you know, while
8 y'all could have conversations if you want to, you cannot
9 talk with her about this case. You can't tell her about
10 anything you testified to or any questions that have been
11 asked of you or any responses that you have given. You
12 can't discuss this case in any fashion whatsoever. Do you
13 understand?

14 ANGELA UPCHURCH: Yes, sir.

15 THE COURT: Okay. Be sure that you follow that
16 instruction, because if you don't, it's contempt.

17 ANGELA UPCHURCH: Yes, sir.

18 THE COURT: Okay.

19 MR. KENDALL: Thank you very much.

20 THE COURT: Let me see the lawyers, please.

21 (Whereupon, the lawyers approached the bench for
22 an off-the-record discussion),

23 MR. KENDALL: Thank you, Your Honor.

24 MR. THOMPSON: Thank you, Your Honor.

25 THE COURT: Court is in recess until 9:30 in the

1 morning.

2 (Whereupon, proceedings were adjourned to April

3 17, 2019)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
6 -vs-) 2018-GS-11-00653
7)
8 RONNIE BONNER,) APRIL 17, 2019
9) GAFFNEY, SOUTH CAROLINA
10)
11 DEFENDANT.)

12 (VOLUME II)

13 B E F O R E:

14 THE HONORABLE J. DERHAM COLE, JUDGE. ; And a Jury.

15
16
17 A P P E A R A N C E S:

18 MATT KENDALL, ASSISTANT SOLICITOR
19 ATTORNEY FOR THE STATE

20 KIM LESKANIC, DEPUTY ASSISTANT SOLICITOR
21 ATTORNEY FOR THE STATE

22 CHRIS THOMPSON, ESQUIRE
23 ATTORNEY FOR THE DEFENDANT

24 MICHAEL R. WATTS
25 CIRCUIT COURT REPORTER

INDEX

(APRIL 16, 2019)

WITNESSES	PAGE
JURY VOIR DIRE --	PAGE 13
JURY SWORN --	PAGE 37
OPENING STATEMENT BY MR. KENDALL --	PAGE 48
OPENING STATEMENT BY MR. THOMPSON --	PAGE 50
OFFICER TIM TATE (SW)	
DIRECT EXAMINATION BY MR. KENDALL	52
CROSS EXAMINATION BY MR. THOMPSON	59
REDIRECT EXAMINATION BY MR. KENDALL	68
OFFICER DAVID OWENS (SW)	
DIRECT EXAMINATION BY MR. KENDALL	72
CROSS EXAMINATION BY MR. THOMPSON	83
REDIRECT EXAMINATION BY MR. KENDALL	92
ANGELA UPCHURCH (SW)	
DIRECT EXAMINATION BY MS. LESKANIC	94
CROSS EXAMINATION BY MR. THOMPSON	106
REDIRECT EXAMINATION BY MS. LESKANIC	123
RECROSS EXAMINATION BY MR. THOMPSON	127

INDEX

(APRIL 17, 2019)

WITNESSES	PAGE
BRIAN PARKER (SW)	
DIRECT EXAMINATION BY MS. LESKANIC	136
CROSS EXAMINATION BY MR. THOMPSON	143
REDIRECT EXAMINATION BY MS. LESKANIC	164
SHARON STONE (SW)	
DIRECT EXAMINATION BY MS. LESKANIC	168
CROSS EXAMINATION BY MR. THOMPSON	173
REDIRECT EXAMINATION BY MS. LESKANIC	185
OFFICER BILLY ANTHONY (SW)	
DIRECT EXAMINATION BY MR. KENDALL	188
CROSS EXAMINATION BY MR. THOMPSON	192
SLED AGENT BRITTNEE HILL (SW)	
DIRECT EXAMINATION BY MR. KENDALL	193
CROSS EXAMINATION BY MR. THOMPSON	199
STATE RESTS -- PAGE 200	
OFFICER TIM TATE (DW)	
DIRECT EXAMINATION BY MR. THOMPSON	205
CROSS EXAMINATION BY MS. LESKANIC	214
REDIRECT EXAMINATION BY MR. THOMPSON	216

INDEX

(APRIL 17, 2019)

WITNESSES	PAGE
KIKI SMITH (DW)	
DIRECT EXAMINATION BY MR. THOMPSON	221
CROSS EXAMINATION BY MR. KENDALL	224
OFFICER DAVID OWENS (SW)	
DIRECT EXAMINATION BY MR. THOMPSON	227
(NO CROSS EXAMINATION)	
RONNIE BONNER (DW)	
DIRECT EXAMINATION BY MR. THOMPSON	228
CROSS EXAMINATION BY MS. LESKANIC	244
REDIRECT EXAMINATION BY MR. THOMPSON	270
RECROSS EXAMINATION BY MS. LESKANIC	276
REPORTER'S CERTIFICATE -- PAGE 283	

EXHIBITS

	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-1	PHOTOGRAPH		79
4	S-2	DRUGS		198
5				
6	D-1	SEARCH WARRANT		213
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 (PROCEEDINGS, APRIL 17, 2019)

2 THE COURT: Are we ready for the jury?

3 MR. KENDALL: Yes, sir, Your Honor.

4 THE COURT: Bring them in.

5 (The following takes place in the presence of the
6 jury panel)

7 THE COURT: Good morning, ladies and gentlemen.

8 As you know when we recessed yesterday the State
9 was in the midst of their presentation, so we are going to
10 continue with that presentation this morning.

11 MS. LESKANIC: May it please the court, the State
12 calls Brian Parker.

13 THE CLERK: Please raise your right hand, place
14 your left hand on the Bible.

15 BRIAN PARKER, having been first duly sworn,
16 testified as follows:

17 THE WITNESS: Yes.

18 DIRECT EXAMINATION BY MS. LESKANIC:

19 Q. Mr. Parker, will you please introduce yourself to the
20 ladies and gentlemen of the jury?

21 A. Brian Parker.

22 COURT REPORTER: Pull up to the microphone, sir.

23 THE COURT: Yeah, adjust the seat and the
24 microphone so you speak into it.

25 A. Brian Parker.

1 BY MS. LESKANIC:

2 Q. Thank you, Mr. Parker.

3 Now, you have pending charges in the solicitor's
4 office, correct?

5 A. Yes, ma'am.

6 Q. You were charged in this case that the jury is here
7 hearing about this week?

8 A. Yes, ma'am.

9 Q. All right. I want to go back to that day, March the
10 16th of 2018. Do you know the defendant Ronnie Bonner?

11 A. No, ma'am. No, ma'am.

12 Q. Okay. Now, had you -- did you see him on March the
13 16th?

14 A. Yes, ma'am.

15 Q. All right. And how many times had you seen him before
16 that day?

17 A. I have seen him one time prior to that.

18 Q. Okay. So on March 16th, that was the second time that
19 you had ever seen the defendant?

20 A. That's correct.

21 Q. Okay. Where did you see him?

22 A. The first time?

23 Q. This day, March 16th, where did you first see him that
24 day?

25 A. Ms. Stone's house.

1 Q. Okay. Where is that?

2 A. In Happy Valley.

3 Q. Okay. Who were you with?

4 A. Angela Upchurch.

5 Q. And why were you and Angela going to Ms. Stone's house?

6 A. I had a watch and my wedding band set and it was at a
7 safe in their house.

8 Q. Okay. And who had that for you?

9 A. Shawn, her son, in his safe.

10 Q. Okay. So you and Angela go to her home in Happy Valley
11 and what happens when you arrive?

12 A. I go in the house, knock on the door, go in the house
13 and me and Shawn and Angela walk in the house. I go in the
14 back with Shawn to get my watch. I get my watch and ring --

15 THE COURT: Don't hold onto the microphone. Let
16 it go.

17 A. -- and then come back out. When I'm walking out Angela
18 is going "Brian, will you get my wallet?" So I walked
19 straight to the car and grabbed her wallet. Before I can
20 get back in she meets me at the door. I gave her her wallet
21 and I came back to the car and waited on her to come out.

22 BY MS. LESKANIC:

23 Q. Okay. Did you see the defendant inside the home when
24 you went into Sharon Stone's house?

25 A. Yes, ma'am.

1 Q. Okay. Where did Angela go when you first went into the
2 house? What was she doing?

3 A. She was in like in the left part of the house with him.

4 Q. Okay. Talking to the defendant?

5 A. Yes, ma'am.

6 Q. All right. Then you go back to Shawn's room and when
7 you come back out what do you see?

8 A. She's over there with him and she hollers "Brian, will
9 you please get my wallet?"

10 Q. Okay. And then you go out to the car and get her
11 wallet, hand it to her in the doorway?

12 A. Yeah, she meets me at the door. I don't even make it
13 back in the house. She meets me at the door and grabs the
14 wallet and I go back to the truck.

15 Q. Okay. So after that you don't know what happened
16 inside the house?

17 A. No, ma'am.

18 Q. Okay. What's the next thing that happened?

19 A. She comes back out with him and asked me do I mind
20 giving him a ride.

21 Q. Okay. What did you say?

22 A. If he had some gas money, I would give him some ride --
23 I give him a ride.

24 Q. Okay. And did he say he had some gas money?

25 A. Uh-huh.

1 Q. Okay. So then what happened?

2 A. We get in the car and we didn't make it a block up the
3 road and we get pulled over.

4 Q. Okay. What happens when the blue lights come on?

5 A. Angela starts stuffing some stuff in the heat. Starts
6 asking her to "stuff this, stuff this," and she tells him,
7 "no, shove it up your ass."

8 Q. Okay. So the blue lights come on, what does Angela do
9 inside the vehicle?

10 A. She's stuffing stuff.

11 Q. What do you think she's stuffing?

12 A. Drugs.

13 Q. Okay. Where did she get those drugs?

14 A. I don't know where she got the drugs because she didn't
15 have the drugs when we left her house.

16 Q. Okay. So the blue lights come on and she starts
17 stuffing something where?

18 A. In her pants.

19 Q. Okay. And then what is Mr. -- where is Mr. Bonner
20 seated in the vehicle?

21 A. In my back seat.

22 Q. All right. What does he do when the blue lights come
23 on?

24 A. Asking her to stuff some drugs. She tells him "no,
25 it's your drugs, you shove them up your ass" is what she

1 told him.

2 Q. Okay. And then you pulled over at Freeman Gas?

3 A. Uh-huh.

4 Q. And how quickly are officers at the car?

5 A. Pretty quick.

6 Q. What happens when they approach the car?

7 A. He tells me I have a tag light out. And I asked could
8 I see, because I didn't know I had a tag light out. When I
9 got out he showed me and it was, and he asked me for consent
10 to search the car.

11 Q. Did you give him consent to search?

12 A. Uh-huh.

13 Q. Okay. And then what happens after that?

14 A. They found drugs in the car.

15 Q. Do you know where the drugs were found?

16 A. No, ma'am.

17 Q. Did you ever see the drugs in the car?

18 A. No, ma'am.

19 Q. All right. To your knowledge, did Angela have any
20 drugs with her when the two of you arrived at Sharon Stone's
21 house?

22 A. No, she didn't have any drugs on her.

23 Q. Okay. When the blue lights came on did Angela hand the
24 defendant Ronnie Bonner anything?

25 A. No, ma'am.

1 Q. Okay. Did he hand her anything?

2 A. He tried to.

3 Q. And that's when she said no?

4 A. No. She told him no.

5 Q. All right. Now, have you been offered or promised
6 anything for your testimony today?

7 A. No, ma'am.

8 Q. Threatened in any way?

9 A. No, ma'am.

10 Q. All right. Was that methamphetamine that was found in
11 the car, was that yours?

12 A. No, ma'am.

13 Q. And did Angela have this with her when y'all left to
14 come over to Sharon Stone's house?

15 A. No, ma'am. No.

16 (Off the record).

17 (Back on the record).

18 BY MS. LESKANIC:

19 Q. When you first went over to Ms. Stone's house, y'all
20 were going there to get your watch and your wedding band?

21 A. Yes, ma'am.

22 Q. Okay. But once you arrived there, Angela is talking to
23 the defendant?

24 A. Uh-huh.

25 Q. And that's when she asked for her wallet?

1 A. Yes. When I walked back out and -- after I got my
2 watch and ring out of the safe, I'm walking back out of the
3 house and she asked me to grab her wallet out of the car.

4 Q. All right. Thank you very much.

5 Please answer any questions that Mr. Thompson has.

6 MR. THOMPSON: If it please the court, Your Honor.

7 CROSS EXAMINATION BY MR. THOMPSON:

8 Q. Mr. Parker, you were picking up Ms. Upchurch to -- you
9 two were to go and spend the night somewhere, correct?

10 A. That's correct.

11 Q. Where was that?

12 A. At one of my friend's house name John Wallace in
13 Blacksburg.

14 Q. And was that an overnight stay?

15 A. Yes, sir.

16 Q. And I believe the State gave me some paperwork showing
17 that the black Mountaineer is your automobile, correct?

18 A. That's correct.

19 Q. How long had you owned that automobile prior to the
20 arrest?

21 A. Maybe four or five years.

22 Q. And how often did you frequent Happy Valley?

23 A. Never, really. Maybe once or twice in my whole life.

24 Q. I'm sorry, repeat?

25 A. Maybe once or twice in my whole life.

1 Q. Once or twice?

2 A. Yes, sir.

3 Q. And you went over to -- is it Shawn or Shane?

4 A. Shawn.

5 Q. Shawn?

6 A. Uh-huh.

7 Q. All right. So Shawn lives in Happy Valley?

8 A. Correct.

9 Q. And you had been over there sometime prior and dropped
10 off a ring and a watch?

11 A. The night before.

12 Q. Okay. And why would you leave your ring and watch with
13 him?

14 A. Because the people we were around the night before is
15 bad about stealing and I didn't want it to get stolen, so he
16 put it in the safe for me. That way it wouldn't get taken.

17 Q. You put a watch on our wrist and a ring on your finger,
18 can't you?

19 A. Yeah, I could have, but it was a set, a wedding set
20 that I had, and I just recently went through a divorce and I
21 wasn't wearing it.

22 Q. Okay. So he has just a safe or a safe deposit box or
23 something?

24 A. Yes, sir.

25 Q. And that was Shawn?

1 A. Yes, sir.

2 Q. Stayed in Happy Valley at his house?

3 A. Uh-huh.

4 Q. So you go there the next day to get it, right?

5 A. Uh-huh.

6 Q. And you take Angela?

7 A. Yes.

8 Q. And you indicate, I think even in your statement, in
9 your testimony today you never saw any drugs?

10 A. No, sir.

11 Q. Not even at Ms. Stone's house?

12 A. No, sir.

13 Q. All right. So I just want to show you this.

14 MR. THOMPSON: If I may approach the witness, Your
15 Honor?

16 THE COURT: You may.

17 BY MR. THOMPSON:

18 Q. This is a -- the State provided me with that. It looks
19 like a copy of your statement you gave to the police. Do
20 you recognize that?

21 A. Yes, sir.

22 Q. And did you, in fact, give this statement to law
23 enforcement?

24 A. Yes, sir.

25 Q. All right. Now, you start off and say that you had

1 been with Angela since about eight or nine in the morning,
2 correct?

3 A. That's correct.

4 Q. Okay. So you went to her house?

5 A. Yes, sir.

6 Q. Where were you coming from?

7 A. One of my friend's house in Blacksburg that I had
8 stayed the night before.

9 Q. Okay. So was that the same guy that you were staying
10 with this night too?

11 A. No, sir.

12 Q. All right. So then you mentioned that you were going
13 to Shawn Stone's home in the valley, correct?

14 A. That's correct.

15 Q. And this will be your second time being there?

16 A. Yes, sir.

17 Q. And was the night before the first time that you were
18 there when you gave him the watch and the ring?

19 A. Yes, sir.

20 Q. And you were around some guys that you thought would
21 steal your watch, unless you put it in the safe, right?

22 A. Yes, sir.

23 Q. Okay.

24 A. It was a female. It wasn't guys. It was a female.

25 Q. Females. Okay.

1 So you went to pick it up?

2 A. Uh-huh.

3 Q. And you said that Angie, Shawn, and Shawn's mom?

4 A. Correct.

5 Q. And that guy?

6 A. And that guy, yeah.

7 Q. So there were four folks there?

8 A. Yes, sir.

9 Q. Now, had you been there before and went back, or is
10 this the only time that you went there?

11 A. That day?

12 Q. This time right here when you went in and it was Shawn,
13 his mom, and you and Angie and that guy?

14 A. No, I hadn't been there before. I went there the night
15 before and they got the ring set and then the next day I
16 went back.

17 Q. And do you remember what time that was?

18 A. When I went back and got it you mean?

19 Q. Yes, sir.

20 A. Not exactly. I'm not sure exactly what time it was.

21 Q. Was it daylight or dark?

22 A. I think it might have been right around maybe mid-day,
23 possible.

24 Q. Middle of the day?

25 A. Yeah, maybe, possibly. I'm not sure.

1 Q. And you said -- I think you had mentioned that was the
2 second time you had ever seen Mr. Bonner, correct?

3 A. That's correct.

4 Q. And then about 18th of March last year would have been
5 the only time that he's ever taken a ride with you in that
6 Mountaineer?

7 A. Yeah, correct.

8 Q. Now, in there on your statement you said that you got
9 your watch and headed to the car, correct?

10 A. Correct.

11 Q. Why did you not stay in the house?

12 A. Because I was upset.

13 Q. You were?

14 A. Yes, sir, and because we were never supposed to even be
15 to the car to get in an argument, period, for me to even go
16 back and get my watch that day. I was upset with Angela. I
17 wasn't even supposed to be in that whole situation, and I
18 just went straight in, got the watch, straight back out. I
19 didn't say hey to nobody, look at nobody I seen, but ready
20 to go.

21 Q. And what situation are you referencing?

22 A. There was a -- we was on my way to my friend John's.
23 She got a call about a car. You know, one of her friends
24 got some problem with a car. We stopped there. She got
25 into an altercation with one of her friends and I had to

1 kind of take it up and then that's where my watch was was
2 where this guy hangs out at there. That's why we went back
3 that day to get it by then.

4 Q. Okay. Explain that a little bit to me. I'm -- you
5 said she gets a call?

6 A. Uh-huh.

7 Q. Someone --

8 A. With car trouble.

9 Q. That has car trouble?

10 A. Right.

11 Q. Do you know who that was?

12 A. Yes, his name was Gage.

13 Q. Okay. You didn't mention that in your statement, did
14 you?

15 A. No.

16 Q. Okay. So you go to this car?

17 A. Right.

18 Q. Who is there?

19 A. Me, Angela, Gage, and two other guys. I'm not sure who
20 they were.

21 Q. Shawn wasn't there at the car?

22 A. I can't -- I'm not sure if Shawn was there or not.
23 Shawn might have been there, I'm not sure.

24 Q. And so there is an altercation?

25 A. Uh-huh.

1 Q. What happened then?

2 A. Angela --

3 Q. I think she called the police, didn't she?

4 A. No, no one called the police. Angela and the guy got
5 into an argument, so she starts calling me to like take up
6 the argument. So me and the guy got in an argument, but
7 nothing physical happened or nothing like that, so everybody
8 leaves and I immediately start thinking I'm going -- I need
9 to go get my watch and stuff, because that's where it was
10 and that's who put it up for me, so I called him and told
11 him "I'm on my way over there to get my watch. You know, is
12 there going to be any trouble over there when I get over
13 there, because I'm going to go ahead and get it." He says
14 "no, come on and get it," so we went on over there and got
15 it and that's what happened.

16 Q. Okay. Let me back up.

17 When you said Angela called you to get involved with
18 the --

19 A. Yeah, she called my name, "Brian, Brian."

20 Q. And you went up and got into it?

21 A. I got out of the car, because I was in the car. I
22 didn't get out of the car when we pulled up to the
23 altercation with the car, because it wasn't none of my
24 business, so I didn't really want to even be there. So she
25 started hollering "Brian, Brian," so I got out and then me

1 and him kind of had some words and then everybody left.

2 Q. And is that when you decided that you needed to go and
3 get your ring and watch?

4 A. Uh-huh, yes, sir.

5 Q. And you called somebody to say "I'm coming to get it"?

6 A. Yes, sir.

7 Q. Who was that?

8 A. Gage.

9 Q. Gage?

10 A. Uh-huh.

11 Q. You had just got into an argument with him?

12 A. Uh-huh.

13 Q. And you left?

14 A. Uh-huh. Yes, sir.

15 Q. Okay. How did Gage -- I thought Shawn had your watch
16 and ring?

17 A. He did at his house.

18 Q. Okay. Why did you call Gage about the ring?

19 A. Because that's whose house Gage was at.

20 Q. Gage was at Shawn's house?

21 A. Yes, sir.

22 Q. You just saw him on the side of the road though?

23 A. Yes, that's whose house we was at the night where he
24 got my ring and watch and put it up for me in Shawn's house,
25 in the safe.

1 Q. Not before you saw Gage?

2 A. Yes.

3 Q. Gave him a watch and a ring?

4 A. Uh-huh.

5 Q. He gave it to Shawn?

6 A. Correct.

7 Q. Shawn put it in a box?

8 A. In a safe, yes, sir.

9 Q. Safe?

10 A. Yeah.

11 Q. And then the next day Shawn broke down -- I mean Gage
12 was broke down on the side of the road?

13 A. Correct.

14 Q. But you don't even get out of the car to help him?

15 A. No, sir.

16 Q. Why not?

17 A. Because I didn't really want to be there. I wanted to
18 go to my friend's house. It was none of my business, to
19 tell you the truth. I wasn't supposed to be there. I was
20 ready to go.

21 Q. All right. So you got out and had words with him, got
22 back in the car and then called him?

23 A. Uh-huh, yes, sir.

24 Q. Saying "I'm coming to get my --

25 A. "Coming to get my stuff. I need to know is any bull

1 crap going to be going on because I'm on my way to get my
2 stuff." He was like "no, come on and get it, man. Ain't no
3 problems. Come on and get it," so I come on and got it.

4 Q. Okay. So -- when you called, was he already back at
5 the house?

6 A. I'm not sure where he was, but I know that's where they
7 were going.

8 Q. So when you got there was Gage at the house?

9 A. No, sir.

10 Q. Shawn was there, right?

11 A. Shawn was there, yes, sir.

12 Q. And you said that Angela and Gage got into a little bit
13 of a scuffle or something?

14 A. Yeah, you could call it that, yeah.

15 Q. She never -- nobody ever called the police?

16 A. No, sir.

17 Q. All right. Now, Angela said that you were picking up a
18 box?

19 A. Yes, sir.

20 Q. What box was this?

21 A. My watch and ring.

22 Q. That's not the box, though?

23 A. That's what's it's in, it's a box. It's a set. It's a
24 wedding set.

25 Q. The ring and the watch?

1 A. Yes, sir.

2 Q. But you are not picking up Shawn's box?

3 A. The safe box?

4 Q. Yeah.

5 A. No, I'm picking up my box with a ring and a watch in
6 it.

7 Q. So what kind of box is that?

8 A. It's a jewelry box with a watch placed in it. A
9 jewelry box.

10 Q. All right. And did law enforcement take that out of
11 your car --

12 A. No, sir.

13 Q. -- when they arrested you?

14 A. No, sir.

15 Q. Where did you put it when you went to the car with it?

16 A. I think it might have been under my seat or something.
17 I don't know. I don't remember where I put it, to be honest
18 with you. I still had it. I actually pawned it. I
19 actually sold it.

20 Q. So it wasn't taken by --

21 A. No, it wasn't taken by the police.

22 Q. All right. So you had indicated in your statement I
23 believe Angela was moving and digging around --

24 A. Yes, sir.

25 Q. -- on page two, do you recall that?

1 A. Yes, sir.

2 Q. And -- but you still say that you seen no drugs at this
3 point?

4 A. I didn't see any drugs physically, no.

5 Q. But she was moving around?

6 A. Yes, sir.

7 Q. This was before you pulled over?

8 A. Uh-huh, yes, sir.

9 Q. All right. So did you indicate in your statement that
10 Angela --

11 Was Mr. Bonner in the kitchen?

12 A. Yes, sir. I guess it's the kitchen area to the left
13 there.

14 Q. All right. Now, when you and Angela left her house,
15 where did she live?

16 A. I think it's River Drive, maybe. I'm not sure of the
17 name of the street.

18 Q. And you had plans to stay overnight at a friend from
19 Blacksburg, right?

20 A. Yes, sir.

21 Q. Did she pack an overnight bag or anything like that?

22 A. Yeah. Yes, sir.

23 Q. All right. You indicated that you know she didn't have
24 any drugs on her when she left?

25 A. Yes, sir.

1 Q. How do you know that?

2 A. Because she's an addict and I know how she was sick and
3 you can just tell. I know she didn't have any drugs on her.

4 Q. Explain that a little bit for me.

5 A. When -- you can tell -- I mean, I know her for a long
6 time and she just needing drugs, because she is sick. She
7 couldn't really function like she's been into. She's an
8 addict.

9 Q. Is that why you guys went to Happy Valley?

10 A. No, we never were supposed to go to Happy Valley that
11 day.

12 Q. All right. I have got a booking report from the
13 police. Do you remember when you were booked in?

14 A. Yes, sir.

15 Q. The information they have here indicates I believe that
16 four phones were taken from your vehicle. Does that sound
17 accurate?

18 A. I'm not sure how many phones they took.

19 Q. How many phones did you have?

20 A. One.

21 Q. One?

22 A. Yes, sir.

23 Q. All right. Would you agree with me that you had two
24 cell numbers down for contact when you went into the police
25 station, right?

- 1 A. I'm not sure.
- 2 Q. Does [REDACTED] sound familiar?
- 3 A. Yes, sir.
- 4 Q. That's your phone number?
- 5 A. That's my ex-wife's phone number.
- 6 Q. Okay. And then what about [REDACTED]?
- 7 A. That's my phone.
- 8 Q. That's you?
- 9 A. Yes.
- 10 Q. You don't know how many phones they took out of the
- 11 car, correct?
- 12 A. No, sir.
- 13 Q. Okay. But they did inventory the phones, but they
- 14 didn't inventory your box?
- 15 A. No, they didn't -- no. No, sir.
- 16 Q. Was the box ever disturbed, that you could tell?
- 17 A. No, sir.
- 18 Q. Do you recall if Angela had a phone?
- 19 A. Yes, sir, I'm sure she had a phone.
- 20 Q. She have one or two?
- 21 A. I'm not sure how many she had.
- 22 Q. Do you know if Mr. Bonner had a phone?
- 23 A. No, sir, I'm not sure if he had one.
- 24 Q. Did you ever see one on him?
- 25 A. No, sir.

1 Q. So you went from in the home back out to your car
2 immediately, is that your testimony?

3 A. Yes, sir.

4 Q. Ms. Upchurch stayed behind?

5 A. Yes, sir.

6 Q. At what point did you talk to Shawn about the box?

7 A. As soon as I -- when I knocked on the door, he knowed
8 what I was coming for.

9 Q. He had been in touch with Gage?

10 A. Yeah. Yes, sir. I mean, I'm assuming he did. He
11 knowed I was coming.

12 Q. And he knew that you were coming, right?

13 A. Yes, sir.

14 Q. Did you have any cash on you when you were taken to
15 jail?

16 A. I'm not sure. I can't remember.

17 Q. And I believe Ms. Upchurch said you had been living out
18 of that car?

19 A. No, I was in the -- I was in the -- I went through a
20 divorce. I just got through a divorce. I was like staying
21 with family members and stuff like that, but I had stuff in
22 my car before, yes, sir, but I wasn't physically living out
23 of it like. That's why we were going to one of my friend's
24 house John in Blacksburg.

25 Q. Now, you state in your statement that you went to the

1 car and got my wallet. Is that -- do you mean Ms.
2 Upchurch's wallet?

3 A. Yeah, I went and got her wallet, yes, sir.

4 Q. Then you indicate she was in the kitchen, but you never
5 saw any exchanges, is that right?

6 A. No, sir.

7 Q. So going back to how you knew she didn't have any
8 drugs, you didn't look through her stuff or anything, right?

9 A. No, sir.

10 Q. Now, Ms. Leskanic indicated you had been promised
11 nothing for testifying --

12 A. No, sir.

13 Q. -- concerning these charges, correct?

14 A. That's correct.

15 Q. But it doesn't take a brain surgeon to know that if Mr.
16 Bonner goes down for possession of these drugs --

17 MS. LESKANIC: Objection, Your Honor.

18 BY MR. THOMPSON:

19 Q. -- your charge goes away?

20 THE COURT: Sustained.

21 BY MR. THOMPSON:

22 Q. But it's important for you that someone else get
23 convicted on it then?

24 A. It's important for me that two people that didn't have
25 anything to do with something don't get in trouble for it.

1 That's what important to me.

2 Q. And who are those two people?

3 A. Me and Angela.

4 Q. You and Ms. Upchurch?

5 A. Yes, sir.

6 Q. And you -- you --

7 She had other charges, correct, with that same arrest?

8 Are you aware of that?

9 A. I'm not sure what her charges are.

10 Q. And at the time you guys were pulled over, you went to
11 check on the taillight, right?

12 A. Yes, sir.

13 Q. You wanted to see that?

14 A. Uh-huh, yes, sir.

15 Q. How much time transpired, do you think, from the time
16 that blue light went on until the time that you were back
17 there observing that light?

18 A. A matter of minutes maybe.

19 Q. All right. And do you recall that -- I believe one of
20 the officer's statement said at one point you told an
21 officer --

22 MS. LESKANIC: Objection if it's an officer's
23 statement. If he wants to ask him if he did something, but
24 not based on an officer's statement.

25 THE COURT: Okay. Just ask him if he made a

1 statement.

2 BY MR. THOMPSON:

3 Q. Do you recall making a statement that Angela had drugs
4 on her?

5 A. No. No, sir I don't remember that.

6 Q. You don't?

7 A. No, sir.

8 Q. All right. Do you recall at some point you and Ms.
9 Upchurch getting placed into a police car together?

10 A. Yes, sir.

11 Q. And then you informed the officers that Mr. Bonner had
12 drugs, correct?

13 A. No, sir, I don't recall that either.

14 Q. What did you tell law enforcement?

15 A. I didn't tell law enforcement anything until we got to
16 the station and wrote the statement.

17 Q. So you are standing by your statement?

18 A. Yes, sir.

19 Q. You never saw any drugs?

20 A. No, sir.

21 Q. And that you don't think Angela had drugs on her when
22 you left, correct?

23 A. Yes, sir. I know for a fact she didn't have any drugs
24 on her.

25 Q. But you -- in your statement you said that you think

1 the meth belonged to Mr. Bonner?

2 A. Yes, sir.

3 Q. And you did not see her buy anything, correct?

4 A. No, sir, I didn't.

5 Q. So this entire time you don't see any drugs in Happy
6 Valley at that home?

7 A. No, sir, I didn't.

8 Q. And you didn't see any drugs in your car?

9 A. No, sir.

10 Q. And what did you observe when Ms. Upchurch was moving
11 around?

12 A. I just seen her jostling, like she was stuffing stuff
13 down her pants.

14 Q. You didn't see what that was, though?

15 A. No, I couldn't see physically what she had. I seen her
16 shoving stuff in her pants, though.

17 Q. I think at the end of your statement you told law
18 enforcement that you had used meth about ten times in your
19 life?

20 A. That's correct.

21 Q. But you don't like that, correct?

22 A. No, sir.

23 Q. And your testimony today is that was probably only the
24 second time that you had ever been to Happy Valley?

25 A. Yes, sir.

1 Q. How well do you know Angela Upchurch?

2 A. I have known her a pretty good while. She's -- she's
3 got a child with my brother.

4 Q. All right. You indicated that when you -- I guess you
5 picked her up between eight and nine a.m. that morning?

6 A. Yes, sir.

7 Q. You said she had come and got a building for Terry
8 Phillips. Was that the same day?

9 A. I'm not sure if it was the same day. I'm not sure. I
10 can't tell you.

11 Q. Do you know if you were -- did you go over there while
12 she did it or anything?

13 A. She all -- she messed around with all kinds of stuff.
14 She always was in that building and stuff like that.

15 Q. You don't know if it was that day or not?

16 A. I can't recall.

17 Q. Do you recall between eight and nine -- and so you went
18 to the road where Gage was. What transpired all during that
19 time?

20 A. I really don't remember, to be honest with you.

21 Q. You said she was sick?

22 A. Yes, she was sick. I don't remember.

23 Q. Riding around in the Mountaineer. Did you stay at her
24 house?

25 A. We stayed there.

1 Q. Hung out at her house?

2 A. Yes, sir.

3 MR. THOMPSON: No further questions.

4 REDIRECT EXAMINATION BY MS. LESKANIC:

5 Q. How long have you known Angela?

6 A. Maybe 15, 20 years probably.

7 Q. Okay. And you said that she had a child with your
8 brother, correct?

9 A. Yes, ma'am.

10 Q. Did you -- you stated that she uses methamphetamine.
11 Are you familiar with her being --

12 A. Yes, ma'am.

13 Q. -- addicted to meth?

14 A. Yes, ma'am.

15 Q. All right. She was sick that day, what does that mean?

16 A. She was -- she was like going through withdrawals when
17 she didn't have any drugs.

18 Q. Okay. Now, when the blue lights hit and she starts
19 moving around and shoving something in her pants, do you
20 have any idea, based on knowing her and what you had seen in
21 Ms. Stone's house, what that was?

22 A. I mean, I'm assuming it was drugs, because -- I didn't
23 see her physically have the drugs, but I'm pretty sure
24 that's what she was stuffing was drugs.

25 Q. Stuffing something to hide from the police, right?

1 A. Yeah.

2 Q. With the blue lights behind you?

3 A. Right.

4 Q. And you know that she was wanting meth?

5 A. Yeah. Yes, ma'am.

6 Q. Okay.

7 A. I know she needed it.

8 Q. All right.

9 Now, how long were y'all at Sharon Stone's house? From
10 the time that you arrived until the time that you left,
11 about approximately how many time passed?

12 A. Maybe 10, 15 minutes, possibly.

13 Q. Okay. But you got pulled over about between maybe 9:30
14 and ten something in the evening. Approximately what time
15 did you arrive at her house?

16 A. At Ms. Stone's house?

17 Q. Yeah, Ms. Stone's house.

18 A. Maybe nine then. What time did you say we got pulled
19 over?

20 Q. Maybe around 9:52, ten o'clock?

21 A. We wasn't there -- we wasn't there maybe 10, 15 minutes
22 tops. We wasn't there long at all. I'm rushing her because
23 I'm ready to go and she walks back out with Mr. Bonner.

24 Q. All right.

25 Now, we are getting into you staying with different

1 people and having to keep your wedding watch and wedding
2 ring in a secure place?

3 A. Right.

4 Q. And the car has a lot of items in it, correct?

5 A. Correct.

6 Q. Why is that?

7 A. Because I'm -- I went through a divorce and, you know,
8 I was bouncing around. I just lost both my homes, my job.
9 I went through a, you know, rough spot and I -- you know,
10 that's it.

11 Q. So that's why you were moving, kind of staying with
12 different people at different nights?

13 A. Correct.

14 Q. Okay. You gave a statement to police after your
15 arrest, correct?

16 A. Correct.

17 Q. And in that statement you did state that Angie told you
18 to bring the wallet from the car?

19 A. Correct.

20 Q. And that you took that to her?

21 A. Yes, ma'am.

22 Q. All right. And she was in the kitchen of the house
23 with that guy?

24 A. Yes, ma'am.

25 Q. Who was that guy?

1 A. Mr. Bonner.

2 Q. Okay. Do you see him in the courtroom today?

3 A. Yeah.

4 Q. Where is he?

5 A. Right there.

6 Q. Okay. What is he wearing?

7 A. A white shirt.

8 Q. Okay.

9 MS. LESKANIC: Please let the record reflect that
10 the defendant has been identified by Mr. Parker.

11 THE COURT: It shall.

12 BY MS. LESKANIC:

13 Q. Okay. You made a statement that Angela didn't have any
14 drugs on her when y'all left. When y'all left from where?

15 A. From her house.

16 Q. Okay. And then you stopped by for the car?

17 A. Yes, ma'am.

18 Q. And then y'all went to Shawn's house, correct?

19 A. Correct.

20 Q. So no drugs until she arrived at Ms. Stone's house?

21 A. No, she didn't have any to begin with, yes, ma'am,
22 true.

23 Q. Okay. Thank you.

24 MS. LESKANIC: I don't have any further questions.

25 THE COURT: You may step down.

1 MS. LESKANIC: The State calls Sharon Stone.

2 THE CLERK: Please raise your right hand, place
3 your left hand on the Bible.

4 SHARON STONE, having been first duly sworn,
5 testified as follows:

6 THE WITNESS: Yes, ma'am.

7 DIRECT EXAMINATION BY MS. LESKANIC:

8 Q. Would you please state your name for the ladies and
9 gentlemen of the jury?

10 A. My name is Sharon Stone.

11 Q. Okay. Ms. Stone, I see that you are in an orange
12 jumpsuit, so you are currently at the Cherokee County
13 detention center, is that correct?

14 A. Yes, ma'am.

15 Q. All right. You have pending charges with the Cherokee
16 County solicitor's office, is that right?

17 A. Yes, ma'am.

18 Q. All right. And you have a criminal history, is that
19 correct?

20 A. Yes, ma'am.

21 Q. All right. And that includes a forgery and drug
22 charges?

23 A. Yes, ma'am.

24 Q. All right. I want to go back with you to March 16th of
25 2018, okay?

1 Now, you are not charged in this case that we are here
2 in court about today, is that correct?

3 A. Yes, ma'am.

4 Q. Okay. Back on March the 16th of 2018 did you see the
5 defendant Ronnie Bonner?

6 A. Yes, ma'am.

7 Q. Do you know him?

8 A. Yes, ma'am.

9 Q. And how long have you known him?

10 A. For about 15, 20 years.

11 Q. Okay. Was he at your house that day?

12 A. Yes, ma'am.

13 Q. All right. And do you know why he had come over that
14 day?

15 A. Him and my son is friends. I mean, he knows a lot of
16 people that live down there where I lived at.

17 Q. Okay. And you have known him for a long time?

18 A. Yes, ma'am.

19 Q. Okay. Did you also see Angela Upchurch and Brian
20 Parker that day?

21 A. Yes, ma'am.

22 Q. Do you know the two of them?

23 A. I know Angela.

24 Q. Did you know Mr. Parker?

25 A. Not really well.

1 Q. All right. Can you tell me what happened at your house
2 that day, what you saw?

3 A. Mr. Bonner and Angela went into my bathroom and they
4 did a drug transaction.

5 Q. Okay. And what was that? What did you see?

6 A. I just seen Mr. Bonner get a bag out of his pants and
7 give her some stuff.

8 Q. Okay. And do you know what that stuff is?

9 A. Methamphetamine.

10 Q. All right. How are you familiar with that?

11 A. I have did it before.

12 Q. Okay. Where were you to have an opportunity to see
13 that take place?

14 A. I was sitting on my hospital bed and you could see into
15 my bathroom. My apartment is not very -- it wasn't very
16 large.

17 Q. Okay. So a small apartment and you are on a hospital
18 bed and can you see into the bathroom?

19 A. Yes, ma'am, but I got up to go get me something to
20 drink.

21 Q. Okay. So you weren't confined to the hospital bed?

22 A. No, ma'am.

23 Q. That's just where you kept it in the home?

24 A. Yes, ma'am.

25 Q. All right. And then you saw exactly what going on in

1 the bathroom?

2 A. I seen him take the bag out of his pants and give Ms.
3 Upchurch drugs.

4 Q. All right. Now, did you contact our office wanting us
5 to come and speak with you about this case?

6 A. No, ma'am.

7 Q. Okay. Did we come and ask you if you had any
8 information about this?

9 A. Yes, ma'am.

10 Q. And that's when you told us what you are telling the
11 jury today, is that correct?

12 A. Yes, ma'am.

13 MS. LESKANIC: One minute, please.

14 (Off the record).

15 (Back on the record).

16 BY MS. LESKANIC:

17 Q. Did you ever see Mr. Bonner with a cell phone that day?

18 A. I wasn't really paying any attention.

19 Q. Okay. Have you ever contacted him by cell phone? Do
20 you know if he has a cell phone?

21 A. I guess he does, but no, I haven't.

22 Q. Okay. Now, you and Angela have been incarcerated
23 together for approximately how long?

24 A. Since December.

25 Q. December of 2018?

1 A. Yes, ma'am.

2 Q. So going on four months now?

3 A. Yes, ma'am.

4 Q. Okay. Have the two of you talked about this case and
5 about you testifying?

6 A. She asked me if I would and I told her yes, ma'am, I
7 would.

8 Q. Okay. Now, are you here saying -- did she tell you
9 what to say?

10 A. No, ma'am.

11 Q. Okay. Did our office tell you what to say when we met
12 with you?

13 A. No, ma'am.

14 Q. Okay. What did we ask you?

15 A. You just asked me if I would be a witness --

16 Q. Okay.

17 A. -- against Mr. Bonner and telling the truth of what
18 happened.

19 Q. And is that what you are doing?

20 A. Yes, ma'am.

21 Q. Okay. Have we discussed your pending charges at all --

22 A. No, ma'am.

23 Q. -- or promised you any sort of help or anything with
24 those charges?

25 A. No, ma'am.

1 Q. Did we even talk about the facts of those cases when we
2 met?

3 A. No, ma'am.

4 Q. All right. Thank you very much.

5 Please answer any questions Mr. Thompson has.

6 MR. THOMPSON: If it please the court.

7 CROSS EXAMINATION BY MR. THOMPSON:

8 Q. You go by Ms. Stone, is that right?

9 A. Yes, sir.

10 Q. And I believe Ms. Leskanic indicated that you have some
11 forgery charges in your past history?

12 A. Yes, sir.

13 Q. And that means that you fraudulently signed onto
14 something that --

15 A. Well --

16 Q. -- defrauded someone, correct?

17 A. Well, actually, no, that's what I was doing. My father
18 signed all the checks and I signed his name. When the
19 grocery store gives you a slip to sign, I signed his name,
20 which is -- I didn't know any better, because I didn't get
21 checks. I went to the bank every month and got my money.

22 Q. Okay. So it wasn't really your fault?

23 A. Well, I thought since my father's name was on the
24 check, that that's whose name I'm supposed to sign on it.

25 As I said, he signed all the checks.

1 Q. And I believe you said you had prior drug charges also?

2 A. Yes, sir.

3 Q. Now, you lived in Happy Valley in March of 2018,
4 correct?

5 A. Right.

6 Q. Okay.

7 A. Yes, sir.

8 Q. Okay. And you testified that you were on your hospital
9 bed and could see into the bathroom, correct?

10 A. That's correct.

11 Q. And Mr. -- you said Mr. Bonner pulled some drugs out of
12 his pants?

13 A. Out of his pocket.

14 Q. Out of his pocket.

15 A. (Shaking head yes).

16 Q. Okay. And do you remember what kind of pants he was
17 wearing?

18 A. I think blue jeans.

19 Q. All right. And -- I mean, quite honestly it wouldn't
20 be out of the ordinary for a drug deal to take place in your
21 house, would it?

22 A. Not often.

23 Q. Not often?

24 A. No, sir.

25 Q. So that means it has happened before, right?

1 A. Not with Mr. Bonner it hadn't, that I know of.

2 Q. I'm just saying other folks, though, right?

3 A. No, sir.

4 Q. What about Shawn?

5 A. Shawn?

6 Q. Uh-huh.

7 A. My son?

8 Q. Yes, ma'am.

9 MS. LESKANIC: Objection, relevance.

10 THE COURT: Sustained.

11 BY MR. THOMPSON:

12 Q. So you said -- well, this is the only time that you
13 ever saw a drug deal take place in your home?

14 A. Yes, sir.

15 Q. And are you totally sure that's what you saw?

16 A. Yes, sir.

17 Q. And was the bathroom door open?

18 A. Yes, sir.

19 Q. Okay. So you indicated that you know Ms. Upchurch,
20 right?

21 A. Yes, sir.

22 Q. How long have you known her?

23 A. About all of her life.

24 Q. And you say that you knew Parker somewhat?

25 A. I had seen him once or twice, but as far as really

1 knowing him, no, sir, I don't.

2 Q. And was that at your home?

3 A. Yes, sir.

4 Q. And why is there a hospital bed there? Is that where
5 you stayed?

6 A. I have been in and out of the hospital for the last
7 three or four years with an infection in my spine.

8 Q. All right. And when did you find out that Ms. Upchurch
9 was arrested on this charge?

10 A. I think the next day.

11 Q. And did you come forward and provide the solicitors
12 with a statement?

13 A. No. No, sir, not at that time.

14 Q. Did you contact law enforcement --

15 A. No, sir.

16 Q. -- and tell them about this drug deal that took place
17 in your home?

18 A. No, sir.

19 Q. And did you tell anybody? I mean, did you seek to help
20 Angela in any way?

21 A. No, sir, I haven't told anyone that I would help her in
22 any way.

23 Q. Your prior drug charges involved methamphetamine, do
24 they not?

25 A. Yes, sir. A so-called friend was in my house with

1 methamphetamine. She passed it me and I passed it to the
2 informant.

3 Q. So you didn't do any of it?

4 A. No, sir.

5 Q. All right. I see.

6 And that is another thing, kind of like the forgery
7 thing, it really wasn't your fault, right?

8 A. It wasn't mine, not really. I mean, I guess, yeah, it
9 was because it was in my home, but needless to say, she
10 passed it to me and I passed it to the informant.

11 Q. So I thought you said that Mr. Bonner was the only time
12 that a drug transaction that took place in your home?

13 A. Well, this was at another apartment that I lived in.

14 Q. Oh, okay.

15 And who all lived in that home with you at that time?

16 A. In 2018?

17 Q. Yes, ma'am.

18 A. Just me and my son.

19 Q. You and Shawn?

20 A. Yes, sir.

21 Q. All right. Did Gage come over there that day, do you
22 remember?

23 A. No. No, sir, not that day.

24 Q. Do you remember Mr. Parker being there the day before?

25 A. No, not really.

1 Q. You have been in jail with Ms. Upchurch and seen her
2 every day for the last four months at least, correct?

3 A. Yes, sir.

4 Q. And you have probably talked to her every day, don't
5 you?

6 A. I may speak to her, but as far as actually really
7 talking to her, I don't really talk to any of them. I
8 pretty much stay to myself.

9 Q. But you said she asked you about testifying?

10 A. She just told me that my name was brought up a few
11 months ago by I think Mr. Bonner.

12 Q. Mr. Bonner?

13 A. I -- I think her attorney told her that Mr. Bonner had
14 brought my name up, yeah, or something like that.

15 Q. And she asked you to participate in this trial?

16 A. She asked me at sometime back if I would, you know, you
17 know, tell the truth about what happened in my apartment and
18 that's exactly what I'm doing.

19 Q. You are telling the truth today?

20 A. Yes, sir, I am.

21 Q. And the truth is that the forgery and drug charges
22 really weren't your fault?

23 MS. LESKANIC: Objection, Your Honor.

24 A. I don't think that's got anything to do with this case.

25 BY MR. THOMPSON:

1 Q. You don't think it has anything to do with the case?

2 A. No, sir, it doesn't.

3 Q. Do you think --

4 A. I mean, I'm not an angel, but, I mean, like I said, my
5 past history doesn't have anything to do with this case I
6 don't think on whether or not I'm telling the truth.

7 Q. You don't think -- forgery is considered a crime of
8 dishonesty, right?

9 A. Well, yes, sir, but I'm not in a habit of being a
10 dishonest person.

11 Q. You say you haven't?

12 A. I'm not, no, sir.

13 MR. THOMPSON: May we approach, Your Honor?

14 (Whereupon, the lawyers approached the bench for
15 an off-the-record discussion)

16 MS. LESKANIC: Thank you, Your Honor.

17 BY MR. THOMPSON:

18 Q. Ms. Stone, you got a shoplifting charge from 2014 as
19 well, correct?

20 A. Yes, sir.

21 Q. And do you recall what happened to that, what happened
22 there?

23 A. Excuse me?

24 Q. Do you recall that? Do you recall that charge?

25 A. Do I recall what?

1 Q. Do you recall that? Do you remember?

2 MS. LESKANIC: Your Honor, I'm going to object to
3 going into the facts of it. He asked her --

4 THE COURT: What he wants to know is were you
5 convicted of that? Were you found guilty of shoplifting in
6 2014?

7 THE WITNESS: Yes, sir.

8 THE COURT: You pled guilty?

9 THE WITNESS: I guess.

10 THE COURT: Well, I mean, I don't know. Do you
11 know?

12 THE WITNESS: Yeah.

13 THE COURT: Ma'am?

14 THE WITNESS: Yes, sir.

15 THE COURT: Okay.

16 BY MR. THOMPSON:

17 Q. You did. Okay. So you did plead guilty to that,
18 right?

19 A. Yes, sir.

20 Q. And I believe you indicated that you had never saw Mr.
21 Bonner on a phone at your house that day, correct?

22 A. I said I really didn't pay any attention to whether he
23 was on the phone or not.

24 Q. Okay. But you don't -- you don't remember ever talking
25 to him on the phone either, do you?

1 A. He may have. I mean, I really don't know.

2 Q. But he's more friends with your son than you?

3 A. I have knowed him a long time, but like I said, him and
4 my son talked more that day than me and him did.

5 Q. Okay. Now, did anybody do any drugs over there that
6 day?

7 A. Not that I seen.

8 Q. And if you --

9 We are going to pretend we are in the apartment right
10 now. If you are sitting on your hospital bed, how far away
11 is the bathroom?

12 A. I would say probably as far as from here to that second
13 chair there.

14 Q. That chair there?

15 A. The second one.

16 Q. Okay. And you say you saw Mr. Bonner pull something
17 out of his pants?

18 A. Out of his pocket.

19 Q. Pocket?

20 A. When I got up to go to the refrigerator to get
21 something to drink.

22 Q. That's when you saw it was at the refrigerator, though,
23 correct?

24 A. Excuse me?

25 Q. How far is your refrigerator to that bathroom?

1 A. I would say maybe as far as from here to the table
2 there. It's not a very big apartment.

3 Q. Okay. And who all was present in the apartment at that
4 time?

5 A. Me, my son, Mr. Bonner, and Angela, and Angela's
6 boyfriend.

7 Q. Who was that?

8 A. I think Mr. Parker. I mean, I'm not really sure
9 what -- like I said, I don't really know him.

10 Q. Do you recall if he pulled out one bag, or two bags, or
11 three, or one gigantic bag?

12 A. I just seen him pull a bag out. Whether there was bags
13 inside of that bag I really don't know. I just seen him,
14 you know, Mr. Bonner hand her something out of the bag.

15 Q. Out of his pocket?

16 A. Yeah, it come out of his pocket, yeah.

17 Q. And then he handed it to her?

18 A. Yes, sir.

19 Q. And did you -- you said you saw him -- her buy it from
20 him, or he just gave it to her?

21 A. I pretty much guess she bought it from him.

22 Q. Did you see money exchanged?

23 A. No, but, I mean, if you knew Mr. Bonner, he don't give
24 you anything.

25 Q. Do you recall what time that he arrived at your house

1 that day?

2 A. No, sir, I don't.

3 Q. Did he stay overnight? He was there --

4 A. No, he don't stay overnight.

5 Q. He arrive at some time?

6 A. It was I guess around 7:30, eight o'clock, somewhere
7 around in there. I mean, I really don't know because I
8 really wasn't paying any attention to the time.

9 Q. In the evening?

10 A. Yes, sir.

11 Q. And do you know if he come with Shawn or --

12 A. No, he didn't come with Shawn.

13 Q. Who answered the door when he came?

14 A. I guess I did.

15 Q. And do you recall what time Ms. Upchurch arrived?

16 A. No, sir, I don't.

17 Q. Well, between the time Mr. Bonner arrived and until Ms.
18 Upchurch got there, what were you guys doing?

19 A. I was watching TV.

20 Now, what him and my son was doing I don't know.

21 That's -- I mean, you know, that's their business. My son,
22 he's 38 years old. He --

23 Q. Were they in a different room?

24 A. Yes, sir.

25 Q. How many rooms does this apartment have?

1 A. One bedroom.

2 Q. One bedroom?

3 A. And one bathroom -- and the bathroom.

4 Q. And then the living area?

5 A. Yes, sir.

6 Q. So Mr. Bonner is there for two hours, or so, and you
7 don't know what he's doing, correct?

8 A. He wasn't at my -- he wasn't there for two hours. Like
9 I said, he knowed other people down in the valley.

10 Q. Well, he was there for some period of time, correct?
11 It wasn't --

12 A. Not a real long time, no.

13 Q. All right. But then when Upchurch arrived, but you do
14 see him?

15 A. Excuse me?

16 Q. When Upchurch is there, you do see him conduct a drug
17 deal with the door open?

18 A. In my bathroom, yes, sir.

19 Q. So who arrived first, Bonner or Upchurch?

20 A. Bonner.

21 Q. Have you discussed your testimony with anybody?

22 A. No, sir.

23 Q. Not with the State, or Ms. Upchurch, or anybody?

24 A. I have with -- not -- not until Friday. I mean, they
25 asked me if I would be a witness.

1 MR. THOMPSON: No further questions.

2 THE COURT: Briefly, Your Honor.

3 REDIRECT EXAMINATION BY MS. LESKANIC:

4 Q. Ms. Stone, I don't mean to be rude, but have you ever
5 purchased drugs before?

6 A. Yes, ma'am, a very small amount though.

7 Q. Okay. For how long? How long have you been using
8 drugs?

9 A. A long time.

10 Q. How long was that? Can you give us an estimate?

11 A. A long time. Since 1995 on a regular basis.

12 Q. Okay. So you know what a drug deal looks like when you
13 see one?

14 A. Yes, ma'am.

15 Q. Because you have had --

16 Do you have any idea how many times that you have
17 purchased drugs?

18 A. A lot. A lot.

19 Q. Okay. A lot since 1995?

20 A. Yes, ma'am.

21 Q. So did you witness a drug deal taking place between Mr.
22 Bonner and Angela Upchurch in your bathroom?

23 A. Yes, ma'am, I did.

24 Q. And you saw him pull a bag of what appeared to be
25 methamphetamine?

1 A. Yes.

2 Q. And you have seen methamphetamine before?

3 A. Yes, ma'am.

4 Q. Have you smoked methamphetamine before?

5 A. Yes, ma'am.

6 Q. And that's what it appeared to be and you saw him
7 handing that to Ms. Upchurch?

8 A. Yes, ma'am.

9 Q. Now, Mr. Bonner was there to see your son?

10 A. Well, like I say, when he comes down into the valley,
11 he always, you know, stopped by worried, you know.

12 Q. Who's known Mr. Bonner longer, you or your son?

13 A. Myself.

14 Q. Okay. So you knew Mr. Bonner before your son did?

15 A. Yes, ma'am.

16 Q. And you know him maybe 15, 20 years you said?

17 A. Yes, ma'am, at least.

18 Q. Now, when we met about this case, did myself or Mr.
19 Kendall tell you to say anything?

20 A. No, ma'am.

21 Q. We just asked you what happened?

22 A. Yes, ma'am.

23 Q. The same thing that I have done today in the presence
24 of the jury?

25 A. Yes, ma'am.

1 Q. Now, Mr. Thompson asked you if you saw Brian Parker at
2 your home the day before this happened. Can you tell us if
3 you were home all day on March 15th of 2018? Do you
4 remember?

5 A. Well, I mean, I might, you know, walk down to a
6 neighbor's house or something, or go across a street to a
7 neighbor's house, but as far as being gone for a long period
8 of time, no.

9 Q. And you do have these prior convictions that we
10 discussed; shoplifting --

11 A. Yes, ma'am, I do.

12 Q. -- forgery. Pled guilt to those offenses?

13 A. Yes, ma'am.

14 Q. And why are you here testifying today if you're friends
15 with Angela and with Mr. Bonner?

16 A. Well, I mean, the truth is the truth. I mean, the man
17 needs to claim what is rightfully his.

18 Q. Thank you very much.

19 MS. LESKANIC: No further questions.

20 THE COURT: You may step down.

21 We are going to take a short break, so I'll ask
22 the jury to please go to your jury room. Do not discuss the
23 case. I'll bring you back after that break.

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

1 THE COURT: We will be in recess for 15 minutes.

2 (Whereupon, proceedings were recessed)

3 (Whereupon, proceedings were reconvened)

4 THE COURT: All right, bring the jury in, please.

5 (The following takes place in the presence of the
6 jury panel)

7 THE COURT: All right, you may proceed.

8 MR. KENDALL: Thank you, Your Honor.

9 The State would call Billy Anthony at this time.

10 THE CLERK: Please raise your right hand.

11 OFFICER BILLY ANTHONY, having been first duly
12 sworn, testified as follows:

13 THE WITNESS: I do.

14 DIRECT EXAMINATION BY MR. KENDALL:

15 Q. Could you please state your name for the record, sir?

16 A. Billy Anthony.

17 Q. And Mr. Anthony, where are you currently employed?

18 A. The Cherokee County Sheriff's Office.

19 Q. How long have you been employed with the sheriff's
20 office?

21 A. 17 years.

22 Q. And what back in March of 2015 -- or, excuse me, 2018,
23 were your responsibilities at the sheriff's office?

24 A. I'm one of the crime scene investigators and evidence
25 custodian.

1 Q. And do you still serve in those capacities today?

2 A. Yes, sir, I do.

3 Q. What exactly does an evidence custodian do?

4 A. In the sheriff's office we take all evidence that's
5 taken by any officers from scenes, drug evidence, we log it
6 into our evidence system. We are tasked with transporting
7 it to SLED or any agencies where it may need to go for
8 analysis, and store evidence until the trial or case
9 disposition.

10 Q. And where is evidence stored down at the sheriff's
11 office?

12 A. We have an evidence vault that's inside the sheriff's
13 office. It's a closed room that we have four people that
14 actually have access to it - myself, Detective Jimmy Henson,
15 Lieutenant Rodney Bright, and the sheriff. It's a
16 controlled room that only those four people have access to.

17 Q. And how does evidence -- if you -- when you all collect
18 it, how does evidence typically get into that room?

19 A. We have an evidence drop box and we have some small
20 evidence lockers. If the evidence is small enough that it
21 can be dropped through the drop box, that's where it
22 typically comes. It's like a little mail slot that you
23 would find on your door you may see on some houses, but it's
24 actually in the wall. And once it's dropped, it drops into
25 a box inside the vault. That way the only person that can

1 retrieve it is someone that has access to the room.

2 Q. All right. And typically how are narcotics dropped in
3 the drop box? Do they just take a ziplock bag and throw it
4 in there?

5 A. They are packaged either in a sealed envelope or a BEST
6 Kit.

7 Q. All right. I'm going to show you what is marked
8 State's Exhibit 2. Do you recognize this?

9 A. Yes, sir, I do.

10 Q. And what is that?

11 A. This is a plastic envelope that the BEST Kit is inside
12 of. It has our bar code on it that I affixed to it and our
13 case number is written on the top and on the bar code for
14 tracking purposes.

15 Q. All right. And what is the BEST Kit?

16 A. The BEST Kit is an envelope that has this inner bag
17 inside of it. The officers have these in the sheriff's
18 office. They fill out all the information that is on the
19 bag and also some paperwork that goes along with it. The
20 drugs are placed inside the bag and it has a seal across the
21 top and it seals the tamper-evident bag.

22 Q. Okay. And once those drugs, or once those specific
23 drugs, State's Exhibit 2, are dropped in the evidence drop
24 box, when you said you affix a label to them, what sort of
25 things are you checking for?

1 A. We always have to -- when we are entering them into the
2 computer, we are looking at all the information, but our
3 primary thing with any of the envelopes or bags, we look to
4 make sure that the seal is intact and there is nothing that
5 has been altered or destroyed where the bag would have been
6 opened.

7 Q. And with regard to State's Exhibit 2, that bag that you
8 have in your hand, did you see any evidence if it had been
9 tampered with or in any way altered, or anything like that?

10 A. No, sir, I did not.

11 Q. All right. And what did you -- is that the bag that
12 was dropped in this case?

13 A. Yes, sir, it is.

14 Q. And what did you do with that bag?

15 A. Once I logged it into the computer, we enter it into
16 SLED's iLab system that's separate from our evidence system
17 and I transported it to SLED for analysis.

18 Q. Okay. And then once you were done, brought it back,
19 I'm assuming?

20 A. Yes, sir, that's correct.

21 Q. Okay.

22 MR. KENDALL: Nothing further, Your Honor.

23 Please answer any questions that are Mr. Thompson
24 may have.

25

1 CROSS EXAMINATION BY MR. THOMPSON:

2 Q. Mr. Anthony, you are -- once you put it in the drop box
3 and log in the information, you have nothing else to do with
4 the package?

5 A. Outside of taking it to SLED, that would be it.

6 Q. You would be -- you did transport it?

7 A. Yes, sir, and I brought it back.

8 Q. So you and those other three folks would be the only
9 ones with access to that room where it would be stored?

10 A. Yes, sir, that's correct.

11 Q. And you wouldn't have any reason to hand it off to
12 anyone else then, correct?

13 A. No, sir, I would not.

14 Q. Do you remember who you left it with at SLED?

15 A. I'll refer to my notes.

16 This -- when we go to SLED, we have a log-in room that
17 we go into and this -- we time stamped it and it's time
18 stamped with a date and time on our log-in sheet and I left
19 it with locker number 22 at the SLED lab.

20 Q. Okay. You didn't -- you didn't hand it to any specific
21 person or anyone?

22 A. No, sir.

23 MR. THOMPSON: I have no further questions.

24 MR. KENDALL: Nothing further, Your Honor.

25 THE COURT: You may step down.

1 MR. KENDALL: Your Honor, the State would call
2 Brittnee Hill Looney.

3 THE CLERK: Please raise your right hand.

4 SLED AGENT BRITTNEY HILL, having been first duly
5 sworn, testified as follows:

6 THE WITNESS: I do.

7 DIRECT EXAMINATION BY MR. KENDALL:

8 Q. Ms. Hill, please state your name for the record.

9 A. It's Brittnee Looney, my maiden name. My last name is
10 Hill.

11 Q. All right. And Ms. Looney, where are you currently
12 employed?

13 A. The South Carolina Law Enforcement Division, commonly
14 known as SLED.

15 Q. And how long have you been with the South Carolina Law
16 Enforcement Division?

17 A. Just over three years.

18 Q. And what are your responsibilities at the South
19 Carolina Law Enforcement Division?

20 A. I'm a forensic chemist in the drug analysis department,
21 so basically I analyze the drugs that are submitted to SLED.

22 Q. And what sort of education did you have to undergo to
23 get certification?

24 A. I have a Bachelors of Science Degree from Wofford
25 College in math and chemistry.

1 I went through extensive in-house training under a
2 senior drug chemist at SLED, and I attended basic legal and
3 law training at the South Carolina Criminal Justice Academy,
4 as well as the forensic chemist seminar put on by the Drug
5 Enforcement Administration.

6 Q. And --

7 THE COURT: You are going to have to slow down
8 just a little bit.

9 BY MR. KENDALL:

10 Q. And have you been qualified as an expert in the past?

11 A. Yes, sir.

12 Q. Approximately how many times?

13 A. Nine times.

14 Q. All right. And over the course of your career have you
15 tested narcotics --

16 A. Yes.

17 Q. -- to determine their weight and type?

18 A. Yes, sir.

19 Q. Approximately how many of those examinations have you
20 done?

21 A. Over three thousand.

22 Q. Okay.

23 MR. KENDALL: Your Honor, at this time we would
24 request that Ms. Looney be classified as an expert in the
25 field of narcotics analysis.

1 MR. THOMPSON: No objection.

2 THE COURT: She is qualified.

3 BY MR. KENDALL:

4 Q. Ms. Looney, I'm going to show you what is marked
5 State's Exhibit 2. Do you recognize this?

6 A. Yes, sir.

7 Q. And what is that?

8 A. It's a BEST Kit that's inside a K-Pack and I can tell
9 it's mine, because of my initials and my handwriting on it.

10 Q. Okay. And did you -- have you had the chance to review
11 that in the past? Have you ever seen that before?

12 A. Yes, sir.

13 Q. And how would that have come to you?

14 A. It comes in a manila envelope that will have this pack
15 on the outside that's inside it with the evidence sealed
16 inside of this bag.

17 Q. So it usually just comes in a manila folder?

18 A. Uh-huh.

19 Q. Inside the manila folder is the sealed BEST Kit?

20 A. Correct.

21 Q. And the drugs are inside the BEST Kit, is that fair to
22 say?

23 A. Correct.

24 Q. And what do you do upon receiving these narcotics?

25 A. So the first thing that I would do is make sure that

1 the seal is intact. You will see that on it it will say
2 seal intact, the date I cut into it and my initials.

3 After making sure it's intact I will cut into it and
4 separate the items based upon packaging, based on the
5 substance itself, crystal versus rock versus powder.

6 And then I would open each item one at a time and take
7 a net weight, so not including the packaging. And then
8 after that I would do an indicative test. It's a color test
9 that just gives us an idea of what we are dealing with, and
10 then I'll take an aliquot to confirm it on the instrument,
11 sir.

12 And after that pack it back in here and then this goes
13 back into our drug vault upstairs until the case has been
14 reviewed and then it will come back downstairs.

15 Q. Okay. Let me just kind of go step by step for that.

16 A. Okay.

17 Q. You indicated you cut into it?

18 A. Yes, sir.

19 Q. Why do you all have to actually cut it?

20 A. The bag is actually sealed. It's kind of hard to see,
21 but on the bottom there in order to get the evidence out we
22 have to cut into the bag.

23 Q. Okay. So you can't just open it like a ziplock bag
24 where --

25 A. Correct.

1 Q. -- just open and shut it and get stuff out of there.
2 Okay.

3 And you testified a moment ago that you checked for
4 weight. Did you check for weight in this case?

5 A. Yes, sir.

6 Q. And what was the total weight of those narcotics?

7 A. May I refer to my notes?

8 Q. Yes.

9 A. The total weight was 47.45 grams.

10 Q. Okay. And in your expert opinion were you able to
11 reach a conclusion as to the nature of that substance, what
12 that substance was?

13 A. Yes, sir.

14 Q. And what was that substance?

15 A. Methamphetamine.

16 Q. Okay. And following your tests, what did you do with
17 it after that?

18 A. So after that you will see -- to make sure there is no
19 cross-contamination after we pack everything up. In this
20 case they came in a plastic bags, so we will actually
21 re-pack them into ziplock bags. So you will see that there
22 is two bags in here that will say "bag added", so it's a
23 ziplock bag that I added to the case to make sure the
24 evidence stays separate, since they are two separate bags.
25 And then I will seal it back up. So you will see the same

1 date that I cut into the bag with the seal intact will be
2 the same date that I sealed it down here. And then this
3 will go back into our drug vault upstairs. And then that
4 stays there until the case is logged. And after that I will
5 return it back downstairs to our evidence technician and
6 then they will put it in the drug return shelf until
7 somebody from the agency will come and get it from them.

8 Q. And were those the drugs that you tested in this case?

9 A. Yes, sir.

10 MR. KENDALL: Your Honor, we would offer State's
11 Exhibit 2 into evidence.

12 MR. THOMPSON: I want to cross check, just to
13 check the number on them.

14 THE WITNESS: Yes, sir.

15 MR. THOMPSON: Is it D272720?

16 (Off the record).

17 (Back on the record).

18 MR. THOMPSON: No objection.

19 THE COURT: It's admitted.

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

22 BY MR. KENDALL:

23 Q. And so just to -- just to kind of summarize, how much
24 and what was in that bag?

25 A. So it was a ziplock pouch that contained two plastic

1 bags containing crystal substance.

2 I tested both bags and the total amount of weight
3 without packaging was 47.45 grams.

4 MR. KENDALL: No further questions.

5 Please answer any questions Mr. Thompson may have.

6 CROSS EXAMINATION BY MR. THOMPSON:

7 Q. Briefly.

8 You indicated these -- the product is tested, correct?

9 A. Yes, sir.

10 Q. Is that testing done on SLED's facility, at the SLED
11 facility?

12 A. Yes, sir.

13 Q. So there is a lab there to do that, correct?

14 A. Yes, sir.

15 Q. And you indicate that I believe you checked it on
16 6-4-18, June 4th, 2018, is that correct?

17 A. That's when I received the evidence, yes, sir, but
18 that's not when I tested it.

19 Q. Then you sent it to Charlotte Pitts, correct?

20 A. When I returned the evidence, yes, sir, it went to
21 Charlotte Pitts.

22 Q. And then Doris Yarborough. Is she like a custodian of
23 them?

24 A. Yes, sir, both Charlotte Pitts and Doris Yarborough are
25 both evidence technicians that work downstairs in our

1 evidence technician department.

2 MR. THOMPSON: I have no other questions.

3 MR. KENDALL: Nothing further, Your Honor.

4 THE COURT: You may step down.

5 MR. KENDALL: The State rests at this time, Your
6 Honor.

7 THE COURT: All right.

8 That is all of the testimony or other evidence
9 that the State has, at least in their case in chief.

10 Before we go further I have got a couple of
11 matters I need to address with the lawyers. It should take
12 only a few minutes and then we will continue, so please
13 retire to your jury room, but do not yet begin any
14 discussions. We will bring you back shortly.

15 (The following takes place outside the presence of
16 the jury panel)

17 THE COURT: All right. Any motions or other
18 matters to address?

19 MR. THOMPSON: Your Honor, I would move for a
20 directed verdict. I don't believe that, even by Mr.
21 Parker's testimony, that my client was in that automobile
22 and he had no control to be over that automobile. And,
23 therefore, I think the fact that the drugs are in the car
24 are not enough to show that he was in possession of it,
25 either actual or constructive.

1 THE COURT: Mr. Kendall?

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

3 I believe the State has met their burden on this.

4 With the trafficking case we not required to show
5 the purpose of what they had. It's just the quantity would
6 justify the trafficking charge.

7 In this case the narcotics were found basically in
8 the open sitting next to Mr. Bonner.

9 You have also heard testimony from Ms. Upchurch,
10 who testified that Mr. Bonner attempted to give her the
11 drugs, as well as Mr. Parker who indicated that he heard him
12 trying to give her something.

13 You also heard from law enforcement about his
14 strange behavior as they approached the vehicle and his
15 attempt to block the view into that vehicle, as well as from
16 Ms. Sharon Stone, who indicated that she had seen Mr. Bonner
17 with a substantial quantity of drugs -- selling drugs,
18 excuse me, to Ms. Upchurch shortly before that happened.

19 Based on the location of the drugs and the witness
20 testimony, in the light most favorable to the State I think
21 there is certainly -- I mean, actual and constructive
22 possession of those, but certainly based on where those
23 drugs were sitting in relation to him, there was certainly
24 constructive possession, we would ask that the court deny
25 the defense's motion for a directed verdict.

1 THE COURT: All right.

2 There is sufficient evidence, so your motion is
3 denied.

4 MR. KENDALL: Thank you.

5 THE COURT: All right. What else?

6 MR. THOMPSON: Nothing further.

7 THE COURT: Okay. Have you talked to Mr. Bonner
8 about his right to testify and not?

9 MR. THOMPSON: I have. I would like to speak with
10 him maybe one more time.

11 THE COURT: Okay. Y'all take just a few minutes
12 and address that.

13 (Whereupon, proceedings were recessed)

14 (Whereupon, proceedings were reconvened)

15 THE COURT: All right. Mr. Thompson, have you
16 talked to Mr. Bonner about his right to testify or not?

17 MR. THOMPSON: Yes, Your Honor.

18 THE COURT: Does he indicate to you a preference?

19 MR. THOMPSON: I believe he's going to provide
20 some testimony, Your Honor.

21 THE COURT: Mr. Bonner, do you understand that you
22 have -- you are charged with a crime as you are now, you
23 have an absolute right to remain silent. Nobody can make
24 you take the witness stand and testify during the trial.

25 Of course, if you want to testify or you want to

1 provide additional information, now is the only opportunity
2 that you will have to do so, but it's your decision. Only
3 you can make it. You have an absolute right to remain
4 silent. Nobody can make you testify. So if you want to
5 testify, you can. It's up to you.

6 Have you and Mr. Thompson discussed your right to
7 testify, as well as not?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And have you and he discussed the
10 advantages and disadvantages of testifying, as well as not
11 testifying?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And do you understand what those
14 advantages and disadvantages are?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that if you take the
17 witness stand and testify you have got to answer not just
18 your lawyer's questions, but you will have to answer any
19 questions from both your lawyer, as well as the prosecutor,
20 to the extent that they are relevant, even if the responses
21 to those questions might tend to prove you guilty of the
22 crime the State claims that you committed?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you also understand that if you
25 decide not to testify, I'm going to instruct the jury they

1 can't hold that against you in any way?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And can't consider it in their
4 deliberations?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you had time to reflect upon your
7 decision about whether you will testify or not?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And have you reached a decision?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And what is that decision?

12 THE DEFENDANT: I'm going to testify.

13 THE COURT: Okay. Is that a decision that you
14 made of your own free will and accord?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And you are satisfied with it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Thank you.

19 All right. Bring the jury in.

20 (The following takes place in the presence of the
21 jury panel)

22 THE COURT: All right, ladies and gentlemen, as
23 you know the State has rested in their presentation, so we
24 will now proceed with any additional evidence to be offered
25 by the defense.

1 Mr. Thompson.

2 MR. THOMPSON: Your Honor, if it please the court,
3 Your Honor, I would recall Officer Timothy Tate.

4 THE COURT: All right, Mr. Tate, you have
5 previously been placed under oath, so you are still under
6 oath for the purpose of these questions.

7 DIRECT EXAMINATION BY MR. THOMPSON:

8 Q. Officer Tate, you were, I guess, the lead investigator
9 on the case here?

10 A. Yes, sir.

11 Q. And did you ever have any followup on that black
12 Mountaineer vehicle?

13 A. No, sir.

14 Q. Did you ever follow up, do any investigation on that
15 address where it left?

16 A. No, sir.

17 Q. Now, I believe you indicated that Mr. Owens, Officer
18 Owens, searched the vehicle?

19 A. That's correct.

20 Q. And then there is -- you guys have a property and chain
21 of custody form that you signed off on, the BEST bag is what
22 the drugs go in, right?

23 A. That's correct.

24 Q. Now, what was entered into evidence was numbered
25 B272720. That would be --

1 MR. THOMPSON: May I approach, Your Honor?

2 THE COURT: You may.

3 BY MR. THOMPSON:

4 Q. That would be this one here, correct?

5 A. That's correct.

6 Q. And that would be the one with both of those bags in
7 it, correct?

8 A. That's correct.

9 Q. Also you signed off on four telephones, correct?

10 A. That's correct.

11 Q. Those were recovered from the car?

12 A. I don't recall if they were recovered from the car or
13 not.

14 Q. But they were placed into evidence with the -- with
15 this arrest, right?

16 A. That's correct.

17 Q. And then BEST bag 272721 was also entered into evidence
18 for this arrest, correct?

19 A. That's correct.

20 Q. Do you recall what that was?

21 A. I believe that's the -- the dope that came off Angela.

22 Q. Off of Angela that was found at the sheriff's office?

23 A. I believe so.

24 Q. Detention facility?

25 A. Yes, sir.

1 Q. Do you remember what that contained?

2 A. Meth.

3 Q. Was there any pills in there?

4 A. Negative. We did not receive no pills.

5 Q. Do you remember if she had one bag or two on her?

6 A. One bag.

7 Q. Do you recall signing off on search warrants for those
8 telephones?

9 A. Yes, sir, I do.

10 Q. What all would that involve, as far as the
11 investigation?

12 A. For the search warrant?

13 Q. Yes.

14 A. Receive any evidence of drug transaction or any
15 pictures dealing with drugs.

16 Q. And did you go and -- did you review the information
17 obtained?

18 A. Yes, sir.

19 Q. And could you tie Mr. Bonner to any of those phones?

20 A. If I'm correctly we couldn't pull nothing off of Mr.
21 Bonner's phone due to the style of the phone. They couldn't
22 pull no kind of data off of it.

23 Q. All right. Well, will you agree with me that this
24 booking report --

25 MR. THOMPSON: If I may approach again, Your

1 Honor?

2 BY MR. THOMPSON:

3 Q. Would that booking report inventory what was taken off
4 of each person?

5 I will give you the whole thing.

6 A. As far as property are you talking about?

7 Q. Well, there is a -- I guess there is a -- it says
8 amount under one on Mr. Parker's.

9 This lists the charge. The booking report does not
10 list the property taken from the individual, right?

11 A. No, sir.

12 Q. All right. So do you recall finding a phone on Mr.
13 Bonner?

14 A. I don't recall finding a phone, but we had four phones.

15 Q. All right.

16 A. And two belonged to Angela Upchurch. One from Parker
17 and one from Bonner.

18 Q. Did he claim the phone?

19 A. I don't think he did. If he did, I don't remember him
20 claiming it.

21 Q. But you will agree with me that the phone records that
22 we have don't have any information tying Bonner to the phone
23 that you were able to obtain the information from, correct?

24 A. Like I said, Bonner's phone, couldn't pull nothing off
25 of it.

1 Q. Did you search Bonner and find the phone?

2 A. I didn't.

3 Q. Did Mr. Owens?

4 A. I do not recall if he did or not.

5 Q. Now, on your search warrant, is it common that you fill
6 these out and make these?

7 A. As far as a search warrant for a phone?

8 Q. Yes, sir.

9 A. It depends on -- sometimes. Sometimes we do not.

10 Q. I'm going to hand you up one -- and this is for all
11 four phones, I believe. We'll review it together.

12 Look at page two. The second page, that says that
13 there was an Alcatel Model phone, Samsung Phone, and a
14 Cricket LG phone, correct?

15 A. That's correct.

16 Q. And you don't know whose is what, which phone goes with
17 either person, right?

18 A. Not by here, but going through -- going through the
19 data that was tracking off of, two of the phones belonged to
20 Angela Upchurch due to the pictures that was in the phone.

21 Q. Which phones could you not get anything off of?

22 A. I want to say it was the Cricket LG.

23 Q. All right. And then the next page over, it should be
24 page 45, top of page 45, "the reason for affiant's belief
25 that the property sought is on the subject premises,"

1 basically saying it means that there would be information in
2 the phone to support the belief that someone is trafficking
3 drugs, correct?

4 A. That's correct.

5 Q. And you indicate in there -- you are the affiant?

6 A. That's right.

7 Q. And you indicate that there was an arrest involving
8 those three individuals?

9 A. Yes, sir.

10 Q. The cell phone you said was recovered in the vehicle
11 that they were trafficking, correct?

12 A. Yes, sir.

13 Q. And you say on here that you are unsure which phone
14 belongs to which subject.

15 Then you go on to say however, it's your experience
16 that persons involved in narcotic drug use, sales,
17 transportation, and manufacturing often follow the same
18 modus operandi, that most people -- that most every person
19 involved in the use, sale, transportation, or manufacturing
20 of narcotics or things have been found to be involved with
21 conspiracy to be involved in conspiracy with other -- we
22 will just flip over -- to violate the law. These people
23 will use the telephone as the most common means of
24 communicating with suppliers and customers, correct?

25 A. Correct.

1 Q. And it was your belief that a search of the phone would
2 provide evidence of tracking methamphetamine, correct?

3 A. That's correct.

4 Q. And you are indicating you didn't find anything in
5 those phones to support that theory?

6 A. No, sir. Like I said, we couldn't pull no data off
7 Bonner's phone.

8 Q. All right. And the -- I guess other than --
9 I mean, how long have you been an officer now?

10 A. 11 years.

11 Q. So most of the time when people are running drugs, they
12 are going to usually have some weapons too, correct?

13 A. That's correct.

14 Q. Parker was the only person that you found with a weapon
15 or something that would --

16 A. A set of brass knuckles.

17 Q. He had brass knuckles?

18 A. Uh-huh.

19 Q. And usually they are going to have a way of
20 transporting those illegal narcotics, correct?

21 A. That's correct.

22 Q. And then your second one basically says the same thing
23 and it deals with a flip phone, I believe, an LG flip phone,
24 and it repeats the same language as the other affidavit,
25 correct?

1 A. That's correct.

2 Q. And were you able to get anything off of that phone?

3 A. This phone belonged to Brian Parker.

4 Q. The flip phone did?

5 A. Yes, sir.

6 Q. So one of the other three -- two of the others belonged
7 to Ms. Upchurch, correct?

8 A. Two of them belonged to Ms. Upchurch.

9 Q. Now, if you searched a defendant or someone charged
10 with a crime and you find a phone, do you receive the phone
11 and put it into evidence, or do you just put it with their
12 property that you inventory at the jail?

13 A. We put it -- first we put it in airplane mode, put them
14 on charger and the next day we get a search warrant and I
15 turn it over to Lieutenant Gardner.

16 Q. So if I have got a list of property that Ms. Upchurch
17 has at the jail right now, the phone would be listed, so it
18 would be in evidence, right?

19 A. That's correct.

20 Q. Okay. Now, you indicated that you were familiar with
21 the Happy Valley area?

22 A. Yes, sir.

23 Q. And have you had occasion to know Ms. Stone?

24 A. I don't know Ms. Stone.

25 Q. You don't know.

1 Do you know here son?

2 A. I don't know her son.

3 MR. THOMPSON: Your Honor, I move to enter the
4 search warrant into -- I believe these two are as
5 Defendant's 1.

6 MS. LESKANIC: Without objection.

7 THE COURT: It's admitted.

8 (Whereupon, a Search Warrant was marked and
9 entered into evidence as Defendant's Exhibit No. 1)
10 BY MR. THOMPSON:

11 Q. And just to refresh my memory, no one at the scene
12 claimed that these were their drugs, is that correct?

13 A. That's correct.

14 Q. And Ms. Upchurch continued to deny having drugs?

15 A. That's correct.

16 Q. And then to refresh my memory, you or Mr. Cole or Mr.
17 Owens, one, placed Ms. Upchurch and Mr. Parker in the same
18 vehicle?

19 A. That's correct.

20 Q. And do you recall speaking with them after they were in
21 that vehicle?

22 A. Upchurch and Parker?

23 Q. Yes.

24 A. No, sir.

25 Q. Did they -- to your knowledge, did they transport both

1 of them in the same car to the jail?

2 A. They did.

3 MR. THOMPSON: I have no further questions.

4 CROSS EXAMINATION BY MS. LESKANIC:

5 Q. Sergeant Tate, I just want to clarify what Mr. Thompson
6 went over with you.

7 This BEST bag that has been entered as State's
8 Exhibit 2 in this case, where was this methamphetamine
9 found?

10 A. In the vehicle in the back seat.

11 Q. That's the photograph, State's Exhibit 1, where this
12 was found in the back seat --

13 A. Yes, sir.

14 Q. -- of the Mercury Mountaineer, correct?

15 A. That's correct.

16 Q. And there is a separate BEST bag that has not been
17 entered in this case that contains the methamphetamine that
18 was taken off of Ms. Upchurch at the jail?

19 A. That's correct.

20 Q. That methamphetamine is not part of State's Exhibit 1
21 or State's Exhibit 2, is that correct?

22 A. That's correct.

23 Q. Now, you collected four phones?

24 A. Four phones.

25 Q. And you were not sure who the phones belonged to when

1 you first collected them?

2 A. That's correct.

3 Q. But you were able to open three of those phones?

4 A. That's correct.

5 Q. And after opening those phones, who did those phones
6 belong to?

7 A. Upchurch and Parker.

8 Q. And was there anything on those phones to support the
9 theory that Ms. Upchurch or Mr. Parker were trafficking
10 methamphetamine?

11 A. It wasn't.

12 Q. But the phone that belonged to Mr. Bonner, you were not
13 able to access that phone --

14 A. That's correct.

15 Q. -- is that correct?

16 A. That's correct.

17 Q. Thank you.

18 Now, in the search warrant you talk about weapons are
19 normally associated. What do you normally see with drug
20 traffickers? Brass knuckles?

21 A. Brass knuckles, knives, pistols.

22 Q. What's the main thing that you see with drug
23 traffickers normally?

24 A. Brass knuckles, likely knives, and dope.

25 Q. Okay. And guns?

1 A. Guns. Yes, guns.

2 Q. And what weapons do you find the most and have to
3 confiscate?

4 MR. THOMPSON: It's been asked and answered, Your
5 Honor.

6 A. Guns.

7 BY MS. LESKANIC:

8 Q. Okay. Did you find any guns in the car, in Mr.
9 Parker's car?

10 A. No, ma'am.

11 Q. Okay. Thank you.

12 MS. LESKANIC: Nothing further.

13 MR. THOMPSON: Briefly.

14 REDIRECT EXAMINATION BY MR. THOMPSON:

15 Q. You said the phone records didn't indicate anything
16 about trafficking methamphetamine, correct?

17 A. That's correct.

18 Q. Now, folks involved in that aren't going to come out
19 and say "hey, I have got a big bag of dope. Do you want to
20 buy it," or something like that, are they?

21 A. On the phone, or --

22 Q. In a text message.

23 A. Some of them do. They will tell you the price, how
24 much it weighed.

25 Q. And you went through all of these, all three of those

1 phone records?

2 A. Yes, I did.

3 Q. Huh?

4 A. Yes, I did.

5 Q. You did?

6 And according to that, your affidavit, you found the
7 phones in the car, correct?

8 A. Correct.

9 Q. Now, she mentioned the separate bag, not that bag
10 that's in evidence, but the other one. Are you familiar
11 with that one?

12 A. The BEST bag that belonged to Angela?

13 Q. Yes.

14 A. The dope?

15 Q. Yes.

16 A. Yes.

17 Q. Do you remember what it was -- how it was found, or was
18 it packaged up like this?

19 A. The BEST bag?

20 Q. No, no, when it was taken from her.

21 A. It was in a plastic bag, a small glassine plastic bag.

22 Q. You testified it was in a plastic bag, that you recall?

23 A. Plastic bag, yes.

24 Q. And do you recall just one bag?

25 A. One bag.

1 MR. THOMPSON: No further questions.

2 THE COURT: You may step down.

3 We will break for lunch.

4 The jury is cautioned again no discussion, no
5 research, no investigation, no media exposure.

6 Do have a good lunch. Report to your jury room
7 this afternoon at 2:15. 2:15 this afternoon. Have a good
8 lunch.

9 (The following takes place outside the presence of
10 the jury panel)

11 THE COURT: Court is in recess until 2:15.

12 (Whereupon, proceedings were recessed)

13 (Whereupon, proceedings were reconvened)

14 THE COURT: Ready for the jury?

15 MR. KENDALL: Yes, Your Honor.

16 MR. THOMPSON: Your Honor, I was going to call
17 Officer Owens for a very brief testimony just to rebut
18 Officer Tate's testimony that there were no pills found on
19 Ms. Upchurch.

20 THE COURT: Okay.

21 MR. THOMPSON: That may would require -- if he
22 doesn't remember, I may need Crystal Nichols from the
23 Cherokee County Sheriff's Department.

24 THE COURT: If what now?

25 MR. THOMPSON: If he doesn't recall --

1 THE COURT: What?

2 MR. THOMPSON: Should --

3 THE COURT: Ask him if he recalls.

4 MR. THOMPSON: Do you recall being provided pills
5 that --

6 OFFICER OWENS: It wasn't no drugs. I got my
7 chain of custody hear, but the statement that the jailer
8 wrote didn't give it to her until the next day when I got my
9 handcuffs. I took it from him that night when he signed it
10 over to me that he done, whoever it is. I think -- I can't
11 remember who done the report the following day and sent it
12 over to us, but I got my chain of custody what I picked up
13 at the jail. There was no word on pills. At no point did
14 we ever see any pills whatsoever.

15 THE COURT: All right. Do you need somebody else?

16 MR. THOMPSON: I would need Crystal Nichols. She
17 has got a statement here that Ms. Upchurch had removed --

18 THE COURT: Who is Crystal Nichols?

19 OFFICER OWENS: The jailer.

20 THE COURT: The jailer, oh.

21 MR. THOMPSON: Or possibly a custodian of records.

22 THE COURT: Who is?

23 MS. LESKANIC: I guess she's someone that works at
24 the detention center, but she's not on the witness list.

25 THE COURT: Yeah, okay. And she's going to --

1 she's going to testify as to what now?

2 MR. THOMPSON: That Ms. Upchurch voluntarily
3 removed a baggy of crystal-like substance and a small baggy
4 of assorted pills from her vagina.

5 THE COURT: Oh. Okay. Now, that's a rebuttal
6 thing. He wouldn't necessarily have her on the witness
7 list.

8 Is she available, do we know?

9 MR. BAIN: I'll call the jail.

10 THE COURT: Okay. Anybody else?

11 MR. THOMPSON: Crystal Nichols.

12 THE COURT: Crystal Nichols.

13 Mr. Thompson, give Mr. Bain the name so he will --

14 UNKNOWN PERSON: She's not working today.

15 MR. BAIN: She is not working today.

16 UNKNOWN PERSON: She's off today. I can call -- I
17 can call the supervisor and have her brought over.

18 MR. THOMPSON: I guess maybe with her being a
19 female, that's why Mr. Owens was --

20 THE COURT: Yeah, I think you are right about
21 that. I don't think Jeffrey Cole would have retrieved the
22 item, but I don't work at the jail.

23 All right, are we ready for the jury?

24 MR. THOMPSON: Yes, Your Honor.

25 THE COURT: Bring the jury.

1 (The following takes place in the presence of the
2 jury panel)

3 THE COURT: All right. Good afternoon.

4 As you know we when recessed, the defense had
5 begun with its presentation, so we will continue with that
6 presentation this afternoon.

7 MR. THOMPSON: If it please the court, Your Honor,
8 Kiki Smith.

9 THE CLERK: Please raise your right hand.

10 KIKI SMITH, having been first duly sworn,
11 testified as follows:

12 THE WITNESS: Yes.

13 DIRECT EXAMINATION BY MR. THOMPSON:

14 Q. Ms. Smith, could you state your name for the court's
15 record, please?

16 A. Kerlene Smith.

17 Q. All right. And you live here in Gaffney?

18 A. Yes, sir, I do.

19 Q. And do you know Mr. Ronnie Bonner?

20 A. Yes, sir.

21 Q. How do you know Mr. Bonner?

22 A. We have been together for like three years. Friend,
23 boyfriend.

24 Q. Okay. You have known him that long?

25 A. Yes, sir.

1 Q. Do you remember the day he was arrested in March of
2 last year?

3 A. Yes, sir.

4 Q. Do you remember speaking with him?

5 A. Yes, sir, I do.

6 Q. Was that in person or on the phone?

7 A. On the phone.

8 Q. And when did -- how many times did you speak with him
9 that day?

10 A. Once. Well, I mean that night I spoke to him once.

11 I was at work, so probably maybe three, four times
12 during the day.

13 Q. And do you recall speaking to him at night, you said?

14 A. Yes, sir, when I got off work.

15 Q. Where do you work?

16 A. In Spartanburg at Cockleberry's (phonetic).

17 Q. And when you heard from him, did he -- what number did
18 he call you from, do you remember?

19 A. I'm not exactly sure, but I can remember it was like --
20 I know the area code is 864 and I can remember the number,
21 like maybe 300 -- like a 300 number.

22 Q. Was that his usual number?

23 A. Sir?

24 Q. Was that the usual number that he would call you from?

25 A. No, sir, not the usual number.

1 Q. Did Ronnie have a phone?

2 A. Well, he had one but it was off.

3 Q. It was off?

4 A. Like it wasn't -- it wasn't working. I mean, the bill
5 wasn't paid on the phone.

6 Q. It wasn't paid for?

7 A. No, sir.

8 Q. Okay. Did he have that phone with him, or do you know
9 where it was?

10 A. It was at home with me.

11 Q. He did call you. What time did he call you?

12 A. Well, I got off work that night around seven, so I'm
13 going to say it was around between eight and nine, because I
14 was at home and it take me almost 30 minutes to get to the
15 house.

16 Q. Do you remember what the content of that conversation
17 was?

18 MR. KENDALL: Objection, Your Honor. It's
19 hearsay.

20 THE COURT: Well, the answer is yes or no.

21 A. Yes, sir.

22 THE COURT: All right. Let me see y'all.

23 (Whereupon, the lawyers approached the bench for
24 an off-the-record discussion)

25 THE COURT: All right, you may continue.

1 BY MR. THOMPSON:

2 Q. All right. Ms. Smith, do you remember him calling that
3 night?

4 A. Sir?

5 Q. Do you remember if he called you that night?

6 A. Yes, sir.

7 Q. And what did he tell you on that call?

8 A. He told me he had done caught a ride and he was on his
9 way to Allen's. And I told him that I was on my way to
10 Applebee's and he was like -- I asked him was he wanting to
11 wait on him and he said yeah, he was he was going to be
12 there in a minute, but he never showed up.

13 Q. Okay. And you said he caught a ride. Did Ronnie have
14 a car?

15 A. No, sir.

16 Q. Where -- you say -- did he live with you?

17 A. Well, he -- he lived with his mother, but he was at my
18 house the majority of the time.

19 Q. And that was -- okay.

20 MR. THOMPSON: No further questions.

21 A. Yes, sir.

22 CROSS EXAMINATION BY MR. KENDALL:

23 Q. Ms. Smith, what was the last thing that you just said?
24 I didn't catch it, the last thing that you said.

25 A. I said like he lived with his mom. His address was at

1 his mom's house, but he lived with me the majority of the
2 time.

3 Q. Okay. So over the course of that night --

4 And I guess you were his girlfriend at that time, is
5 that correct?

6 A. Yes, sir.

7 Q. Okay. And he was living with you sometimes and
8 sometimes not, is that correct?

9 A. The majority of the time he was at my house.

10 Q. Okay. And the night this happened he called you and
11 said he was on his way home?

12 A. Yes, or he said he had caught a ride to the house, that
13 he was on his way.

14 Q. And you said that was about seven?

15 A. No, sir, I got home -- I got off work at seven. I got
16 home around 7:30'ish when he called me.

17 Q. Okay. So it was around -- around when -- when did he
18 call you?

19 A. I would say -- when he called?

20 Q. Uh-huh.

21 A. It was -- it had to be around 7:30'ish, nine. Between
22 that time, give or take. I'm not sure exactly of the time,
23 but I know it was after 7:30, because I was at home when he
24 called me.

25 Q. Okay. So sometime between 7:30 and nine he was coming

1 home?

2 A. Yes, sir.

3 Q. Where did y'all live?

4 A. Off Filter Plant Road. Off Crescent Lake Drive off
5 Filter Plant Road.

6 Q. What's that near?

7 A. It's off Cherokee Avenue. Filter Plant, it's off
8 Cherokee Avenue.

9 Q. Okay. All right.

10 And did you ever have anything to do with this case?
11 Did you go out there and see Ms. Upchurch or Mr. Parker or
12 anything like that?

13 A. He never made it to the house. I waited on him. He
14 never made it.

15 Q. Okay. So basically your testimony is that at some
16 point in time he called you? He had access to a phone at
17 some point and called you and said he was coming home, but
18 he didn't?

19 A. Yes, sir.

20 Q. Okay.

21 MR. KENDALL: Nothing further, Your Honor.

22 THE COURT: Step down.

23 MR. THOMPSON: No redirect.

24 THE COURT: Step down.

25 THE WITNESS: Yes, sir.

1 MR. THOMPSON: Your Honor, can we inquire about
2 the status of Ms. Nichols?

3 THE COURT: Are you going to call Mr. Owens?

4 MR. THOMPSON: I can, but -- yeah, I'll call Mr.
5 Owens.

6 THE COURT: You are still under oath, having been
7 placed under oath previously.

8 THE WITNESS: Yes, sir.

9 DIRECT EXAMINATION BY MR. THOMPSON:

10 Q. Do you have your chain of evidence to show custody of
11 the evidence?

12 A. Yes, sir, I do.

13 Q. And anywhere on your chain does a small bag of pills
14 removed from Ms. Upchurch appear?

15 A. No, sir.

16 Q. Not on yours.

17 Do you recall the night before Ms. Nichols doing a
18 search of Ms. Upchurch?

19 A. She's a female. They take them inside the -- we had
20 already went back to the office and they called us back over
21 and told us that they had retrieved it from her. I went
22 back over and picked it up.

23 Q. But you don't recall what exactly you picked up?

24 A. It was the bag of meth.

25 Q. The bag?

1 A. Yeah, a little small bag of meth.

2 Q. A small bag?

3 A. Yes, sir.

4 Q. That weight I think it was almost six grams?

5 A. Yeah, they are saying about five something, six.

6 Q. There is nothing in your record to indicate pills, is
7 that correct?

8 A. Nothing.

9 MR. THOMPSON: I have no further questions, Your
10 Honor.

11 MR. KENDALL: Nothing from the State, Your Honor.

12 THE COURT: Step down.

13 MR. THOMPSON: Your Honor, at this time I would
14 like to call Mr. Bonner.

15 THE COURT: Okay.

16 THE CLERK: Please raise your right hand and place
17 your left hand on the Bible.

18 RONNIE BONNER, having been first duly sworn,
19 testified as follows:

20 THE WITNESS: Yes, ma'am.

21 DIRECT EXAMINATION BY MR. THOMPSON:

22 Q. Mr. Bonner, can you state your full name for the
23 court's record, please?

24 A. Ronnie LeShanon Bonner, sir.

25 Q. All right. Ronnie -- may I call you Ronnie, okay?

1 A. Yes, sir.

2 Q. All right. And you have seen folks who have testified;
3 Ms. Upchurch, Mr. Parker, Ms. Stone. Do you know all those
4 individuals?

5 A. Yes, sir.

6 Q. And how long have you known Ms. Upchurch?

7 A. I have knowed her for about eight years.

8 Q. What about Mr. Parker?

9 A. I only seen him twice.

10 Q. Two times.

11 So he was accurate that you have only been in his car
12 one time?

13 A. The first time getting a ride with him.

14 Q. Okay. And was he, in fact, in that black Mountaineer?
15 Is that what you rode in?

16 A. Yes, sir.

17 Q. And how long have you known Ms. Stone?

18 A. About 12 years.

19 Q. Okay. So at -- on the 16th of March of last year you
20 were at Ms. Stone's house, is that correct?

21 A. Yes, sir.

22 Q. How did you get there?

23 A. Called a cab.

24 Q. Where were you coming from?

25 A. 120 Springwood, my momma's house.

1 Q. Okay. And who were you seeing that day at the Happy
2 Valley address there?

3 A. I was going down to see Shawn. When I first went down
4 there I went to the top on Marietta Street to stop by JJ's
5 and JJ and Felicia. So they wasn't there, so I went by cab.
6 The cab, so I went down there to see Shawn.

7 Q. Who was Shawn?

8 A. That's Sharon's son.

9 Q. How old is he? Do you know about how old he is?

10 A. He might be 38, 39, 37, somewhere up in there.

11 Q. All right. And was he home?

12 A. Yes, sir, he had just got there.

13 Q. What time was that?

14 A. About 9:15. Nine o'clock, somewhere in there.

15 Q. Who all was there when you arrived?

16 A. I knocked on the door. Shawn let me in. Sharon was
17 laying on the bed. Me and Shawn went back there to his
18 room.

19 Q. Shawn and Sharon and you were the only ones there?

20 A. Yes, sir.

21 Q. And you went back in Shawn's room?

22 A. We went in his room.

23 Q. What were you doing back there?

24 A. We was back there smoking meth.

25 Q. Smoking meth?

1 A. Yes, sir.

2 Q. Have you smoked it with him before?

3 A. No, sir, I had just went down there. I had -- my
4 daddy -- my daddy brought me a hundred dollars to my house.
5 I already had fifty. I was going to pay my phone bill. I
6 had a phone up here at Kings, so I didn't have no phone, so
7 I went next door about 7:30. I told him I was going to pay
8 my phone bill tomorrow. I called me a cab. I went down
9 there to the valley to get high. I was going to go home and
10 still my old lady -- my girl, she didn't get off work until
11 seven o'clock on Fridays and I called her. I used Sharon's
12 phone -- I used Shawn's phone to call her.

13 Q. You called her using Shawn's phone?

14 A. Yes, sir, because I didn't have no phone or nothing.

15 Q. Now, you said that you were smoking meth with Shawn.
16 Had you smoked meth there before?

17 A. Yes, sir. Me, Shawn and Sharon had smoked it before.

18 Q. I'm sorry, repeat that?

19 A. Me, Shawn and Sharon, his mom, had smoked it before.

20 Q. Okay. And do you remember when Ms. Upchurch and Mr.
21 Parker arrived?

22 A. I was down there. I was there about 15 minutes. I
23 gave them \$20. Put some in a bowl and rolled the bowl. And
24 Brian came in about 20 or 15 minutes since I had been down
25 there.

1 Q. Okay. Now, when they came in, did you sell drugs to
2 Ms. Upchurch?

3 A. No, sir.

4 Q. Did you give her drugs or anything?

5 A. No, sir, she already had drugs on her.

6 Q. Did you show her two bags of drugs?

7 A. No, sir.

8 Q. Did -- was she -- when she came in, was she carrying
9 anything at that point?

10 A. She didn't carry nothing. She came in and came
11 straight to Shawn's room. It seemed like she was mad. I
12 said "what's going on," and she said --

13 Q. You can't testify to what she said. All right.
14 She was angry about something, correct?

15 A. Yes, sir.

16 Q. What happened next?

17 A. I said "put something in the bowl."

18 Q. And you smoked some more?

19 A. Smoked some more.

20 Q. Did she smoke some?

21 A. She -- she smoked it once, hit it one time. Then her
22 phone -- her phone rung. When her phone -- she answered the
23 phone, she asked Shawn could she use her scales.

24 Q. All right. Now, she -- Shawn had a scale?

25 A. Shane had a scale in his room right there on the table.

1 Q. And what did she do?

2 A. She pulled a bag out of her pocket. Somebody from
3 Blacksburg called and wanted seven grams.

4 Q. No, you -- you can't testify to what somebody else
5 said.

6 A. No, it was -- somebody called.

7 Q. I'm just saying -- I understand that. You got to just
8 testify to what you saw.

9 A. Okay.

10 Q. You know, okay?

11 A. I seen her pull out a bag of dope. She had some pills.

12 Q. You said dope, a bag of dope, you mean methamphetamine?

13 A. Methamphetamine.

14 Q. All right. And just -- you smoke methamphetamine,
15 correct?

16 A. Yes, sir.

17 Q. Now, she testified that she bought six grams for a
18 hundred bucks from you. You deny that, correct?

19 A. Yes, sir.

20 Q. Now, is that the going rate for six grams?

21 A. No, sir. I buy a gram, I pay eighty dollars for a
22 gram.

23 Q. Okay. For one gram?

24 A. One gram of meth.

25 Q. How much do you usually buy?

1 A. I usually buy either a gram, a half a gram, or a 20.

2 Q. Just enough to smoke for that -- for one day?

3 A. Yeah, smoke. I don't smoke every day, because my old
4 lady, she get onto me because I get the jitteries. She was
5 asking me did I smoke dope. I like no, I don't smoke, but
6 people in the street go back and tell her.

7 Q. Okay. Now, you had said she had pulled out a scale and
8 you said you saw pills too?

9 A. I saw pills too.

10 Q. And what did she do with the scale? What was the
11 purpose of that?

12 A. She got the scale. She needed another bag. Shawn told
13 me put it on the table. I got the bag off the table and
14 gave it to her.

15 Q. Okay. So did she put -- move one bag for another?

16 A. One bag, weighed the dope up -- weighed the dope up.
17 Put the dope in a bag, put the pills in the same bag. She
18 was dropping off -- she was dropping off one, buying all
19 that.

20 Q. Okay. So what was Mr. Parker doing at this time? Was
21 he in the room with you?

22 A. Parker wasn't in the room. Parker had went out the
23 door.

24 Q. Okay. Do you recall what -- did he -- what did he do
25 when he was in the house?

1 A. When he came in the house, talked to Shawn, he went
2 back out.

3 Q. Do you recall him picking up a box or taking anything
4 out with him?

5 A. No, he didn't pick up nothing, take nothing out with
6 him.

7 Q. So at what point did you ask Ms. Upchurch if you could
8 get a ride?

9 A. When they were leaving.

10 She stayed right down -- she stayed right up the street
11 from where me and my momma and girl stays. She stayed on
12 Filter Plant Road with an old dude named Terry. That's her
13 boyfriend.

14 Q. Okay. So you took a ride with them, correct?

15 A. I took a ride with them. They said they was going to
16 go to Blacksburg to drop their self off. I said ain't --

17 Q. You were going to go drop you where?

18 A. Off up 29 -- off 18. Drop off at 18 on their way to
19 Blacksburg and pick me up. I ain't riding all the way up
20 there.

21 Q. So eventually you guys leave and you get pulled over.
22 Do you remember that?

23 A. Yes, sir.

24 Q. Okay. When -- I think that the -- or Officer Owens
25 testified that you had the window down when he approached

1 you?

2 A. Yeah.

3 Q. Is that correct?

4 A. The window was down. I was sweating severely.

5 Q. Why was that?

6 A. Because I was high. You know, meth make you sweat and
7 give you the jitteries.

8 Q. And had you smoked --

9 A. I had -- I had smoked a pretty good bit.

10 Q. He testified that you were removing your hoodie, is
11 that correct?

12 A. Yeah, I had a white T-shirt on up under my hoodie, so I
13 was sweating, so I took my hoodie off, opened -- opened up
14 to the window. I spoke to him and asked could I get out of
15 the car, because my clothes was all sweat. He said yeah, so
16 I tried to open the door. I couldn't get out of the car
17 because he had a child's safety lock on the back seat, on
18 the back -- on the back seat of the door. Angela got out
19 and let me out of the car.

20 Q. So you got out and she was out as well?

21 A. She let me out of the vehicle.

22 Q. Well, I understand. Did she get out and open the door?

23 A. Yeah, she got out and let me out, because I couldn't
24 open it from the inside. It had a child safety lock on it.

25 Q. Okay. Now, she testified that when you were pulled

1 over, that you were trying to give her methamphetamine. Do
2 you remember -- did you hear that?

3 A. No, sir.

4 Q. I mean, did you hear her testify to that?

5 A. Yes, sir.

6 Q. Is that what was happening?

7 A. No, sir.

8 Q. Well, what was she doing in the --

9 A. When the blue light came on, she started moving around
10 in the front seat.

11 Tate -- when Tate got -- when Tate got Parker out of
12 the car, all that -- all that went on the outside. When
13 Tate got Parker out of the car, she said "here, run with
14 this." She tried to hand me a bag. She got to stuff the
15 rest of it in her.

16 Q. What did she try to hand you?

17 A. The bag of meth. It was only one bag. It was bag of
18 meth, and it was Tate had tore, so I said "no, I ain't
19 running with nothing," you know, because I was high.

20 Q. Now, I think she testified that she told you to put it
21 on your person.

22 A. I heard about it. I didn't put nothing on me.

23 Q. So what did you do then?

24 A. When she -- when I gave her that, she turned around and
25 stuck her hand over there under Parker's seat. She turned

1 back around and Officer Owens came up.

2 Officer Owens came up and both of us was talking to
3 him. I'm at the window. I took my shirt off because I was
4 sweating severely and I know I didn't have no drugs. I
5 didn't have no gun. I had nothing. That's why I wanted to
6 get out of that vehicle. I got out their vehicle and I
7 tried to tell him, Officer Owens, what was going on.
8 Officer Owens didn't want to talk to me.

9 He got me and Angela out, came back there Deputy Tate,
10 put us back there with Tate. Parker was on the side over
11 here to his car. Owens walking around. Owens went on the
12 driver's side and Owens came back, put me and Parker in
13 handcuffs, said "y'all are under arrest for meth." I looked
14 at him. I said "meth?" I said "let me talk to you." I was
15 going to tell him then.

16 Parker told him Upchurch to take that dope charge.

17 Q. Now, you indicated that --

18 When you got out of the car, did you see where she had
19 put the methamphetamine?

20 A. Yes, sir, she stuck her hand over it behind the seat.

21 Q. In the back?

22 A. In the back. I thought she was putting it in the bag,
23 but I didn't see her put it in there. She put her hand back
24 there, turned back around.

25 Q. Did you see a second bag?

1 A. I seen one bag. I think she had them in both bags. I
2 didn't see no second bag because she had stuffed the other
3 stuff she had.

4 Q. How long would you say was the period of time from the
5 time that you were pulled over until the time Officer Owens
6 approached your car?

7 A. So when Officer Tate got Parker out of the car, had him
8 in the back, Officer Owens walked up on the side.

9 Q. What was that, a minute, two minutes?

10 A. I would say about two or three minutes Officer Owens
11 came around.

12 Q. All right. Now, I believe the officers testified you
13 were offering to help them do some work for them?

14 A. I was -- I was high. I was under the influence. You
15 know, I didn't want to go to jail for nothing I didn't did,
16 so I was trying to tell him, I say "I would go make a buy
17 for you," because I had bought something from Cliff Hamrick
18 like three days ago, stuff like that, and they said "no,
19 it's the end of it". And then Angela Upchurch --

20 Q. Now, wait a minute now.

21 Did -- I think somebody testified she continued to deny
22 having anything on her. Do you remember that?

23 MS. LESKANIC: Objection to what she testified to.

24 I mean --

25 A. Sir --

1 THE COURT: Well, he's framing the question with
2 that, I guess.

3 Go ahead.

4 BY MR. THOMPSON:

5 Q. Do you recall Ms. Upchurch testifying -- or the
6 officers testifying that Ms. Upchurch continued to deny
7 having the drugs on her person?

8 A. She didn't say nothing. Officer Tate asked her, and
9 Owens asked her if she had some drugs on her. She said no.

10 Q. And did either officer search you?

11 A. Officer Owens patted me down as soon as I got out of
12 the vehicle.

13 Q. He did?

14 A. And he didn't find nothing on me. I had no cell phone
15 or none of that.

16 Q. What -- what did -- what became of the hoodie you had
17 on?

18 A. I gave it to Owens. He gave it back to me. I went
19 over there. I was still sweating. It was cold outside.
20 Ask officer Tate, I never put the hoodie back on, because I
21 was under the influence. I was high. I was high, sweating.

22 Q. And do you -- I guess -- probably do you remember if
23 anybody searched -- I think Officer Tate searched Mr.
24 Parker. Were you present when that happened?

25 A. Yes, sir, patted him down, put the handcuffs on him.

1 Q. So at some point did Parker and Upchurch wind up in the
2 same car?

3 A. Yes, sir. After they did we all three going to jail,
4 Parker said "Angela, take your dope charge."

5 Q. I know this, but I understand. Did they wind up in the
6 same car?

7 A. Yes, sir, they put them in the same car.

8 Q. Did you get put in a car?

9 A. I got put in the white jeep that they had. When they
10 put them in the same car, Officer Tate came.

11 Q. So Cole's car, right?

12 A. They got put in Cole's car.

13 Q. Was that a standard police car, or was that unmarked
14 too?

15 A. A regular police car, county.

16 Q. So that's a regular car?

17 A. Yes, sir.

18 Q. And right at that point officer read you were in
19 custody, correct?

20 A. Yes, sir.

21 Q. And did you -- did you have any interaction with Parker
22 or Upchurch again after that?

23 A. No, sir, I didn't talk to them or nothing. They put me
24 straight in the car.

25 Q. So you never see or saw Parker down in the county jail,

1 did you?

2 A. No, sir.

3 Q. Do you know if you see Upchurch?

4 A. No, never talked to them.

5 Q. When did you become aware that Upchurch and Parker said
6 the drugs were yours?

7 A. When they put Parker and Upchurch in the back of
8 Jeffrey Cole -- in Jeff Cole's vehicle. Officer Tate came
9 back to the car and said "oh, they changed their story."

10 Q. Okay. So that's right there on the scene?

11 A. Right there on the scene they changed -- they put them
12 in the car together, Officer Tate came back to his car and
13 said "oh, they changed their story."

14 Q. All right. And so you are here today and you adamantly
15 deny those were your drugs?

16 A. Yes, sir. I told Officer Tate and Officer Owens they
17 are not my drugs. Officer Tate came back to the vehicle and
18 said "Bonner, they changed their story."

19 I said she got the rest of the dope in her private
20 part. He called Jeff Cole on his radio and Jeff Cole seen
21 the crack that was in the back of the car, moving, trying to
22 do something.

23 Q. Now, he was taking Parker and her to jail, correct?

24 A. Yes, sir. They were still on the scene when I told him
25 that, when he called and told them that. They ain't left

1 yet. And I told him that, he called Jeff and said have her
2 checked, strip search her when she get down to the facility.

3 Q. All right. And to go back, when you said that there
4 were scales at Shawn's house?

5 A. Yes, sir.

6 Q. Had you seen those before?

7 A. He always keep them at his house in his room.

8 Q. Okay. Do you buy drugs from him?

9 A. I bought drugs from him two or three times. I ain't
10 got no money. I asked my momma to drop me off down there
11 before she want to work. I ain't got no money, I go down
12 there and get high, just smoke them for free.

13 Q. And do you know Gage?

14 A. Yes, sir, I know Gage.

15 Q. Is he related to them in any way?

16 A. Gage supplies them with dope.

17 Q. Is he related to them?

18 A. No, sir, he ain't related to Angela or to Shawn.

19 Q. Have you met Gage before?

20 A. Yes, sir.

21 Q. Do you know him?

22 A. I seen him in the valley at Shawn's.

23 Q. How long had your phone been out of order?

24 A. My phone was out of order for about almost two months.
25 I usually use my momma's phone when I get home.

1 Q. Okay. Answer any questions that the prosecution may
2 have.

3 A. Yes, sir.

4 CROSS EXAMINATION BY MS. LESKANIC:

5 Q. Mr. Bonner, you said that you would lie to your
6 girlfriend about smoking meth?

7 A. (No response).

8 Q. You said that you would lie to girlfriend
9 about smoking --

10 A. She would ask me do I smoke meth and I tell her no.

11 Q. So you lied to her?

12 A. I didn't want her to know I was smoking meth,
13 because the streets was.

14 Q. Why didn't you want her to know?

15 A. Because she wouldn't -- she would leave me alone.

16 Q. You would get in trouble?

17 A. She would leave me alone.

18 Q. Okay. So you get in trouble with your girlfriend if
19 you told her the truth?

20 A. Yes, sir.

21 Q. Okay.

22 A. But she kind of figured it out anyway because I used to
23 be at the house late night sometimes smoking it. She would
24 say "why you sweating?" She was like "you are drugs?"

25 Q. So you lied to your girlfriend about using meth?

1 A. Yes, ma'am.

2 Q. But you are here --

3 And how long have you been with your girlfriend?

4 A. I have been with her three years.

5 Q. Three years.

6 You were with her when you were arrested?

7 A. Yes, sir.

8 Q. And she is still with you today?

9 A. Yes, ma'am.

10 Q. All right. So you have a loving trusting relationship?

11 A. Yes, ma'am.

12 Q. Okay. And you lie to her?

13 A. I done told her the truth now.

14 Q. Okay. But you would lie to her about using meth, is
15 that correct? That's what your testimony was.

16 A. Yes, ma'am.

17 Q. But these folks that you have never met before, you are
18 telling them the honest truth, right?

19 A. Yeah, because my life depends on the line.

20 Q. So you gave a statement to police, is that correct, the
21 night this happened?

22 A. Yes, ma'am.

23 Q. You met with Sergeant Tate and Sergeant Owens?

24 A. Yes, ma'am.

25 Q. And that statement lasted about 28 minutes?

1 A. Yes, ma'am.

2 Q. And you told them everything that happened that night?

3 A. Yes, ma'am.

4 Q. Okay. You were down at Sharon's house and you were
5 smoking meth, is that right?

6 A. Yes, ma'am.

7 Q. Now, you made the statement just now testifying, and
8 correct me if I'm wrong, "I gave them 20 and they put meth
9 in the bowl." What does that mean?

10 A. I gave them \$20.

11 Q. Okay. So you bought meth?

12 A. Yes, ma'am. Well, I paid it.

13 Q. Okay. Do you know that that is distribution of
14 methamphetamine to buy or sell?

15 A. I smoked it. I don't know what it is. I didn't have
16 nothing on me. I smoked it.

17 Q. So on this day, March 16th, 2018, you bought
18 methamphetamine for \$20?

19 A. Yes, ma'am, that's what he charged me.

20 Q. Now, where were they dropping you off?

21 A. They was carrying me to 120 Springwood.

22 Q. Who is there, your girlfriend was going home?

23 A. Yeah. My girlfriend stay -- my girlfriend stay at 123
24 Crestmont. I was going to 120 Springwood to take me a
25 shower.

1 Q. Who lives there?

2 A. Me and my momma.

3 Q. What's your momma's name?

4 A. Detra Bonner, right back there.

5 Q. Okay. Well, who is Heidi?

6 A. Heidi is Heidi Ramsey.

7 Q. Heidi Ramsey?

8 A. Heidi Ramsey.

9 Q. All right. And why in your statement then did you say
10 that they were going to drop you off at Heidi's?

11 A. Because I told them to carry me home if they were going
12 to Blacksburg to drop some dope off. If they just drop me
13 off on 18 up Heidi's and pick me up on your way back.

14 Q. You didn't say that during your direct examination for
15 Mr. Thompson, though, did you? When you were talking to Mr.
16 Thompson, you were going back to momma's house.

17 A. No, I told them to drop me off on 18.

18 Q. Who is Heidi Ramsey?

19 A. Heidi Ramsey, she's somebody I get high with.

20 Q. So are you just a meth user?

21 A. Yes, ma'am, I will not sell drugs.

22 Q. You will not sell meth?

23 A. I do not sell meth, period.

24 MS. LESKANIC: Your Honor, may we approach?

25 (Whereupon, the lawyers approached the bench for

1 an off-the-record discussion)

2 THE COURT: Let me ask the jury to please go to
3 your jury room. Don't talk about the case. I'll bring you
4 back shortly.

5 (The following takes place outside the presence of
6 the jury panel)

7 (Off the record)

8 (Back on the record)

9 THE COURT: All right, Ms. Leskanic.

10 MS. LESKANIC: Your Honor, we were asking to be
11 able to go into Mr. Bonner's prior conviction.

12 THE COURT: Just proffer what you want to ask him.

13 BY MR. LESKANIC:

14 Q. Mr. Bonner, you stated that you just used
15 methamphetamine. Have you ever sold methamphetamine?

16 A. No, ma'am.

17 Q. Do you have prior convictions for distribution of --
18 okay.

19 Do you ever sell drugs? Maybe they are distribution of
20 crack cocaine?

21 A. Yeah, I sold crack.

22 Q. Okay. So you have sold crack cocaine and sold crack
23 cocaine within a half mile of a school?

24 A. Yes, ma'am.

25 Q. All right. And you have three convictions for

1 distribution of crack cocaine?

2 A. No, two.

3 Q. Okay. Two distributions for crack cocaine. Maybe a
4 possession with intent to distribute crack cocaine. We will
5 check on that. We have the sentencing sheet, and two
6 convictions for distribution of crack cocaine within a half
7 mile of a school?

8 A. Yes, ma'am.

9 MS. LESKANIC: I guess -- yes, sir, it is crack
10 cocaine rather than methamphetamine, Your Honor.

11 THE COURT: Well, you got to be specific here.

12 MS. LESKANIC: Yes, sir.

13 (Off the record).

14 (Back on the record)

15 THE COURT: Yeah, he's opened the door.

16 MS. LESKANIC: Thank you, Your Honor.

17 THE COURT: Mr. Thompson, the testimony, according
18 to the reporter, is that the respondent, and I was just
19 reviewing it to be certain and had it correctly, and he
20 stated in response to -- not to a direct question, but he
21 stated "I do not sell drugs," and obviously he's been
22 convicted of that so --

23 THE WITNESS: No, I've been --

24 THE COURT: Excuse me, I'm not talking to you.

25 MR. THOMPSON: I would -- I heard meth. I heard

1 him say I will not sell meth.

2 THE COURT: If you would like --

3 MR. THOMPSON: I understand that. I'm just saying
4 that was my --

5 THE COURT: Well, now, what I'm saying is I want
6 to give you the opportunity to look at it so you can see it
7 so you can be certain of the context of it.

8 MR. THOMPSON: Okay.

9 THE COURT: So that's why I looked at it twice,
10 but Mike will show it to you.

11 (Off the record).

12 (Back on the record)

13 THE COURT: All right, Mr. Thompson, are you
14 satisfied, having reviewed the transcript of the witness'
15 testimony, that he has opened the door to the issue of his
16 selling drugs?

17 MR. THOMPSON: Yes, Your Honor.

18 THE COURT: Okay.

19 Anything else we need to address before of jury is
20 brought in?

21 MR. KENDALL: If we could -- just one second.

22 (Off the record).

23 (Back on the record).

24 THE COURT: Are we ready for the jury?

25 MS. LESKANIC: The State is ready, Your Honor.

1 THE COURT: All right, bring them in.

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

4 THE COURT: All right, you may continue.

5 MS. LESKANIC: Thank you, Your Honor.

6 BY MS. LESKANIC:

7 Q. Mr. Bonner, you stated with my questioning that you do
8 not sell or did not sell drugs, is that correct?

9 A. Yes, ma'am.

10 Q. Okay. But, in fact, you have been convicted twice of
11 distributing crack cocaine, selling crack cocaine, is that
12 correct?

13 A. Yes, ma'am, that's my past.

14 Q. Okay. But your statement to the ladies and gentlemen
15 of the jury was that you don't sell drugs, you hadn't sold
16 drugs. And, in fact, you had sold drugs and you have been
17 convicted of that twice?

18 A. Yes, ma'am.

19 Since 2014, since I released out of prison I haven't
20 sold no drugs. I gave that lifestyle up. I got addicted to
21 drugs.

22 Q. All right. In your statement to law enforcement you
23 stated that you were at Sharon's, that Angela and Brian come
24 by. They do tell you about some incident with a car with
25 Gage?

1 A. With Gage.

2 Q. And then you said "I told her," being Angela, "not to
3 worry about it and put a piece of dope in the bowl."

4 A. In the bowl.

5 Q. Okay. Who put a piece of dope in the bowl?

6 A. She did.

7 Q. She put a piece of dope in the bowl?

8 A. Me, Shawn, and her smoked it.

9 Q. Okay. And how much did she smoke of it?

10 A. She hit it one time.

11 Q. So she put -- where did she get the meth?

12 A. She brought it out of a bag.

13 Q. So she got meth out of her bag and then she only took
14 one hit and gave it to everybody else?

15 A. She took one hit and then her phone -- when her phone
16 rung, people in Blacksburg had called her concerning some
17 dope that she was supposed to carry to them, some dope and
18 pills.

19 Q. All right. You told them to run your phone after y'all
20 smoked the bowl and that's when you wanted to be dropped off
21 at Heidi's and they agreed to?

22 A. They said they had to go to Blacksburg to make a sale.
23 They drop me off at Heidi, and they pick me up on your way
24 back and they say okay.

25 Q. Okay. But they weren't coming back. They were

1 spending the night in Blacksburg.

2 A. No, they wasn't. They was coming back because they
3 were coming to Filter Plant to Terry's house.

4 Q. Okay. All right.

5 You got stopped by police and Angela started to put
6 dope in her pants?

7 A. (Shaking head yes).

8 Q. Correct?

9 A. Yes, sir.

10 Q. Okay. And then you said that she put the dope behind
11 the driver's seat?

12 A. Yes, sir. She tried to hand it to me.

13 Q. Okay. She put it behind the driver's seat, but it's
14 not found behind the driver's seat, is it?

15 A. Yes, ma'am.

16 Q. It's found right beside where you were sitting in the
17 back seat of the car.

18 A. No, I was sitting on the passenger's side. That's the
19 driver's seat up under it. That's the driver's seat.

20 Q. That's not behind -- that's behind the seat?

21 A. Yeah, the seat is right there. The seat is right
22 there.

23 Q. It's beside it in the middle --

24 A. It ain't in the middle.

25 Q. -- where you were sitting.

1 A. I'm over on that side over there. I'm sitting over on
2 the side over here.

3 That dope -- if that dope right there was in the middle
4 right there, she would have came in the car. They wouldn't
5 have let me out. He would have been able to see that dope
6 if it was in the middle.

7 Q. But you had your body up in the window so he couldn't
8 see in taking your clothes off.

9 A. No, I only had my shirt in my hand after they let me
10 out of the vehicle. It was right there.

11 Q. So your testimony is is that this is behind the
12 driver's seat?

13 A. My testimony is that is not my drugs.

14 Q. My question is, is this methamphetamine --

15 A. Yes, ma'am.

16 Q. -- found behind the driver's seat, like you said in
17 your statement?

18 A. Behind the driver's seat.

19 Q. Is that where this is?

20 A. Yes, sir.

21 Q. Okay.

22 A. Yes, ma'am.

23 Q. Behind the driver's seat.

24 You were sitting in the back seat, correct?

25 A. I was sitting in the back seat.

1 Q. Nobody else in the back seat?

2 A. Nobody else in the back seat.

3 Q. Why did you need to get out and fix your clothes?

4 A. Because I was high. I had done took my shirt off. I
5 was high. I was sweating. I was sweating. My clothes too
6 big for me. They are over there at the jailhouse over
7 there. They are too big for me. I had done shrunk up to
8 the size I am now.

9 Q. You shrunk up on -- you shrunk up?

10 A. To the size -- to the size -- to the size I am now. I
11 was not this size. I had done lost weight smoking dope.

12 Q. But why did you have to fix your clothes back on March
13 16th?

14 A. My clothes, they was on sideways. My clothes was on
15 sideways. When I got -- when I got in the back of the
16 vehicle I was sweating. My clothes was sticking to me.

17 Once I got out of the vehicle, by having them drugs on
18 me, he would have seen them, because they was right there
19 with me.

20 Q. He saw, and he described what he saw, but I'm wondering
21 why you needed to get out of the car and fix your clothes.

22 A. Because I was high. My clothes --

23 Q. Because you had methamphetamine on you and you needed
24 to dust it off?

25 A. No, ma'am, if I had it -- if I methamphetamine on me

1 and needed to dust them off, Officer Owens would have seen
2 me. Officer Owens -- in fact, when I got out of the car,
3 Officer Owens searched me. As soon as I took my clothes
4 off, Officer Owens searched me. So if I had methamphetamine
5 on me, he would have seen them when I was dusting my clothes
6 off. I gave him -- I gave Officer Owens my sweater before I
7 even got out of the car.

8 Q. Why?

9 A. Because I was high. I was high on drugs. I had the
10 jitteries. I was high. I had the jitteries. I was high.
11 I was high. If you know --

12 Q. Do --

13 A. If you know anybody -- if you know anybody that's done
14 methamphetamine, you know --

15 I have done seen people do methamphetamine break down
16 an old radio, put it back together, talk to themselves. I
17 was high. I was jittery.

18 Officer Owens out there told me I wasn't acting my
19 normal self when I got out of the vehicle, so I was high. I
20 didn't have nothing.

21 I -- if I had -- if I had anything to hide, I would
22 have jumped out and ran if I had some dope, or if I knew I
23 was in the wrong, I didn't have nothing to hide. I was -- I
24 wasn't running. I wasn't taking nobody's charge. I ain't
25 taking nobody's dope.

1 Like I told you, it's her dope and Brian Parker stated
2 it. He knows it was her dope.

3 If I got -- if I got 47 grams of meth and I say "here,
4 take this," you know, Brian Parker would be able to see it
5 and you would be able to see it.

6 Q. How would I be able to see it? I wasn't there.

7 A. No, anybody. If he's driving -- if Brian Parker is
8 driving as he stated in his statement and I said "Angela,
9 put this up," guess what? She would have been able to see
10 it, 47 grams of meth. She knew I didn't have no dope on me.
11 That's why he told Angela Upchurch to take her dope charge.

12 Q. So Brian Parker told the truth?

13 A. Told her to take her dope charge.

14 Yeah, when he told her to take the dope charge, she
15 wouldn't tell the truth because she knew whose dope it was.

16 Q. All right. So Owens found the dope as soon as you got
17 out of the car to fix your clothes, right?

18 A. No.

19 Q. Statement, "I got out and fixed my clothes and that's
20 when Owens started looking around. That's when Owens found
21 the dope."

22 A. Yes, ma'am, when he started carrying me and Upchurch to
23 the back, he could look right in the car better because we
24 got out of the car.

25 Q. And it's sitting right there in the middle in the back

1 seat?

2 A. He found it back there, but not on my side of the car.

3 Q. In the middle?

4 A. Behind the seat.

5 Q. Let's go with your testimony that you were there in the
6 house with Shawn, with Angela, and Angela comes in with this
7 bag of dope, right? She is going to bag it up to sell it to
8 somebody. That's your testimony, right?

9 A. She was making to bag it. She just left from Gage, so
10 obviously she got the dope from Gage, because Shawn had the
11 same kind of dope. She was bagging up seven grams.
12 Somebody called on the phone.

13 Q. And you gave her a bag to help her?

14 A. No.

15 Q. Isn't that what you said?

16 A. I -- I handed her a bag.

17 Q. Okay. So you handed her a bag. You aided her in
18 preparing a bag of dope for somebody else?

19 A. I handed her a bag. The bag didn't have no drugs in
20 it.

21 Q. Right, but you were giving her a bag to put drugs in it
22 knowing what was going to go in it?

23 A. I wasn't -- I wasn't selling no drugs.

24 Q. Answer my question, please, Mr. Bonner.

25 You were helping --

1 It's your version -- I'm going with your version right
2 now, okay? She has drugs on her and you were handing her a
3 bag so that she can put the drugs in the bag? You know what
4 she's putting in bag. So you use meth all the time, so you
5 know what it is, is that correct?

6 A. I wasn't helping her do nothing.

7 Q. Did you hand her a bag?

8 A. I give her a bag, but I didn't help her bag nothing.
9 She bagged it up herself.

10 Q. Brian Parker wasn't in the house when any of this
11 happened, correct?

12 A. No, Brian --

13 Q. Just like his testimony?

14 A. He was not in the house.

15 Q. He talked to Shawn and then he left?

16 A. Talked to Shawn, he left.

17 Q. And Angela is the one who let you out of the car, so
18 she wasn't in the car --

19 A. Yeah, she was in the --

20 Q. -- any longer than you?

21 A. She was in the front seat. She was in the front seat.

22 Before he walked up -- before he walked up, she done
23 did everything, moving around, stuffed, and everything.

24 Q. But she stuffed her drugs --

25 A. Stuffed drugs --

1 Q. -- inside her down her pants?

2 A. Tried to give me some drugs to run with it. I didn't
3 take them. She did just like that.

4 And Officer Owens came up after I took my coat off,
5 took my sweater off. I was high. I had the jitteries. I
6 was telling you that I -- I wasn't trying to come to jail.
7 I was going to tell him and Officer Owens says "Bonner, step
8 back. I'll talk to you when I do the search."

9 Q. But you didn't tell him -- you didn't tell him anything
10 about it. In fact, what you did --

11 A. He wouldn't --

12 Q. -- you took your clothes off --

13 A. He wouldn't listen.

14 Q. He wouldn't listen? You can talk over people.

15 A. When he said when he get through with his search. I
16 done tried to talk to him twice. When he get through with
17 his search. Tate told --

18 Q. Didn't you -- didn't you just say you didn't just start
19 talking like you are with me today?

20 A. I was talking to Tate. I had told Tate it wasn't my
21 dope. I had told Tate she got dope on her.

22 Q. But she's got dope on her, and they got that out of her
23 at the jail.

24 A. They got that out at the jail.

25 Q. Her dope, exactly. That was her dope and that's what

1 they found on her at the jail, but what we are talking about
2 is your dope that was in the back seat with you right where
3 you were sitting.

4 A. No, it wasn't my dope. That's her dope, because Brian
5 Parker stated for her to take her dope charge. Her own
6 boyfriend told her to take her a dope charge, somebody she
7 was supposed to be with all day.

8 Q. Who is Cliff Hamrick?

9 A. Cliff Hamrick is the dude I go buy dope from sometimes.

10 Q. And how big a dealer is he?

11 A. He's doing it, having a little deal here and there.

12 Q. I don't know that. That's why I'm asking.

13 A. He sell a little dope here and there.

14 Q. What kind of dope does he sell?

15 A. He sells meth.

16 Q. And how often do you buy from him?

17 A. I might buy from him two weeks, or every week,
18 somewhere like that. I might just go up there to get high
19 with him.

20 Q. He just gives it to you for free?

21 A. When you smoke meth you go to -- you go to people or go
22 to anybody's house you roll a bowl, you ain't got no money.

23 Q. You buy meth from him every week?

24 A. I buy meth every week.

25 Q. Okay. And where were you employed at the time?

1 A. I wasn't employed nowhere.

2 Q. You wasn't?

3 A. No.

4 Q. So how did you buy meth?

5 A. My momma give me money.

6 Q. So your momma aids in your use?

7 A. She didn't know what I was doing. She give me money.

8 My daddy gave me money. My momma and daddy both got good
9 jobs.

10 Q. But the first thing you did when Sergeant Tate and
11 Sergeant Owens found 45 grams of meth right where you were
12 sitting, with one of those bags open and spilled, was said
13 "if you don't take me to jail, I'll go make another buy for
14 you. Let me work off these charges right now."

15 A. We was out there. I didn't want to go to jail or --
16 listen to me. I know he want different people, so I told
17 him I got Cliff Hamrick.

18 Q. So Cliff Hamrick is a bigger person than 45 grams of
19 meth? I thought he just sold a little bit here and there?

20 A. But whoever they can get it, they can get it. It
21 doesn't matter. Hold on. They done --

22 Q. Hang on. No, no.

23 A. You are not a smoker.

24 Q. Okay. You just said "they want somebody bigger," okay?

25 A. Cliff Hamrick is a big dude.

1 Q. He's bigger than 45 grams of meth that you had sitting
2 next to you, isn't that right?

3 A. Angela Upchurch had.

4 Q. And that's who will deal with you is Cliff Hamrick,
5 somebody who deals bigger than 45 grams?

6 A. Well, Angela Upchurch had it. I could deal with Gage.
7 I done bought from Gage.

8 It ain't what I had. It's what Angela Upchurch had.
9 Her boyfriend is out there and stated it.

10 Q. It wasn't Angela Upchurch -- it was not Angela Upchurch
11 who made the first statement to police that "I can go buy
12 from Cliff Hamrick." That came from you, Mr. Bonner.

13 A. I made --

14 Q. You are the one who stated that you could buy bigger
15 than 45 grams of meth that they caught you with in the back
16 of this car.

17 A. Yeah, but she stated that she was going to say it was
18 guns and dope that she could go got from Gage. The same
19 dope she got from Gage --

20 Q. The only thing in your statement about Gage is a car
21 breaking down. That's it.

22 You had an opportunity to write everything down that
23 you wanted for police, everything that you wanted, and this
24 information is not in there until today.

25 A. They know -- they know she know where she got that dope

1 from. She ain't mentioned his name. I was one who
2 mentioned his name. She keeping his name hid. You heard
3 what she said that dude. If she ain't got nothing to hide,
4 she would have said that me, Parker, Gage and Shawn. She
5 didn't say Gage in there named --

6 Q. She named you.

7 A. She named --

8 Q. She named you. Mr. Parker named you and Sharon Stone
9 named you.

10 A. Sharon doesn't --

11 Q. And you can buy from Cliff Hamrick, who is bigger than
12 45 grams of trafficking amount --

13 A. I can --

14 Q. -- of methamphetamine.

15 A. I can buy from anybody.

16 Q. You can buy from anybody?

17 A. A smoker can buy from anybody. If you smoke dope, you
18 can go buy dope from anybody.

19 Q. They don't have to know me?

20 A. They don't have to know you. They don't have to know
21 you. You can go buy dope from anybody. You can go right
22 down to the valley to Sharon's apartment right now with me,
23 or with somebody that don't smoke dope, and guess what? You
24 want to buy dope, they are going to service you.

25 Q. If that's true, Mr. Bonner, I can go down --

1 A. You --

2 Q. -- to the valley -- hang on, because I want to agree
3 with you.

4 I can go down to the valley right now with you and buy
5 from anybody, but I can't go down to the valley and just
6 buy, but I can if I'm with you.

7 A. You can buy from anybody. You can go down there by
8 yourself because they know what you are coming down there
9 for.

10 Q. You had \$117 with you when you went to jail, is that
11 correct?

12 A. Yes, ma'am.

13 Q. And how did you get that money?

14 A. My daddy gave me a \$100 that day. I had 50 left over
15 from the other day, so that makes 150. I had \$150. I had
16 \$50 Thursday. My dad brought me a hundred down there Friday
17 about 6:30 so I could get my phone turned on, but I didn't.
18 I called me a cab. I went next door to a girl named
19 Jennifer's house and used her phone to call Gaffney Cab to
20 come and get me so I can stop by the store and bought me a
21 pack of cigarettes. Went down there and bought \$20 worth.

22 Q. How much were your cigarettes?

23 A. \$5 and change. A bought me a scratch-off, a \$3
24 scratch-off. I spent 20 down in the valley. \$17 and some
25 change.

1 Q. Where is the scratch-off ticket?

2 A. My scratch-off ticket?

3 Q. Uh-huh.

4 A. Oh, I left it down to Sharon's. I didn't win nothing.

5 Q. You have known Angela Upchurch for eight years?

6 A. Known her for eight years.

7 Q. How long have you known Brian Parker?

8 A. I only knowed Brian Parker -- I only seen him twice. I
9 don't know him. The first time I seen him I went up on
10 Filter Plant at Mr. Terry's house.

11 Q. You have seen him two times?

12 A. (Shaking head yes).

13 Q. Okay. And how about Mr. Stone?

14 A. I know Ms. Stone about 20 years. I smoked dope with
15 Ms. Stone. I smoked crack with Shawn.

16 Q. And when you went into the house, Ms. Stone was on the
17 hospital bed in the living room, correct?

18 A. Yes, ma'am.

19 Q. And how much do you normally pay for a gram of meth?

20 A. \$80. \$80 for a half a gram. We might charge you a
21 hundred, depending on if they got it cut, if it's cut or
22 not.

23 Q. And you buy from Cliff Hamrick?

24 A. I have bought from a lot of people.

25 Q. Do you buy from Cliff Hamrick?

1 A. Yes, ma'am.

2 Q. All right. You are in the back seat of the Mercury
3 Mountaineer?

4 A. Yes, ma'am.

5 Q. You asked for a ride?

6 A. Asked for a ride.

7 Q. You were going to be taken to Heidi Ramsey's house?

8 A. No, they was going to carry me home, but they had to go
9 to Blacksburg.

10 Q. So you asked to go to Heidi Ramsey's house?

11 A. Drop me off until they get back from Blacksburg.

12 Q. Heidi Ramsey, you smoke dope with her, is that what you
13 said?

14 A. Smoked dope with her and her boyfriend Bobby.

15 Q. The police came, and according to your statement,
16 "Angela put it behind the driver's seat. Angela started to
17 put dope in her pants," which she did. "She turned around
18 and asked me to run with the dope. I said no. She put it
19 behind the driver's seat."

20 A. Yes, ma'am.

21 Q. That's what you told the police?

22 A. Yes, ma'am.

23 Q. And then you wanted to get out of the car and fix your
24 clothes?

25 A. Get out of the car and fix my clothes. I was jittery,

1 under the influence. I was high. I was sweating.

2 Q. Angela --

3 A. And had the jerks.

4 Q. Angela let you out of the car. So she wasn't in the
5 car -- you were in the car longer than Angela was?

6 A. No. She got out.

7 Q. How did she let you out of the car?

8 A. Because she got out.

9 Q. So you were in the car longer than she was?

10 A. Well, Owens was right there. She let me out. Owens
11 told her to let me out of the car.

12 Q. I understand that. I'm just saying you were in the
13 car --

14 A. Yes, ma'am.

15 Q. -- longer than she was?

16 A. Yes, ma'am.

17 Q. And Owens was standing right there the whole time?

18 A. Yeah.

19 Q. Because your testimony was that she --

20 Didn't Owens and Tate approach the car at the same
21 time?

22 A. No, ma'am.

23 Q. Tate went to the driver's side and Owens came around to
24 the passenger's side?

25 A. No, ma'am. Tate got Parker out and went back. Two or

1 three minutes later Owens came up to the side.

2 Q. So Owens left the two of you in the car for two or
3 three minutes without approaching the passenger's side of
4 the car?

5 A. Owens hadn't even walked up. Owens walked up.

6 Tate -- when Tate got Brian Parker out of the car and
7 carried him to the back, Owens -- Owens was walking up.
8 Owens was walking up.

9 When Owens walked up my window was down. I had had my
10 shirt off. I was high. High, so the first thing I asked
11 Owens could I get out of the car to fix my clothes. He said
12 get out.

13 When I got out of the car Owens was patting me down,
14 searched me, whatever. He didn't see nothing come off my
15 clothes, no methamphetamine, or nothing.

16 Q. He just saw the 45 grams of methamphetamine right
17 beside where you were sitting, correct?

18 A. When Angela Upchurch put it back there.

19 Q. And when did she try to hand it to you?

20 A. As soon as Brian Parker -- as soon as he got Brian
21 Parker out of the car, by the time they get to the back, she
22 turned around and tried to give it to me. I said no. She
23 put it down. Brian Parker stated that to Officer Tate, but
24 Owens --

25 Q. But Owens was already at the side of the car.

1 A. Ma'am?

2 Q. Owens was already at the side of the car.

3 A. He was -- he was not all the way up there. He was
4 coming up.

5 Officer Tate had Parker in the back and Parker stated
6 "Angela, take the dope charge." He knew it was her dope.
7 That's why he told her to take the dope charge.

8 When they put her in the back of the police car, that's
9 when their story -- that's when their story changed because
10 they got a chance to talk to each other.

11 Q. The story didn't change. The story was Angela has dope
12 on her and that was true, and then the story was the dope in
13 the back of the car --

14 A. No.

15 Q. -- was Mr. Bonner's and that was true.

16 A. No. Parker said "Angela, take your dope charge."

17 Parker, he didn't see Angela with the dope, why is he
18 going to tell Angela to take the dope charge if he never
19 seen her with her dope.

20 Q. Okay.

21 MS. LESKANIC: That's all the questions that I
22 have. Thank you.

23 MR. THOMPSON: Briefly, Your Honor.

24 REDIRECT EXAMINATION BY MR. THOMPSON:

25 Q. Ronnie, you said that you were going -- you wanted to

1 be dropped off on Highway 18, is that right, at Heidi's?

2 A. Yes, ma'am, after I figured out they weren't going to
3 carry me home at first, they were going to make a run to
4 Blacksburg.

5 Q. They were going to come back through and pick you up?

6 A. Yes. Yes, sir.

7 Q. And I believe you indicated --

8 I think you said "I don't sell methamphetamine" right?

9 A. Yes, sir.

10 Q. Now you mean present tense, right?

11 A. Present tense?

12 Q. You weren't trying to deny as being convicted in the
13 past, were you?

14 A. No, I was convicted in the past twice for selling
15 drugs. I'm 43 years old. I'm an old man. When I got out I
16 let that go. I had two jobs when I got out.

17 Q. All right. How did you -- how did you -- did you go to
18 trial on those cases?

19 A. No, sir, I pleaded guilty because I was wrong. I did
20 it.

21 Q. Why didn't you plead guilty to these charges?

22 A. I didn't have no knowledge of what was going on. I
23 don't sell meth.

24 Q. So then you are telling me these were not your drugs,
25 correct?

1 A. Sir?

2 Q. These weren't your drugs is what you are saying,
3 correct?

4 A. You are right, sir.

5 Q. And do you recall seeing --

6 MR. THOMPSON: May I approach the witness, Your
7 Honor?

8 BY MR. THOMPSON:

9 Q. You said you recall seeing Angela with one bag?

10 A. One bag. She pulled out one bag down there in the
11 valley.

12 Q. What about in the car?

13 A. I gave her -- she pulled out both bags. I gave her
14 that bag. She got a bag in there. She had a bag right
15 there that was tore off.

16 Q. Uh-huh.

17 A. She weighed the meth. That's how she knowed she had
18 six grams, because she weighed it. The dude wanted seven
19 grams. She ripped that corner off and put some dope in
20 there and put it with the pills. She was going to drop it
21 off at one time to the man in Blacksburg.

22 Q. Now, that picture, is that the floorboard, the seat, or
23 what?

24 A. I don't know what it was. It was dark when I got in
25 the car.

1 Q. Okay. Now, when she got out of the car and let you
2 out, did she ever sit back in the car or stay out?

3 A. She stayed out.

4 Q. And when -- I think Mr. Owens said you were hanging out
5 the window, or something, when you approached the car?

6 A. When he approached the car I talked to him, had my
7 things off. I gave it to him and said could I get out of
8 the car.

9 Q. Were you hanging out the window, or looking back at
10 him, or what?

11 A. No, I wasn't looking. I was at the door -- or I was at
12 the window looking at him. He could see past. I was at the
13 window looking at him.

14 If I had my whole body in the window, you could see
15 right past it, because the window is all the way down. It's
16 a big window.

17 Q. And you had -- did you -- did you hand the shirt to him
18 that you took off your hoodie?

19 A. Yes, sir, because I was -- I was high. I was --

20 Q. Right.

21 A. I had the jitteries.

22 Q. But why were you handing him the shirt?

23 A. To let him know I ain't got nothing on me.

24 And after I got out of the car, I handed it to him and
25 let him know I ain't got nothing on me, got no weapon, or

1 none of that.

2 Q. And I don't know. Does meth make you paranoid?

3 A. Yeah, meth will make you paranoid, give you the
4 jitteries, make you break out in sweat.

5 Q. And it's still your testimony that when you gave him
6 the shirt, at no time did you have a phone on you?

7 A. No, I -- I didn't have no phone. The phone they found
8 in the vehicle, it got to be theirs. I didn't have a phone.
9 My momma can verify that because I use her phone. When I'm
10 at the house, I use her phone. I didn't have no phone.

11 Q. All right. When Angela Upchurch is moving around, do
12 you see what she's doing with her hands at that time?

13 A. She -- she's just moving. She's in the front seat,
14 switching, doing that, stuffing stuff. And they know she
15 come back there with this.

16 Q. Did she reach with one hand, two, or --

17 A. Just like that boy tell you, just slide it down right
18 there behind this seat.

19 I was trying to tell Owens. Officer Owens kept telling
20 me "fall back. When I get through I'll talk to you." I was
21 now talking to Tate.

22 Q. So you had no idea how much that methamphetamine
23 weighed?

24 A. I didn't have no idea how much it weighed, sir. They
25 just started hauling it out.

1 Q. So today at trial you --

2 A. Yes, sir.

3 Q. -- know the real weight.

4 Okay. You indicated that when Upchurch pulled out the
5 drugs at Ms. Stone's house, she had it in her pocket or
6 pocketbook, I think? What was it?

7 A. When Brian brought a wallet, brought her bag in.
8 Brought her a bag.

9 Q. Okay. You don't know what was in that bag or pocket or
10 what?

11 A. I didn't know what was in that bag.

12 Q. Okay. And then when she asked for a plastic bag, she
13 didn't -- did she have the dope out at that time?

14 A. She had the dope out. She had gave me 20 to put in the
15 bowl to smoke. Me and Shawn and her, we was in the room.
16 We never -- we was in the room. We was never in the
17 bathroom. We never went in the kitchen, because Shawn's
18 room is -- is right here. Shawn got a room by himself.
19 He's got a TV. He got a big dresser. You got the scale
20 right there.

21 Q. But you get to smoke some drugs for free?

22 A. For free. You got -- you got the scale right there.
23 You got the scale right there.

24 Q. And that's when she was going to pack it up and go to
25 Blacksburg?

1 A. That's how much -- that's how much dope she know she
2 had.

3 Q. Did you see the pills?

4 A. I seen the pills and everything, because she put it all
5 in one packet. She was going to sell it to a man in
6 Blacksburg.

7 MR. THOMPSON: I have no further questions.

8 MS. LESKANIC: Briefly, Your Honor?

9 RECROSS EXAMINATION BY MS. LESKANIC:

10 Q. Mr. Thompson brought up your convictions again for
11 selling crack cocaine and you said you let that go because
12 you got two jobs?

13 A. I had two jobs.

14 Q. But when you were arrested, you were unemployed.

15 A. Yes, ma'am, I was unemployed.

16 Q. So you didn't have a job when this case happened?

17 A. No, I didn't have no job.

18 Q. But you had let go of selling when you did have two
19 jobs?

20 A. No, I had done quit selling. I had done quit selling,
21 though, when I had them convictions. I had just started
22 smoking dope. My momma used to give me money every week.

23 Q. I'm just saying your testimony was you had two jobs, so
24 you let that go, but at the time that you were arrested on
25 March the 16th, you were unemployed, is that correct?

1 A. Yes, ma'am.

2 Q. Thank you.

3 A. Everybody --

4 Q. But you had \$117 and change in your possession when you
5 went to the jail?

6 A. I had \$117.62.

7 Q. And 62 cents, right, in change when you went to jail,
8 is that correct?

9 A. Yes, ma'am.

10 Q. That just happens to be the approximate amount that
11 Angela Upchurch says she paid for her five to six grams of
12 methamphetamine.

13 A. She said she paid what? I didn't hear she said she
14 paid nothing.

15 Q. Now, during Mr. Thompson's first questioning of you,
16 you testified that Angela came into the house and she didn't
17 have anything, and now on redirect she's got a bag.

18 A. Parker brought her her bag. She sent for her wallet,
19 Parker brought --

20 Q. You said when she came to the house she didn't have
21 anything, and now on redirect, and you did your hand like,
22 that she had a bag.

23 A. Parker handed her a bag, if you heard me correctly.
24 She told Parker to go get her wallet and Parker brought her
25 bag back.

1 Q. Who is "my man in Blacksburg"?

2 A. Huh?

3 Q. You keep saying "they were going to my man in
4 Blacksburg." I'm wondering who that is.

5 A. No, they was going to Blacksburg. I wasn't going to no
6 Blacksburg.

7 Q. I'm just -- I'm trying to figure out what you are
8 saying. You said "they were going to my man in Blacksburg."

9 A. They were going to her people in Blacksburg. That's
10 why I told them to drop me off up 18.

11 Q. So they are not going to your man, even though you
12 testified "they were going to my man in Blacksburg?"

13 A. I didn't testify -- I didn't testify to nothing saying
14 my man.

15 Q. You didn't say "my man in Blacksburg?"

16 A. No.

17 MS. LESKANIC: May we take a look at that, Your
18 Honor?

19 (Off the record).

20 (Back on the record).

21 A. It was --

22 THE COURT: Just a minute.

23 (Off the record).

24 (Back on the record)

25 BY MS. LESKANIC:

1 Q. And he had "to the man in Blacksburg." I had written
2 down "to my man in Blacksburg."

3 Now, how long had y'all been in the car before the
4 police blue lighted you?

5 A. We just got -- we was in the car about three minutes
6 until we left the valley. As soon as we left the valley and
7 turned and they blue lighted us when we got down by Freeman.

8 Q. So how long?

9 A. About three to four minutes.

10 Q. Okay. And in that amount of time your clothes got
11 twisted to the point that you needed to get out of them?

12 A. Oh, when I got in the car my clothes knotted. I got --
13 my clothes -- my clothes are big. My clothes are falling
14 off of me. I have got a belt on. I have got a belt on and
15 everything.

16 Q. Why were your clothes falling off of you?

17 A. They are too big for me. I had done lost weight from
18 smoking dope. I have been smoking dope, my clothes had done
19 fell off of me. My clothes are too big.

20 Q. Now, or then, or both?

21 A. Back then.

22 Tate said -- when I was out there -- when I was out
23 there standing when the officer was pulling my clothes up.
24 They were falling down off of me. I got them over there in
25 the courthouse -- in the jailhouse.

1 Q. Okay. Thank you, Mr. Bonner.

2 MS. LESKANIC: Thank you.

3 MR. THOMPSON: Nothing further.

4 THE COURT: You may step down.

5 Ladies and gentlemen, we are going to recess for
6 the afternoon.

7 Keep in mind my cautions. No discussions, no
8 research, no investigation, no media exposure.

9 Have a good evening. Please report to your jury
10 room at 9:30 in the morning. 9:30 in the morning.

11 (The following takes place outside the presence of
12 the jury panel)

13 THE COURT: All right. This case is in recess
14 until 9:30 in the morning.

15 MR. THOMPSON: Thank you, Your Honor.

16 (END OF REQUESTED TRANSCRIPT OF RECORD).
17
18
19
20
21
22
23
24
25

4/6-19

Cherokee County Courthouse
RANDOM STRIKE SHEET

Page 281

JUDGE NAME : Cole Derham J.

TRIAL TYPE : Criminal

EL ID : 2016GS1101453

COURTROOM CTRM

DESCRIPTION : The State vs Ronnie Bonner

Sorted by: Random Nbr

Trial

Seated							
NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Earls, Sabrina R	32	W	F	(✓)	()	()	S-1
2 White, James R	124	W	M	()	()	(✓)	①
3 Daves, Jeffrey D	27	W	M	(✓)	()	()	S-2
4 Humphries, Tyson S	56	W	M	()	()	(✓)	②
5 Cash, Susan C	18	W	F	()	()	(✓)	③
6 Massey, Melissa K	68	W	F	()	()	(✓)	④
7 Montgomery, Debra K	78	B	F	()	()	(✓)	⑤
8 Payne, Katelyn P	88	W	F	()	(✓)	()	D-1
9 Zell, Justin M	129	W	M	()	()	(✓)	⑥
10 Matthews, Dennis T	69	W	M	()	()	(✓)	⑦
11 Carver, Beverly M	16	W	F	()	(✓)	()	D-2
12 Herrin, Cathy S	49	W	F	()	(✓)	()	D-3
13 Webb, Barbara J	122	W	F	()	()	(✓)	⑧
14 Wilkerson, Allen D	125	W	M	()	()	(✓)	⑨
15 Holmes, James A	52	W	M	()	(✓)	()	D-4
16 Sizemore, Luvenia	108	B	F	()	()	(✓)	⑩
17 Johnson, Samuel D	61	W	M	(✓)	()	()	S-3
18 Phillips, Tyler W	95	W	M	(✓)	()	()	S-4
19 Coggins, Cherish P	22	W	F	()	()	(✓)	⑪
20 King, Joy G	62	W	F	()	()	(✓)	⑫
21 White, James M	123	W	M	()	(✓)	()	D-1 Alternate
22 Parker, Chris R	87	W	M	()	()	(✓)	⑬ Alternate
23 Mccaul, Kevin J	73	W	M	()	()	()	
24 Ratchford, Eddrick S	101	B	M	()	()	()	

Cherokee County Courthouse
RANDOM STRIKE SHEET

Page 282

JUDGE NAME : Cole Derham J.

TRIAL TYPE : Criminal

EL ID : 2016GS1101453

COURTROOM CTRM

DESCRIPTION : The State vs Ronnie Bonner

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
25 Bevill, Justin L	6	W	M	()	()	()	
26 France, Lisa D	37	W	F	()	()	()	
27 Weaver, Kade C	121	W	M	()	()	()	
28 Varner, Bryan A	118	W	M	()	()	()	
29 Mintz, Dennis H	77	B	M	()	()	()	
30 Ellis, Tyson C	34	W	M	()	()	()	
31 Crowe, James E	24	W	M	()	()	()	

Total Number of Jurors:

31

** END OF REPORT **

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 16th and 17th day of April, 2019.

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

DECEMBER 21, 2019



Michael R. Watts
Circuit Court Reporter

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF CHEROKEE

4 The State of South Carolina,
5 Plaintiff,

6 vs. Transcript of Record
7 2018-GS-11-00653

8 Ronnie LeShanon Bonner,
9 Defendant.

10
11 April 18, 2019
12 Gaffney, South Carolina

13 B E F O R E:

14 The Honorable J. DERHAM COLE

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

16
17 Matthew Kendall, Representing the State of South
18 Kim Leskanic, Representing the State of South Carolina
19 Christopher Thompson, Representing the Defendant

20
21
22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, II
24
25

1 INDEX

2 WITNESS/EXAMINATION

3 Witness Name Page Line

4 Crystal Nichols

5	Examination By Mr. Tucker	4	5
6	Cross By Ms. Leskanic	7	20
7	Re-Direct By Mr. Tucker	13	21
8	Certificate of Reporter	103	1

9

10

11 EXHIBITS

12

13 Exhibit Description Page Line

14 STATE EXH. 3, Report 8 24

15 STATE EXH. 3, Report 17 18

16 DFT. EXH. 2, Report 15 14

17 DFT. EXH. 2, Report 16 14

18

19 103 1

20

21

22

23

24

25

26

27

28

29

1 THE BAILIFF: All rise. Court will come
2 to order.

3 THE COURT: Thank you. Be seated. Any
4 matters to address before the jury is brought in?

5 MR. THOMPSON: Nothing from defense, Your
6 Honor.

7 MS. LESKANIC: Nothing from the State.

8 THE COURT: Okay. Do you have one more
9 witness?

10 MR. THOMPSON: I believe she's here, Your
11 Honor.

12 (Jury enters the courtroom at 9:39 a.m.)

13 THE COURT: Good morning, Ladies and
14 Gentlemen. As you know, when we recessed
15 yesterday, the defense was in their presentation
16 of evidence, and we'll continue that this morning.
17 Mr. Thompson.

18 MR. THOMPSON: If it please the Court,
19 Your Honor, I call Crystal Nichols.

20 THE CLERK: Please raise your right hand
21 and place your left hand on the Bible. Do you
22 swear or affirm the testimony you give this court
23 will be the truth, the whole truth, and nothing
24 but the truth, so help you God?

25 THE WITNESS: I do.

1 THE CLERK: Watch your step.

2 WHEREUPON:

3 CRYSTAL NICHOLS,

4 after having been sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. THOMPSON:

7 Q Miss Nichols, can you state your full for the
8 court reporter, please?

9 A Crystal Marie Nichols.

10 Q Miss Nichols, where are you employed?

11 A Cherokee County Detention Center.

12 Q Were you working there last March on the 16th and
13 17th of March of 2018?

14 A I assume so. Yes, sir.

15 Q I've got a report here that you signed.

16 MR. THOMPSON: If I may approach, Your
17 Honor, I want to share with the witness.

18 BY MR. THOMPSON:

19 Q Does that look like something you would be
20 familiar with?

21 A Huh-uh.

22 Q You signed it down here, correct?

23 A Yes.

24 Q The narrative, can you read that, please, to the
25 jury?

1 MS. LESKANIC: I'm going to object.

2 THE COURT: That document is not in
3 evidence, but you can ask her questions.

4 BY MR. THOMPSON:

5 Q Can you verify this is your signature?

6 A That is.

7 Q And you indicated that you were, in fact, working
8 at that time, correct?

9 A I assume so.

10 THE COURT: Excuse me, Mr. Thompson. Did
11 you have a chance to read over the document or
12 review it?

13 THE WITNESS: I just scanned over it. I
14 have no idea what on here.

15 THE COURT: Let her review the document.

16 MR. THOMPSON: Yes, Your Honor.

17 THE COURT: And she can give it back to
18 you, and you can ask her whatever you need to.

19 MR. THOMPSON: Yes, sir.

20 BY MR. THOMPSON:

21 Q So you confirm you were working at 3/17/2018 and
22 2:59 a.m., correct?

23 A Yes, sir.

24 Q And, at that point, did Officer Cole bring a
25 detained individual to you?

1 A I don't recall much of that.

2 Q Okay. But this, would it be something that you
3 would do commonly with a female prisoners?

4 A Yes.

5 Q Strip search them?

6 A Yes.

7 Q To do the strip search?

8 A Yes.

9 Q And does this document verify that you stripped
10 searched an Angela Upchurch on that date?

11 A Yes.

12 Q And on the report, did you, in fact, see her --
13 you indicated she voluntarily removed a baggie of
14 crystal-like substance a small baggie of assorted
15 pills from her vagina. Is that what's in your report
16 here?

17 A That's what's in the report, yes.

18 Q And there was no reason for you to report anything
19 falsely, correct?

20 A No.

21 Q So you indicated there was a small bag of crystal
22 substance removed from her vagina, correct?

23 A That's what the report says.

24 Q Okay. And then there was also a baggie of
25 assorted pills removed from her vagina, correct?

1 A That's what the report says.

2 Q And you indicated that you gave them to officer --
3 Investigator David Owens and Evans, do you remember
4 that?

5 A I don't recall.

6 Q You don't recall. So, if I were to show you this,
7 that's two bags of meth. That's not what was removed,
8 correct?

9 A I don't remember what exactly was removed.
10 It's in the report.

11 Q But you recall meth and pills being removed,
12 correct?

13 A If it's in the report, yes.

14 Q Okay. And you say that's something that you would
15 commonly do in your position, correct, do a strip
16 search of female inmates?

17 A Yes.

18 MR. THOMPSON: I have no further
19 questions, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. LESKANIC:

22 Q Good morning.

23 A Good morning.

24 Q Officer Nichols, I'm Kim Leskanic with the
25 Solicitor's Office. How long have you been working at

1 the detention center?

2 A A little over two years.

3 Q Okay. So you'd been there about a year when this
4 happened?

5 A Yes.

6 Q If this happened back in March of 2018.

7 A Yes.

8 Q That would be about a year?

9 A Yes.

10 Q Do you have any independent recollection of this
11 incident, or are you just going based on the report?

12 A Based on the report.

13 Q Okay. Do you remember, and you may not, do you
14 remember meeting with Sergeant Owens that day?

15 A I worked at night.

16 Q Okay, that night. I'm sorry. Do you know what
17 time Miss Upchurch was brought in?

18 A I have no idea.

19 MS. LESKANIC: May I approach the
20 witness, Your Honor?

21 BY MS. LESKANIC:

22 Q I'd like to show you what's been marked State's
23 Exhibit 3.

24 (PLF. EXH. 3, Report, was marked for
25 identification.)

1 BY MS. LESKANIC:

2 Q State's Exhibit 3. Could you take a look at that
3 and tell me if you recognize it. Take your time.

4 A I don't remember it.

5 Q Okay. Is your signature or your name on that
6 report?

7 A Yes.

8 Q What is that report?

9 A It's a chain of custody.

10 Q Okay. And did you sign that chain of custody?

11 A I did.

12 Q And what does it -- that is your accurate
13 signature and initials?

14 A That is, yeah.

15 MS. LESKANIC: Okay. Your Honor, I'd
16 like to offer State's Exhibit 3 for admission.

17 MR. THOMPSON: I object. That has
18 several people on there.

19 THE COURT: You said you do object?

20 MR. THOMPSON: Yes, Your Honor.

21 THE COURT: Is this a document that she
22 prepared or someone else prepared?

23 MS. LESKANIC: It's a document that she
24 signed, Your Honor, indicating what evidence had
25 been turned over? It was prepared by David Owens,

1 I believe, in her presence.

2 THE COURT: She can't testify about --
3 she can testify about -- if there's information in
4 there that she provided, she can testify about
5 whatever she did that's reflected on that
6 document, and she can use that document to refresh
7 your memory, if she needs to refresh her memory.
8 But somebody else is going to have to lay the
9 foundation for the admission of the document
10 itself if she didn't prepared it.

11 MS. LESKANIC: Yes, sir, Your Honor.

12 BY MS. LESKANIC:

13 Q Officer Nichols, would you please indicate what --
14 is this your signature?

15 A It is.

16 Q What are you signing? Why did you sign that?

17 A Because they asked me to sign it saying that
18 I gave him the drugs that I found.

19 Q What does that document say? What are you signing
20 that you turned over to Sergeant Owens?

21 A Oh. A small clear bag containing a
22 chrystal-like substance.

23 Q Is there any mention of pills in this chain of
24 custody that you signed?

25 A No.

1 Q What time did you strip search -- can you tell
2 what time you retrieved that bag of crystal-like
3 substance from Miss Upchurch based upon this
4 document?

5 A You want me to give the time on here?

6 Q Yes, ma'am.

7 A 2235.

8 Q 2235, which is 10:35?

9 A Uh-huh.

10 Q And what time did you then turn that bag of
11 crystal-like substance over to Sergeant Owens based
12 upon this document?

13 A 2240.

14 Q So, five minutes after retrieving it, you turned
15 those over to Sergeant Owens; is that correct?

16 A That's what it says.

17 Q Okay. And that is your signature in both of those
18 places?

19 A It is.

20 Q So you signed this document as turning over a
21 small clear bag containing a crystal rock-like
22 substance at 2235.

23 A Uh-huh.

24 Q And -- or retrieving it --

25 THE COURT: Excuse me. When you respond,

1 please say yes or no, because it's difficult for
2 us to understand an uh-huh, and it's hard for the
3 court reporter to write it. So please answer yes
4 or no in response to a question that allows for a
5 yes or no answer.

6 BY MS. LESKANIC:

7 Q So, Officer Nichols, does this state that due to a
8 lawful search you retrieved from Miss Upchurch at 2235
9 a small clear bag containing a crystal rock-like
10 substance?

11 A Yes.

12 Q And at 2240, five minutes later, that's the
13 substance that you turned over to Sergeant David
14 Owens?

15 A Yes.

16 Q And you signed that document?

17 A I did.

18 Q Okay. Officer Nichols, would you have completed
19 this proof of physical chain of custody before or
20 after you did your report? Which one would you have
21 done first?

22 A I would have done that first.

23 Q What I've marked as State's Exhibit 3, this
24 document would have been done before your typed
25 report?

1 A If it was done five minutes after the strip
2 search, yes.

3 Q So this was done closer in time to the incident
4 than when your report was done?

5 A Yes.

6 Q So at the time you prepared your report, you no
7 longer had the bag of crystal-like substance in front
8 of you, right? You had already turned that over to
9 Sergeant Owens?

10 A I don't know what time the report was
11 written. Yeah. I mean, yes. Five minutes after
12 the strip search, I gave him the --

13 Q And did you give him everything?

14 A I gave him -- yes, I did.

15 Q And that's indicated on the chain of custody,
16 everything that you gave him?

17 A Yes.

18 MS. LESKANIC: Okay. Thank you very
19 much.

20 MR. THOMPSON: Thank you, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. THOMPSON:

23 Q Miss Nichols, apparently, Miss Leskanic is trying
24 to discount your report here. Is there any reason
25 that this would be a false report or in error?

1 A There's no reason it would be, no.

2 Q And you indicate that you had written -- you wrote
3 the report about 2:59 a.m. the same evening, or it
4 would be the next morning, a few hours later,
5 correct?

6 A Yes.

7 Q Now, is that a common practice that you do a
8 report on a strip search after?

9 A I'm sorry?

10 Q After you do the strip search?

11 A If we find something, yes, sir.

12 Q So according to this, you did find the baggie of
13 pills and the bag of methamphetamine?

14 A I found the drugs. Yes, I found the drugs.
15 She gave them to me.

16 Q Okay. And you say you have absolutely no memory
17 of that at all?

18 A I don't remember what exactly it was that she
19 gave me, but I remember getting drugs from her.
20 She voluntarily gave it to me.

21 Q Okay.

22 A And I remember giving it to
23 Investigator Owens. As far as the contents and my
24 recollection of it, that's the only place on the
25 report. I don't remember.

1 Q In the report you said, "And a small baggie of
2 assorted pills." Do you recall if it was two bags
3 that she removed?

4 A I don't recall.

5 Q You don't recall one bag or two?

6 A I don't recall.

7 MR. THOMPSON: If I may approach one more
8 time?

9 BY MR. THOMPSON:

10 Q That is your signature, correct?

11 A That's all me, yes, sir.

12 MR. THOMPSON: Your Honor, I want move to
13 put this in as Defense 2.

14 (DEF. EHX. 2, Report, was marked for
15 identification.)

16 THE COURT: You need to make a copy of
17 it?

18 MR. THOMPSON: Yes, sir.

19 THE COURT: Give that to Madame Clerk.

20 MS. LESKANIC: May we approach, Your
21 Honor?

22 (Bench conference off the record).

23 THE COURT: Just to be clear, let's have
24 this witness verify each of those two documents.

25 MR. THOMPSON: May I approach, Your Honor?

1 THE COURT: Sure.

2 BY MR. THOMPSON:

3 Q Miss Nichols, I apologize, but that's the document
4 with your signature on it and that would be a standard
5 document you would complete and file as part of your
6 responsibility with the strip search, correct?

7 A Yes.

8 Q That is your signature, correct?

9 A Yes.

10 MR. THOMPSON: I move to enter this as
11 Defendant's 2, Your Honor.

12 MS. LESKANIC: No objection.

13 THE COURT: It's admitted.

14 (DFT. EXH. 2, Report, was entered into
15 evidence.)

16 MR. THOMPSON: I have no further
17 questions, Your Honor.

18 RECROSS-EXAMINATION

19 BY MS. LESKANIC:

20 Q Officer Nichols, we've been over State's Exhibit
21 3, and did you sign this document at the time that you
22 handed the drugs over to Sergeant Owens? Was this
23 signed at the same time that that was taking place,
24 that you were handing him the drugs?

25 A I don't recall the time that I signed it, but

1 it says on the paper it's five minutes after.

2 Q So -- but when you hand drugs over to an officer
3 during a strip search, do you do that while you're at
4 the jail when that person is arrested?

5 A Yes.

6 Q So that's the way you would have handed it over to
7 Sergeant Owens?

8 A Yes.

9 Q And did you give him everything that you retrieved
10 from Miss Upchuck?

11 A Yes.

12 Q And that is indicated on this form?

13 A Yes.

14 MS. LESKANIC: Your Honor, we would offer
15 State's Exhibit 3 for admission.

16 MR. THOMPSON: No objection.

17 THE COURT: It's admitted.

18 (STATE EXH. 3, Report, was entered into
19 evidence.)

20 BY MS. LESKANIC:

21 Q And your report was prepared about five hours
22 after the incident; is that correct?

23 A Yes.

24 MS. LESKANIC: I thank you. Nothing
25 further for this witness.

1 THE COURT: You may step down. Any
2 objection to the witness being excused?

3 MR. THOMPSON: None from the defense,
4 Your Honor.

5 THE COURT: Okay, thank you.

6 MR. THOMPSON: That's the defense's case,
7 Your Honor.

8 THE COURT: Any reply?

9 MR. KENDALL: No, sir.

10 THE COURT: All right. That is all of
11 the testimony, or all the evidence to be offered
12 by both the State and defense. So what remains to
13 be done are the lawyers' final summations, after
14 which I'll instruct you on the law and then you
15 can begin with your deliberations.

16 Before we do that, I've got a couple
17 matters I need to address. It should take only a
18 few minutes and then we'll bring to you back. For
19 right now, please retire to your jury room. Don't
20 begin talking about the case. We're going to
21 bring you back for summations, my instructions,
22 and then you will begin your deliberations.

23 (Jury exits the courtroom.)

24 THE COURT: Any motions to address?

25 MR. THOMPSON: I believe the motion I had

1 yesterday at the end of State's case, I'll have to
2 renew, but that was denied.

3 THE COURT: All right. That motion is,
4 again, denied.

5 Any requests for instructions?

6 MR. KENDALL: I assume Your Honor is
7 going to charge usual instruction on possession.
8 Nothing other than that.

9 MR. THOMPSON: I'll go through these in
10 your presence.

11 THE COURT: I will.

12 MR. THOMPSON: The Brown case that was
13 intent, and the one ground case that covers
14 that.

15 MR. KENDALL: On criminal intent, Your
16 Honor.

17 THE COURT: I'm going to charge -- the
18 statute requires that you knowingly possess it, so
19 I'm going to charge them on normal criminal
20 intent.

21 MR. KENDALL: Yes, sir. The trafficking
22 statute itself kind of differs from the case law
23 on this for like a PWID or possession. It's the
24 amount of narcotics that were issued, not what he
25 intends to do with them. I was going to talk

1 about at that during closing. I wasn't sure if
2 Your Honor was going to charge that as well. I
3 don't necessarily need it.

4 THE COURT: Charge what?

5 MR. KENDALL: The distinction between
6 traffic and a PWID possession. I don't
7 necessarily need the Court to do it. I was
8 planning -- I was going to go into it.

9 THE COURT: No, I'm not going to
10 distinguish those because they're not alleged, and
11 we're not talking about any lesser included
12 offenses. I'm going to charge them on the law of
13 possession because trafficking in this case is
14 simply possession.

15 MR. KENDALL: Yes, sir.

16 THE COURT: Actual or constructed. So
17 they'll be charged on possession. And the
18 elements will be that they have to prove he either
19 possessed it actually or constructively, and the
20 State has to prove that it was 28 grams or more.

21 MR. KENDALL: Yes, sir.

22 MR. THOMPSON: And, basically, the
23 knowledge of it.

24 THE COURT: We'll charge them that they
25 have to prove that he knowingly, actually or

1 constructively possessed it, and included in that
2 instruction will be a mere presence instruction.

3 MR. THOMPSON: Okay. That's good.

4 THE COURT: Do you all need a little bit
5 of time before we conclude?

6 MR. KENDALL: If we could have just a
7 second, Your Honor, to use the restroom and get
8 water.

9 THE COURT: All right. Let's take ten
10 minutes.

11 (A break was taken from 10:04 a.m. to 10:16 a.m.)

12 THE BAILIFF: Remain seated. Come to
13 order.

14 THE COURT: For those in the audience, we
15 are getting ready to give final summations and
16 instructions without distraction. If you want to
17 go, go now. You won't be able to get up and leave
18 during this process. We will not recess court
19 again. So if anybody wants to go, go now.

20 Okay bring the jury in.

21 (Jury enters the courtroom at 10:16 a.m.)

22 THE COURT: All right. As you know,
23 you're going to hear from these lawyers and I'm
24 going to instruct you on the law. The way that's
25 accomplished, the State has the burden of proof,

1 of course, so they will go first followed by the
2 defense. And then the State gets to make a brief
3 reply statement to the defense's argument.

4 So please give the lawyers your attention
5 now as they give you their summations.

6 Mr. Kendall.

7 MR. KENDALL: Thank you, your Honor. May
8 it please the Court, Counsel?

9 Ladies and Gentlemen of the jury, thank
10 you all for coming and giving your careful
11 attention this week. If a few minutes, the judge
12 is going to give his closing instructions on the
13 law in this case. I'd like to, at this time, go
14 through some of that myself. If anything I tell
15 you is different than what the judge tells you,
16 listen to the judge. He is the judge of law in
17 this case. And by definition, he's right. So if
18 anything I say contradicts what he says, listen to
19 what he says.

20 Now, at the beginning of this trial, I
21 asked you for three things; to listen carefully to
22 the law, listen to the facts, and use common
23 sense. I'd like to start off by talking about the
24 law in this case.

25 Mr. Bonner is charged with trafficking

1 methamphetamine in excess of 28 but less than 100
2 grams. Trafficking methamphetamine requires a
3 person knowingly sells, manufactures, deliveries,
4 purchases, or brings into this state, or provides
5 financial assistance, or otherwise aids, abets, or
6 attempts to sell, manufacture, deliver, purchase,
7 or bring into the state, or who is knowingly in
8 actual or constructive possession, or who
9 knowingly attempts to become in actual or
10 constructive possession of 28 to 100 grams of
11 methamphetamine.

12 Now, Ladies and Gentlemen, actual and
13 constructive possession are similar but two
14 different things. Actual possession is when the
15 drugs are found in actual physical custody of the
16 defendant. He's got his hands in his pocket.
17 Where constructive possession, Ladies and
18 Gentlemen, is when the defendant has dominion or
19 control or the right to exercise dominion or
20 control over those drugs. This can be
21 established, Ladies and Gentleman, by direct
22 evidence or circumstantial evidence.

23 And constructive possession, Ladies and
24 Gentlemen, that possession can be shared. It's
25 not necessary for you to find who the drugs most

1 belong to, or did they belong to only one person,
2 but that the defendant, Mr. Bonner in this case,
3 had actual or constructive possession of that
4 methamphetamine, that he had the right to dominion
5 and control of those narcotics.

6 And now I'd like to go through, Ladies
7 and Gentlemen, and apply that law to the facts of
8 this case. And before I begin, I'd like to thank
9 you all very much for listening and being an
10 attentive jury.

11 The first of the people you heard from
12 was Officer Timothy Tate, the narcotics officer
13 here at the Cherokee County Sheriff's Office.
14 Mr. Tate observed this Mountaineer in Happy
15 Valley, a high crime area, and after noticing that
16 it had a faulty tag light, executed a traffic
17 stop. He approached the car with Sergeant Owens.
18 He went to the driver's side. Sergeant Owens went
19 to the passenger's side. They got Mr. Parker, the
20 driver of that vehicle, out of the car and asked
21 for his consent to search. Throughout this stop,
22 Ladies and Gentlemen, all persons were accounted
23 for.

24 Mr. Tate, Officer Tate, originally with
25 Mr. Parker now watching the others and

1 Deputy Owens watching the two passengers, in the
2 front seat, Angela Upchurch, and behind him, the
3 defendant, Mr. Ronnie Bonner. They were not left
4 by themselves at any time. Nobody was left
5 sitting in the car by themselves unobserved by law
6 enforcement. You heard the result of that stop,
7 Ladies and Gentlemen. They found methamphetamine.
8 Found by Detective Owens and subsequently turned
9 over to Officer Tate. Sitting in kind of the
10 middle section on top of a CD case, as is shown in
11 State's Exhibit 1, not on the floor of the
12 vehicle, not in the front seat, on the middle
13 section in the back seat where Mr. Bonner was
14 sitting.

15 You also heard testimony from
16 Officer Tate, Ladies and Gentlemen, about these
17 phones. They located four phones in this case.
18 Two they believe was from Upchurch, one was from
19 Parker, and one was taken from Mr. Bonner. They
20 believed was Mr. Bonner's. They searched these
21 phones. They were able to get three of the
22 phones. They were able get into two they thought
23 were Miss Upchurch's. They didn't find any
24 evidence of narcotics or trafficking.

25 They found one of Mr. Parker's. No

1 evidence drug trafficking at all.

2 And then they found a fourth phone,
3 Ladies and Gentlemen, they were unable to get
4 into.

5 There was not evidence on the phones that
6 we know belonged to Upchurch and Parker
7 establishing they were involved in a narcotics
8 deal that night.

9 You next heard from Sergeant Owens.
10 Sergeant Owens testified that he approached from
11 the passenger side of the vehicle, Ladies and
12 Gentlemen. And, as he approached, he was able to
13 see both of the defendants. He had them in his
14 sight the entire time, Ladies and Gentlemen. He
15 was looking right at him.

16 Nobody was left unsupervised in that
17 vehicle. There's not a time when one person is
18 getting pulled out, nobody is standing there.
19 They were standing right there. They approach the
20 vehicle with Officer Tate and he's watching both
21 of them.

22 You also heard testimony from
23 Sergeant Owens about Mr. Bonner's demeanor. He
24 was sweating profusely despite the cold weather.
25 He took his shirt off, his sweatshirt off and

1 tried to hand it to the police out the window.
2 And as law enforcement was attempting to control
3 the situation, he was blocked from being able to
4 see inside the car. He was out the window,
5 visibly physically blocking or obstructing the
6 officers' views into that car, into the back seat
7 of that car, Ladies and Gentlemen, where on that
8 middle hump, sitting on a CD case was 45 grams of
9 methamphetamine.

10 He talked about once he got Mr. Bonner
11 out of the car, he took him back, and then he was
12 going back to search, and Mr. Bonner kept
13 interrupting. He kept following him trying to
14 talk to him. Sergeant Owens is trying to search
15 the car, the person who's trying to hamper that,
16 Ladies and Gentlemen, isn't Angela Upchurch, isn't
17 Brian Parker, it's Ronnie Bonner. They guy trying
18 to talk the officer out of backing back to the
19 car, or interfere with him walking back to the
20 car. It's Ronnie Bonner.

21 And what did he find when he got back
22 there, Ladies and Gentlemen, sitting on the hump,
23 right next to the back passenger seat, 45 grams of
24 methamphetamine in two bags.

25 One bag, Ladies and Gentlemen, is largely

1 intact. The other one appears to be open. Not
2 completely empty. Not like dumped completely out,
3 but there's clearly a tear in that bag, or an
4 opening in that bag as you can see from State's
5 Exhibit 1.

6 You also heard from Officer Owens about,
7 once these narcotics were found, Mr. Bonner's
8 attempts to continue to negotiate his way out of
9 it, said it was Cliff Hammer's, who apparently,
10 through his own testimony yesterday, was a fairly
11 big time drug dealer, apparently bigger than the
12 45 grams sitting next to him in the back of that
13 car. He was the first person that offered to do
14 that. The agent did offer to go with him at a
15 later time, but he was the first one, once they
16 found those drugs, to start trying to talk his way
17 out of it. Make a different deal.

18 Now, Ladies and Gentlemen, after that you
19 heard from Miss Upchurch. Miss Upchurch is a
20 criminal defendant in this case. Miss Upchurch
21 had narcotics on her. Now, I want to be very
22 clear about that. We're not trying to offer her
23 as St. Upchurch. She did her thing. Absolutely.
24 But those two bags in the back seat, they belonged
25 to Mr. Bonner.

1 You heard her testimony the other day,
2 Ladies and Gentlemen, from Miss Upchurch. She
3 testified that she did drugs that day. And after,
4 apparently, getting in an argument with somebody
5 about the car, she had met with Brian Parker.
6 Remember, Brian Parker was the guy that got out of
7 the car. And they went to the Valley, Happy
8 Valley trailer park here in Cherokee County where
9 the law enforcement officer saw this vehicle
10 leaving from.

11 She went to the home of Sharon Stone so
12 that Mr. Parker could retrieve his wedding set,
13 his watch and his ring from Sean, Sharon's son's
14 box. When she got to the Valley, she met with
15 Mr. Bonner who happened to be there. You heard
16 her testify that she purchased, I believe, in the
17 bathroom, five or six grams of methamphetamine
18 from Mr. Bonner. Paid him \$100 for it and offered
19 to give him a ride. This was a little early.
20 There was bag found ultimately with over \$100 in
21 his personal possession when he was booked. She
22 also testified that he had two large bags of meth.

23 Once that deal was complete -- and it's
24 important to talk about who was there for that
25 deal -- Sharon Stone was there sitting in her

1 living room in a small apartment, and Brian Parker
2 was not. She had called him, or called down to
3 him to bring her wallet. He brought her wallet to
4 her and then left. And then this deal took place.

5 After this was completed they offered to
6 give Mr. Bonner a ride. They got in the car.
7 Again, Brian Parker was the driver of the car,
8 Angela Upchurch is the passenger in the car, and
9 Mr. Bonner is sitting in the back seat where these
10 drugs were ultimately found. And you heard
11 testimony, Ladies and Gentlemen, that when the
12 drugs were found, they were exclusively in the
13 back seat. There's no meth still around the
14 front. There's no meth still in the driver's side
15 or the passenger's side of the front seat.

16 And they left the Valley, Ladies and
17 Gentlemen. And a very short time later, within
18 minutes, they got pulled over, around Freeman Gas
19 is where they stopped. You heard law enforcement,
20 again, got Mr. Parker out of the vehicle, and then
21 Mr. Bonner got out of the vehicle and dusted his
22 pants off.

23 Now, she did have drugs on her at that
24 time, Ladies and Gentlemen, that she ultimately
25 turned over voluntarily at the jail to the female

1 officer.

2 When the blue lights came on, she tried
3 to stuff herself. She put it in her pants, in her
4 private area. And not just 45 grams, Ladies and
5 Gentleman. Not just 45 grams, but 45 grams with a
6 broken open bag. In this game of methamphetamine
7 hot potato, the drugs aren't scattered around the
8 front seat. The drugs are here in the back.

9 You next heard, Ladies and Gentlemen,
10 from Brian Parker. Parker testified that he
11 basically was driving Angela around that day. He
12 went back to the Valley to pick up his watch and
13 ring. That day, he testified Angela was needing
14 some. That she looked sick and she didn't have
15 any. When they got to the Valley, they met up
16 with Mr. Bonner. And while they were inside, I
17 don't think he was retrieving his valuables.
18 Miss Upchurch asked for him to go get her wallet.
19 She didn't bring it in there with her. She asked
20 him to go get her wallet, presumably to get the
21 money out.

22 Now, Mr. Parker didn't actually see the
23 transaction take place that day. He couldn't
24 testify that he saw Mr. Bonner selling drugs to
25 her, but he wasn't really under any illusions as

1 to what was happening. I don't think he was
2 particularly shocked that she had narcotics on
3 her. I think that's what he said. He just
4 assumed that she did.

5 And when the blue light happened, he
6 testified to what he saw. Angela stuffing things
7 down her pants. Mr. Bonner trying to get Angela
8 to take those drugs. And, as both of them
9 testified, she refused to do it. I believe
10 Mr. Parker said that Mr. Bonner said for her to --
11 that Angela told Mr. Bonner to put them,
12 basically, in his private area.

13 But, Ladies and Gentlemen, he didn't see
14 that. You heard that argument. He, kind of,
15 indicated he did see it or not, but didn't see it.
16 And, Ladies and Gentlemen, that's important. Not
17 just what he says or what he saw, but what he
18 didn't see and what he didn't saw -- what he
19 didn't see and what he didn't say.

20 Brian and Upchurch are just trying to
21 make a story to frame -- actually, Brian Parker is
22 just trying to make a story to frame Mr. Bonner.
23 He's on cahoots with Angela. Wouldn't he have
24 seen it that day. Wouldn't that have been a lot
25 more convenient. Saw the drug deal, saw the drugs

1 open in the car. That wasn't his testimony. It's
2 what he didn't see, and what he didn't say that
3 bears the ring of truth in this. He testified to
4 you all what he saw.

5 I'm pretty sure Angela was buying dope.
6 The blue light, he saw her shoving the stuff in
7 her pants. Mr. Bonner was trying to give her more
8 stuff to do it. She wouldn't do it. He wasn't
9 testifying he saw Mr. Bonner with drugs all over
10 the place or he witnessed a drug deal. He
11 testified to what he saw, as limited as it was, in
12 this case.

13 The next witness you heard from, Ladies
14 and Gentlemen, was Miss Sharon Stone. Miss Stone
15 is apparently a friend of Angela's and
16 Mr. Bonner's. He's known Mr. Bonner for years. I
17 believe his testimony was they used drugs
18 together. Some of this occurred at her house
19 where Mr. Bonner was voluntarily over there
20 hanging out. Clearly not an enemy. There's no
21 testimony about any animosity between Miss Stone
22 and Mr. Bonner. Hanging out there using drugs.
23 This was a small, one bedroom apartment, Ladies
24 and Gentlemen. It's got a bedroom, living room,
25 bathroom.

1 And what does she witness while she's
2 sitting in her living room on her hospital bed,
3 she saw Mr. Bonner pull a bag of dope out of his
4 pocket and make a sale to Angela Upchurch. She
5 doesn't have a dog in this fight, Ladies and
6 Gentleman. She's not charged in this case.
7 You've heard from her, someone who's been an
8 addict for a long time and what it looked like.
9 She's not a drug dealer. She witnessed, Ladies
10 and Gentlemen, the part that you heard, the lady
11 that you heard who isn't charge in this case,
12 watched Mr. Bonner make a deal with Miss Upchurch.

13 And what was the substance, Ladies and
14 Gentlemen, methamphetamine. You heard from an
15 expert witness yesterday from the South Carolina
16 Law Enforcement Division that tested this
17 substance and it came back methamphetamine in her
18 expert opinion. The weight, I believe, was a
19 little over 45 grams.

20 Now, after the State's case, Ladies and
21 Gentlemen, you also heard some defense witnesses.
22 And the first of these was Miss Kiki Smith.
23 Miss Smith testified that she was Mr. Bonner's
24 girlfriend who he lived with most of the time.
25 She testified that she got off work that night

1 around 7:00, about a half hour to get home, and
2 called him between 8:00 and 9:00. They spoke over
3 the phone and she told him she would take him to
4 Appleby's, and asked if he would wait up. And,
5 yeah, he would be home in a minute, but he never
6 got there. That's important, Ladies and
7 Gentlemen.

8 Mr. Bonner, while he was down in the
9 valley with \$117 in his pocket, he's got to get
10 home to Filter Plant Road because his girlfriend
11 is waiting for him to go to Appleby's. No cab.
12 He doesn't get dropped off someplace closer to
13 Filter Plant Road. I'm going to talk about where
14 he said he was going here in a second because the
15 next witness you heard from is Mr. Bonner.

16 Before I talk about Mr. Bonner's
17 testimony, I'd like to talk to you about
18 credibility. You all, Ladies and Gentlemen, the
19 jurors, are going to have to judge the credibility
20 of these witnesses. And there are three points
21 I'd like to talk about regarding Mr. Bonner's
22 credibility.

23 First off, when this was happening, and
24 he was reporting to you, he was high. He
25 testified yesterday many, many times. He was

1 under the influence of narcotics while this was
2 happening. This sequence of events was effected
3 by the fact that he was under the influence. He
4 had been smoking methamphetamine throughout the
5 evening, Ladies and Gentlemen. A narcotic that he
6 admitted affected him physically and mentally.

7 Second, he admitted, Ladies and
8 Gentlemen, that was telling a lie to his
9 girlfriend about narcotics. And why didn't he say
10 he was an addict, because it would get him in
11 trouble. If she found out, he would be in
12 trouble, so he lied to her. Remember, he hid the
13 narcotics. He didn't tell the truth.

14 Third, Ladies and Gentlemen, you heard
15 yesterday he said he had never sold drugs. But,
16 Ladies and Gentlemen, that was not the truth. And
17 it wasn't until Miss Leskanic got up and started
18 asking him questions about that that the truth
19 came out. Once she questioned him, he admitted he
20 did sell drugs.

21 Now he claims he's turned over a new leaf
22 and restarted his life. He also claims now that
23 he can buy drugs from anybody. He's so plugged
24 in, he can buy them from anybody, including Cliff
25 Hammer, who is a guy who deal bigger than 45

1 grams. A big guy. And that's talk about that
2 with that in mind, the issue with his credibility
3 about what his testimony actually was.

4 Mr. Parker that night went to the Valley
5 to get high. He claims he was given money by his
6 father to come down there and turn the stove on,
7 and another \$50 to turn -- left over from
8 something and he came down to the Valley. He said
9 never met LeShanon down there and they were
10 smoking methamphetamine.

11 At some point that night, Angela came by.
12 He said, when she came in, she wasn't carrying
13 anything, and that she pulled all big bag of dope
14 out of her pants. She also said though -- he also
15 said, though, at some point Brian parker came and
16 brought her a wallet, I think he bag, up to her.
17 This is a bit peculiar, Ladies and Gentlemen. The
18 testimony was also that she didn't have -- he
19 didn't hand her a bag, the bag of dope. The
20 testimony was also the drugs were in her pocket,
21 not in any bag, not in any wallet. The testimony
22 was also, there weren't any scales up there. The
23 scales they used -- she didn't have scales up
24 there. The scales they used were from Sean.
25 Sean's scales were up there.

1 Ladies and Gentlemen, Brian bringing her
2 that wallet isn't consistent with somebody
3 selling. It's consistent with somebody that's
4 buying. When you make a purchase from somebody,
5 you need your wallet. When you're selling
6 something to somebody, you need the product.

7 In this case, Angela Upchurch had her
8 wallet. She needed the money. Mr. Bonner had the
9 product. That's what he was selling to her. In
10 this case, that methamphetamine that was found on
11 her.

12 He indicated after they smoked some more
13 meth, they got in the car and left. Before he
14 indicated that he assisted Miss Upchurch in
15 bagging up narcotics. He gave her a bag so she
16 could bag up narcotics.

17 And then she agreed, Ladies and
18 Gentlemen, to give him a ride. This is was, kind
19 of, an interesting part of the story, because keep
20 in mind that his girlfriend was supposedly waiting
21 at home for a call that doesn't come to meet up
22 and go to Appleby's. His testimony was, initially
23 they were going to take him to 123 Filter Plant
24 Road, which is down the road from where his
25 girlfriend lives. They can take a shower. But

1 they were going to go to Blacksburg, so he said
2 drop me off at Heidi Ramsey's house off of 18, and
3 then come back and get me.

4 Let's think about this for a second,
5 Ladies and Gentlemen, because the obvious problem
6 with the Upchurch, and Mr. Parker testified, that
7 they weren't coming back that night. They were
8 going to Blacksburg to stay with a friend. But he
9 was also going to have to stay there at
10 Heidi Ramsey's, somebody he claims he used drugs
11 with until they went to all the way to Blacksburg,
12 did the deal they were going to do, and then drove
13 all the way back to Cherokee County, pick him up
14 and then drive him home, all the while his
15 girlfriend, the woman he's been with for years, is
16 waiting at home. And she testified that night
17 she got one call from him. He didn't call again.
18 They were plenty of phones in this vehicle to tell
19 her they were heading back in a while. He didn't
20 tell her anything about that.

21 His testimony was, not that he was going
22 home to be with his girlfriend, that he was being
23 dropped off, they were going to Blacksburg, they
24 were going to come back, and then drive him home,
25 all the while she's waiting there for him.

1 He next testified, Ladies and Gentlemen,
2 that when they blue lighted him and they pulled
3 over to the side of the road, Tate got Parker out
4 of the car, and then he and Angela were alone
5 unsupervised for a while, and that she basically
6 tried to drop that dope -- she said behind the
7 driver's seat. Well, this is inconsistent for a
8 couple of reasons, Ladies and Gentlemen.

9 First, as a practical matter, there
10 wasn't dope sitting behind the driver's seat. The
11 drugs were sitting on the CD case next to
12 Mr. Bonner spilled over.

13 Second, it's inconsistent with the
14 testimony of both officers about how they
15 approached the vehicle. Tate on the driver's
16 side. Owens is on the passenger side.

17 Also, Ladies and Gentlemen, this was a
18 traffic stop made by narcotics officers coming
19 from a high drug area. They pulled over three
20 people on the side of the road. As a matter of
21 common sense, does it make sense that one guy
22 would just hang out for two or three minutes and
23 talk to you, that one officer would just walk up
24 there and the other guy just hanging out there
25 doing nothing in the car?

1 Also, Ladies and Gentlemen, he indicated
2 that, while this was happening, Angela was trying
3 to get him to take that dope. Was trying to put
4 it back. He's got a problem. First off,
5 according to him, there's child locks. He
6 couldn't get out of the anyway.

7 But, secondly, that's not where the dope
8 was. I'm not just talking about the bag. I'm
9 talking about loose narcotics. They're playing
10 methamphetamine hot potato of who is going to take
11 this. And the bag is ripped open. Would you
12 expect to methamphetamine spilled around the front
13 seat? Wouldn't that be where that is?

14 He also testified, Ladies and Gentlemen,
15 that as Owens approach the car, he handed him his
16 shirt, or sweatshirt, because he is hot and wanted
17 to take it off. He had to fix his pants because
18 they had turn sideways.

19 Now, Ladies and Gentlemen, while we're
20 discussing this, keep in mind that this wasn't
21 some Odyssey journey across the country or
22 something. They were in the car for a couple
23 minutes, tops. They get a blue light and get
24 pulled over. He attributed these twisted pants to
25 them being too big.

1 The, Ladies and Gentlemen, the State
2 would ask you to consider another explanation.
3 You see, Ladies and Gentlemen, pants don't move on
4 their own. They're inanimate objects. They just
5 sit here. I mean, sure, if you're on a long car
6 ride or something, your britches ride up
7 sometimes. That's fair. But just a couple
8 minutes. How were they twisted. How were they
9 turned. How did they get twisted on him. You
10 know when they do twist, when they do get all
11 messed up is when someone is trying to fish
12 something out of their pants. Like your cell
13 phone rings and you're sitting down and you're
14 trying to get your wallet out at the McDonald's
15 drive thru. You reach in those pants, and that's
16 when they get twisted up.

17 But more than that, Ladies and Gentlemen,
18 this is something that happened in a panic. He
19 get's blue lighted, he's got to get that dope out
20 of his pants fast. He can't just take his time
21 with it. This is night. This is not during the
22 day. Dope comes out of the pants, the bag breaks.
23 That's pretty back luck. Now he's got loose dope
24 in that car. We don't know how much. It's clear
25 from the photographs, the whole bag is not empty.

1 It's not solid in there. Some of the dope is
2 spilling out. Mr. Bonner is sitting there with an
3 extra large sweatshirt on.

4 Now, he's got a problem sitting. Sitting
5 in the back seat of the car trying to fish the
6 dope out of his pants. Angela's not taking it.
7 And he's got some still left on his sweatshirt. He
8 ain't got time to pick it off. You don't want to
9 be the guy sitting back in the car picking
10 methamphetamine off your sweatshirt when the
11 police walk up. So what does he do? He takes
12 that sweatshirt off, tries to hand it off to that
13 officer. That deputy is shaking off that
14 sweatshirt is a good thing for him. Get that
15 evidence out of the car as quick as you can.

16 That's the explanation for why he took
17 his sweatshirt off, Ladies and Gentlemen. That's
18 not something -- he wasn't in the car for six
19 hours and he suddenly got hot. He's wearing the
20 same clothes from when he leaves a minute before.
21 He's got a sweatshirt on. And then a couple
22 minutes later, suddenly, out of nowhere, just has
23 to get that sweatshirt off real, real fast on a
24 cold night.

25 I don't doubt he was sweating, Ladies and

1 Gentlemen. But is that consistent with common
2 sense, that he suddenly, as law enforcement
3 approached the car, while under the influence, he
4 started taking off his clothing and started
5 handing it out to him. It was consistent with him
6 trying to the hand him that sweatshirt after
7 handling that busted bag of meth, and get it out
8 of that car as soon as possible.

9 Now, Ladies and Gentlemen, at the
10 beginning of this trial, I asked you all to use
11 common sense. I'd like to talk about that. The
12 evidence in this case shows the drugs at a most
13 basic level were sitting in two bags next to
14 Mr. Bonner in the back seat. There were,
15 literally, two bags in the back seat, other than
16 what Miss Upchurch had on her. The drugs weren't
17 scattered on the front seat. They weren't laying
18 around sprinkled all over the car. There wasn't
19 some big fight for it. They weren't trying hand
20 it to him, or anything else like that. They
21 stayed in the back seat. He asked her to take
22 them. He said, no, he had an alternative plan.
23 Take the sweatshirt off, try to get that dope off
24 him, try and block the police. Get you out of the
25 car. Try and do what you can to have them not

1 walk back to that car. He interrupted them. He
2 tried to interrupt the officers not to get to back
3 there.

4 Miss Upchurch did have drugs. That's
5 where her drugs were found. You had two other
6 bags, they could have ended up in the same place.
7 He shook at law enforcement for finding these
8 drugs, Ladies and Gentlemen, as they approached
9 the car. He interrupted his search of the car.
10 And then once they found those drugs, then he
11 starts trying to work them off, starts trying to
12 make a buy.

13 Ladies and Gentlemen, in this case, as to
14 the question of whether the bags of
15 methamphetamine sitting next to Mr. Bonner were,
16 in fact, Mr. Bonner's, the State would ask you to
17 return a verdict of guilty.

18 Thank you.

19 THE COURT: Mr. Thompson.

20 MR. THOMPSON: May it please the Court,
21 Your Honor.

22 Ladies and Gentlemen, it's been and long,
23 long week. I appreciate your time and attention
24 here this week, and I know you may have other
25 things you had to do, but as I stated earlier what

1 you do is crucial in our system, so I appreciate
2 it.

3 In closing, I'll go back over some of the
4 things that I discussed earlier in the opening.
5 Judge Cole has done a fine job explaining to you
6 possession, constructive possession, criminal
7 intent, and the two most important ones, burden of
8 proof and reasonable doubt.

9 Now, during the closing, I would like to
10 have some sort of theme. I think the theme is
11 desperate measures and self-preservation, and
12 things folks go through to avoid some charge of
13 criminal -- with a charge. Miss Upchurch is
14 probably a great example of that. A person that
15 will summons a fellow prisoner to come up here and
16 testify about something that that person knew, or
17 by written statement never contacted law
18 enforcement or the prosecution. She shows up on
19 the 11th-hour, a week before the trial, she shows
20 up, oh, yeah, a year and a half ago, I saw this
21 gentleman at my house.

22 Also, think about someone who will take
23 methamphetamine, a dangerous drug, and other
24 things and stuff them into her vagina. That's a
25 person who we're dealing with.

1 The first witness we heard from Mr. Tate,
2 the lead investigator here. I might be showing my
3 age. I have to pick this up. Unfortunately, he
4 indicates this narcotic. His vehicle had no dash
5 cam. They didn't have body cams at the time. So
6 a lot of this is going to be based upon what the
7 State, through witnesses, provides. Those
8 witnesses all have drug charges. Two of them have
9 a history of drug charges, history of theft,
10 history of dishonesty. Crimes that prove that.

11 But Mr. Tate indicated that the area
12 here, Happy Valley, where he was patrolling is a
13 known drug area. He also testified that on
14 March the 2nd, 2018 he received a call about a
15 Black Mountaineer selling drugs in that area.
16 March 2 was two weeks before the arrest of
17 Mr. Bonner, Mr. Parker, and Miss Upchurch.

18 Now, he also testified there were four
19 phones removed from that car. Three of those, he
20 could get the records of showing that they were
21 Parker and Upchurch's phones. The fourth one, for
22 some reason, it's 2018, and he couldn't retrieve
23 any information from it, but he continued to refer
24 to it as Mr. Bonner's phone. But he had no proof
25 of linking any phone to Mr. Bonner. In fact,

1 Mr. Bonner's girlfriend testified he didn't have a
2 phone. He called her on Sean's phone.

3 Mr. Tate also indicated that he found
4 brass knuckles on Mr. Parker when he searched him
5 after he got out of the car. He indicated that's
6 a common weapon for a drug dealer. Now, as the
7 State said -- they didn't say gun, but he
8 indicated that's common for a drug dealer.

9 Remember that affidavit he presented. A
10 telephone is used by nearly every person involved
11 in the traffic and methamphetamine or illegal
12 drugs. Mr. Bonner don't have a phone. Mr. Bonner
13 don't have a car. Mr. Bonner don't have any
14 money. Mr. Bonner barely had somewhere to live.
15 He lives with his folks or he lives with his
16 girlfriend. He doesn't have a home. Mr. Bonner
17 doesn't fit the profile in that affidavit I gave
18 you as defense Exhibit 1 that Mr. Tate puts forth.
19 He doesn't have the wherewithal to buy this much
20 dope right here. That's thousands of dollars
21 worth of drugs there.

22 Remember Mr. Owens? He indicated that
23 Mr. Bonner's behavior on the side of the road was
24 consistent with that of a person on meth.
25 Mr. Bonner, obviously he was high on meth when the

1 traffic stop occurred. So, he was acting
2 strangely. He takes his sweatshirt off, shakes it
3 out. It's not uncommon for a black person pulled
4 over in a traffic stop to remove clothes, put
5 their hands up. It's just the way things go. The
6 drugs were found after they were removed from
7 Mr. Bonner, Mr. Parker and Miss Upchurch were
8 removed from the car. Not during that time.

9 Mr. Owens also indicated the SUV is not a
10 huge, large suburban. It was medium-size type. I
11 want you to think about and use your own life
12 experience if someone's arm could reach to the
13 back seat in one of those, and you can't.

14 Mr. Owens also indicated that he searched
15 the automobile. Remember Mr. Parker said he went
16 and picked up a watch and a ring and it was in a
17 box he put it under his seat. Mr. Owens never
18 said anything about finding that. He did find
19 a -- he recalled a CD case or box. I'm not sure
20 exactly what that is, but you got the photo here.
21 Mr. Owens hadn't indicated whether he moved the
22 drugs or not before he took the picture. If he
23 moved anything away from it. I'm not sure if
24 that's in the seat, where it is.

25 But anyway, he searches -- it seems like

1 he would have brought out the fact that I picked
2 up four phones and I picked up a box with a ring
3 and a watch in it. No mention of that.

4 Also, both officers indicated that
5 Miss Upchurch continuously denied having drugs on
6 her person while on the side of the road. She's
7 offered to work. She's offered to help. Do you
8 have any other drugs? No, absolutely not.

9 Miss Nichols testified today that she did
10 have drugs on her. As I stated earlier, in her
11 vagina. A bag a meth and a bag of pills.

12 Miss Nichols also indicated that she didn't
13 have any memory of it, but I hope you will review the
14 document I put forth. I hope, also, you will think
15 about the State's desperate attempt to discount those
16 pills. They don't want you to know about that pills.
17 Why? Because Mr. Bonner testified he saw the pills at
18 Miss Stone's house. However, Officer Tate and
19 Officer Owens, they never mentioned pills. Pills
20 don't even show up on the evidence sheet on the chain
21 of evidence. Did law enforcement lose the drugs, lose
22 the pills? They're still over there. We don't know.

23 Think about some of the things that could
24 go wrong in this case. That's one of them. How
25 do you lose a big of pills? Clearly

1 Officer Nichols received them. Read the reports.
2 It's not my report. It's the officers'. Consider
3 that.

4 Consider the fact that the officers put
5 Miss Upchurch and Mr. Parker in the same police
6 car. Remember, Mr. Cole, Officer Cole pulls up.
7 They put them both in the car. When they emerge
8 from that car, guess what, oh, yeah, Mr. Bonner is
9 the guilty one. Think about it. Two white folks
10 know go in a car and they come out and they're
11 going to blame Mr. Bonner. Unfortunately, that's
12 all too common. Why would you put those two
13 people who you assume are romantically involved,
14 because they both testified as to such, in the
15 same car.

16 What do you -- we had other witnesses
17 come forward, verify that it is methamphetamine.
18 They verified it as such. That is SLED and the
19 chain of custody. Then we had the State put up
20 three witnesses. I ask you to think about those
21 three witnesses and what they all had in common.
22 We know all three have drug charges in common. We
23 know that Miss Upchurch and Miss Stone have drugs
24 convictions in common. They have crimes of theft
25 in common, and they have crimes of dishonesty in

1 common. The State's case, in my opinion, is built
2 upon reasonable doubt. Judge the credibility of
3 those folks.

4 First I want to talk about Miss Upchurch.
5 She indicated she wants to come in here, she wants
6 to do what's right. Claim what's hers and let
7 Mr. Bonner claim the other -- the big pile of
8 drugs. As stated, she has convictions for drugs.
9 She knows the difference between six grams and 46
10 grams. She knows the exposure, and she
11 understands she doesn't want to claim 46. She's
12 been convicted. She knows the system.

13 She indicates that she was picked up by
14 Mr. Parker sometime after lunch that day.
15 Mr. Parker said it was 8:00 or 9:00 in the
16 morning. There's a big time difference in that.
17 Also, the people that got -- Mr. Parker, he's got
18 a big gap of time that he can't explain exactly
19 what they were doing.

20 You recall she did verify that she texted
21 him, sent a text saying that Parker is going to
22 pick up this box. She was in conflict with Sean
23 on the side of the road down there. She sent that
24 text to pick up this box. He said there was a
25 watch and a ring in that box. I'll get to that

1 here in a little bit.

2 She stated in her statement on the stand
3 that when she walked in, she and Parker walked in
4 and Mr. Bonner showed her two bags of drugs.
5 Mr. Parker, adamant throughout the entire case, he
6 never saw the drugs in the house. He never saw
7 them in the car. Had he pulled out -- Mr. Bonner
8 pulled out two bags of drugs, it's highly likely
9 Mr. Parker would have seen them.

10 He indicated she bought 6 grams for \$100,
11 just well below the market value. Why did she say
12 that? Probably noticed that Mr. Bonner had 100
13 and something dollars when he went down to the
14 jail. They took that off of him. She knows what
15 the weight of the drugs that she had in her
16 vagina. She's trying to make it fit. Yeah, I
17 told you, she's a vested person. She's taking
18 extreme measures.

19 She winds up with the drugs in her
20 vagina, as I stated. Just think about the drastic
21 measures she was taking there. In her statement
22 and on the stand she said she told Mr. Bonner to
23 put the drugs on his person. Mr. Bonner testified
24 she told him to run with it.

25 If you review this photograph, it's a

1 busted bag. I ask you a question: Would someone
2 in the back seat taking drugs out of their pocket
3 bust the bag open, or would someone trying to
4 stuff it down their pants into their vagina, would
5 that be the one who busted it? That's the
6 question I would have asked.

7 Also, remember, Mr. Tate and Mr. Owens,
8 they're not going to search her. You have to have
9 a female officer do that. So any debris from a
10 broken bag that would have been in her pants, they
11 wouldn't have known. Maybe Miss Nichols would
12 have see that when she did the strip search. But
13 she don't remember anything. She didn't strike me
14 as wanting to be here, but she did indicate what
15 she found, the pills and the drugs.

16 Now also, remember, she denied having
17 drugs the whole time on her person. She never
18 claimed those that she put into her vagina until
19 such time she went down to the jail. She
20 continued to lie about those drugs. Remember, she
21 offered to help as well.

22 Now, if Miss Upchurch can pin this charge
23 on Mr. Bonner, what's the likelihood that she will
24 be prosecuted for it. I ask you to ponder that.

25 Let's talk about Mr. Parker. Again, he

1 and Upchurch are in a relationship, a romantic
2 relationship. He's adamant that she didn't have
3 drugs when they left her home, or wherever they
4 did drugs. He didn't search her. He didn't know
5 what was in her pocketbook, what was in her
6 wallet. When you think about the wallet, there's
7 a wallet, a box, a pouch, all these things are
8 listed. Mr. Bonner indicated it was some sort of
9 pocketbook. The State is asking you to split
10 hairs over something like that. I'm asking you to
11 weigh the totality of this evidence and I think
12 you're going to come back with a not guilty
13 verdict.

14 Mr. Long -- I mean, Mr. Parker, he
15 testified he's been to Happy Valley only two
16 times. Well, here's my question on Mr. Parker.
17 What's the mystery around a watch and a ring? Why
18 did he have to go back to the valley to get a
19 watch and a ring? Why does he leave it with Sean
20 in a drug invested area? He's got a finger. He
21 has a wrist, yet he has to leave something of
22 value at a drug house. I ask you to ponder that.

23 Again, he states he never saw the drugs
24 throughout this whole deal.

25 Miss Upchurch indicated Mr. Bonner tried

1 to get her to take the drugs. He's trying to hand
2 them up to the front seat. Mr. Parker would have
3 seen those. There would have been debris
4 scattered from the back seat, across the console,
5 up toward the front seat. He's trying to unload
6 those drugs to Miss Upchurch. There's no
7 indication of that in the evidence.

8 Mr. Parker does indicate that he only
9 knew that Mr. Bonner met him twice. First time
10 Mr. Bonner ever took a ride with him. Made sure
11 we understood that.

12 He gets out of the car. He goes back to
13 see the tail light. I'm not sure where the
14 officers are at that point. He does to Mr. Tate
15 back there with him.

16 Again, Mr. Parker at the home in the car
17 says he never saw the drugs. He thinks. He
18 doesn't really know. He never sees drugs in the
19 car. He never sees drugs in the home.

20 And, again, Mr. Parker is charged with
21 the same crime here. I ask you to consider the
22 situation. If Mr. Bonner can get this charged
23 pinned on him, what do you believe comes of
24 Mr. Parker. Consider that when you consider the
25 evidence that's been presented.

1 I want to talk a little bit about
2 Miss Stone, who I find probably to be the least
3 credible witness of all. I call her an 11th-hour
4 witness. She comes up all of a sudden a week or
5 two before trial, she renders what she considered
6 she says was a drug transaction. She's in her
7 hospital bed. Gets up and gets something to drink
8 and indicates that a drug deal takes place in the
9 bathroom with the door open. I don't find that
10 credible.

11 I believe Mr. Parker testified that
12 Miss Upchurch and Mr. Bonner met in the kitchen.
13 Miss Stone, of course, was sequestered. She
14 couldn't hear that. She indicated it took place
15 in the bathroom. What did she say to you? She
16 said that Mr. Bonner and Sean had been in his
17 room, Sean's room for about an hour. What they
18 were doing is none of her business.

19 I ask you to consider Officer Tate's
20 testimony, his description of the area and the
21 folks that live in that area, you can imagine what
22 goes on in that house. Again, Miss Stone, she has
23 crimes of theft. She has drug convictions. She
24 has crimes of dishonesty.

25 And if you believe her testimony, then

1 she's putting drugs in Miss Upchurch's hands when
2 Miss Upchurch's leaves the house, if Miss Stone is
3 to be believed.

4 I'll ask you also to consider the fact
5 that, since December of 2018, Miss Stone and
6 Miss Upchurch are in the same jail and see each
7 other daily. Speak to one another daily. And
8 she's the star witness that appears before you in
9 trial with testimony damaging to Mr. Bonner.

10 I ask you to consider Mr. Bonner. I
11 think you'll agree with me Mr. Bonner does not fit
12 the description of a typical drug dealer. Again,
13 he has no phone, no car, no money, barely anywhere
14 to live. He's catching a ride with people. He's
15 taking a cab. He's using Sean's phone to call his
16 girlfriend. The State wants to make a big deal
17 about him going to Heidi's.

18 Well, let's consider this, let's consider
19 the fact that they weren't coming back because
20 they were going to Blacksburg to sell drugs.
21 That's why he's there. Drop me off there. Again,
22 he stated he's high on methamphetamine. He's
23 having a rough go of it. I don't know how this
24 stuff effects you, but, evidently, he's high and
25 looking to probably to smoke some more. He

1 doesn't lie. He's doesn't try to hide the fact
2 that he's under the influence. He's jittery.
3 Remember he said he lost a bunch of weight and
4 that's why his clothing were rolling up on him,
5 didn't fit right. When he got out of the car, he
6 was sweating. And again, Officer Owens stated
7 that's consistent with a meth user.

8 The State indicated he said, I never have
9 sold drugs. He didn't say that. He said, I don't
10 sell drugs. He uses drugs. He was forthcoming.
11 He sold crack in the past. He said he didn't sell
12 meth. He's a user. They make a big deal about
13 how he lied to his girl about using drugs. I
14 would challenge -- I would think that probably
15 99 percent of people who use drugs deny it to
16 their loved ones. I think there's a face called
17 denial. He's doesn't have the wherewithal to
18 purchase 46 grams.

19 I ask you guys to consider the drastic
20 measures Angela Upchurch took to conseal drugs.
21 And she's over there with Miss Stone, I'm sure,
22 coaching her about her testimony. Why? As I
23 stated, she knows the difference in being
24 convicted for 6 grams and 46 grams. Stark
25 contrast. Again, my theme here, are the drastic

1 measures she undergoes.

2 Think about Mr. Bonner here, as
3 Judge Cole stated, we don't have to show total
4 innocence. We just have reasonable doubt. I
5 always like to sit in the courtroom and most of
6 them will have this fixture here. Above
7 Judge Cole's head is an arch with an almost
8 triangular thing going into it. The arch is one
9 of the oldest structures ever created. I think
10 the Notre Dame church that burned has got some of
11 the old arches and it and it's hundreds of years
12 old. We read it in Psalms, Judas, in the new
13 testament, they mention the arch. They say, "The
14 stone the builders have reject has become
15 capstone." Capstone is that triangular thing
16 there. Builders of the arch use perfect stones.
17 They sit them simultaneously as they arch
18 together. When they come together, though, the
19 perfect stone doesn't work anymore. They got a
20 jagged piece that no longer -- they had rejected
21 earlier. But when you drive it in the middle of
22 the few sides, lay it against each other, it's one
23 of the strongest oldest architectural designs we
24 have in history.

25 Mr. Bonner has a capstone in this case,

1 and that capstone is that black Mountaineer. The
2 State doesn't want to talk about the black
3 Mountaineer being in that area two weeks selling
4 drugs, pushing drugs. That's according Mr. Tate
5 from the report he received. They don't want to
6 talk about the fact that Parker says, oh, I only
7 went there twice. That's the capstone. That
8 black Mountaineer, the activity it's conducting in
9 that area makes them far more likely to possess
10 46 grams of methamphetamine, as opposed to
11 Mr. Bonner, the man with no phone, no car, no
12 money, no job.

13 I ask you to consider that. I thank you
14 for your time and ask you to go back and review
15 everything and take your responsibility very, very
16 seriously. Listen carefully to what Judge Cole
17 will charge you on the elements of the crime, on
18 possession, constructive, actual, on reasonable
19 doubt, and on burden of proof. I think you'll
20 come back and find Mr. Bonner is not guilty.

21 Again, Ladies and Gentlemen, I thank you
22 for your time.

23 MR. KENDALL: Ladies and Gentlemen, just
24 you a few things. I'll be brief. Thank you for
25 your patience through this process.

1 I'd like to start off with disagreeing
2 with something Mr. Thompson just said. There
3 wasn't testimony in this case that that car had
4 been down there selling drugs for two weeks.
5 That's not what the officers testified to. They
6 had gotten an anonymous tip two weeks before to be
7 on the lookout for it. They didn't know who it
8 was. They didn't know what the context was or who
9 sent it. Just two weeks before, they had said,
10 maybe take a look at this. There's no evidence
11 that car was down there selling drugs for two
12 weeks. That's not what happened. It was just a
13 community tip, hey, be on the lookout for it.
14 They saw it a couple weeks later, and that's when
15 started looking into it. There's absolutely no
16 testimony that this was some sort of continuously
17 thing and there was some sort of continuing drug
18 dealing out of this car during that time period.
19 They got a tip, check this out. Weeks later, they
20 saw a car down there and they checked it out.
21 There wasn't any testimony that that car had ever
22 been there in those two weeks at all. So I want
23 to correct that and be very clear about that.
24 That's simply not what the testimony was.

25 Now, Mr. Thompson talked about these

1 phones, that Mr. Parker doesn't have phone. You
2 got to have a phone to be a drug dealer. He says,
3 you got a phone, you got a drug dealer. They
4 found four phones in this case. They couldn't get
5 into one. They looked at three, Upchurch's and
6 Parker's. Know what he didn't find, evidence of
7 drug dealing. The fourth phone they assumed was
8 Mr. Bonner's. I think they went back and forth on
9 the stand for a while, but, be that as it may,
10 Mr. Bonner testified that he was headed out that
11 day. He got money that day to pay his phone bill.
12 It's not that he doesn't have a phone. It's that
13 it needed to be turned on. What did he get money
14 for, suddenly feel the need to get money for?
15 Turn that phone on. What's he originally headed
16 out there for? Turn that phone on. The idea that
17 he doesn't have access to a phone, doesn't have
18 any need for a phone or something is simply
19 ridiculous. That's what he was going to do.
20 That's why suddenly he had this big need to get
21 that phone turned back on.

22 Now, he talked about Miss Stone for a
23 while as a least credible witness. Miss Stone is
24 a friend of Mr. Bonner's. They've hung out for
25 years. It's not like she's some 11th-hour

1 surprise. Mr. Bonner testified he knew she was
2 there. He went and talked to the people in her
3 house, the persons in the house. It's not some
4 big mystery who this person was. It's not
5 somebody we just created. Found somebody out in
6 the jail and brought them up for you all to listen
7 to. This is the person Mr. Bonner even admits was
8 down there. He knew the people that were there.
9 He went and talked to him.

10 And what did she say, she said that her
11 friend, Mr. Bonner, who she's known for years had
12 sold drugs to Angela Upchurch. This wasn't some
13 enemy. There wasn't testimony there was animosity
14 between them, they're fighting about something.
15 They're down there hanging out this night. We
16 asked her what happens, she tells us.

17 They also talk about the lack of a dash
18 cam. And you heard testimony from the officer
19 that they do have body cameras now on this. At
20 this time, his vehicle didn't have it. It's an
21 unmarked narcotics vehicle. He testified that's
22 why they didn't have -- they testified they had
23 the facial hair and stuff. It's a narcotics car.
24 They don't have video cameras on them. He said
25 they have body cams now.

1 He talked about Miss Upchurch denying the
2 drugs. When she got to the jail, by the defenses'
3 own evidence they put in, these drugs were
4 voluntarily turned over to the female officer.
5 She talked to a female, she had drugs in an
6 intimate area and she turns them over. She does.
7 I think we agree she didn't throw them out on the
8 side of the road. She does it when she get down
9 there. It's not some sort of forceful thing. She
10 voluntarily turns them over.

11 I'd like to talk about those drugs. I
12 think this is somewhat of a red herring about
13 pills, not pills. She signed that night the
14 evidence form that's placed into evidence for you
15 all. It indicates it's a bag of methamphetamine.
16 This was done contemporaneously with turning the
17 drugs over to the police. They search her, she
18 gave them to the police, here where she signs it.
19 One small bag containing a chrystal-like
20 substance.

21 It's not until hours later in the middle
22 of the night that she writes this report and talks
23 about pills. What was turned over to the police
24 wasn't any pills. She just wrote the report hours
25 later, Ladies and Gentlemen. I submit to you she

1 just got it wrong.

2 And even if she didn't, what difference
3 does that make?

4 She testified she had methamphetamine.
5 She bought it, put it in her vagina. We don't
6 doubt that Angela Upchurch has gotten drugs and
7 using drugs. What we're disagreeing with is
8 whether those drugs that were in the back seat are
9 hers. We couldn't tell you. Nobody guessed what
10 those pills were, if they were even legal or
11 anything like that.

12 We don't doubt Angela Upchurch is into
13 drugs. That's not something before you, that I'm
14 trying argue that she's St. Angela, otherwise a
15 good citizen caught in the middle. She's on
16 drugs. She testified she knew what was in that
17 car. That's no big surprise. She knew he had
18 drugs on him. She bought some from him. She had
19 hers in her vagina. He had his sitting in the
20 back seat.

21 You also heard Mr. Thompson talk about
22 her offering the drugs. She did, but not until
23 Mr. Bonner did first. Mr. Bonner is the one whose
24 drugs they had found. It was often he made buys
25 from Mr. Hammer. Angela offers second to go along

1 with him, probably because she knows she's got
2 some drugs on her as well. If nothing else, to
3 get away from the police before they have a female
4 officer come and search her. She makes that offer
5 as well, but it's not unless he does. Her offer
6 is go with him to buy the drugs. He's the one who
7 instigates that, Ladies and Gentlemen.

8 Now, Mr. Thompson talked about splitting
9 hairs, whether it's a big, it's a pocketbook, or
10 what's going on with that. That's actually a very
11 important fact and a very important distinction.
12 You got two stories. One, basically Angela goes
13 down and buys. One is Angela basically goes there
14 in the house. And what the testimony is from both
15 Mr. Parker, Miss Upchurch, and Mr. Bonner is that
16 Mr. Parker brings Upchurch a wallet. It's a
17 wallet, bag, whatever container it's in. The
18 point is, when you're buying, you need money.
19 When you're selling, you need product. Mr. Bonner
20 said it himself, that's not where the drugs were
21 from. The drugs, he says, were in her pocket. So
22 why bring the wallet and bag over? He doesn't
23 have any bags. He's ain't giving those to her,
24 according to his story. You don't need scales.
25 Sean's got the scales. There aren't any drugs in

1 there, because, according Mr. Bonner, they're in
2 her pocket. Does that story makes sense, Ladies
3 and Gentlemen? Does that story hold up? Or did
4 she need her wallet to buy drugs from Mr. Bonner.

5 Now, Mr. Bonner also testified that
6 6 grams was not the going market rate for the
7 narcotics. He just says that. There's not some
8 sort of expert testimony in that. That's just his
9 opinion of how much drugs cost. Miss Upchurch
10 says she got 6 grams. I thought it was
11 interesting as well, that also, according to
12 Mr. Bonner yesterday, he could just get drugs from
13 anybody. People just give them to him. Anybody
14 would just give them to him. Anybody in that
15 house knows to give it to him. There wasn't some
16 sort of expert testimony about the market value of
17 methamphetamine, Ladies and Gentlemen. He just
18 says that's it. That's not what anybody else
19 knows.

20 Now, Mr. Thompson asked you all a
21 question of whether it was more likely a bag would
22 break coming in the pants or out of the pants.
23 I'd like to talk to you all about that. If a bag
24 breaks, when somebody stuffs them, wouldn't you
25 expect that to be where they end up? Wouldn't you

1 expect if the methamphetamine spilled out to be in
2 the front seat, not in the back?

3 Now, I point something out with
4 Mr. Parker's testimony, Ladies and Gentlemen.
5 It's not that Mr. Parker doesn't know there's
6 drugs there. He's driving the car. And he, kind
7 of, admits that he knew what was going on with
8 that. And when they pull him over, they're having
9 this argument of who's going to take the drugs.
10 The testimony is that the drugs make it to the
11 front seat. He's operating the motor vehicle
12 while the police blue lighting him. There's no
13 testimony the drugs make it up there. The
14 evidence isn't consistent with the drugs ever
15 making it up there. The evidence is consistent
16 with the drugs being in the back seat where
17 they're found and where they're spilled. There's
18 not some evidence that they have ever made its way
19 up there. He's just trying to get her to take it
20 because she's up there stuffing her dope, and he
21 wants her to stuff his too, and she won't do it.

22 And so we get what we get. Puts it on
23 the little center thing, takes his shirt off, go
24 from there.

25 I would leave you with another question.

1 Mr. Thompson asked you if it's more consistent
2 with going in and out. Who is it more consistent
3 to have drugs out while physically still? The
4 person who took off their sweatshirt, handed it
5 out real quick, or the person who just sat there?

6 Thank you, Ladies and Gentlemen.

7 THE COURT: Does anybody need a break
8 before I continue? Sir? You do? Let's go to the
9 jury room. Do what you need to do and let the
10 bailiff know when you're ready to come back.

11 We'll be at ease for ten minutes.

12 (A break was taken at 11:28 a.m. to 11:40 a.m.)

13 THE COURT: All are present. Bring the
14 jury in.

15 (Jury enters the courtroom at 11:40 a.m.)

16 THE COURT: Ladies and Gentlemen, you, of
17 course, have heard and seen all the evidence to be
18 presented during the trial. You've now heard the
19 final summations of the lawyers, therefore, it now
20 becomes my duty and obligation to instruct you on
21 the law that's applicable in the case, and then
22 you'll be asked to go back and begin with your
23 deliberations. And through that process, and in
24 the exercise of good judgment and common sense,
25 consciously apply it to the testimony and evidence

1 received during the trial, you will determine the
2 in facts where you can as they relate to the
3 allegations made by way of the indictment. Upon
4 deciding the facts, you will apply the law that I
5 have provided your and you will determine whether
6 or not the defendant has been proven guilty beyond
7 a reasonable doubt.

8 It is your prerogative to determine what
9 the facts are and you do that through the exercise
10 of your own good judgment of common sense
11 conscientiously applied to the testimony and
12 evidence in the case, and you will decide what
13 weight, value and effect to give to any particular
14 witness's testimony or other evidence in the case.
15 Your sole objective is to simply render a fair and
16 impartial trial based on the evidence received and
17 the law that is applicable.

18 Now, as you know, in this case, the
19 defendant has been accused by the prosecutor by
20 way of this indictment. I referred to the
21 indictment prior to your selection. It's not
22 evidence of anything. It doesn't prove anything.
23 It's not like evidence which has been introduced
24 during the trial. But the indictment will be in
25 the jury room. But the only function of the

1 indictment in the jury room is to serve as the
2 verdict form, because it's on the back of the
3 indictment. Madame Forelady, you will see in the
4 lower left-hand corner the word "verdict," and
5 it's beneath that you're going to indicate the
6 jury's unanimous decision in the case. But other
7 than serving as the verdict form, the indictment
8 serves no purpose as far as you jurors are
9 concerned. It is simply the charging paper.

10 The indictment alleges that defendant,
11 Ronnie LeShanan Bonner did here in Cherokee
12 County, on or about March of the 6th of 2018, that
13 he did knowingly sell, manufacture, deliver, or
14 purchase, or bring into the state, or he did
15 provide financial assistance, or did other
16 otherwise aid, abet, attempt, or conspire to sell,
17 manufacture, deliver, purchase, or bring into this
18 state, or he did knowingly, actually or
19 constructively, possess, or did knowingly attempt
20 to actually or constructively possess 28 grams or
21 more of a schedule 2 controlled substance, that
22 substance being a methamphetamine.

23 Now, as you know, the defendant has
24 entered a plea of not guilty as to that charge,
25 and that plea of not guilty has placed upon the

1 State of burden of proving the allegations that
2 they have made by way of the indictment. The
3 burden of proving each of the essential elements
4 of that crime, it is in the indictment, and,
5 therefore, the burden is upon the State to
6 establish the defendant's guilt to the
7 satisfaction of you 12 jurors beyond a reasonable
8 doubt before any verdict of guilty could be
9 returned. The burden is always upon the State to
10 prove a person's guilt. The burden is never upon
11 a defendant, or a person accused of a crime, to
12 prove that they are not guilty, or to prove that
13 they are innocent because, in some cases, that
14 might not be possible. The burden is always upon
15 the State since they made the accusation to
16 establish the defendant's guilt beyond a
17 reasonable doubt.

18 Under the constitution and the laws of
19 this state, it is a vital, important, and cardinal
20 rule of law that every defendant in a criminal
21 trial, and it doesn't matter how serious the
22 offense might be for which that persons stands
23 charged, that person shall always be presumed
24 innocent of the charge, and that presumption of
25 innocence remains with every defendant, as it does

1 with this defendant, from the time that he placed
2 under arrest and throughout the course of the
3 criminal process, and even throughout the actual
4 trial of the case. That presumption of innocence
5 will be Mr. Bonner even as you go back to begin
6 with your deliberations after I provide you with
7 this instruction. And that he presumption of
8 innocence will be with Mr. Bonner in that jury
9 room, and it will be with him forever unless you
10 12 jurors determine that he is no longer entitled
11 to the presumption of innocence.

12 In other words, after you have carefully
13 reviewed all the testimony and evidence received
14 during the course of the trial. And after
15 considering all of that evidence, you are able to
16 determine the facts as they relate to the
17 allegations setting forth the charge containing
18 the indictment, and after deciding those facts,
19 you apply the law that I will have provided you,
20 if you 12 jurors unanimously determine that his
21 guilt has been proven beyond a reasonable doubt
22 then he would no longer be entitled to the
23 presumption of innocence. But it is only if,
24 unless, and until you are satisfied of his guilt
25 beyond a reasonable doubt that the presumption of

1 innocence would no longer be applicable.

2 The State does have the burden of proving
3 the defendant's guilt to your satisfaction beyond
4 a reasonable doubt. This does not mean that the
5 State has to prove his guilt beyond all doubt, or
6 beyond any possible doubt. But it does require
7 the State to prove his guilt to your satisfaction
8 beyond a reasonable doubt. And the term
9 "reasonable doubt" should be given its plain and
10 ordinary meaning. A reasonable doubt is the kind
11 of doubt that would cause a reasonable person to
12 hesitate to act upon the information that's been
13 provided.

14 The defendant is entitled to any
15 reasonable doubt that arises from the evidence or
16 lack of evidence in the case. And if, upon any
17 factual issue essential to a finding of a verdict
18 of guilty, you have some reasonable doubt as to
19 how that issue should be resolved, it would be
20 your duty to resolve that reasonable doubt in
21 favor of the defendant.

22 While there are various forms of
23 evidence, such as testimony, photographs,
24 documents, charts, and other types of physical
25 exhibits, there are really only two types of

1 evidence. Either or both of those types of
2 evidence may be used independently or in
3 combination in order to prove the existence of a
4 fact. The two types of evidence are direct
5 evidence and circumstantial evidence.

6 Direct evidence is the testimony of a
7 person who testifies from actual knowledge of that
8 fact. It is testimony by a person who has
9 perceived the existence of some fact by means of
10 his or her senses, and then they come into court
11 and they testify as to what they have previously
12 seen or heard, or felt for that matter. Direct
13 evidence proves the existence of a fact directly
14 and does not require any deduction or inference in
15 order to establish that fact.

16 Circumstantial evidence, on the other hand,
17 is the proof of some other fact or set of facts which
18 taken, either singularly or collectively, may prove
19 the existence of a fact in question as a necessary
20 consequence. That is, by way of deduction or by way
21 of an inference. And an inference is simply a
22 deduction of fact that may logically and reasonably be
23 drawn from the proof of some other fact or set of
24 facts.

25 In other words, it's a fact not proven by

1 the direct testimony of a witness based upon their
2 personal perception, but it is a conclusion which
3 might reasonably be drawn from the proof of other
4 facts.

5 In other words, you may infer that a
6 particular event occurred or that a particular
7 fact exists based upon the proof of sufficient
8 factual circumstances which would reasonably
9 warrant your arriving at a particular conclusion.

10 The commission of a crime and any
11 particular element necessary to prove that crime
12 may be proven by direct evidence or by
13 circumstantial evidence or by a combination of
14 both direct and circumstantial evidence. The law
15 makes no distinction between the weight or value
16 to be given to direct evidence or to
17 circumstantial evidence.

18 However, to the extent that the State
19 relies upon circumstantial evidence in order to
20 establish the commission of a crime, all of the
21 circumstances proven must be consistent with each
22 other and, when taken together, point conclusively
23 to the guilt of the accused beyond a reasonable
24 doubt.

25 But if the circumstances merely portray

1 the defendant's behavior as suspicious, the proof
2 is insufficient and it fails.

3 The burden rests with the State
4 regardless of whether the State relies upon direct
5 evidence or circumstantial evidence or a
6 combination of both types of evidence to prove the
7 defendant guilty beyond a reasonable doubt.

8 Now, proof beyond a reasonable doubt is
9 proof that leaves you firmly convinced of the
10 defendant's guilt. There are very few things in
11 this world that we know with absolute certainty,
12 and in criminal cases the law does not require
13 proof that overcomes every possible doubt. If
14 based on your consideration of the evidence in the
15 case, you are firmly convinced that the defendant
16 is guilty of the crimes of which he now stands
17 charged, then you must find the defendant guilty
18 of that crime.

19 And if, on the other hand, you find there
20 is a real possibility that the defendant is not
21 guilty of a crime of which he now stands charged,
22 then you must give him the benefit of that
23 reasonable doubt and find him not guilty.

24 Now, because you are the judges of the
25 facts, you are therefore necessarily the sole

1 judges of the credibility, that is the
2 believability of each witness that has testified
3 during the course of a trial. As I say, you 12
4 jurors will decide what weight, value and effect
5 to give any particular witness's testimony or even
6 portions of that testimony, but they are a number
7 of factors that you should consider in arriving at
8 your assessment as to a witness's credibility or
9 their believability, and I'm going to list those
10 factors for you.

11 You should consider the demeanor of the
12 witness, that is how the witness appeared to you
13 from the witness stand. Was the witness
14 straightforward in responding to questions, or was
15 the witness hesitant or evasive in responding to
16 questions that were asked of the witness. Simply
17 put, did the witness appear to you to be telling
18 the truth and to have knowledge of the fact of
19 which that witness has testified.

20 You should also consider whether or not
21 the testimony of a witness is consistent or is it
22 inconsistent with that witness's own testimony
23 provided here in court as well as whether it's
24 consistent or inconsistent with other statements
25 made by that same witness whether it be in court

1 or outside of court.

2 You should also consider whether or not
3 the testimony of a witness is consistent or is it
4 inconsistent with other witnesses testimony or
5 other evidence received during the course of the
6 trial.

7 You should also consider how the witness
8 came to know the facts to which that witness has
9 testified. In other words what was that
10 particular witness's opportunity and ability to
11 perceive the existence of those facts to which
12 those witnesses testified by having previously
13 used his or her senses, and then what is that
14 witness's ability to be able to come in court and
15 to accurately recollect or use what they have
16 previously perceived.

17 You should also consider any bias or
18 prejudice or interest the witness might have in
19 regard to a case. In other words, do you find
20 some reason the witness would come into court and
21 testify in one way or another to help or hurt one
22 side or the other. And you may consider any
23 interest that a witness might have with regard to
24 the case, if you determine that the witness does
25 have such an interest and you find that that

1 interest would bear upon that particular witness's
2 credibility.

3 You should also consider whether or not
4 the testimony of a witness is strengthened or
5 weakened by other testimony or other evidence
6 received during the course of a trial.

7 Now, you, as the judges of the fact, and
8 you, as the judges of the credibility of each
9 witness that has testified during this trial, are
10 committed to believe as much or as little of what
11 the witness has testified to as you deemed as
12 appropriate. And, therefore, you may believe
13 everything that a witness testified to. You may
14 choose to believe none of it. You may believe one
15 position of a witness's testimony and reject some
16 other portion of that same witness's testimony.
17 You may believe one witness as opposed to several
18 or several as opposed to one. But whatever your
19 good judgment and common sense tells you, the most
20 believable and credible testimony is the testimony
21 you should accept, and you should reject any
22 testimony or other evidence that you found not to
23 be credibility or believable.

24 Again, your so soul obligation and duty
25 in the case is to render a fair and impartial

1 decision based upon the evidence presented and the
2 law that's applicable as I have provided it to
3 you.

4 Now, the same law that provides that you
5 are the judges of the facts also provides that I
6 am the judge of the law, and that's simply means
7 that nobody is going to tell you how to arrive at
8 your determination of the facts in this case. You
9 do that, as I already stated, through the exercise
10 of good judgment and common sense consciously
11 applied to the testimony and the evidence received
12 during the trial. You must, however, under your
13 oath as a juror accept the law as I provide it to
14 you as being the law which you are to the apply in
15 the case. In other words, you're never to
16 consider what the law was before -- you what you
17 thought the law was before you came to serve as
18 juror this week, and you should not consider what
19 you think the law ought to be. Under your oath as
20 a juror, you must simply take the law as I provide
21 it to you and then you take that law and you apply
22 it to the facts as you 12 jurors determine those
23 facts to be based upon your common sense and
24 evaluation of the evidence.

25 In this case, as you know, the defendant

1 has been accused by the prosecutor by way of the
2 indictment of having committed the crime of
3 trafficking in methamphetamine. That's a
4 statutory offense. All statutory criminal
5 offenses are set forth in these blue volumes, and
6 this one happens to be set forth in section
7 44-53-375. And that statute provides that a
8 person who knowingly sells, manufactures,
9 deliveries, purchases, or bring into the state, or
10 who provide financial assistance or otherwise
11 aids, abets, attempts, or conspire to sell,
12 manufacture, deliver, purchase, or bring into this
13 state, or a person who is knowingly in actual or
14 constructive possession, or who knowingly attempts
15 to become in actual or constructive possession of
16 10 grams or more of methamphetamine is guilty of
17 the crime known as trafficking in methamphetamine.

18 This is particular case, the State
19 alleges that the defendant did commit the crime of
20 trafficking in methamphetamine by knowingly having
21 in his actual or constructive possession 28 grams
22 or more of methamphetamine.

23 The State law prohibits any person from
24 possessing any amount of methamphetamine, and the
25 State law provides that it shall be unlawful for any

1 person to knowingly or to intentionally possess a
2 controlled substance unless that substance was
3 obtained directly from or pursuant to a valid
4 prescription or ordering practitioner who is
5 authorized by law to dispense a controlled substance
6 while acting in the course of his or her professional
7 practice, such as a physician, or dentist, or
8 pharmacist, or some other person authorized by law to
9 distribute or to dispense controlled substances while
10 they are acting in the regular course of their
11 professional practice and in accordance with all legal
12 requirements.

13 And a controlled substance is a drug or a
14 other substance which is classified in schedules
15 provided for by law into either schedule 1 through
16 schedule 5 which are set forth in South Carolina
17 code of laws that classify various types of drugs.

18 Section 44-53-375 of the code of laws of
19 South Carolina provides that it shall be unlawful
20 for any person to possess any quantity of
21 methamphetamine, and methamphetamine is classified
22 in section 44-53-210 of the code of laws of South
23 Carolina as a schedule 2 controlled drug. And,
24 therefore, is declared to be a controlled
25 substance under the law.

1 Before a person may be found guilty of
2 possession of a controlled substance or
3 trafficking in a controlled substance, it must be
4 proven beyond a reasonable doubt that the person
5 did, knowingly or intentionally, have in his or
6 her actual or constructive possession the
7 controlled substance which is alleged to have been
8 possessed. In this case, that would be the
9 controlled substance of methamphetamine.

10 Now, with regard to the statute knowingly
11 is defined as having knowledge of the fact. It is
12 an act which is done willfully, purposefully, and
13 consciously.

14 The term intentionally refers to as
15 purposefully, that is by aim or design and not by
16 accident, mistake, or inadvertence. It may be
17 further defined as the state of the person's mind
18 which actually directs his actions toward a
19 specific object or goal.

20 Actual possession of a substance occurs
21 when the substance is proven to have been in the
22 actual, physical custody or control of the person
23 charged with possession, and that person shown to
24 have knowledge of its presence.

25 Constructive possession of a substance,

1 on the other hand, occurs when a person although
2 not found to be in actual physical custody of the
3 substance, does exercise dominion and control over
4 the substance or has the ability and intent to
5 exercise dominion and control over the substance
6 even though it's not shown to have been in his
7 actual physical custody at the time.

8 A person has possession of a substance
9 within the meaning of the law when he has both the
10 power, the ability, and the intent to control the
11 disposition or the use of that substance. The act
12 of possession as well as the elements of knowledge
13 and intent may be proven by either direct evidence
14 or circumstantial evidence or by a combination of
15 both types of evidence, and possession of a
16 substance may be jointly shared by two or more
17 persons. And, therefore, you are permitted to
18 infer the act of possession of a substance as well
19 as the elements of knowledge and intent from
20 evidence of acts, declarations, or conduct of the
21 person charged with possession, as well as any
22 other circumstances established by the evidence in
23 the case from which you might reasonably infer
24 such knowledge and intent as often as the state of
25 a person's mind can only be established by

1 circumstantial evidence.

2 Inferences are simply evidentiary facts
3 that may be taken into consideration by the jury
4 along with all the other evidence received during
5 the course of a trial. And you may give such
6 weight to such inferences, if any, that you
7 determine they should receive, if any. In other
8 words, you may infer that the existence of a
9 particular -- you infer the existence of a
10 particular fact from proof of some other fact or
11 set of facts as I have previously described, but
12 you are in no way required to do so. Your duty is
13 to determine whether or not the State has proven
14 the defendant's beyond a reasonable doubt based on
15 your careful evaluation of all of the testimony
16 and other evidences received during the trial and
17 any reasonable inferences that might be derived
18 from that evidence.

19 You are also further instructed that
20 proof of mere presence of the defendant at or near
21 a location where a controlled substance is found
22 is not sufficient by itself to prove the defendant
23 possessed it within the meaning of the law. A
24 defendant's mere presence where a substance is
25 location, even with knowledge of its presence, is

1 not sufficient standing alone to prove the crime
2 of possession. And neither does the mere
3 association by the defendant with a person who
4 commits a crime make a defendant guilty of any
5 crime committed by another. And, therefore, in
6 this case, after you review all the evidence
7 presented, if you determine that the State has
8 only proven that the defendant was merely present
9 at or near a place where a controlled substance
10 was found, but the evidence has failed to prove
11 the elements of actual possession or constructive
12 possession by the defendant, as I have described
13 those terms for you, beyond a reasonable doubt
14 then you must find the defendant not guilty.

15 And if, after you review all of the
16 evidence in the case, you determine that the State
17 has proven the defendant guilty to have actually
18 or constructively possessed methamphetamine, then
19 your verdict would be guilty as to the possession
20 of that methamphetamine.

21 And, therefore, for the defendant in this
22 case could be found guilty of trafficking in
23 methamphetamine as alleged in the indictment, it
24 would be necessary that the evidence in this case
25 has established to your satisfaction beyond a

1 reasonable doubt, number 1, that the defendant did
2 knowingly, actually or constructively possess
3 methamphetamine. And, secondly, that the
4 methamphetamine possessed by the defendant was in
5 an amount of 28 grams or more.

6 Now, Madame Forelady, and Ladies and
7 Gentlemen of the jury, I am not in any way
8 concerned with what your decision is, but as I
9 previously stated, or verdict must be unanimous.
10 All 12 of your must be in agreement. So Madame
11 Forelady, you're going to be tasked with the
12 responsibility of presiding over your
13 deliberations when you go back into the jury room,
14 and that's simply to ensure that the deliberations
15 are carried out in some orderly fashion, but all
16 the jurors are expected to participate in the
17 deliberations, because, as I say, the verdict of
18 the jury is the unanimous and consensus opinion of
19 all 12 jurors. So all of you must agree to the
20 verdict before one can be rendered.

21 Now, in addition to the evidence which
22 has been received during the trial, Madame
23 Forelady, you're going to have the verdict form as
24 I told you earlier. On the back of the form in
25 the lower left-hand corner, the word verdict,

1 beneath that word, you'll indicated the jury's
2 unanimous decision. In this case, you have two
3 potential verdict forms. Those two potential
4 verdict forms are guilty and not guilty. So
5 whatever that decision is, insert it in the space
6 provided. Sign your name as a foreperson. You
7 are the only juror who needs to sign the verdict
8 form and place the appropriate date, which today
9 is the 18th of April.

10 Now, when you go back to the begin
11 deliberations, there may come a time where you
12 have some question about the facts or evidence in
13 trying to arrive at your determination. Please
14 understand that I am not permitted to ever comment
15 upon the facts of the matter. I am not permitted
16 to answer any questions as they relate to the
17 facts of the matter. I'm not permitted to provide
18 you any guidance as it relates to the evidence in
19 the case other than what I've already provided.

20 Also, no additional evidence may now be
21 received since the case is closed and you're
22 getting ready to go back and deliberate. So when
23 you go back and as you begin your deliberations,
24 you know, sometimes people think, I wonder if we
25 can get such and such? Well, even if it existed,

1 you can't have it if it hasn't already been
2 introduced. No additional evidence can be
3 received whether it exists or not. So don't
4 inquire about that because it can't be received.

5 But if you ever have a question about a
6 witness's testimony and you believe that having
7 that witness's testimony replayed in its entirety
8 or just some portion of it, I don't have
9 transcripts of a witness's testimony, but if you
10 need to hear a witness's replayed, I can bring you
11 back into the courtroom and then we'll replay that
12 witness's testimony, as I said, in its entirety or
13 some portion of that's all we need.

14 If you ever have a question about the law
15 that is applicable, I am permitted to answer those
16 questions. And so if you need a re-instruction,
17 or you need an explanation of some part of the
18 law, or you need a clarification as to some point
19 of the law, I am permitted to provide you with
20 that re-instruction, that clarification, or that
21 explanation of the law should you need it.

22 So Madame Forelady, during deliberations,
23 if you ever have a matter that you or one of your
24 fellow jurors needs to address with me, if you
25 write it on a piece of paper, give to the bailiff,

1 he or she will provide it to me and I'll respond
2 accordingly.

3 I don't know if we have smokers on the
4 jury, but if you want to smoke, you can't smoke in
5 the courthouse. You have to go outside. So if
6 you need to smoke, or you want to smoke, let the
7 bailiff know, and he or she will take those
8 persons outside to accomplish that purpose.
9 Please understand, however, that if any juror is
10 absent, based on some authorized purpose, the
11 deliberations have to stop. They may only resume
12 when all 12 jurors are present so that all can
13 participate. I'll assume that everybody likes to
14 eat lunch, and lunches have been ordered, and if
15 they're now, they'll be given to you. If they are
16 not here now, as soon as they arrive, they will be
17 provided to you. If while you're in the jury room
18 during deliberations, if you want to eat first and
19 deliberate next, or you want to interrupt
20 deliberations while you lunch eat, or you want to
21 eat lunch while you continue to deliberate, that's
22 up to you. I'm not giving you guidance about
23 that. You decide that on your own.

24 I think that covers everything. If it
25 does not, I'm sure one of these lawyers will

1 remind me. If I need to bring you back for any
2 reason, I will do so. If I do not need to bring
3 you for any reason, I'll send word by way of the
4 bailiff that you may begin deliberations. And in
5 addition to the exhibits that have been admitted
6 in the trial, Madame Forelady, he will also bring
7 the indictment which serves as the verdict form.

8 Now, it appears the original 12 are all
9 healthy and wealthy and wise, so that means the
10 alternate juror will not participate in
11 deliberations. So I'll ask the 12 primary jurors
12 to retire to the jury room, but do not begin
13 deliberations until I send you word to do so. If
14 I need to bring you back, I will. If I don't,
15 I'll tell the bailiff to instruct you to begin
16 your deliberations. Alternate stays here.

17 (Jury exits the courtroom at 12:12 p.m.)

18 THE COURT: As you know, you can't
19 participate in deliberations because the original
20 12 were able to, so that concludes your service in
21 this case. But it also concludes your service for
22 the week because we don't have another jury trial
23 that we can get finished before the end of the
24 week. So you're going to be excused now, and you
25 won't need to call back or report back anymore.

1 They'll have a call back card that you'll get.

2 Your lunch -- I assume you ordered lunch, so
3 you'll get that. And you can stay here and eat it
4 or you can take it with you. You do what you want
5 to about that. I want you to take your lunch
6 because we already bought it.

7 MR. PARKER, JUROR: Don't let food go to
8 waste.

9 THE COURT: I doubt it would go to waste.
10 Trust me. Nevertheless, we're going to give it to
11 you. Do you know if it's here yet?

12 THE BAILIFF: Yes.

13 THE COURT: Did you order something?

14 MR. PARKER, JUROR: I didn't order
15 anything.

16 THE COURT: You didn't order anything.
17 It's going to be a surprised.

18 Here's what you're going to do, you're
19 going to go with the bailiff. He's going to give
20 you your lunch. As I said, if you want to stay
21 here. If you're curious about the verdict and you
22 want to stay a find out, you can do that. They'll
23 provide you a place to eat. If you don't want to
24 stay, take your lunch and you can leave.

25 MR. PARKER, JUROR: Yes, sir.

1 THE COURT: Chris Parker. You take that.
2 This is not an actual check. You take that down
3 to the treasurer's office and they'll cash it for
4 you.

5 MR. PARKER, JUROR: Okay.

6 THE COURT: We won't deduct the lunch
7 either.

8 MR. PARKER, JUROR: Thank you for your
9 service this week. We appreciate your help.

10 Are there any exceptions taken to the
11 instruction or requests for additions to the
12 instruction by the State.

13 MR. KENDALL: The only thing, I may have
14 missed it, the jury expert testimony we had one,
15 we had that SLED.

16 THE COURT: I didn't charge expert
17 testimony because that was not contested, so it's
18 just like any other testimony.

19 MR. THOMPSON: I didn't have no issues
20 with the instructions.

21 THE COURT: No exceptions or requests for
22 additions?

23 MR. THOMPSON: Sir?

24 THE COURT: No exceptions or additions.

25 THE COURT: Okay. Let me ask you to

1 verify the exhibits before they go back, please.

2 MS. LESKANIC: Your Honor, we've
3 identified three exhibits for the State and two
4 exhibits for the defense.

5 THE COURT: All right. Send them back
6 and tell the jury to begin deliberations. Notify
7 us when they concluded. We are going to be at
8 ease for 15 minutes, and then Miss Smith and
9 Mr. Bain and Mr. Elmore and Mr. Welford, I think,
10 is supposed in here. Can you all check on that
11 for me.

12 MS. LESKANIC: Yes, Your Honor. We'll be
13 at ease for fifteen minutes.

14 (Deliberations begin at 12:17 p.m.)

15 (A break was taken from 12:17 to 1:59 p.m.)

16 THE BAILIFF: All rise. Come to order.
17 Be seated.

18 THE COURT: I'm told that the jury has
19 reached a decision. Are we ready to receive it?

20 MR. KENDALL: Yes, Your Honor.

21 MR. THOMPSON: Yes, Your Honor.

22 THE COURT: Okay, bring them in.

23 (Jury enters the courtroom at 1:59 p.m.)

24 THE COURT: Now, Madame Forelady, have
25 you and your fellow jurors reached an unanimous

1 decision?

2 {SPEAKER5}: Yes, sir. We have.

3 THE COURT: Have you reflected that
4 decision on the back of the indictment as
5 requested?

6 {SPEAKER5}: Yes, sir.

7 THE COURT: Did you sign it and date it?

8 THE WITNESS: Yes, sir.

9 THE COURT: If you'll please hand that up
10 by way of the bailiff?

11 You may publish the verdict.

12 THE CLERK: 2018-GS-11-653, the State of
13 South Carolina vs. Ronnie LeShanon Bonner
14 indictment for trafficking methamphetamine, the
15 jury responds guilty, signed by Forelady, Susan
16 Cash.

17 Ladies and Gentlemen of the jury, if this
18 is the verdict of you all, please indicate by
19 raising your right hand?

20 JURY PANEL: (All comply.)

21 THE COURT: Does the defendant wish to
22 have the jury polled?

23 MR. THOMPSON: No, Your Honor.

24 THE COURT: Okay. Any other matters we
25 need to address with the jury present?

1 MS. LESKANIC: Not from the State, Your
2 Honor.

3 MR. THOMPSON: Not from the defense, Your
4 Honor.

5 THE COURT: Okay. Thank you, Ladies and
6 Gentlemen, for your participation this week as
7 jurors. This is going to be the last case that we
8 have that's going to require your assistance. So
9 I did want to take this time to sincerely thank
10 you for your willingness to serve as jurors this
11 week, and, of course, for your actual service in
12 the trial of the case. I do sincerely hope that
13 it has not posed too much of a hardship on you and
14 that it has been an educational and beneficial
15 experience for you.

16 Now, the Clerk has your pay vouchers and
17 she'll explain those to you once we receive them.
18 You may be excused. You will not need to call
19 back or report back any further for this week, so
20 thank you again for your assistance.

21 THE CLERK: I do want to thank you for
22 your time and your service this week. When I call
23 her name, if you will remove your juror badge and
24 hand it up to the bailiff on your way out. This
25 is a pay voucher. You need to take the top

1 portion over to the county administration building
2 to the treasurer's office where you pay your
3 taxes. You don't have to take it today, but you
4 will need to hang onto it. Your treasurer, Miss
5 Jackie Williams, she pays you cash for your
6 service, so it's not a check. If you do not go
7 today, the hours are 8:30 to 5:00. We are open
8 tomorrow. It's not a holiday. And, again,
9 there's a drive-thru right there on the side of
10 building. Susan Cash, Terrance Hoggins, Tyson
11 Humphries, Joy King, Melissa Massey, Dennis
12 Matthews, Debra Montgomery, Barbara Webb, James
13 White, Allen Wilkerson, Justin Vogue, and Levina
14 Sizel. Save the best for last.

15 (Jurors are excused from the courtroom at
16 2:04 p.m.)

17 THE COURT: Any other matters to address
18 prior to the imposing of the sentence?

19 MR. KENDALL: No, sir, Your Honor.

20 THE COURT: All right. Mr. Thompson,
21 anything prior to the imposing of the sentence?

22 MR. THOMPSON: Your Honor, I don't have
23 any certified copies of his conviction -- prior
24 convictions. I don't know if they've been filed
25 or not. Are they in the Court's possession?

1 THE COURT: This is the one that was
2 filed. He was served.

3 All right. Mr. Thompson.

4 MR. THOMPSON: May it please the Court,
5 he was served, but I think it was sometime in
6 2017.

7 THE COURT: I went through that with him.

8 MR. THOMPSON: I understand.

9 THE COURT: I have an affidavit signed
10 by -- I can't read it. Sworn to by the notary.
11 It says that he was served personally, delivered
12 by hand at 120 Springwood Drive in Gaffney,
13 July 12, 2017.

14 MR. THOMPSON: He recalls that.

15 THE COURT: I know he does because he
16 talked about it when I discussed that plea offer
17 with him.

18 Okay. What else?

19 MR. THOMPSON: You know, he just asks for
20 leniency. We don't have much that's in your
21 discretion.

22 THE COURT: We don't. Mr. Bonner, as
23 you'll recall, I discussed with you about the plea
24 offer and your rejection of it. I told you, if
25 you went to trial and got convicted, I'd have no

1 discretion. You'd get a life sentence and you
2 said you understood it, so I assume you did. Did
3 you?

4 MR. BONNER: Yes, sir.

5 THE COURT: All right. Anything else you
6 want to tell me before I impose the sentence?

7 MR. BONNER: I was not doing drugs.

8 THE COURT: I know you told me that, but
9 the jury said you was. So do you have anything
10 else you want to tell me?

11 MR. BONNER: No. I'd like leniency.

12 THE COURT: Okay. But you understand, I
13 can't give you any, as I told you before when you
14 rejected the offer. Do you?

15 MR. BONNER: Yes, sir.

16 THE COURT: What else would you like to
17 tell me?

18 MR. BONNER: I can't say too much now.
19 They found me guilty.

20 THE COURT: All right. As to indictment
21 2018-00653, that's the indictment for trafficking
22 methamphetamine where have you been found guilty
23 by the jury, and wherein you've previously been
24 served with the State's notice to the very intent
25 to seek a life sentence if convicted of

1 trafficking methamphetamine, based upon the fact
2 that you have two prior convictions for a
3 violation of section 44-53-445, which is
4 distribution of a controlled substance within a
5 half mile of a school, the sentence of the Court
6 is that you, Ronnie LeShanon Bonner, be confined
7 to the South Carolina Department of Corrections
8 for a period of your natural life.

9 Now, Mr. Bonner, you have the right to
10 appeal the verdict of the jury and sentence of the
11 Court. You must file any notice of your intent to
12 appeal those decisions within 10 days of today's
13 date. Mr. Thompson can advise you in that regard.

14 Okay. Good luck to you.

15 MR. THOMPSON: Thank you, Your Honor.

16 (Court was adjourned at 2:13 p.m.)

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions in Cherokee County, South Carolina.

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

November 21, 2019



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

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

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
6 -vs-) 2018-GS-11-00653
7)
8 RONNIE BONNER,) JUNE 3, 2019
9) GAFFNEY, SOUTH CAROLINA
10 DEFENDANT.

11 B E F O R E:

12 THE HONORABLE J. DERHAM COLE, JUDGE.
13
14
15

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

17 MATT KENDALL, ASSISTANT SOLICITOR
18 ATTORNEY FOR THE STATE

19 CHRIS THOMPSON, ESQUIRE
20 ATTORNEY FOR THE DEFENDANT
21
22
23

24 MICHAEL R. WATTS
25 CIRCUIT COURT REPORTER

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESSES

PAGE

(NO WITNESSES CALLED)

EXHIBITS

	NO.	DESCRIPTION	ID.	EV.
1				
2				
3		(NO EXHIBITS MARKED)		
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 (PROCEEDINGS, JUNE 3, 2019)

2 MR. KENDALL: Ronnie Bonner.

3 THE COURT: All right. This is the matter of
4 State versus Ronnie Leshanon Bonner.

5 Mr. Thompson, this is your motion for
6 reconsideration of the sentence imposed after Mr. Bonner was
7 convicted by a jury of trafficking?

8 MR. KENDALL: Yes, sir.

9 THE COURT: Yeah. All right.

10 MR. THOMPSON: And proximity, yes.

11 THE COURT: All right.

12 Mr. Thompson?

13 MR. THOMPSON: Your Honor, we are just --

14 Mr. Bonner was imposed a life sentence and that
15 was a mandatory sentence, per the statute. He was properly
16 served with notice of that and my main argument basically
17 are against that statute.

18 I don't know if the court is --

19 THE COURT: The constitutionality of it?

20 MR. THOMPSON: Yes, sir.

21 THE COURT: Okay.

22 MR. THOMPSON: And I know that it will be an
23 appeals court issue. I thought possibly if I could work
24 something out with the prosecution. They are not interested
25 in any modification of the sentence.

1 And I did outline -- I think there is a Van
2 Winrowe case. I have got that. That's here. I don't know
3 if it's on that motion or not, whereby the court lays out
4 some arguments as to the Eighth Amendment. Basically
5 they -- one argument is that the sentence is
6 disproportionate to Mr. Bonner's crime.

7 I think Mr. Bonner would admit he's got a torrid
8 drug problem. He's a user more so than a dealer and he was
9 arrested and he was convicted based upon weight of the
10 methamphetamine that was in his possession.

11 I don't know that we've -- I just don't know that
12 the statute is aimed at petty or small time users like Mr.
13 Bonner. I think he had a lot of -- they had the drugs on
14 him.

15 I think the most valid argument would be the fact
16 that the potential for co-defendants being allowed a lesser
17 sentence for cooperation would be another one. I'm not sure
18 what the status of the co-defendants are at this point that
19 testified against him. I don't know what their status is,
20 but we were just basically wanting to see if the court had
21 any power to consider anything less than the life without
22 parole sentence.

23 THE COURT: Well, of course, you know I have no
24 authority to sentence him to anything less. The only issue
25 would be whether or not I would find that the statute is

1 unconstitutional.

2 MR. THOMPSON: And I know you can't do that from
3 this standpoint.

4 THE COURT: So what other relief are you seeking?

5 MR. THOMPSON: Just basically that I was hoping
6 that we could work something out with the prosecution. They
7 are not interested in it on that.

8 THE COURT: We, they offered him a pretty good
9 deal beforehand.

10 MR. THOMPSON: And I thought, especially with two
11 pending charges, he had a very reasonable offer and he was
12 not inclined to.

13 THE COURT: He changed his mind about that?

14 MR. THOMPSON: He wasn't inclined to take it at
15 that -- at that time that we tried the case.

16 THE COURT: I know, but he wants to now? Is that
17 what you want?

18 MR. THOMPSON: Well, I think he would even take
19 more than that, if they are inclined to negotiate something,
20 but --

21 THE COURT: All right.

22 Well, what's the State's position on that?

23 MR. KENDALL: Your Honor, we believe the statute
24 is constitutional as written, Your Honor. He was given
25 proper notice. The sentence reflects the legislature's

1 general that -- you know, desire to have a harsh punishment
2 for repeat offenders, particularly involved in serious
3 offenses, such as trafficking methamphetamine. I'm not
4 aware of any authority that's ruled that statute
5 unconstitutional and I don't think rationally it should be.
6 People that continue to create serious crimes should
7 ultimately be subject to very serious offenses. I think
8 it's appropriate in this instance.

9 THE COURT: Okay. I'll issue an order.

10 MR. KENDALL: Thank you, Your Honor.

11 MR. THOMPSON: Thank you.

12 (END OF REQUESTED TRANSCRIPT OF RECORD)

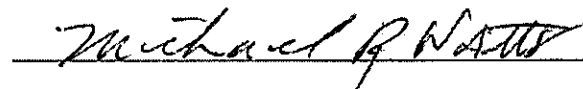
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 3rd day of June, 2019.

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

DECEMBER 22, 2019



Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

The STATE of South Carolina,

Prosecutor,

-vs-

Ronnie Leshanon BONNER,

Defendant.

IN THE COURT OF GENERAL SESSIONS

ORDER

Indictment(s) No(s): 2018-GS-11-006

BRANDY W. MOORE

2019 JUN -5 PM 5:00

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

This matter came before this Court on motion of the defendant by and through his trial counsel Christopher P. Thompson, Esq. pursuant to Rule 29, SCRCrimP, seeking reconsideration of a sentence imposed by the Court. At a hearing held in this matter the defendant appeared with counsel and the State was represented by Mr. Kendall.

Salient Facts

The defendant appeared with trial counsel before this Court on April 16, 2019 for trial on the above-referenced indictment charging him with "Trafficking in Methamphetamine". The State was represented by Matthew Kendall of the Circuit Solicitor's office. On April 18, 2019 the defendant was found guilty by a jury and sentenced to life imprisonment pursuant to S. C. Code of Laws Ann. Section 17-25-45.

The defendant is now seeking a reconsideration of the sentence imposed by the Court claiming the sentence violates "the Eighth Amendment of the U. S. Constitution and Section 15 of the South Carolina Constitution" and further violates "the equal protection component of the Fifth Amendment of the U. S. Constitution and Section 3 of the South Carolina Constitution".

Applicable Law

Rule 29 SCRCrimP provides that "... post-trial motions shall be made within ten (10) days after the imposition of sentence."

Conclusion

The defendant's motion is timely made. This Court carefully considered the matter and all relevant material at the time the sentence was imposed in accordance with the applicable statutes. The Court is not persuaded by the defendant's argument as to the unconstitutionality of the sentencing statutes.

The defendant's Rule 29 MOTION should be and IS therefore DENIED.

June 3, 2019


J. DERHAM COLE, Presiding Judge
The Seventh Judicial Circuit Court

FORM 5

21 CP-110430

STATE OF SOUTH CAROLINA

County of CHEROKEERonnie Bonner #213069

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

BRANDY W. MCBETH

2021 JUL 12 PM 12:26

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional Institution, 430 Oaklawn Rd., Pelzer, SC. 29669
2. Name and location of Court which imposed sentence
Cherokee County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) XXXXXXXXXXXXXXXXXXXX ~~XXXXXXXXXXXXXXXXXXXX~~ NONE
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2018-GS-11-00653 , trafficking in methamphetamine
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 16, 2019, life without parole under 17-25-45,
 (b) LWOP.
 (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
 (b) after a plea of not guilty jury trial _____
 (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
 ii. _____
 iii. _____
- (b) the result in each such Court to which you appealed:
- i. denied relief, affirmed conviction and sentence.
 ii. _____
 iii. _____
- (c) the date of each such result:
- i. May 5, 2021
 ii. _____
 iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results: 2021-UP-155 (submitted April 1, 2021, filed May 5, 2021)
- i. _____
 ii. _____
 iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) n/a
 (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) ineffective assistance of counsel
- (b) denial of due process
- (c) denial of fair and impartial jury
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) see attached memorandum in support
- (b) same as above
- (c) same as above
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? no
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
- (d) any other petitions, motions or applications in this or any other Court? no
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. n/a
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. n/a
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
first filing for post conviction relief.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. n/a
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. n/a
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) first filing for post conviction relief.
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? n/a
 (b) your trial, if any? Chris Thompson, Esquire
 (c) your sentencing? same as above
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Taylor D. Gilliam
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
n/a

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. n/a
 ii. Chris Thompson, esq. SC. Bar.
 iii. Taylor D. Gilliam, Esq. SC. Indigent Defense
 (b) the proceedings at which each such attorney represented you:
 i. n/a
 ii. Trial and sentencing
 iii. direct appeal

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Ronnie Bonner -- Applicant,

-vs-

State of South Carolina -- Respondent,

APPLICANT'S POST CONVICTION RELIEF ISSUES

(A)(B)(C)

Ronnie Bonner
SCDC# 213069
Perry Corr. Inst.
430 Oaklawn Rd.
Pelzer, SC. 29669

BRANDY W. MCBEE

2021 JUL 12 PM 12:26

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

ISSUE (A).

**TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO
STRIKE JUROR #18, SUSAN CASH.**

FACTS

Prior to jury selection the State's potential witness list was read to the jury pool. Tr.p.17, 1.2-10. The list included Timothy Tate, David Owens, Jeff Cole and Bill Anthony, all Officers of the Cherokee County Sheriff's Department.

During voir dire the following was recorded:

Juror Number 18, Susan Cash. I was a former employee of the Cherokee County Sheriff's Department. I worked with several of the deputies. Tr.p.19, 1.22-25.

Directly after, the State and Trial counsel seated Susan Cash on the jury, Tr.p. 28, 1.2-7. Trial counsel rendered ineffective assistance of counsel when he failed to strike juror no.18, Susan Cash.

Trial counsel never questioned or challenged Susan Cash as to "which of the deputies she worked with at the Cherokee County Sheriff's Department, nor did counsel even question Susan Cash as to what her position was as an employee with the Sheriff's Department, i.e. was she a former officer, detective, etcetera, there is just too much speculation. A reasonably competent attorney would have struck Susan Cash from sitting on the jury to protect the possibility of a tainted jury and the integrity of the right to a fair trial.

There is a reasonable probability, that but for counsel's deficient performance the results of the trial would have been different. Applicant was denied his right to the effective assistance of counsel and his right to a fair and impartial jury.

ISSUE (B)

TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO MOVE FOR A MISTRIAL OR MOVE TO STRIKE ANGELA UPCHURCH'S TESTIMONY.

FACTS

Angela Upchurch testified for the State, Tr.p.94-p.128, 1.12.

During cross-examination the following was recorded:

Q. Ms. Upchurh, you were arrested on the 16th of March of last year?

A. Yes, sir.

Q. At any time since then have you bonded out of jail?

A. No, sir.

Q. And since then have you seen Ms. Stone?

A. Yes, sir.

Q. Where did you see her?

A. She's in the Cherokee County Detention Center with me.

Q. Okay. And you have had a year, over a year now, to make sure that you get a good story up, right?

A. You could say that, yes, sir.
Tr.p.106, 1.12-23.

As is clearly seen in the above Upchurch and Stone have been housed in the same unit for over a year, and according to Angela Upchurch's testimony she candidly admitted they had corroborated theirs stories together for over a year.

Immediately after her testimony the following colloquy was recorded:

The Court: Ms. Upchurch, in this case the witnesses have been sequestered and that means they have been separated for the duration of the case and that they can't discuss the case with anybody. I understand that you are housed in the same location as Ms. Stone.

Mr. Kendall: Sharon Stone.

The Court: Sharon Stone, and so, you know, while ya'll could have conversations if you want to, you cannot talk with her about this case. You can't tell her about anything you testified to or any questions that have been asked of you or any responses that you have given. You can't discuss this case in any fashion whatsoever. Do you understand?

Angela Upchurch: Yes, sir.

The Court: Okay. Be sure that you follow that instruction, because if you don't it's contempt.

Angela Upchurch: Yes, sir. Tr.p.129, 1.1-17.

Counsel should have either moved for a mistrial or moved to strike her testimony all together because the Judge's instructions were futile. Angela Upchurch had already admitted from the stand that they talked about the case for over a year.

ISSUE (C).

TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO MOVE TO STRIKE SHARON STONE'S TESTIMONY WHERE SHE HAD NO FIRST HAND KNOWLEDGE OF THE INCIDENT IN QUESTION AND HER TESTIMONY ONLY IMPROPERLY BOLSTERED THE STATE'S CASE.

FACTS

Sharon Stone testified for the State, Tr.p.168-p.187.

During her testimony she shared the fact that Applicant had previously been to her house along with Angela Upchurch and Brian Parker and that they all had left Stone's house.

After leaving Stone's house Parker was driving when Police pulled them over. Sharon Stone was not with them in the vehicle.

During Stone's testimony the following was recorded:

Q. Have you discussed your testimony with anybody?

A. No, sir.

Q. Not with the State, or Ms. Upchurch, or anybody?

A. I have with -- not -- not until Friday. I mean they asked me if I would be a witness. Tr.p.184, 1.21-25.

As is seen in the above Stone lied. Angela Upchurch had already testified that her and Stone were housed in the same unit for over a year "where they corroborated their story.

Sharon Stone was not in the vehicle when it was pulled over so she had no first hand knowledge of what factually transpired in the vehicle after they left Stone's house and sometime later subsequently pulled over. Stone's testimony did nothing more than

improperly bolster the State's case. The improper bolstering was exploited to the maximum when Stone from the witness stand said: "Well, I mean the truth is the truth. I mean the man needs to claim what is rightfully his. Tr.p.187, 1.16-17.

Applicant submits that Sharon Stone was not at the incident in question, nor was she in the vehicle, so she had no first hand knowledge of the incident in question and therefore Counsel should have moved for a mistrial or moved to strike Stone's testimony especially considering she mislead the jury by saying she hadn't discussed her testimony with anyone, when Upchurch just testified that her and Stone had in fact discussed the case for over a year. The case boiled down to whether the drugs were Applicant's or Upchurch's and Stone's "the man needs to claim what is rightfully his" tipped the scales unfairly in favor of the State and Stone's testimony only improperly bolstered the State's case.

Had counsel of moved to exclude Stone's testimony on the grounds that she had no first hand knowledge of the incident in question there is a reasonable probability the results of the trial would have been different.

CONCLUSION

Based on the afore stated issues and facts, Applicant was denied his right to the effective assistance of counsel and his right to fair trial. Applicant respectfully prays this Court will grant the requested relief of a new trial.

19. State clearly the relief you seek in filing this application:

~~vacate sentence and conviction and remand for new trial~~
~~or any other relief this Court deems just and~~
~~appropriate~~

20. Are you now under sentence from any other court that you have not challenged?

no

STATE OF SOUTH CAROLINA)
)
 County of Greenville)

VERIFICATION

I, Ronnie Bonner, #213069, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

R. Bonner

SWORN to and subscribed before me this 1st
 day of July, 2021.
[Signature] (L.S.)
 Notary Public

My Commission Expires September 25, 2023

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Ronnie Bonner, #213069, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

R. Bonner
Applicant

SWORN or affirmed to and subscribed before me this

1st day of July, 2021.

Lamarcia C. Currell
Notary Public

My Commission Expires

My Commission Expires: September 25, 2023

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Ronnie Bonner, #213069,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-11-0430

**RETURN AND MOTION FOR A
MORE DEFINITE STATEMENT**

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT 18 AM 9:00
ANDY W. MCBE

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter "PCR") application filed on July 12, 2021 by Ronnie Bonner (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Cherokee County Clerk of Court. During its May 2018 term, the Cherokee County Grand Jury indicted Applicant for trafficking methamphetamine, between twenty-eight and one hundred grams (2018-GS-11-00653). Applicant was represented by Chris Thompson, Esquire. Deputy Assistant Solicitor Kim Leskanic and Assistant Solicitor Matt Kendall of the Seventh Circuit Solicitor's Office prosecuted the case. On April 16-18, 2019, Applicant proceeded to trial before the Honorable J. Derham Cole, circuit court judge, and a jury and was found guilty as indicted. Judge Cole sentenced Applicant to life imprisonment. A motion to reconsider the sentence was filed April 26, 2019. A hearing on the motion to reconsider was held on June 3, 2019 and an order denying the motion filed June 5, 2019.

Applicant filed a timely notice of appeal on June 18, 2019 that was perfected by Taylor

D. Gilliam, Esquire, through filing a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed Applicant's appeal by unpublished opinion. *State v. Bonner*, 2021-UP-155, (S.C. Ct. App. filed May 5, 2021). The remittitur was issued on May 26, 2021.

II. Statement of Facts

Applicant was in the back seat of a car with two co-defendants, Angela Upchurch and Brian Parker, when the car was stopped and searched by officers, after Parker provided consent to search the car. (R. 52-56). In the car, 47.45 grams of methamphetamine were found in two baggies. (R. 57, 197). None of the individuals claimed the drugs. (R. 64).

Both co-defendants cooperated with the State and testified at trial. Upchurch denied ownership of the drugs. (R. 105). Parker stated he was unaware of where the drugs were found and that he never saw them in the car, but remembered Applicant attempting to hand something up to him when they were being pulled over. (R. 141-42). Applicant testified on his own behalf at trial and claimed the drugs belonged to Upchurch, that she had placed them in the back seat and that, though he does use methamphetamine, he does not sell it. (R. 238, 247).

III. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons:

1. Ineffective assistance of counsel
 - a. Failure to strike juror #18, Susan Cash for being a former employee of Cherokee County Sheriff's Department.
 - b. Failure to move for a mistrial or move to stroke Angela Upchurch's testimony.
 - c. Failure to move to strike Sharon Stone's testimony where she had no first-hand knowledge of the incident in question and her testimony only improperly bolstered the State's case.

2. Denial of due process.¹
3. Denial of fair and impartial jury.²

Attached to and incorporated herein are Applicant's Cherokee County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the direct appeal records, the record on appeal, and the current PCR application. Respondent reserves the right to amend this return upon receipt of additional relevant information.

IV. Argument

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Effective assistance of counsel does not mean perfect or mistake-free representation. *See Weaver v. Massachusetts*, 137 S. Ct. 1899 (2017) (“[A] defendant has a right to effective representation, not a right to an attorney who performs his duties ‘mistake-free.’” (citation omitted)); *Burt v. Titlow*, 571 U.S. 12, 24 (2013) (“[T]he Sixth Amendment does not guarantee the right to perfect counsel; it promises only the right to effective assistance[.]”); *Yarborough v. Gentry*, 540 U.S. 1, 8 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Instead, it simply means assistance that was objectively reasonable under prevailing professional norms. *Strickland*, 466 U.S. at 687-688.

When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective

¹ The State is construing the denial of due process allegation as an extension of Applicant’s ineffective assistance of counsel claims for denial of a fair trial.

² The State is construing the denial of a fair and impartial jury allegation as an extension of Applicant’s ineffective assistance of counsel claims for denial of a fair trial.

assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690); *see Dunn v. Reeves*, 141 S. Ct. 2405, 2410 (2021) (noting counsel's strategic decisions are to be afforded "'strong presumption' of reasonableness that the defendant must overcome"); *Cullen v. Pinholster*, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that

“there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Importantly, “[t]he likelihood of a different result must be *substantial*, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 112 (2011).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Failure to Strike Juror

Applicant claims Counsel was ineffective for failing to strike a particular juror. “[J]ury selection is a process that inherently falls within the expertise and experience of trial counsel.” *Palacio v. State*, 333 S.C. 506, 517, 511 S.E.2d 62, 68 (1999). “[A] criminal defendant has no right to a trial by any particular jury, but only a right to a trial by a competent and impartial jury.” *Id.* Accordingly, “[i]n PCR proceedings, a defendant must provide credible evidence that the trial attorney’s refusal to strike a juror prejudiced the defense.” *Id.*

Beyond stating that the juror had worked at the Cherokee County Sheriff’s Office and worked with several deputies there, he has failed to show how failure to strike this juror was prejudicial. Accordingly, Respondent contends that this claim is likely without merit. However, a more definite statement is still needed.

Failure to Move for Mistrial/Move to Strike Upchurch's Testimony

Applicant claims Counsel was ineffective for failing to move for a mistrial or moving to strike Upchurch's testimony because she had talked about this case with Stone prior to trial. However, Applicant has failed to show how this was objectionable, why the judge would have granted the motion, why Counsel was deficient for failing to move, or how the motion would have changed the results of the proceedings. Thus, Respondent contends that the allegation is likely without merit. However, a more definite statement is still needed on this ground.

Failure to Strike Stone's Testimony

Applicant claims Counsel was ineffective for failing to move for a mistrial or moving to strike Stone's testimony because she was not present when the incident occurred. However, Applicant has failed to show how this was objectionable, why the judge would have granted the motion, why Counsel was deficient for failing to move, or how the motion would have changed the results of the proceedings. Thus, Respondent contends that the allegation is likely without merit. However, a more definite statement is still needed on this ground.

Still, the ineffective assistance of counsel allegations probably raise questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) ("Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.").

V. Motion for a More Definite Statement

Respondent moves for a more definite statement regarding Applicant's allegations.

Applicant alleges that plea counsel was constitutionally ineffective. However, he does not explain exactly what Counsel did that constituted ineffective assistance of counsel. Applicant fails to set forth with specificity any facts and circumstances upon the claim is based. The Uniform Post-Conviction Procedure Act requires that applicants must “specifically set forth the grounds upon which the application is based.” Section 17-27-50 of the Code of Laws of South Carolina (1976). In a PCR application, it is incumbent upon applicants to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). The Supreme Court of South Carolina has provided that:

[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the appellant that he was deprived of counsel is insufficient.

Coardes v. State, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Furthermore, Rule 8(a), SCRCP, requires all civil pleadings include “a short and plain statement of the facts showing that the pleader is entitled to relief.” Respondent moves pursuant to Rule 12(e), SCRCP, to require Applicant to provide a more definite statement of his claims. Respondent moves to require Applicant to file an additional amended application well in advance of any evidentiary hearing concerning this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the allegation.

VI. Other Allegations Denied

Each and every other allegation in Applicant’s PCR application not explicitly admitted, qualified, or explain in this return is hereby denied by the Respondent.

VII. Assertion of Rights to Notice of Amendments, Experts

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant's court-appointed attorney is the only individual authorized to file amendments to this application, given his representative capacity, Rule 11(a), SCRCP and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) ("In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases."); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) ("When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record."); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading). Pursuant to Section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain

discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits withheld until the last minute resulting in undue prejudice to Respondent.

VIII. Conclusion

WHEREFORE, Respondent requests that the Court require Applicant to provide a more definite statement and then hold an evidentiary hearing regarding Applicant's allegations.

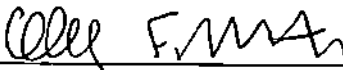
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0386

October 14, 2021

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF CHEROKEE) IN THE COMMON PLEAS COURT
 3
 4 Ronnie Bonner,)
 5 Applicant,) TRANSCRIPT OF RECORD
 6 -vs-) 2021-CP-11-0430
 7 The State.) June 6, 2022
 8) Spartanburg, South Carolina
 9

10 B E F O R E:
 11 HONORABLE WILLIAM A. MCKINNON, JUDGE
 12
 13
 14

15 A P P E A R A N C E S:
 16 RODNEY WADE RICHEY, ESQUIRE
 17 Attorney for the Applicant
 18 CHELSEY FAITH MARTO, ESQUIRE
 19 Attorney for the State
 20
 21

22 Linda D. Moffitt
 23 Circuit Court Reporter
 24
 25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

WITNESSES

PAGE

RONNIE BONNER (AW)

Direct examination by Mr. Richey

4

Cross-examination by Ms. Marto

18

CHRISTOPHER PAUL THOMPSON (AW)

Direct examination by Mr. Richey

24

Cross-examination by Ms. Marto

29

Redirect examination by Mr. Richey

33

No exhibits entered into evidence.

1 (Proceedings June 6, 2022)

2 THE COURT: Yes, ma'am. Ms. Marto.

3 MS. MARTO: Yes, Your Honor. May it please the Court.

4 We are here today on the case of Ronnie Bonner vs. the
5 State of South Carolina, Docket No. 2021-CP-11-0430.

6 He is presently confined in the South Carolina
7 Department of Corrections. And during its May 2018 term
8 the Cherokee County Grand Jury indicted him for trafficking
9 methamphetamine between 28 and a hundred grams.

10 He was represented by Mr. Christopher Thompson.

11 Deputy Assistant Solicitor Kim Leskanic and Assistant
12 Solicitor Matt Kendall of the Seventh Circuit Solicitor's
13 Office prosecuted the case.

14 April 16th through the 18th, 2019, he proceeded to
15 trial before the Honorable J. Derham Cole and was found
16 guilty as indicted.

17 Judge Cole sentenced him to life imprisonment based
18 upon an LWOP notice, and a motion to reconsider the
19 sentence was filed April 26th, 2019.

20 A hearing on the motion to reconsider was held June
21 3rd, 2019, and an order denying the motion was filed
22 June 5th of 2019.

23 He filed a timely notice of appeal June 18th of 2019
24 that was perfected by Appellate Counsel Taylor Gilliam who
25 filed a brief pursuant to Anders.

Ronnie Bonner
Direct examination by Mr. Richey

1 South Carolina Court of Appeals dismissed the appeal
2 by unpublished opinion and the remittitur was issued May
3 26th of 2021.

4 The application was filed July 12th of 2021 and the
5 return was made October 14th of 2021.

6 With that, I'll turn it over to Mr. Richey.

7 MR. RICHEY: One moment, Your Honor.

8 THE COURT: Yes, sir.

9 (Pause.)

10 MR. RICHEY: We'd call Mr. Boner.

11 RONNIE BONNER, having been
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MR. RICHEY

14 Q Sir, state your name, please.

15 A Ronnie Bonner, sir.

16 Q And are you in the Department of Corrections?

17 A Yes, sir.

18 Q And what are you in there for?

19 A Trafficking methamphetamine.

20 Q Okay. And who represented you on those charges?

21 A Chris Thompson, sir.

22 Q Okay. And did you have a trial or a guilty plea?

23 A Trial.

24 Q Okay. And you filed this application for ineffective
25 assistance of counsel, is that correct?

1 A Yes, sir.

2 Q Because you did not believe your lawyer properly
3 represented you, right?

4 A Yes, sir.

5 Q Kinda -- kinda give us a brief kind of the facts.
6 Well, this -- this was -- two individuals claimed that you
7 were, in fact, selling drugs that were found in the car, is
8 that correct?

9 A Yes, sir.

10 Q And -- and these individuals was two girls, right, a
11 girl and a guy?

12 A Yes, sir. A girl and a guy.

13 Q And -- and you had a trial and these -- and that's how
14 you were convicted, correct?

15 A Yes, sir.

16 Q Okay. And you allege that you were not the owner of
17 the drugs in the car or anywhere else, correct?

18 A No, sir.

19 Q And you did not sell drugs at any point, correct, that
20 night?

21 A No, sir.

22 Q Okay. All right. You -- at your jury trial you had a
23 juror that was in the pool by the name of Susan -- Susan
24 Cash, is that correct?

25 A Yes, sir.

1 Q And it's your position that Ms. Cash's testimony -- I
2 mean, Ms. Cash should have been struck from the jury pool,
3 correct?

4 A Yes, sir.

5 Q And why was that?

6 A Because she worked for Cherokee County Sheriff's
7 Department, sir.

8 Q Okay. Do you have your transcript there with you? I
9 believe it's --

10 A I don't got my transcript. I got some stuff written
11 down, sir.

12 Q Okay. Well, tell me that then so we know -- I'm clear
13 on page 19 where it says, line 22, Juror 18, Susan Cash,
14 Juror 18, "I was a former employee of the Cherokee County
15 Sheriff's Department. I worked with several of the
16 deputies."

17 Okay. Go ahead. And you're asking -- you -- you
18 believe your lawyer should have got her off the jury pool.

19 A Yes, sir. He should have struck her off the jury --
20 off the jury because she worked for Cherokee County
21 Sheriff's Department, sir.

22 She -- he did not ask her how long she'd been fired, do
23 she know these officers, did she know Kim Leskanic and that
24 kind of form or fashion.

25 I told him to strike her because when they called the

Ronnie Bonner
Direct examination by Mr. Richey

1 name, I say I don't want her. He just went on -- let her
2 went on up -- up there.

3 Q So you believe that he should have struck her from
4 that jury.

5 A Yes, sir.

6 Q Okay. Do you believe that by him not striking her
7 that that affected your case?

8 A Yes, sir. Affected my case big time, I think.

9 Q Because you believe that she was -- she was partial to
10 the state.

11 A Yes, sir.

12 Q Okay. And even -- and -- and you don't believe that
13 when she answered the judge about being fair, you don't
14 think that's true, right?

15 A No, sir.

16 Q Okay. Because you believe that because she has a
17 relationship or had one with these officers she couldn't
18 be --

19 A Yes, sir. She knowed them officers.

20 Q And -- and you told your attorney to strike her.

21 A I told her [sic] to strike her.

22 Q And -- and at this case at your jury trial, you
23 testified, correct?

24 A Yes, sir.

25 Q And let me -- and let me -- let me ask you to go to

Ronnie Bonner
Direct examination by Mr. Richey

1 page 247 of the transcript, and on line 20 on 247, line
2 20 -- and this is your testimony in the trial, right?
3 well, you got the transcript, sir?

4 A No, sir.

5 Q Okay.

6 MR. RICHEY: Okay. Can I approach, Your Honor?

7 THE COURT: You may.

8 MR. RICHEY: Thank you.

9 Q I'm giving you a copy of this transcript right here.
10 Okay. And I want you to look at page 247, line 20.

11 A Yes, sir.

12 Q Okay. And this is Ms. Leskanic cross-examining you,
13 correct?

14 A Yes, sir.

15 Q And she asked you, "So are you just a meth user?"
16 Okay. And so you believe your lawyer should have
17 objected to that at that point.

18 A Yes, sir.

19 Q Because is it your position she was trying to get in
20 your prior record.

21 A Yes, sir.

22 Q Okay. And -- and as this goes on to 247, to 248,
23 Leskanic actually gets a ruling from the judge that y'all
24 opened the door to your prior record, correct?

25 A Yes, sir.

1 Q And so the jury was able to hear your prior record.

2 A Yes, sir.

3 Q Okay. You believe your lawyer should have objected to
4 that question, correct?

5 A Yes, sir.

6 Q And prior to testifying did you have any conversations
7 with your lawyer about your testimony? Did you have any
8 conversations with your lawyer about your testimony?

9 A No, sir.

10 Q Did he tell you about how your prior record affects
11 your testimony?

12 A No, sir.

13 Q He didn't tell you that if you didn't -- that what
14 charges they could and couldn't use against you?

15 A No, sir.

16 Q Well, did y'all discuss it at all?

17 A No, sir. He came to see me when I was the county
18 jail. And about the plea, I told him, well, they tried to
19 get me to plead to 15 years.

20 Q Uh-huh.

21 A On -- I had two trafficking charges.

22 Q Uh-huh.

23 A I told him I ain't pleading guilty to no 15 years
24 because the first trafficking charge, I'm not pleading
25 guilty to. I say I ain't pleading guilty to the second

Ronnie Bonner
Direct examination by Mr. Richey

1 trafficking charge either, I said, but you can get me to
2 plead to seven years or try to get me a plea, I'll take it.

3 Q So they offered you 15 and -- and you and your
4 lawyer -- did y'all discuss that 15?

5 A No. He -- he -- no. We didn't discuss the 15.

6 Q Okay.

7 A I told him. He say they want to give you 15 years,
8 and I told him go tell Kim Leskanic and them that I ain't
9 pleading guilty to something I didn't do. I said if you
10 can get me seven years or eight years on -- on this charge,
11 I'll take that.

12 Q So there was two charges.

13 A It was two charges.

14 Q And you were not guilty on both, on both of them.

15 A Yes, sir. You're right.

16 Q Okay. And so you wanted eight and they wanted 15.

17 A They wanted me to plead guilty to both of them.

18 Q Right.

19 A I wasn't pleading guilty to both of them. I was
20 pleading guilty to the one that I got the -- I got
21 railroaded, got a life sentence for, the one with the --
22 the one I'm on now, life for.

23 Q So, yeah. That's what I'm saying. That charge, if
24 you'd have pled to that charge, you would have got 15, not
25 life.

Ronnie Bonner
Direct examination by Mr. Richey

1 A Yes, sir. They -- but they wanted me to plead to both
2 of them.

3 Q Okay.

4 A I had two charges -- I had two charges.

5 Q We get it -- we get it.

6 well, let me just ask you this. Did you and your
7 lawyer talk about -- talk about the chance you were taking?
8 I mean, you -- in terms of the plea versus this life? Did
9 he -- did you and your lawyer sit down and say, hey, man,
10 you get life without parole, man. That's 15. Life without
11 parole, you're going to trial. Did y'all ever have those
12 discussions?

13 A Oh, no, sir.

14 Q He didn't tell you the risk that you were facing.

15 A No, sir. He didn't tell me about they could open my
16 record or none of that.

17 Q well, let me -- well, you got served notice of intent
18 to seek life, right?

19 A Yes, sir.

20 Q Okay. When you got that notice did you have that
21 15-year plea offer?

22 A No, not then, sir.

23 Q So when you turned it down is when you got served with
24 the notice.

25 A Yes, sir.

Ronnie Bonner
Direct examination by Mr. Richey

1 Q Okay. Did you ever talk to him about going back and
2 trying to get that 15 years back?

3 A No, sir.

4 Q Okay. All right. So y'all didn't have any
5 conversations about you being an LWOP candidate,
6 life-without-parole candidate.

7 A No, sir. He -- he -- he told me I can't get the LWOP,
8 he say, because they can't go back to -- to sole -- to sole
9 to a charge. He say I don't think you're eligible for
10 LWOP. That's what he told me.

11 Q Okay. So when you got it, then what happened? When
12 you got it, the notice, then what did you do?

13 A I told him about it. Then he say -- he didn't say
14 nothing about even bringing my record up or none of that.
15 He said we can beat this -- we can beat this because I
16 didn't get caught with nothing hands on. It's hearsay.
17 It's their word against my word.

18 Q Okay. Well, let me ask you this. This was supposedly
19 drugs in a car that this driver and this Upchurch lady --
20 they claimed it was yours, correct?

21 A Yes, sir.

22 Q And let me -- no. Hold on. And the lady at the house
23 alleged that you sold drugs in her house, correct? I'm not
24 saying it's true or false.

25 A Yes, sir.

1 Q I'm saying that was what the testimony was, right?

2 A Yes, sir.

3 Q And these two women were down at the jail at the same
4 time, correct?

5 A Yes, sir.

6 Q Okay. And so I'm going to ask it this way. Based off
7 what you know about the evidence, the lady's going to claim
8 you sold the dope at her house, got in the car and this
9 upchurch lady had dope on her, correct?

10 A Yes, sir.

11 Q And she claims she got that dope from you, right?
12 whether true or false, that's what she claimed, correct?

13 A Yes, sir.

14 Q When you talked to your lawyer did y'all have a
15 discussion about how that impacted your case, your ability
16 in terms of life versus this 15? Did y'all have any kind
17 of conversation like that?

18 A No, sir.

19 Q He didn't sit down and say, hey, this lady's going to
20 testify you sold drugs in her house, this upchurch lady,
21 all these people going to testify against you, you're
22 running a big risk? He didn't --

23 A He told me Sharon Stone is not credibility because
24 she's -- she was never -- and he asked me about Sharon
25 Stone.

Ronnie Bonner
Direct examination by Mr. Richey

1 Q All right. And Stone is a -- is a woman in the house.

2 A Is the woman of the house.

3 Q Okay. But go ahead.

4 A He asked me about Sharon Stone, how did he -- how did
5 she get on my case. I say I don't know how she got on the
6 case because she never was in the vehicle. She never was
7 in the vehicle.

8 So he told me, he said -- get my word right. He said
9 we can -- we can cross-examine them and get them in lies --
10 you know what I'm saying -- because they -- they -- they got
11 too many stories they telling. You know what I mean?

12 Q Uh-huh.

13 A They ain't had nothing right. So I rolled. I rolled
14 with what he told me to roll with.

15 THE COURT: Mr. Richey, let me just ask one question.

16 MR. RICHEY: Okay.

17 THE COURT: Mr. Bonner, you said that the time you
18 turned down the 15-year offer you did not know the state
19 was going to seek life?

20 THE WITNESS: No. I knowed they were going to seek --
21 when he told me about the 15 years --

22 THE COURT: Right.

23 THE WITNESS: -- when I was in there he -- I knowed
24 they were going to seek life. He told me that he don't
25 think they can give me the LWOP because they -- one of my

Ronnie Bonner
Direct examination by Mr. Richey

1 charges was back in 2006. He said they can't use that
2 against me.

3 THE COURT: Okay. But let me. At the time you turned
4 down the 15 years, what did you think was the maximum
5 punishment you could get at trial? That's what I want to
6 ask you.

7 THE WITNESS: I maximum I thought I could get like 30.

8 THE COURT: Okay. So you thought you could get 30
9 years and you wanted to take the risk in getting 30 years
10 and not plead guilty?

11 THE WITNESS: No. I -- Your Honor to be truthful, I
12 didn't want to take the risk. That what I told him. He
13 needed to talk to Kim Leskanic and see can he get me a plea
14 agreement for eight years. But they wanted me to plead
15 guilty to both, to two trafficking charges.

16 THE COURT: Right. So you -- you turned down the 15
17 years knowing that -- and your belief was you were going to
18 trial and facing 30.

19 THE WITNESS: My belief I wanted to go to trial and
20 get it dismissed, because by his word.

21 Q By his word?

22 A What Thompson told me.

23 Q Told you what?

24 A That we -- we can beat it because...

25 Q So he told you you were going to win the trial.

Ronnie Bonner
Direct examination by Mr. Richey

1 A He told me I got a good, better chance of beating the
2 trial.

3 Q No, no. Listen to my question.

4 Did he tell you you were going to win the trial?

5 A He said we got a good chance.

6 Q You've got a good chance.

7 A Good chance.

8 Q What does good chance mean?

9 A That they -- that Anna Upchurch -- she had a record.
10 Anna Upchurch. She had a record. Her word's not
11 credibility. Sharon Stone. She never was in the car. Her
12 word not credibility. And Chris Thompson -- he done said
13 too many stories -- I mean Chris --

14 Q Right.

15 A What's his name? Parker. The Parker dude.

16 Q Parker.

17 A Brian Parker. He done gave too many testimony.

18 Q And Parker was in the car, correct?

19 A He was in the car.

20 Q So the car was Parker was driving, right?

21 A Parker was driving.

22 Q Upchurch was the passenger.

23 A Passenger.

24 Q And you were in the back seat.

25 A I'm in the back seat.

1 Q And these two people in the car testified that that --
2 that claimed alleged dope was yours, correct?

3 A Yes, sir. Both of them.

4 Q But Parker -- he consented to the search, right?

5 A Yes, sir.

6 Q He let them search the car. Okay. Okay. All right.
7 Oh, yeah. And you believe that -- that your lawyer should
8 have had Stone and Upchurch separated at the jail, correct?

9 A Yes, sir.

10 Q During the time of the trial, I believe Judge Cole
11 told not to talk about the case.

12 A During the time of the trial Judge Cole stated I'm
13 going to put both of y'all in the cell together, send both
14 of y'all back in the cell together. If I hear anything
15 about y'all talking about this case or anything, I am going
16 to dismiss this case and y'all -- and y'all's statement is
17 not credibility.

18 Then Mr. Thompson asked Upchurch. He said you been in
19 jail. She said -- Ms. Upchurch, how long you been in jail?
20 She said a year, sir. So -- so Mr. -- Mr. Thompson say you
21 and Ms. Stone had a whole year to corroborate y'all's story.
22 She say you pretty much can say that. So basically she done
23 told -- she telling Judge Cole and the jury that she done
24 coached this woman what to say during the trial.

25 Q Okay. Thank you. Answer any questions the attorney

Ronnie Bonner
Cross-examination by Ms. Marto

1 general has.

2 CROSS-EXAMINATION

3 BY MS. MARTO

4 Q Good afternoon, sir.

5 A Good afternoon, ma'am.

6 Q So do you recall having a colloquy on the record about
7 your decision to reject the plea offer?

8 A Ma'am?

9 Q Do you remember having a talk with the judge right
10 before trial started where you rejected the 15-year offer
11 and were informed by the Court that you would be LWOP'd?

12 A Yes, yes, ma'am.

13 Q Okay. So you knew that. And that was immediately
14 before your trial, correct?

15 A Yes, ma'am.

16 Q Okay. And you refused to take any offer in this case
17 because you said that they were not your drugs, right?

18 A Yes, ma'am.

19 Q Where were the drugs found in the car?

20 A The drugs found under -- under the driver's seat.

21 Q Okay. So, like, in the back-seat area underneath
22 where that seat would be?

23 A Under the driver's seat. I'm on the -- I'm on the
24 passenger side. I'm -- I'm over here behind the passenger.

25 Q Okay. And there were two other people in the car,

Ronnie Bonner
Cross-examination by Ms. Marto

1 correct?

2 A Yes, sir, I mean, yes, ma'am.

3 Q And they both testified at your trial, correct?

4 A Yes, ma'am.

5 Q And what did they testify to?

6 A Anna Upchurch testified that I had the drugs.

7 Mr. Parker testified. He said he think the drugs is mine.

8 He's not a hundred percent sure, because he said his

9 girlfriend didn't have no drugs on her. But they found
10 drugs in her vagina when they carried her to the annex.

11 Q And you -- before being in the car were you at
12 somebody's house?

13 A I was in the valley at Sean -- at Sean and Sherry
14 Stone.

15 Q Okay. And what were you doing there?

16 A Me and Sean, me and her son, was in the room smoking
17 meth. That's why when Mr. Thompson asked her a question
18 about -- Mr. Thompson asked her a question during the
19 trial. She got kind of slick out of the mouth because she
20 didn't want to bring her son into it.

21 Q Okay. And she testified at trial, correct?

22 A She testified at trial.

23 Q She said she saw you doing drugs?

24 A She said she seen me and Anna Upchurch go in the
25 bathroom. She never say she seen me sell Anna Upchurch

1 nothing. She assumed because she was in there asleep.

2 when I walked in, she was in there. She was asleep.

3 Q Okay. But she testified she saw something happen,
4 right?

5 A Yes, ma'am.

6 Q And did she say that she thought she saw you exchange
7 drugs with Ms. Upchurch?

8 A She -- she -- she said she thought I sold -- sold her
9 some drugs.

10 Q Okay.

11 A Yes, ma'am. From the -- we was in the bathroom and
12 she was on a sick bed in -- in the living room.

13 Q How -- how much drugs did you have at the house?

14 A I didn't have no drugs at the house.

15 Q You just borrowed enough for one use from a friend?

16 A Me and her son. Her son had -- her son had the
17 drugs -- sean.

18 Q Okay.

19 A So me and Sean in there smoking getting high, and she
20 comes in, and Upchurch and her boyfriend comes in.

21 Q Okay.

22 THE COURT: Ms. Marto, I've just got a question.

23 Mr. Bonner, that discussion you had with the judge
24 before the trial started where the judge said you don't
25 have -- you have two different trafficking charges and the

Ronnie Bonner
Cross-examination by Ms. Marto

1 state gets two chances to put you in jail for life -- do
2 you remember that?

3 THE WITNESS: Yes, sir.

4 THE COURT: Why were you so confident? Why? Because
5 basically you told the judge I want two different trials
6 with two chances to put me away for life instead of taking
7 15 years. Why? Why were you so confident?

8 THE WITNESS: Because, Your Honor, the drugs -- I
9 didn't have no drugs on me.

10 THE COURT: Well, I understand that, but why did you
11 think you were going to win two trials? Did your attorney
12 tell you that you'd win two trials?

13 THE WITNESS: My attorney -- my attorney, Chris
14 Thompson, told me we had a good chance at beating these
15 trials because they never found no drugs on me. I'm
16 telling you what he told me.

17 THE COURT: Yes, sir.

18 THE WITNESS: They never found no drugs on me, not in
19 my vehicle.

20 She got drugs in her vagina. She already out on
21 trafficking charges. And then Sherry Stone, she ends up on
22 a case. He tells me he should get her dismissed because
23 she was in the car, her word is not credi -- credibility.

24 THE COURT: Yes. So that I'm clear, you turned down
25 that 15-year offer because of your attorney's advice that

1 he thought you had a good chance at trial.

2 THE WITNESS: Yes, sir.

3 THE COURT: Thank you.

4 BY MS. MARTO

5 Q And you stated that. Again, you stated that you were
6 using drugs that night, correct?

7 A Yes, sir.

8 Q And it was the same type of drug that you -- the state
9 alleges you had in that car?

10 A They -- they found in the car, not that I had.

11 Q Okay. And you stated that you gave whoever had drugs
12 at the house \$20 for the meth, correct?

13 A Angela Upchurch.

14 Q Okay. Now, you have a prior record of dealing drugs,
15 correct?

16 A Yes, ma'am. I got a prior record selling crack
17 cocaine.

18 Q And that came in at trial, correct?

19 A Yes, sir.

20 Q And that came in after you stated that you never deal
21 drugs, you just use them?

22 A I told her I been convicted of drugs. She ask me do I
23 sell drugs, do I still. She asked me do I sell drugs. I
24 say no, I smoke meth, and I -- I smoke meth because during
25 the -- the detectives got on the stand, and she asked the

Christopher Paul Thompson
Direct examination by Mr. Richey

1 detective, said when the detective see him, say do bond,
2 bond like he was high. The detective say, yeah, he was
3 like he was -- he was on drugs, like he was -- like he had
4 been smoking meth.

5 Q And the other people you were in the car with, they
6 had been smoking meth as well, correct?

7 A Yeah. Angela Upchurch and not -- her boyfriend didn't
8 smoke none. He had done went out the side door because he
9 had a fan or a whole lot of junk in his trunk that he --
10 him and his old lady, his wife, had done split up.

11 Q And who do you -- whose drugs do you think they were?

12 A They was Anna Upchurch drugs.

13 Q Was Upchurch found with additional drugs on her
14 person?

15 A Yes, ma'am.

16 Q Okay. So there were two different, I guess, clumpings
17 of drugs. One that was found on her person and one that
18 was found in the back seat?

19 A Yes, ma'am. But during -- during -- during the trial
20 I told my lawyer, Mr. Thompson, get the drugs that they got
21 off Anna Upchurch and compare it to the drugs they found in
22 the car, because if you look at the bag you can tell where
23 she had done ripped -- where she had done ripped her bag.
24 And she done stick it all in her vagina. He didn't even
25 pursue that issue.

Christopher Paul Thompson
Direct examination by Mr. Richey

1 Q So why do you think that the other two people in the
2 car stated that they were your drugs?

3 A You know, I ain't -- I ain't crazy, you know what I
4 mean? I'm different -- different -- that's his girlfriend.
5 You know, he don't want to see her go to jail. He ain't
6 trying to go to jail. I'm catching a ride. They know I
7 got -- she know I got a record. She been knowing me. So
8 obviously they going to put it on me.

9 Q Had you ever dealt drugs to Ms. Upchurch before?

10 A No, sir, no, I mean, no, ma'am. I done smoked a
11 reefer with her back in the days. I know her from her
12 boyfriend. But she knowed me when I use to hang in the
13 valley.

14 MS. MARTO: One moment, Your Honor.

15 (Pause.)

16 MS. MARTO: No others questions.

17 MR. RICHEY: No questions.

18 THE COURT: Thank you, sir. You can step down.

19 MR. RICHEY: We call Mr. Thompson.

20 CHRISTOPHER PAUL THOMPSON,
21 having been first duly sworn, testified as follows:

22 THE COURT: Yes, sir. Mr. Richey.

23 DIRECT EXAMINATION BY MR. RICHEY

24 Q would you state your name, please?

25 A Christopher Paul Thompson.

Christopher Paul Thompson
Direct examination by Mr. Richey

1 Q Okay. Mr. Thompson, you're a practicing attorney?

2 A Yes.

3 Q Okay. And do you -- do you recall representing

4 Mr. Bonner?

5 A Yes.

6 Q And you've been in the courtroom and heard the
7 testimony. I'm going to ask you just a couple of kind of
8 quick questions.

9 Do you have a copy of the transcript there?

10 A I do.

11 Q And on page 19, line 22, Susan Cash where she was a
12 former employee of the Cherokee County Sheriff's Office, do
13 you believe you should have moved to have her struck from
14 the jury or strike -- used one of your strikes against her?

15 A I -- I think she said she was a former employee with
16 the -- with Cherokee County at some point.

17 Q Okay. And -- and do you believe that to be reasonable
18 to strike her in this case, drug case?

19 A I don't -- I don't have the jury list, but something
20 led me to not strike her. I didn't know. Maybe I thought
21 she was a disgruntled employee or what. But she was a
22 former employee.

23 Q That -- let me go to the transcript, page 247, line
24 20.

25 A Okay.

1 Q Okay. In this case Mr. Bonner had a prior criminal
2 record that would not come in, correct? It was outside the
3 time.

4 A The age stuff, time, yes.

5 Q Yeah. And this question right here where Ms. Leskanic
6 asked him to go through a series of questions. And she
7 said, "So, are you just a meth user?"

8 At that point do you believe that an objection was
9 proper in that case? Because did you view that as actually
10 Ms. Leskanic opening the door to his record? Because I
11 think everybody knew what the answer to that is.

12 A Yeah. I mean, I -- I don't. I don't recall the
13 specifics. I think at some point earlier in his testimony
14 he had discussed smoking marijuana years back. And maybe
15 she was trying to dig into whether he smoked marijuana at
16 this time or not. But yeah. And he -- he was pretty
17 adamant I do not -- I will not sell drugs, I do not sell
18 meth, period.

19 Q Okay. But that question is the lead question and --
20 and okay. Let me go to something else. The question is
21 did you tell this gentleman he could win this trial.

22 A I told -- he was adamant that he wanted to go to
23 trial. He thought he could win this one.

24 There was another one where he was on a video tape
25 conducting some type of a transaction in a body shop or an

1 auto shop or something.

2 He could have gotten both of those charges done away
3 with for 15 years. He had asked me several times what would
4 you do. I said I would be inclined to take it, I wouldn't
5 take cheap shots in trying to beat the state on these cases
6 but it's your trial, Ronnie, it's your case, you decide.

7 I -- the first one was the one I dug into the most
8 because that's what we were doing the trial on. So I didn't
9 look into the other one as much.

10 But I just -- I kind of laid it out there. I said the
11 advantage to your cases two -- two of your witnesses come in
12 going to be in -- they're incarcerated, the jury will know
13 that. And the other one is not.

14 But, at the same time, that's three witnesses, you
15 know, against just you. He didn't have any other witnesses
16 in his favor.

17 Q Okay. And so was your advice to him that you might
18 say accept the plea, or not?

19 A I -- you know, he would ask me what would you do, and
20 I said, well, if it was me I would probably take the
21 guaranteed time, because, like I said, if you -- the first
22 time I was up here today they asked me how many murders I'd
23 done. I'm back 400 on murders, but still that doesn't do
24 the 600 any good. So, you know, it's tough to go against
25 the state, and I advised him 15's a good offer.

1 I did find where I think he wanted to counter -- what
2 I've got on here is six years. So I did send that in, the
3 counter offer, and they rejected that.

4 Q Okay. So you offered them less. Did -- do you
5 believe he appreciated what he was up against?

6 A I -- I don't know if he did or not. I -- you know, I
7 think he -- he had been through the system and had been
8 down the road. So I think he knew what he was looking at.

9 I don't know if he -- if he understood the seriousness
10 of the LWOP, the life without parole, that they were
11 seeking.

12 And I think at some point we did a motion to
13 reconsider. We had the hearing and, you know, at that point
14 he's like, well, can I get 30. I said, well, that's done,
15 that's water under the bridge, we can't go back and
16 renegotiate it now.

17 Q So after you had the hearing he asked for 30?

18 A He just asked me that during the hearing, I believe,
19 when Judge Cole was denying our motion to reconsider.

20 Q Thank you. Answer any questions the attorney general
21 will have for you.

22

23

24

25

1 CROSS-EXAMINATION

2 BY MS. MARTO

3 Q Good afternoon, sir.

4 A Hey.

5 Q So do you think that striking that particular juror
6 would have made a difference on the outcome at trial?

7 A I haven't given that much thought. I -- I don't think
8 it would have. But I just -- she said she was a former
9 employee, but I don't recall what made me not strike her.
10 For some reason, I didn't. I thought she would -- and,
11 like I say, I don't know if there was some grounds about
12 when she left. I don't recall.

13 Q And the Court had a colloquy with Mr. Bonner about his
14 decision to reject the plea offer, correct?

15 A They did, and they left the offer open until right
16 before the trial. And it's like -- and I may be -- I don't
17 want to speak out of line, but, in fact, it may have been
18 still available before they ever arrested. For some reason
19 I feel like we had that discussion. But they -- they
20 were -- it did remain open until -- till trial.

21 Q And what roughly did your conversations with Mr.
22 Bonner about his decision to testify consist of?

23 A I -- I think we -- we were outside the window before
24 his prior -- I think his distributing crack cocaine charges
25 could come in. And I basically said, you know, you can't

1 just answer the question but do so. I always tell them be
2 short and concise, don't offer up anything that -- you
3 know, that's not asked.

4 Q And were you aware that he was going to testify that
5 he doesn't sell drugs?

6 A I -- no. I didn't know that was going to come out,
7 that he was going to say that. And I just try to tell them
8 let's narrow the scope and keep your testimony to that,
9 that incident that led you to being arrested. And I'm
10 assuming I probably had that conversation with him.

11 Q And what were you expecting him to say on the stand?

12 A You know, it was just basically Ms. Upchurch, Ms.
13 Stone and Mr. Parker saying, yes, it was Ronnie's drugs,
14 and Ronnie saying it wasn't mine, it was theirs.

15 And I think it was pretty clear, at some point I
16 thought was odd. The officers put Ms. Upchurch and Mr.
17 Parker in the same car and put Ronnie in a separate car.
18 And I believe, you know, that led to a situation where they
19 could have concocted that story together on it being
20 Ronnie's drugs.

21 But I honestly think Ronnie was a chronic meth user. I
22 don't -- you know, I think I made that point to the -- the
23 jury in closing, if this is a drug trafficker he has no
24 phone, he has no car. He -- you know, it just doesn't fit
25 the bill.

1 And, again, straight through and this is -- it's a one,
2 I just think he -- you know, I was -- I encouraged a plea,
3 and I don't, you know, think I -- maybe I should have
4 encouraged him more to take the plea, but he was adamant
5 that he was not guilty.

6 Q So was it your understanding that the evidence the
7 state had against him was strong and would likely lead to a
8 conviction at trial?

9 A Yeah. Well, you know, we weigh it, because he, like I
10 say, he had two people incarcerated on drug charges, and
11 then the third was charged. He was just out on bond, but
12 he was charged with drug charges too.

13 So it's one of those cases where they pull over
14 someone, the folks in the car, they all get charged with it.
15 And just worked out that they teamed up and Ronnie and was
16 kind of the odd man out on it.

17 And I think when Ms. Stone -- I'm not sure if she was
18 originally on the witness list or not, but she may have been
19 added later. But, you know, I thought I'd try to bring that
20 out in closing that these two folks been in the same pod
21 over here for a year.

22 And so, you know, like I say, it was just one of those
23 cases where there's several people in a car and no one
24 claims it, so he's charged.

25 Q Now, if you had objected to the prosecutor's question

1 about Mr. Bonner potentially selling the drugs, what do you
2 think the result of that would have been?

3 A Well, I don't think she framed it as selling. She
4 said, well, you just used meth or is meth the only thing
5 you use or something like that, or you just use meth.

6 You know, if she'd have said, you know, something about
7 selling or distributing then -- then, you know, I would
8 have -- I would have objected to that.

9 I think there was -- he had skated close to that on
10 another time when -- I think he said he threw a rock in the
11 bowl and said let's smoke something and -- and I think she
12 had -- Ms. Leskanic said something about, you know, that's
13 distribution, right.

14 So I was kinda leery of her maybe trying to go back and
15 do something like that. But, like I said, the way she
16 framed it, she said you just used meth. And that's when he
17 said I don't sell drugs.

18 Q So he volunteered the fact that he didn't sell.

19 A Yeah. That's what I -- that's what I -- you know,
20 that's the way it appears to me when I look at the
21 transcript.

22 Q And so it's your understanding that that question
23 wasn't objectionable?

24 A Yeah. I mean, you know, she says are you -- "So, are
25 you just a meth user?" And he says, "Yes, ma'am." And

1 my -- I thought that's where he stopped. He says, "I will
2 not sell drugs." I don't know why he offered that.

3 Q So the person that opened the door in your opinion.

4 A Of course -- right, right. She -- she asked about
5 use. He went further and says into the selling.

6 MS. MARTO: One moment, Your Honor.

7 (Pause.)

8 MS. MARTO: No further questions.

9 THE COURT: Mr. Richey, anything else?

10 MR. RICHEY: I've just got a couple of questions.

11 REDIRECT EXAMINATION

12 BY MR. RICHEY

13 Q Let's go -- let's go to 247 at line 20. When she
14 asked, "So, are you just a meth user?" Right?

15 A Yes, sir.

16 Q At that point any answer he gives is going to open the
17 door to his record, because if he says no -- if he says
18 yes, ma'am, I'm a user, then she'd say hold on, here's your
19 record for two sellings, you do more than use. You sell.

20 If he says -- "So, you are just a meth user." And
21 he -- there's no answer that he can say without opening up
22 his record, because if he -- like if he had stopped at yes,
23 ma'am, I'm -- "So, you're just a meth user." "Yes, ma'am."

24 Then she could have used his record at that point to
25 say, no, you're more than a user, you sold dah, dah, dah.

1 So whatever answer he gives right there, his record --
2 the -- the door has been opened to his record, correct?

3 A I don't agree. I think she's -- she just says user,
4 and she doesn't -- she doesn't bring sells into it.

5 Q Right. But her point is that you don't -- I mean, the
6 point of the questioning is you're just a user and not -- I
7 mean, she doesn't have a say you are selling. She says so
8 you're just a user, implying that he doesn't sell.

9 And my -- let me ask the question. So any answer he
10 gives will open his -- his -- open the door to his record.

11 So well, let me ask you this question. Let me ask it
12 this way.

13 If you think if you had objected and said, Judge,
14 listen, let's have a side bar, I think she's trying to open
15 up his record, I think she's trying to bring in his record,
16 do you think he would have had a -- do you think at that
17 point he --

18 A He would've probably had her rephrase it.

19 Q All right. Thank you.

20 THE COURT: Ms. Marto, anything else?

21 MS. MARTO: No further questions.

22 THE COURT: Thank you, sir. You can step down.

23 MR. RICHEY: We have no other witnesses at this time,
24 Your Honor.

25 MS. MARTO: No witnesses, Your Honor.

1 THE COURT: Mr. Richey.

2 MR. RICHEY: Your Honor, I'm going to basically argue
3 this one issue and-but I don't want the record to say that
4 we have abandoned the two others.

5 THE COURT: Yes, sir.

6 MR. RICHEY: But I just want to argue this one. And
7 that's just for this line 20 -- 247. I mean, I think that
8 that is an objectionable question, because the question is
9 asked with the intent to bring his record into play.

10 THE COURT: But he doesn't have a record for selling
11 meth, right?

12 MR. RICHEY: Huh?

13 THE COURT: But he does not have a record for selling
14 meth.

15 MR. RICHEY: No. He has a record for selling drugs.

16 THE COURT: Crack cocaine.

17 MR. RICHEY: Right.

18 THE COURT: But he could have -- if she had said do
19 you sell meth, he could have truthfully said no.

20 MR. RICHEY: Well -- well, Judge, I think --

21 THE COURT: Because don't they have a colloquy later
22 where they bring up that point and then they go back and
23 look at it? And while he didn't say I don't sell meth, he
24 said, volunteered, I don't sell drugs at all.

25 MR. RICHEY: Right.

1 THE COURT: And that opened the door.

2 MR. RICHEY: Well, Judge, I think if he says no, I
3 just sell crack, I think that's the -- that's the intent
4 that she wants that jury to have, that he's a drug dealer.
5 I don't think the jury going to be distinguishing that, oh,
6 yeah, he just sells crack. That's not --

7 THE COURT: How is it opening the door for her to say
8 you're just a user? And if he says yes, which is correct
9 based on his record, how is that opening the door for his
10 record to coming in?

11 MR. RICHEY: So she says, "So, are you just a meth
12 user?" Right? So that's implying you're just only a user,
13 right?

14 And now she's implying with that line of questioning
15 that if he answers I'm just a user, then she can say no,
16 you're not just a user, you dah, dah, dah. She -- and
17 that's -- and that's basically what she did.

18 THE COURT: But that -- I mean, I'm looking at page
19 249 where they have that discussion. And the Court -- and
20 she, Ms. Leskanic, says, "Yes. His conviction is crack,
21 not meth, Your Honor."

22 And the Judge says, "We've got to be specific."

23 And then she goes on to say, "Well, wait a minute. He
24 said, 'I don't sell drugs'."

25 And that's -- I mean, I think -- well, let me -- it

1 seems to me here he went beyond her question. She asked
2 about meth, and then he went beyond it, didn't he, the way
3 he answered it?

4 MR. RICHEY: Well, Judge, I think -- I think when she
5 says you're just a meth user -- I think she -- if he says
6 no, I think she still brings his record into play there.

7 I think counsel was right. If he, counsel, had
8 objected and said, Judge, come up here, she's trying to get
9 in his record, I think counsel is right when he said the
10 judge would have told her rephrase, be more specific and
11 stay away from -- stay away from his prior record.

12 THE COURT: Possibly, but even -- but the problem's
13 not the answer to that question. The problem was that
14 Mr. Bonner added on his own I don't sell drugs.

15 MR. RICHEY: Right. But, Judge, I think once she
16 asked the question and -- I think the question is the
17 problem, not the answer. I think the question is a problem
18 because he can't give an answer. See, he -- he can't give
19 an answer.

20 And I do believe if -- if counsel would have objected
21 and said, Judge, I think she's getting into his prior
22 record, I just want the Court to know, I think that
23 question would not be in this transcript. I just think --

24 THE COURT: I likely would -- not that it matters, I
25 would have likely sustained that objection if it had been

1 made. But to me the opening-the-door is not what -- if he
2 had answered the question as asked it would not have opened
3 the door, is my point, that what opened the door was he
4 went beyond that and he volunteered, not on just the meth,
5 but he didn't sell anything. Isn't that what happened the
6 door?

7 MR. RICHEY: That's why I think the question was
8 designed this way. I think the question was asked and
9 designed this way. That's why I'm saying if there's a
10 proper -- an objection made there, I don't think that
11 question survives.

12 I think if he had said, Judge, I think she's trying to
13 open the door to his record with these, with this question,
14 I think counsel is right. The question would have,
15 rephrased, withdrawn because he know that -- that the
16 defense don't want the jury to hear he sold any type of
17 drugs, period. They don't want that in the jury box
18 whether it's crack or marijuana or whatever. They want
19 that out.

20 And I think the solicitor played a pretty good
21 cat-and-mouse game with this question. And I think this is
22 an objectionable question and --

23 THE COURT: I agree. But I don't -- I think it's
24 objectionable, but I don't think it's what opened the door,
25 is what I'm trying to say.

1 MR. RICHEY: Yeah.

2 THE COURT: Maybe I'm not saying it artfully, because
3 if you read what Judge Cole -- Judge Cole's ruling was
4 based not on the question but based on what Mr. Bonner
5 volunteered beyond the question.

6 MR. RICHEY: Oh, I understand that, but I understand
7 that and I understand that's -- but I'm just saying I think
8 that question was designed for that purpose. And that
9 would be our argument.

10 THE COURT: Okay. So assuming that's correct, that he
11 should have objected, is that enough for you to win the
12 P.C.R.?

13 MR. RICHEY: Yes.

14 THE COURT: Tell me why.

15 MR. RICHEY: Yes, because I think that substantially
16 prejudiced his case.

17 I think if anybody said do you want that jury to hear
18 he has no drug convictions or these two, if you say which
19 one do I rather have, I think a thousand and a thousand
20 lawyers would say I'd much rather have that jury going back
21 there with a clean, what appears to be a clean, record that
22 those two drug deals, these two convictions.

23 So I think -- I think -- I think you -- have a hundred
24 percent question. You bring a hundred people in and say
25 would you rather have a trial where the jury hears no

1 conviction for drugs or would you rather have a trial where
2 they hear it, I think that's a hundred percent answer by
3 everybody. Don't want the drugs in the trial and
4 that's what --

5 THE COURT: But your client testified, right?

6 MR. RICHEY: Yes, sir.

7 THE COURT: So what would have come in without that
8 question? What about his record would have come in?

9 MR. RICHEY: I don't think they used hardly anything
10 to impeach him in terms of his record, but I think, Judge,
11 any time you've got a sells case and you get sells in,
12 that's a big one. That's a big one, because like I said, I
13 just think that's pretty -- that's pretty unanimous that we
14 want no selling-drugs convictions in our case. That's
15 always unanimous. Thank you, Your Honor.

16 THE COURT: Yes, sir.

17 Ms. Marto.

18 MS. MARTO: Yes, Your Honor.

19 We would argue that, as you, Your Honor, stated, that
20 Mr. Bonner was the person that opened the door into this
21 case, and he was the one that volunteered that he would not
22 sell drugs. And even before that he volunteered a lot of
23 other things including the fact that he was smoking meth
24 that day, that he paid for meth. And so that led into him
25 saying he would not sell drugs.

1 THE COURT: I didn't know that. Let me -- let me
2 doublecheck that.

3 Okay. So where was that, where the -- he volunteered
4 that he was a meth smoker?

5 MS. MARTO: Yes, Your Honor. If you look at page 246
6 starting with line 4. "Okay. You were down at Sharon's
7 house and you were smoking meth, is that right?"

8 "Yes, ma'am."

9 THE COURT: Okay. Let me go back to Mr. Richey.

10 Mr. Richey, your -- you believe that even though your
11 client -- not your client -- your client now -- you weren't
12 the trial counsel -- volunteered at trial that he smoked
13 meth, the state couldn't ask him about that?

14 MR. RICHEY: Yeah. The way the question is presented
15 to her, if she had said you were smoking meth that day, so
16 you were only smoking meth that day. Yes.

17 But the way this question is designed, this question
18 is designed to open the door. It's -- that's what this
19 question is designed for.

20 If she had said, hey, sir, so I'm asking, you were
21 smoking meth that day. Great. Fine. Because that
22 question then does not open the door. But this question
23 said you're only a user -- you're only a user. That's the
24 problem because -- because she wants to open the door.

25 So we would have had argument on whether it's been

1 crack user, meth selling. We would have had. That's what
2 would have went on in that trial.

3 If, oh, Judge, he said this. He didn't say he --
4 we're saying he sold crack instead of meth. You would have
5 had that whole big argument going on. But that question is
6 designed for that answer.

7 THE COURT: Well, let me ask it this way.

8 So assuming we had this. Question. So, are you a
9 meth user? Answer: Yes, ma'am. Stop. Do you think that
10 opens the door?

11 MR. RICHEY: Yeah, I do -- I do -- I do.

12 THE COURT: How? He's --

13 MR. RICHEY: I think when she asked -- Judge, when she
14 asked --

15 THE COURT: That's -- let me be sure you understand.
16 Do you believe that if he had stopped and just yes, ma'am
17 to are you a meth user, do you think that opens the door to
18 bringing in the crack conviction?

19 MR. RICHEY: Yeah. That's -- that's exactly what they
20 did -- that's exactly what they did because -- because why
21 did she say when he said I smoked crack, that's all you
22 smoked crack, then why didn't it come in then? It's coming
23 at this the way this question is asked because counsel is
24 right. On page 246 he said I smoked crack. Great.

25 why didn't she -- why didn't she do it at that point?

1 Because she knew that wouldn't open the door. So what she
2 did was pretty crafty on her. She put it in this
3 context -- this context -- and when you put it in this
4 context that's why we have all of this. Judge, he just
5 opened the door, all of this, because we know if this
6 question wasn't here the door would not have been opened.
7 If this question is not asked, the door is not opened.
8 We -- that's a hundred percent. If that question is not
9 asked, the door would not be opened.

10 THE COURT: Okay. Maybe I asked this inartfully, but
11 I just want to make sure. You believe that if he had
12 stopped and didn't -- just said yes, ma'am to that
13 question, I'm just a meth user, then that somehow would
14 have opened the door?

15 MR. RICHEY: Yes, sir. I believe that -- that's the
16 case by the arguments.

17 I mean, when she asked him that question, it's
18 designed for that purpose. It's designed for that purpose,
19 you know. I mean, it's designed for that purpose. And
20 she -- and she even goes on and says you will not sell
21 meth. I mean, she even goes on. I mean, these
22 questions -- if you look at how she set this up, she goes
23 on 22. "You would not sell meth."

24 See, that question is just a beginning question for
25 line 22 -- 20, 22, all of that. All that's objectionable.

1 I mean --

2 THE COURT: Okay.

3 MR. RICHEY: -- you will not sell meth. That, I
4 mean -- I mean, how do you not object to that? How do you
5 not object to that? Because what is he is supposed to say?
6 No. I just sell crack. I mean -- I mean, so if he'd have
7 said I just sell crack, I mean, that question --

8 THE COURT: well, she didn't mention crack. I mean,
9 none of it came in until he volunteered he did not sell any
10 drugs. Then that opened, I mean --

11 MR. RICHEY: I mean, she -- I mean, this question,
12 "You will not sell meth." That's the question she asked
13 him. "You will not sell meth."

14 THE COURT: And I don't believe he opened the door if
15 he'd just said yes, ma'am. That's right.

16 MR. RICHEY: "I do not sell meth, period."

17 I mean, Judge, I just think that this whole line of
18 questions, at bare minimum there should have been
19 objection. I mean, at bear minimum, one to two
20 exceptions -- objection in this sequence. At minimum -- at
21 minimum one to two objections in this sequence.

22 But let this whole line of questioning go without any
23 objection, I just believe, Your Honor, that -- that this is
24 a real crafty way by this prosecutor in doing this.

25 THE COURT: Anything else, Mr. Richey?

1 MR. RICHEY: No, sir. Thank you.

2 THE COURT: Ms. Marto.

3 MS. MARTO: Yes, Your Honor.

4 We would just argue that Mr. Bonner volunteered a lot
5 of the information and that he was the one that opened the
6 door in this case. And accordingly counsel could not
7 object because, at least the way I interpret this question,
8 it seems more like a clarifying question given the few
9 pages where he stated he was buying drugs and he was using
10 drugs, he smoked that day and the like.

11 And so it would be our position that that wasn't
12 objectionable. Even if it was, there is no indication that
13 that would have led to a sustained objection. But even if
14 it -- even if that happened, there's no prejudice in this
15 case because effectively what you have are a pile of drugs.
16 You have somebody admitting that they were doing drugs that
17 day and buying drugs that day.

18 You have two codefendants that were both in the car
19 when they got pulled over and both of which stated that
20 they were his drugs.

21 Ms. Upchurch from my understanding did have drugs on
22 her person, but this was an additional stash. And there
23 was also another individual that was at the house earlier
24 that day who stated that she thought she saw him exchange
25 drugs for money with Ms. Upchurch.

1 And so it'd just be the state's position that there is
2 no prejudice in this case, and accordingly we request you
3 deny the relief.

4 THE COURT: All right. Anything else, Mr. Richey?

5 MR. RICHEY: No, sir.

6 THE COURT: All right. Counsel, I'm going to take
7 this under advisement.

8 MR. RICHEY: Thank you, Your Honor.

9 MS. MARTO: Thank you, Your Honor.

10 END OF REQUESTED TRANSCRIPT OF RECORD

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Cherokee County, South Carolina, on the 6th day of June 2022.

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

November 3, 2022

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
 COUNTY OF CHEROKEE)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

Ronnie Bonner, #213069,)
 Applicant,)

Case No.: 2021-CP-11-0430

v.)

ORDER OF DISMISSAL

State of South Carolina,)
 Respondent.)

FILED IN THE OFFICE
 CLERK OF COURT
 2022 OCT 20 A 11:46
 BRANDY W. NICBEE
 CHEROKEE COUNTY, SC

This matter comes before this Court by way of Applicant's post-conviction relief application filed July 12, 2021. Respondent made its return on October 14, 2021, requesting an evidentiary hearing, which was held on June 6, 2022, at the Spartanburg County Courthouse. Rodney W. Richey, Esquire, represented Applicant. Assistant Attorney General Chelsey F. Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsel Christopher Thompson also testified. After reviewing all records and evidence before this Court, this Court finds Applicant has not shown that he is entitled to post-conviction relief. This Court therefore denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Cherokee County Clerk of Court. During its May 2018 term, the Cherokee County Grand Jury indicted Applicant for trafficking methamphetamine, between twenty-eight and one hundred grams (2018-GS-11-00653). Applicant was represented by Christopher Thompson, Esquire. Deputy Assistant Solicitor Kim Leskanic and Assistant Solicitor Matt Kendall of the Seventh Circuit Solicitor's Office prosecuted the case. On April 16-

18, 2019, Applicant proceeded to trial before the Honorable J. Derham Cole, circuit court judge, and a jury and was found guilty as indicted. Judge Cole sentenced Applicant to life imprisonment. A motion to reconsider the sentence was filed April 26, 2019. A hearing on the motion to reconsider was held on June 3, 2019, and an order denying the motion was filed June 5, 2019.

Applicant filed a timely notice of appeal on June 18, 2019, that was perfected by Taylor D. Gilliam, Esquire, through filing a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed Applicant's appeal by unpublished opinion. *State v. Bonner*, 2021-UP-155, (S.C. Ct. App. filed May 5, 2021). The remittitur was issued on May 26, 2021.

Summary of Relevant Facts

Applicant was in the back seat of a car with two co-defendants, Angela Upchurch and Brian Parker, when the car was stopped and searched by officers, after Parker provided consent to search the car. (R. 52-56). In the car, 47.45 grams of methamphetamine were found in two baggies. (R. 57, 197). None of the individuals claimed the drugs. (R. 64).

Both co-defendants cooperated with the State and testified at trial. Upchurch denied ownership of the drugs. (R. 105). Parker stated he was unaware of where the drugs were found and that he never saw them in the car but remembered Applicant attempting to hand something up to him when they were being pulled over. (R. 141-42). Applicant testified on his own behalf at trial and claimed the drugs belonged to Upchurch, that she had placed them in the back seat and that, although he does use methamphetamine, he does not sell it. (R. 238, 247).

Current Action Before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully

because of ineffective assistance of counsel in that:

1. Ineffective assistance of counsel.
 - a. Failure to strike juror #18, Susan Cash for being a former employee of Cherokee County Sheriff's Department.
 - b. Failure to move for a mistrial or move to strike Angela Upchurch's testimony.
 - c. Failure to move to strike Sharon Stone's testimony where she had no first-hand knowledge of the incident in question and her testimony only improperly bolstered the State's case.
2. Denial of due process.
3. Denial of fair and impartial jury.

At the PCR hearing, Applicant proceeded forward on the following allegations:

1. Ineffective Assistance of Counsel
 - a. Failure to strike a juror that was a former employee of the Cherokee County Sheriff's Office.
 - b. Failure to object to the State opening the door to allow prior convictions in at trial.
 - c. Failure to convey consequences of a notice to seek life without parole.
 - d. Failure to prepare Applicant for his testimony at trial.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Testimony

Applicant's Testimony

Applicant stated that one of the jurors seated in his trial should have been struck because they were a former employee at the Cherokee County Sheriff's Office. Applicant stated that he thought she was partial because she stated she knew some of the officers. Applicant stated that he told Counsel to strike her. Applicant stated that he did not talk to Counsel about testifying. He stated that he was unwilling to take the fifteen-year plea offer. Applicant stated he did not talk to Counsel about the risk of pleading versus going to trial. Applicant stated that he was given a notice of intent to seek life without parole. Applicant stated that after he turned down the fifteen-year offer he thought he would be sentenced to thirty years' imprisonment. Applicant stated that

Counsel told him he had a good chance of winning at trial. Applicant stated that one of the other individuals in the car consented to the vehicle search. Applicant stated that Counsel should have had two of the witnesses at trial separated at the jail.

On cross-examination, Applicant stated that he was informed that if he went to trial, he would be sentenced to life without parole. Applicant stated that the drugs were found underneath the driver's seat. Applicant stated that the other riders in the car stated that the drugs were his. Applicant stated that another witness stated she saw something like a drug deal occur in a bathroom in her home earlier that day. Applicant testified that he turned down the fifteen-year plea offer because he thought he had a good chance at trial. Applicant stated that he paid twenty dollars for the methamphetamine he smoked that day. Applicant stated he had a prior record and smokes meth. Applicant stated that more drugs were on the female passenger's person.

Counsel's Testimony

Counsel testified that he was not concerned about the juror in question. Counsel testified that he did not think he needed to object to the prosecutor opening the door to admitting Applicant's prior convictions in. Counsel stated that Applicant was adamant that he did not sell meth. Counsel testified that the State had a strong case against him. Counsel testified that he thought Applicant was given a good plea offer. Counsel testified that he thought Applicant was not aware of the seriousness of the potential for a sentence of life without parole.

On cross-examination, Counsel was unsure if striking the juror would have made a difference. Counsel testified that he told Applicant to be short and concise concerning his testimony. Counsel testified that Applicant was adamant about being a drug user rather than a dealer and that he was not guilty. Counsel also stated that the other two riders in the car were placed in the same police car and that he thought there was a question on whether they agreed to

turn on Applicant. Counsel testified that Applicant voluntarily admitted on the stand that he was a drug user.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the trial transcript, direct appeal records, and this PCR action's records. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated § 17-27-80 (2003).

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the

evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. See also Rule 71.1(e), SCRCP ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment."

Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters "'only in the rarest case'" because "[t]he likelihood of a different result must be substantial, not just conceivable." *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before

examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Failure to Strike Juror

Applicant claims Counsel was ineffective for failure to strike a juror that was a former employee of the Cherokee County Sheriff's Office. "[A] criminal defendant has no right to a trial by any particular jury, but only a right to a trial by a competent and impartial jury." *Palacio v. State*, 333 S.C. 506, 517, 511 S.E.2d 62, 68 (1999). Further, "[i]n PCR proceedings, a defendant must provide credible evidence that the trial attorney's refusal to strike a juror prejudiced the defense." *Id.*

Counsel credibly testified that he was not concerned about the juror in question because she was only *formerly* employed of the Cherokee County Sheriff's Office. He also credibly testified that he was not sure whether striking that juror would have made a difference in the outcome at trial. Further, Applicant has not presented any credible evidence that the refusal to strike the juror would have made a difference at trial. Accordingly, relief is denied on this ground.

Failure to Object to Prior Drug Convictions

Applicant claims Counsel was ineffective for failure to object to the State eliciting testimony about Applicant's prior drug convictions. Whether failure to object constitutes deficient performance generally hinges on whether a reasonable trial strategy was utilized. *See Thompson v. State*, 423 S.C. 235, 241, 814 S.E.2d 487, 490 (2018) (finding Counsel was deficient because the failure to object was not related to an otherwise valid trial strategy); *Stokes v. State*, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992) (where "counsel articulates a valid

reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel”).

On direct examination at trial, Applicant admitted to using meth the day he was arrested. (Tr. 230-31). On cross-examination, Applicant testified that he smoked that night and that he paid for the drugs he had smoked, but denied selling any drugs. (Tr. 245-47). The State then asked Applicant if he is “just a meth user.” In response, Applicant volunteered “[y]es ma’am, I will not sell drugs.” (Tr. 247). When asked if he would not sell meth, Applicant stated that he does “not sell meth, period.” (Tr. 247). After this admission, the State requested to open the door to asking about Applicant’s prior objections.

This Court finds that Counsel was not deficient on this ground because, as Counsel credibly testified at the PCR hearing, Applicant volunteered the fact that he was a drug user and volunteered the testimony that he did not deal drugs. The statement that he did not deal was not offered in response to a direct question. Applicant opened the door himself to the line of questioning in question. After the door was opened by Applicant, Counsel did not have a basis for an objection. Counsel cannot be held responsible for Applicant’s own choices made without consulting Counsel. Therefore, and because the line of questioning was not objectionable once Applicant opened the door, any objection would have been overruled. Hence, there cannot have been any prejudice for failure to object. Thus, relief is denied on this ground.

LWOP Notice

Applicant claims Counsel was ineffective for failure to adequately convey to Applicant the importance and consequences of the notice of intent to seek life without parole. However, Applicant testified that Counsel told him that if he was found guilty at trial, he would receive a life sentence without possibility of parole. Additionally, before the trial, the trial judge engaged

Applicant in a colloquy, where he was informed and confirmed his understanding that if he proceeded to trial and was found guilty, he would face life in prison without possibility of parole. (Tr. 7-12). Accordingly, this Court finds Applicant's allegation is without merit and refuted by both his own testimony and the trial transcript. Accordingly, relief is denied on this ground.

Inadequate Preparation of Applicant's Testimony

Applicant claims Counsel was ineffective for failure to properly prepare Applicant for testifying at his trial. Counsel testified that he told Applicant to be short and concise concerning his testimony. There has been no showing as to why this was unreasonable and, accordingly, deficient. There has also been no showing on what additional preparation would have consisted of or how that would have made a difference in the outcome of the trial. Therefore, Applicant has not established prejudice. Accordingly, relief is denied on this ground.

Conclusion

For the foregoing reasons, this Court finds and concludes that Applicant has not established any constitutional violation or deprivation that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203; SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 10th day of October, 2022.

William A. McKinnon 2761
WILLIAM A. MCKINNON
Presiding Judge
Seventh Judicial Circuit

Spokane, South Carolina.

18-GS-11-00653

DOCKET NO.

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

May 24 2018 TERM

THE STATE

vs.

RONNIE LESHANON BONNER

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

WITNESSES

Cherokee County Sheriff's Office

[Signature]

ARREST WARRANT NUMBER

2018A111020086

ACTION OF GRAND JURY

~~TRUE BILL~~

[Signature]
Foreperson of Grand Jury
Date: 3-24-18

VERDICT

Foreperson of Petit Jury
Date:

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2018 MAY 24 AM 10:50

BRANDY W. MCBEL

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

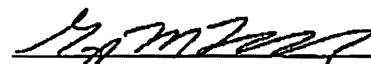
INDICTMENT

At a Court of General Sessions, convened on May 24 2018, the
Grand Jurors of Cherokee County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE

That Ronnie LeShanon Bonner did in Cherokee County on or about March 16, 2018, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess (28) twenty - eight grams or more, but less than (100) one hundred grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Cherokee

VS.

Ronnie LeShanon Bonner

AKA:

Race: BLACK Sex: M Age: 43

DOB: SS#:

Address:

City, State, Zip: Gaffney, SC 29340-0000

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Drugs / Trafficking in ice, crack or crack - 28 g or more, but less than 100 g (25-30 yrs)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS1100653

A/W#: 2018A1110200086

Date of Offense: 3/16/2018

S.C. Code § : 44-53-0375(C)(2)(c)

CDR Code #: 0349

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS 3 (life)

in violation of § 44-53-0375(C)(2)(c) of the S.C. Code of Laws, bearing CDR Code # 0349

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

KENDALL, MATT

SCB77213
SC Bar#

Defendant

Thompson, Christopher Paul
Attorney for DefendantSCB71255
SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: pursuant to 17-25-45(B)☐ 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.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	8.25

TOTAL

\$283.25

Clerk of Court/ Deputy Clerk

Court Reporter:

Presiding Judge

Judge Code: 2293

Sentence Date: 4/18/19