

RECEIVED

Aug 09 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STEVEN LEE DUNCAN,

APPELLANT

APPELLATE CASE NO 2023-000138

RECORD ON APPEAL

WANDA H. CARTER
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

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JANUARY 10-11, 2023	1
JURY VOIR DIRE	6
JURY SELECTION	19
MOTION FOR CONTINUANCE	28
RULING BY THE COURT	31
OPENING STATEMENT BY THE SOLICITOR	33
OPENING STATEMENT BY DEFENSE COUNSEL	39
TRIAL TESTIMONY	
JAMES HELLAMS	41
ROBERT ADAM LOGAN	64
BRANDON JUSTICE	73
COURT’S RESPONSE TO JURY QUESTION	82
TRIAL TESTIMONY	
DAVID PHILPOTT	83
MEREDITH LANFORD	92
STATE RESTS	100
CHARGE CONFERENCE	101
DEFENSE RESTS	103
CLOSING ARGUMENT BY THE SOLICITOR	105
CLOSING ARGUMENT BY DEFENSE COUNSEL	107
JURY CHARGE ON THE LAW	109

VERDICT	124
SENTENCING HEARING DATED JANUARY 12, 2023	129
SENTENCING HEARING DATED JANUARY 13, 2023	137
TESTIMONY	
DALE COLEGROVE.....	138
RULING BY THE COURT.....	155
SENTENCING	155
INDICTMENTS	158
CERTIFICATE OF COUNSEL	162

1 In the Court of General Sessions of the
2 State of South Carolina, County of Oconee

3

4 Case No.: 2021GS3701377

5 2021GS3701378

6 State of South Carolina,

7 Plaintiff(s),

8 vs.

9 ***Transcript of Record***

10 Steven Lee Duncan,

11 Defendant(s).

12

13

14

15

16

17 January 10-13, 2023

18 Walhalla, South Carolina

19

20

21

22 BEFORE:

23 The Honorable Scott Sprouse

24

25

APPEARANCES

1 APPEARANCES

2

3 REPRESENTING THE STATE:

4 Jason Christopher Alderman, Esquire

5 Tenth Circuit Solicitor's Office

415 S. Pine Street

6 Walhalla, South Carolina 29691

7

8

9

10 REPRESENTING THE DEFENDANT:

11 Suzanne E. Earle, Esquire

12 Tenth Circuit Office of Public Defender

110 Browns Square Drive

13 Walhalla, South Carolina 29601

14

15

16

17

18

19

20

21

22

23

24

25

INDEX PAGE

1	INDEX AS TO WITNESSES	
2	WITNESSES:	PAGE:
3	JAMES HELLAMS	
	Direct Examination By Mr. Alderman	41
4	Cross Examination By Ms. Earle	53
	Redirect Examination By Mr. Alderman	63
5		
	ROBERT ADAM LOGAN	
6	Direct Examination By Mr. Alderman	64
	Cross Examination By Ms. Earle	70
7	Redirect Examination By Mr. Alderman	72
8	BRANDON JUSTICE	
	Direct Examination By Mr. Alderman	73
9	Cross Examination By Ms. Earle	78
	Redirect Examination By Mr. Alderman	80
10		
	DAVID PHILPOTT	
11	Direct Examination By Mr. Alderman	83
	Cross Examination By Ms. Earle	89
12		
	MEREDITH LANFORD	
13	Direct Examination By Mr. Alderman	92
	Cross Examination By Ms. Earle	96
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

INDEX PAGE

1 INDEX AS TO EXHIBITS

2

3 STATE'S EXHIBITS: Marked: Received:

4

1-3 vehicle photos	45	45
5 area map	47	47
6 Best pak	51	51
6 4 Defendant photo	52	52
12-14 evidence photos	69	69
7 7-11 body cam photos	76	76
15-16 Form C paperwork	86	86
8 19 Best pack	89	89
18 lab report	96	96

9

10

11 COURT'S EXHIBITS:

12 1 forelady name	83	83
2 monitor file	152	152

13

14

15

16

17

18

19

20

21

22

23

24

25

JURY SELECTION

1 PROCEEDINGS

2 THE COURT: Any objections to voir dire
3 questions?

4 MR. ALDERMAN: None from the State, Your
5 Honor.

6 MS. EARLE: No, Your Honor.

7 THE COURT: Okay. Call the first case.

8 MR. ALDERMAN: Your Honor, at this time
9 the State calls the State of South Carolina versus Steven
10 Lee Duncan. 2021GS3701377 and 1378 on the charges of
11 trafficking methamphetamine, 10 to 28 grams, and failure
12 to stop for a blue light.

13 THE COURT: Okay. All right. Ladies and
14 gentlemen of the jury, as you've heard, this is the State
15 versus Steven Lee Duncan. The indictments charge Mr.
16 Duncan with trafficking in methamphetamine 10 grams or
17 less than 28 grams and failure to stop for a blue light.

18 Mr. Duncan has entered a plea of not
19 guilty to these charges, therefore it'll be your job if
20 you are selected to serve on this jury to determine
21 whether or not the State can prove its case against Mr.
22 Duncan beyond a reasonable doubt. The State has the
23 burden of proof in this case.

24 Now I realize that I asked you a number of
25 questions yesterday to qualify you as jurors. I'm going

JURY SELECTION

1 to ask you some more questions today. This is not to pry
2 into your private lives, but to ensure that both the
3 State and the defendant have an impartial jury.

4 So, Madam Clerk, would you please put our
5 jurors under oath again, please?

6 (Jurors sworn by the Clerk of Court.)

7 THE CLERK: Let the record reflect all
8 members of the jury panel have accepted the oath.

9 THE COURT: Thank you. Now, first order
10 of business, let me get the attorneys to introduce
11 themselves and anyone seated at the table with them.

12 MR. ALDERMAN: Thank you, Judge. Ladies
13 and gentlemen, my name is I'm Jason Alderman, I am the
14 deputy solicitor for Oconee County. I serve your elected
15 Tenth Circuit Solicitor, Mr. David Wagner. And here with
16 me is Sergeant Jamie Hellams of the Oconee County
17 Sheriff's Office. This is his case and he is here
18 assisting the prosecution.

19 MS. EARLE: Ladies and gentlemen, my name
20 is Suzanne Earle. I am a senior public defender in
21 Oconee County, and I represent Mr. Duncan.

22 THE COURT: Is any member of the jury
23 panel related by blood or marriage or have a close or
24 personal relationship with one of these attorneys or
25 party to the case? If so, please stand.

JURY SELECTION

1 THE JUROR: Anthony Smith, Juror 153,
2 David Wagner and I were roommates and teammates in
3 college and still remain close friends, and I told you
4 that at a side bar.

5 THE COURT: With that knowledge, do you
6 feel that you could be fair and impartial if called to
7 serve as a juror?

8 THE JUROR: Yes.

9 THE COURT: Okay. Thank you. You can be
10 seated.

11 THE JUROR: Your Honor, I work with
12 Jason's wife at the dental office. I don't know if that
13 would be something you would care.

14 THE COURT: Okay. You are Ms. Murphy?
15 Ms. Murphy, do you believe with that knowledge you could
16 be fair and impartial if called to serve as a juror?

17 THE JUROR: I do.

18 THE COURT: Thank you, ma'am, you can be
19 seated.

20 Now, has any member of the jury panel ever
21 been represented by one of these attorneys at a law firm
22 that they may have been a part of, or had one of these
23 attorneys or a law firm that they may have been a part of
24 represent someone against you in Court? If so, please
25 stand.

JURY SELECTION

1 Yes, sir, your number.

2 THE JUROR: Number 11.

3 THE COURT: Mr. Blackwell?

4 THE JUROR: Yes, sir.

5 THE COURT: Okay.

6 THE THE JUROR: Ms. Earle represented me
7 in a case.

8 THE COURT: Okay. How long ago was that?

9 THE THE JUROR: Five to eight years.

10 THE COURT: With that knowledge, do you
11 believe that you could be fair and impartial if called to
12 serve as a juror?

13 THE JUROR: Yes, sir.

14 THE COURT: All right. Thank you, sir.
15 You can be seated.

16 THE COURT: Anything further?

17 (No response.)

18 THE COURT: Now, ladies and gentlemen,
19 I'll read to you a list of witnesses that have been
20 submitted. Listen very carefully to these names. James
21 Hellams, Oconee County Sheriff's Office; Adam Logan,
22 Oconee County Sheriff's Office; Brian Long, Oconee County
23 Sheriff's Office; Brandon Justice, Oconee County
24 Sheriff's Office; Brandon O'Kelley, Oconee County
25 Sheriff's Office; Nina McKee, Oconee County Sheriff's

JURY SELECTION

1 Office; David Philpott, Anderson Police Department; and
2 Meredith Lanford from the Anderson lab.

3 Any member of the jury panel related by
4 blood or marriage to any of these potential witnesses or
5 a close personal friend of one of them? If so, please
6 stand.

7 (No response.)

8 THE COURT: There are none.

9 THE COURT: Any witnesses for the defense?

10 MS. EARLE: None, Your Honor.

11 THE COURT: Okay. Now, is there any
12 member of the jury panel who has a member of their family
13 or a close personal friend who is currently a member of
14 law enforcement? If so, please stand.

15 Yes, sir, your number. Your number?

16 THE THE JUROR: Twelve.

17 THE COURT: Mr. Blassingame, yes, happy to
18 hear from you.

19 THE THE JUROR: My niece, Latoya Earle,
20 works with Seneca Police Department.

21 THE COURT: And with that knowledge, do
22 you believe you could be fair and impartial if called to
23 serve?

24 THE THE JUROR: Yes.

25 THE COURT: Okay. Thank you, Mr.

JURY SELECTION

1 Blassingame.

2 Ms. Murphy.

3 THE JUROR: I'm Justin's aunt, Oconee

4 County officer.

5 THE COURT: Okay. Which one? Tell me the
6 witness again.

7 THE JUROR: No, it isn't a witness, it is
8 an employee of the Oconee County Sheriff's Department.

9 THE COURT: Okay. So you are an aunt to
10 them?

11 THE JUROR: Yes.

12 THE COURT: With that knowledge, do you
13 think that you could be fair and impartial?

14 THE JUROR: I do.

15 THE COURT: Thank you, ma'am, you can be
16 seated.

17 Yes, ma'am.

18 THE JUROR: My father-in-law is an
19 investigator for Henderson County Sheriff's Department.

20 THE COURT: Okay. And what is your
21 number?

22 THE THE JUROR: 57.

23 THE COURT: Number 57, Ms. Gilliam. Yes,
24 ma'am, Anderson Sheriff's Department?

25 THE THE JUROR: Henderson County, North

JURY SELECTION

1 Carolina.

2 THE COURT: Okay. With that knowledge, do
3 you feel that you could be fair and impartial?

4 THE JUROR: I do.

5 THE COURT: Okay. Thank you, ma'am. You
6 can be seated.

7 Has any member of the jury panel had any
8 formal or informal legal training?

9 Yes, sir your number.

10 THE JUROR: Number 60. Ashton Gottschall.

11 THE COURT: Mr. Gottschall, and you are an
12 attorney?

13 THE JUROR: Yes, sir.

14 THE COURT: With that knowledge, do you
15 feel you could be fair and impartial if called to serve?

16 THE JUROR: Yes, sir, I do.

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

18 You can be seated. Has any member of the jury panel been
19 a witness in a criminal case? If so, please stand.

20 (No response.)

21 THE COURT: There are none.

22 Is there any member of the jury panel who
23 is a member of or has made donations to any law
24 enforcement or victim's advocacy group including Mothers
25 Against Drunk Driving, South Carolina Law Enforcement

JURY SELECTION

1 Officers Association, Partnership for Drug Free America,
2 State Office of Victim's Assistance, or any other such
3 organization? If so, please stand. Yes, sir, your
4 number.

5 THE JUROR: Charles Rebon, 134.

6 THE COURT: And which organization?

7 THE JUROR: Law enforcement.

8 THE COURT: South Carolina Law Enforcement
9 Officers Association?

10 THE JUROR: Yes, sir.

11 THE COURT: Are you a member or did you
12 make a donation?.

13 THE THE JUROR: I made a donation, sir.

14 THE COURT: With that knowledge, do you
15 feel that you could be fair and impartial?

16 THE THE JUROR: I do, sir.

17 THE COURT: Yes, ma'am.

18 THE THE JUROR: Number 129.

19 THE COURT: Leann Qualkinbush. Which
20 organization?

21 THE JUROR: Pickens County Sheriff.

22 THE COURT: Member or donation?

23 THE THE JUROR: . Donation.

24 THE COURT: With that knowledge, do you
25 feel that you could be fair and impartial?

JURY SELECTION

1 THE JUROR: Yes.

2 THE COURT: Okay. Thank you, ma'am.

3 Any further?

4 Does any member of the jury panel have a
5 member of their family or a close personal friend who has
6 been involved in drug abuse, arrested for selling of
7 illegal drugs, or had law enforcement problems as a
8 result of drugs?

9 THE THE JUROR: 138, Milton Robinson.

10 THE COURT: All right. I am going to come
11 forward.

12 THE COURT: All right. Mr. Robinson.
13 What is the nature?

14 THE JUROR: My son, Johnny Matthew
15 Robinson, he was sent to prison for seven years back in
16 2018 for methamphetamines.

17 THE COURT: Okay. With that knowledge, do
18 you feel that you could be fair and impartial?

19 THE JUROR: Yes, sir.

20 THE COURT: All right. Thank you, sir.
21 You can be seated.

22 THE COURT: Yes, ma'am. Your number?

23 THE THE JUROR: Ninety-five, Sharon
24 Marcengill.

25 THE COURT: Yes, ma'am.

JURY SELECTION

1 THE JUROR: Yes, my son has been involved.
2 It was recent. It's been over a year. He's doing very
3 well.

4 THE COURT: Ms. Marcengill, with that
5 knowledge, do you feel that you could be fair and
6 impartial if you were called to serve?

7 THE JUROR: I don't think so.

8 THE COURT: Okay. I'll excuse you from
9 this case, Ms. Marcengill. Thank you.

10 THE THE JUROR: Uh-huh. (Indicating
11 affirmatively.)

12 THE THE JUROR: Hi. 159.

13 THE COURT: 159, Ms. Stock.

14 THE JUROR: My daughter was arrested for a
15 DUI. I didn't know if it made any difference. She was
16 convicted and went to rehab.

17 THE COURT: Ms. Stock, with that
18 knowledge, do you feel that you could be fair and
19 impartial?

20 THE JUROR: Yes.

21 THE COURT: Thank you, ma'am. You can be
22 seated.

23 THE THE JUROR: 154.

24 THE COURT: Mr. Smith.

25 THE THE JUROR: Yes, my son has been --

JURY SELECTION

1 done prison time for meth. We are currently estranged.

2 THE COURT: Well, Mr. Smith, with that

3 knowledge, do you feel that you could fair and impartial?

4 THE THE JUROR: I believe that I could,

5 yeah, yeah.

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

7 Yes, ma'am, what is your number, 115?

8 THE THE JUROR: Yes, sir.

9 THE COURT: Okay. Ms. Olbon.

10 THE THE JUROR: I had a daughter that was

11 convicted and served time in prison for drugs.

12 THE COURT: With that knowledge, do you

13 feel that you could be fair and impartial?

14 THE THE JUROR: Very much so.

15 THE COURT: Thank you, ma'am. You can be

16 seated.

17 THE THE JUROR: Mr. Sanders. Bella, Pete,

18 (phonetic) and other Sanders all are now deceased, but

19 they were all drug related.

20 THE COURT: With that knowledge, do you

21 believe that you could be fair and impartial juror?

22 THE THE JUROR: Yes.

23 THE COURT: Okay. You can be seated.

24 THE THE JUROR: Your Honor, 77.

25 THE COURT: Brian Kalwat.

JURY SELECTION

1 THE THE JUROR: To the question about
2 family and law enforcement, I didn't fully understand the
3 question when you presented it. My father, Daniel Kalwat
4 (phonetic) served with the Greenville Sheriff's Office
5 for like 30 years or so. I don't know the exact
6 duration, a long time. But I did want to disclose that.

7 THE COURT: With that knowledge, do you
8 feel that you could be fair and impartial?

9 THE THE JUROR: I do, yes.

10 THE COURT: Thank you, sir. You can be
11 seated. Thank you.

12 THE THE JUROR: 137.

13 THE COURT: Ms. Rich.

14 THE THE JUROR: I had a cousin, years ago,
15 killed himself. It was a meth deal I think. But I don't
16 know the details of it, but it's been a while back but .
17 . .

18 THE COURT: With that knowledge, do you
19 feel that you could be fair and impartial?

20 THE THE JUROR: Yes, I think so.

21 THE COURT: Thank you, ma'am. You can be
22 seated.

23 THE THE JUROR: 43.

24 THE COURT: 43, okay. Mr. Dunton.

25 THE THE JUROR: Yes, my brother was

JURY SELECTION

1 arrested and guilty of drug possession. I just wanted to
2 share that.

3 THE COURT: How long ago was that?

4 THE THE JUROR: Five years.

5 THE COURT: With that knowledge, do you
6 feel that you could be fair and impartial?

7 THE THE JUROR: Yes, sir.

8 THE COURT: Thank you, sir. You can be
9 seated.

10 THE COURT: Okay. Ladies and gentlemen,
11 I'll just ask the next question while I'm standing down
12 here. If you have already come up, you don't have to
13 again. But is there anyone else who has a family member
14 or a close personal friend that is in a drug
15 rehabilitation program? Again, if you have already come
16 up, you don't need to come up again.

17 (No audible response.)

18 THE COURT: Okay. Now this case -- this
19 case is alleged to have happened on July the 20th, 2021
20 in Oconee County. Does any member of the jury panel have
21 any prior knowledge from any source about the facts of
22 this case? If so, please stand.

23 (No response.)

24 THE COURT: There are none.

25 Does any member of the jury panel know of

JURY SELECTION

1 any other reason why he or she could not be fair and
2 impartial if called to serve as a juror in this case?
3 Please stand. Okay. There are none.

4 Any more submissions from the State?

5 MR. ALDERMAN: None from the State, Your
6 Honor.

7 THE COURT: Any further submissions from
8 the defense?

9 MS. EARLE: None, Your Honor.

10 THE COURT: Okay. Now, ladies and
11 gentlemen, what happens now is that a random list is
12 generated by the computer with the numbers. We have
13 advanced. And I tell juries this story, when I was my
14 law clerk's age, we had to use an old hopper up here.
15 Grab that and show it to them.

16 In the old courthouse next door where I
17 tried my first case a long, long time ago, the clerk
18 would reach in and pull numbers out. And in the old days
19 they used to have a blind person or a child, somebody
20 that couldn't read and therefore they couldn't manipulate
21 the numbers.

22 Now the computer does all of that for us.
23 So that is great until the computer breaks down. Which I
24 have had happen. Not often, but it does the same thing.
25 So, we will with be with you in just a second.

JURY SELECTION

1 (Pause.)

2 THE COURT: I spoke too soon about the
3 computer.

4 THE CLERK: I'm having technical
5 difficulty.

6 THE COURT: We will work it out. We will
7 work it out.

8 Okay. We will take a break. Step out and
9 take about a fifteen-minute break, but do not leave the
10 floor. Thank you.

11 (Brief recess.)

12 THE COURT: All right. Let's get everyone
13 in.

14 THE BAILIFF: As far as we know, we have
15 checked the restrooms and everyone is in.

16 THE COURT: We have resolved the technical
17 issues. You are lucky we have a great Clerk of Court.
18 With this state-wide system, a lot of times a glitch
19 happens and it has to be fixed on their end. They are
20 very good at that. I appreciate that. Please proceed.

21 THE CLERK: Ladies and gentlemen, as I
22 call your name please come forward, step through the
23 gate, come to the bar, turn and face the gallery.

24 Juror number 129, Leeann Qualkinbush.
25 What says the State?

JURY SELECTION

1 MR. ALDERMAN: Please present the juror.

2 THE CLERK: What says the defense?

3 MS. EARLE: Please seat the juror.

4 THE CLERK: Ma'am, if you would, please
5 take a seat in the jury box.

6 THE CLERK: Number 175, Lawrence Wilbanks.
7 What says the State?

8 MR. ALDERMAN: Please present the juror.

9 THE COURT: What says the defense?

10 MS. EARLE: Please seat the juror.

11 THE CLERK: If you would, please take a
12 seat in the jury box.

13 Number 5, Christopher Barker. What says
14 the State?

15 MR. ALDERMAN: Please present the juror.

16 THE CLERK: What says the defense?

17 MS. EARLE: Please seat the juror.

18 THE CLERK: Sir, if you would, please take
19 a seat in the jury box.

20 Number 118, Nathaniel Parizi. What says
21 the State?

22 MR. ALDERMAN: Please excuse the juror.

23 THE CLERK: Sir, you have been excused
24 from this case, please be seated.

25 Number 45, Dustin Eades. What says the

JURY SELECTION

1 State?

2 MR. ALDERMAN: Please excuse the juror.

3 THE CLERK: Sir, you have been excused

4 from this case, you may be seated.

5 Number 106, Miah Munckton. What says the

6 State?

7 MR. ALDERMAN: Please present the juror.

8 THE CLERK: What says the defense?

9 MS. EARLE: Please seat the juror.

10 THE CLERK: Ma'am, if you would, please

11 take a seat in the jury box.

12 Number 49, Melanie Fink. What says the

13 State?

14 MR. ALDERMAN: Please present the juror.

15 THE COURT: What says the defense?

16 MS. EARLE: Please excuse this juror.

17 THE CLERK: Ma'am, you have been excused

18 from this case, you may be seated.

19 Number 104, Guy Mobley. What says the

20 State?

21 MR. ALDERMAN: Please present the juror.

22 THE CLERK: What says the defense?

23 MS. EARLE: Please seat the juror.

24 THE CLERK: Sir, if you would please take

25 a seat in the jury box.

JURY SELECTION

1 Number 99, Tamera McCants. What says the
2 State?

3 MR. ALDERMAN: Please excuse the juror.

4 THE CLERK: Ma'am, you have been excused
5 from this case, you may be seated.

6 Number 136, Jerold Rholetter. What says
7 the State?

8 MR. ALDERMAN: Please present the juror.

9 THE CLERK: What says the defense?

10 MS. EARLE: Please seat the juror.

11 THE CLERK: Sir, if you would please take
12 a seat in the jury box.

13 Number 176, Terry Wilbanks. What says the
14 State?

15 MR. ALDERMAN: Please excuse the juror.

16 THE CLERK: Ma'am, you have been excused
17 from this case, you may be seated.

18 Number 169, Christopher Trabert. What
19 says the State?

20 MR. ALDERMAN: Please seat or present the
21 juror.

22 THE CLERK: What says the defense?

23 MS. EARLE: Please seat the juror.

24 THE CLERK: Sir, if you would please take
25 a seat in the jury box.

JURY SELECTION

1 Number 98, Brian McCall. What says the
2 State?

3 MR. ALDERMAN: Please present the juror.

4 THE CLERK: What says the defense?

5 MS. EARLE: Please seat the juror.

6 THE CLERK: Sir, if you would please take
7 a seat in the jury box.

8 Number 174, Michael Whiten. What says the
9 State?

10 MR. ALDERMAN: Please present the juror.

11 THE CLERK: What says the defense?

12 MS. EARLE: Please seat the juror.

13 THE CLERK: Sir, if you would please take
14 a seat in the jury box.

15 Number 139 -- sorry, 39, Joseph
16 Dickerson-eib. What says the State?

17 MR. ALDERMAN: Please present the juror.

18 THE CLERK: What says the defense?

19 MS. EARLE: Please seat the juror.

20 THE CLERK: Sir, if you would please take
21 a seat in the jury box.

22 Number 80, Zachary King. What says the
23 State?

24 MR. ALDERMAN: Please present the juror.

25 THE CLERK: What says the defense?

JURY SELECTION

1 MS. EARLE: Please seat the juror.

2 THE CLERK: Sir, if you would please take
3 a seat in the jury box.

4 Number 77, Brian Kalwat. Did I say that
5 correct? What says the State?

6 MR. ALDERMAN: Please present the juror.

7 THE CLERK: What says the defense?

8 MS. EARLE: Please excuse the juror.

9 THE CLERK: Sir, you have been excused
10 from this case, you may be seated.

11 Number 163, Kayla Talley. What says the
12 State?

13 MR. ALDERMAN: Please present the juror.

14 THE CLERK: What says the defense?

15 MS. EARLE: Please seat the juror.

16 THE CLERK: Ma'am, if you would please
17 take a seat in the jury box.

18 This will be for our first alternate.

19 Number 1, Louie Sanders. What says the State?

20 MR. ALDERMAN: Please present the juror.

21 THE CLERK: What says the defense?

22 MS. EARLE: Please excuse this juror.

23 THE CLERK: Sir, you have been excused
24 from this case, you may be seated.

25 Number 137, Jennifer Rich. What says the

JURY SELECTION

1 State?

2 MR. ALDERMAN: Please present the juror.

3 THE CLERK: What says the defense?

4 MS. EARLE: Please excuse this juror.

5 THE CLERK: Ma'am, you have been excused
6 from this case, you may be seated.

7 Number 150, Steven Shiflett. What says
8 the State?

9 MR. ALDERMAN: Please present the juror.

10 THE CLERK: What says the defense for
11 cause?

12 MS. EARLE: Please seat the juror.

13 THE CLERK: Sir, if you would please take
14 a seat in the jury box.

15 And this will be for alternate number two.
16 Number 76, Laurie Jordan. What says the State?

17 MR. ALDERMAN: Please present the juror.

18 THE CLERK: What says the defense?

19 MS. EARLE: Please seat the juror.

20 THE CLERK: Ma'am, if you would please
21 take a seat in the jury box.

22 THE COURT: All right. Are there any
23 motions or exceptions to the selection of the jury from
24 the State?

25 MR. ALDERMAN: None from the State.

JURY SELECTION

1 THE COURT: Are there any motions or
2 exceptions to the selection of the jury from the defense?

3 MS. EARLE: No, Your Honor.

4 THE COURT: All right. Ladies and
5 gentlemen in the remainder of the pool, that will
6 conclude your service this morning. You are free to go.
7 The clerk has a telephone number to call. Call that
8 number after 6:00 tonight for the remainder of the pool.
9 So, thank you for your attendance this morning, you are
10 now excused.

11 (Non-selected jury panel exits the
12 courtroom.)

13 THE COURT: Okay, ladies and gentlemen,
14 let me give you an update on where we are. Yesterday we
15 were not able to start jury trials because we had to do
16 grand jury yesterday morning so we weren't able to
17 qualify you until yesterday afternoon, and I know that
18 was a lengthy process for you.

19 The plan was we were going to start the
20 case today. We had a number of cases on the jury docket,
21 and all of them except this one have been resolved. The
22 attorneys have been able to resolve it, so that is a good
23 thing. But on the other hand, we do have a case here
24 that we need to try. But things outside of our control
25 have intervened.

JURY SELECTION

1 Now you notice Ms. Earle is here today.
2 She wasn't here yesterday. She's been laid up sick all
3 weekend, and still not completely over it from listening
4 to her. But she's made a valiant effort to be here
5 today. You notice Mr. Alderman is seated at the table.
6 This is Ms. Ennis' case. She was ready to go yesterday
7 but her small child has come down with a high fever and
8 is sick today, so Mr. Alderman is standing in for her.

9 These are -- this has hit both sides, and
10 this is something completely out of their control. So
11 the plan is I wanted to ahead and get you selected this
12 morning so I didn't have to bring the whole pool back
13 tomorrow. And we are going to start the case tomorrow at
14 9:30. So, you go home and go about your day. And just
15 be back at 9:30 tomorrow.

16 Don't talk about this case or try to do
17 research about the case. There are three things that you
18 are prohibited from doing once you are selected as a
19 jury. First is you are prohibited from doing independent
20 research. Don't get on the Internet and try to look up
21 the facts of the case. Don't talk to third parties about
22 the case. If anyone contacts you trying to talk about
23 the case, you let me know and I'll tend to that.

24 And then the last thing is that you can't
25 deliberate amongst yourselves. When you are in the jury

DEFENSE MOTION FOR CONTINUANCE

1 room during the course of the trial or when you are at
2 lunch or wherever, you can talk amongst yourselves about
3 anything that you want to, except the case. And the
4 reason for that is that we don't want you deciding the
5 case prematurely, until you have heard all of the
6 evidence.

7 With that, ladies and gentlemen, thank you
8 and we will see you tomorrow morning at 9:30.

9 (Selected jury exits the courtroom.)

10 THE COURT: Okay. Now counsel, I didn't
11 swear the jury because as I understand it Ms. Earle has a
12 motion for continuance based on her client not being
13 here; is that correct?

14 MS. EARLE: Yes, that's correct.

15 THE COURT: Let me hear that at this
16 point.

17 Ms. Earle, do you have anything about why
18 your client is not here?

19 MS. EARLE: Your Honor, I don't believe
20 that my client received notice to be here. The notices
21 sent have been returned as the incorrect address. I'll
22 make a motion for continuance because he's not present.
23 And I was not present for jury qualification yesterday,
24 which puts me at a disadvantage for picking the jury
25 today. I have not heard their qualifications.

DEFENSE MOTION FOR CONTINUANCE

1 I believe a trial in the absence on a case
2 as serious as this that has mandatory prison time would
3 be inappropriate. I think that the defendant should be
4 present for that. And that could be resolved through
5 issuance of a bench warrant for his arrest.

6 THE COURT: Okay. Now, is the address
7 where you sent your notices to your client the address
8 your client provided to you?

9 MS. EARLE: It is.

10 THE COURT: And has your client ever
11 changed his address with your office?

12 MS. EARLE: He changed his address to that
13 address.

14 THE COURT: All right. But that is the
15 address that he gave you?

16 MS. EARLE: Yes, Your Honor.

17 THE COURT: And now they are coming back
18 as incorrect?

19 MS. EARLE: Yes, Your Honor.

20 THE COURT: Okay. Thank you, Ms. Earle.
21 Mr. Alderman.

22 MR. ALDERMAN: Judge, we simply oppose the
23 motion. It is his responsibility. If he wishes to
24 appear to do so and update the Public Defender's Office
25 with his proper address. With regard to the issue of

DEFENSE MOTION FOR CONTINUANCE

1 jury qualification, we spoke with Mr. Abdalla yesterday
2 and he indicated that he could stand in and give
3 appropriate notes for consultation to Ms. Earle.

4 THE COURT: Do we have a copy of Mr.
5 Duncan's bond?

6 (Documents given to the Court.)

7 THE COURT: I will note for the record,
8 the defendant was issued a surety bond in the amount of
9 \$30,472.50 that was issued on August the 3rd, 2021. The
10 defendant signed the bond under the acknowledgment by
11 defendant section, which states explicitly, "I understand
12 and have been informed that I have a right and obligation
13 to be present at trial, and should I fail to attend the
14 court, the trial will proceed in my absence." So the
15 defendant is on notice that the trial will proceed in his
16 absence if he failed to appear.

17 I will also find that it is the burden of
18 the client to properly inform his counsel of his current
19 address. And apparently Ms. Earle made a diligent effort
20 to notify her client of this court date. And he had
21 failed to update his address. So that is entirely on Mr.
22 Duncan and no one else.

23 So with that -- and I would also note that
24 Mr. Abdalla, the head of the Oconee Public Defender's
25 Office, was present in the courtroom for jury

DEFENSE MOTION FOR CONTINUANCE

1 qualification, along with other employees of the Public
2 Defender's Office. So, Ms. Earle, I would deny your
3 motion for a continuance, and the case would proceed
4 tomorrow as noted. We will swear the jury in the
5 morning.

6 Are there any other pre-trial issues that
7 we need to take up at this time?

8 MR. ALDERMAN: None from the State, Judge.

9 MS. EARLE: None from the defense, Your
10 Honor.

11 THE COURT: Okay. We will be in recess in
12 this case until 9:30 in the morning. And, Ms. Earle,
13 that gives you the rest of the day to see if you can find
14 Mr. Duncan. But we will proceed in his absence. Okay,
15 we will be in recess.

16 (Proceedings adjourned for the day.)

17 * * *

18

19

20

21

22

23

24

25

DEFENSE MOTION FOR CONTINUANCE

1 PROCEEDINGS

2 (Trial resumes on 1-11-2023 as follows:)

3 THE COURT: Anything from either side
4 before we proceed?

5 MR. ALDERMAN: None from the State, Your
6 Honor.

7 THE COURT: Ms. Earle, you were not
8 successful in locating Mr. Duncan?

9 MS. EARLE: No, Your Honor.

10 THE COURT: All right. Let's get our
11 jury.

12 MS. EARLE: Your Honor, I would ask that
13 once we are finished with opening that the witnesses be
14 sent to the hallway.

15 THE COURT: Okay. We will sequester the
16 witnesses. The State will be allowed to have a chief
17 prosecuting officer in the courtroom.

18 (The jury enters the courtroom at 9:37
19 a.m.)

20 THE COURT: Good morning, ladies and
21 gentlemen, I hope that everyone had a good evening. We
22 are ready to proceed. Madam Clerk, would you swear our
23 jury, please?

24 THE CLERK: Yes, sir.

25 (The jury is sworn by the Clerk of Court.)

OPENING STATEMENT BY THE STATE

1 THE COURT: Now, ladies and gentlemen, the
2 first stage of the trial will be the attorneys giving
3 opening statements. Mr. Alderman, are you ready to
4 proceed?

5 OPENING STATEMENT BY THE STATE

6 MR. ALDERMAN: Yes. Ms. Earle. May it
7 please the Court. Ladies and gentlemen, my name is Jason
8 Alderman. I am the deputy solicitor of Oconee County.
9 It is my job to present to you the criminal case on
10 behalf of the State of South Carolina.

11 I will start off with an apology. As the
12 Judge mentioned yesterday, my assistant solicitor in my
13 office, Ms. Ennis, was supposed to present this case to
14 you. The arrest in this case was made on July 20 of
15 2021, and the case has essentially been with Ms. Ennis
16 that entire time. And she spent the better part of the
17 last week or two preparing a presentation for you folks
18 today. Unfortunately she is at home with an 11-month-old
19 with ear infection and flu. I have no doubt she would
20 rather be here with you than where she is right now. But
21 you are stuck with me. And here we are.

22 Folks, the charges against the defendant,
23 Steven Lee Duncan, are failure to stop for a blue light
24 and trafficking methamphetamine between 10 and 28 grams.
25 Now the Judge will give you instructions on the law that

OPENING STATEMENT BY THE STATE

1 applies in this case pretty extensively at the end of the
2 case, so I won't belabor the point now. But I do think
3 it's important to sort of give you a primer on what the
4 elements of the case, the charges are, things that we
5 have to prove to you so you can have that in mind as you
6 hear the facts of the case.

7 So, failure to stop for a blue light,
8 pretty self explanatory, right? You all, I imagine, at
9 some point probably been pulled over for speeding or at
10 least seen someone who has. You know that when you look
11 in the rear view mirror you see blue lights and hear
12 sirens, that means stop.

13 So to prove to you failure to stop for a
14 blue light, I need to prove to you that law enforcement
15 did in fact signal Mr. Duncan, the defendant, by means of
16 sirens and blue lights, and that he made a conscious
17 decision not to stop. Failure to stop for blue light.

18 As to the charge of trafficking
19 methamphetamine between 10 and 28 grams. Drug offenses,
20 generally, in South Carolina, are based on weight or
21 quantity of a drug. So if a person had less than one
22 gram of methamphetamine, we call that possession of
23 methamphetamine. If they have more than one gram, but
24 less than ten, we call that possession with intent to
25 distribute. The law presumes that a person who has that

OPENING STATEMENT BY THE STATE

1 quantity, it's probably more than just for personal use.

2 They might have some other intent for it.

3 Beyond that, 10 to 28 grams, we call that
4 trafficking in methamphetamine at that weight. And then
5 it goes from there, 28 to 100, 100 to 200, 200 to 400,
6 each one a more significant charge. Again, the charge
7 today is trafficking in methamphetamine between 10 and 28
8 grams.

9 So what I have to prove to you is that the
10 defendant did in fact possess the thing. Possession of a
11 thing can be actual or constructive. And a good way to
12 think about that. I imagine, unless someone dropped you
13 off here today, each of you drove a car here to court
14 today. When you were sitting in your car holding onto
15 the steering wheel, you were in actual possession of that
16 thing. You have it in your hands, you can hold it. You
17 have control over that thing. But stop and think, where
18 is your car right now? Out in the parking lot where you
19 left it. But it's still your car. You still possess it.
20 You still have dominion and control over it. The keys
21 are probably in your pocket as you sit here now. That is
22 constructive possession. And that is still you in
23 possession of that thing.

24 So I need to prove to you that the
25 defendant possessed the thing. That the thing weighed

OPENING STATEMENT BY THE STATE

1 between 10 to 28 grams. And you will hear from the
2 witness stand today that it was approximately 25 grams,
3 well within that threshold. And I have to prove to you
4 that the thing itself was, in fact, methamphetamine.

5 Okay, so signaled by blue lights, failed
6 to stop, and possessed the thing that weighed 10 to 28
7 grams, and that that thing was, in fact, methamphetamine.

8 Now, as to the facts of the case, you will
9 hear from the witness stand that on July 20th, 2021 law
10 enforcement officers at the Oconee County Sheriff's
11 Office, Sergeant Jamie Hellams sitting right here, being
12 lead investigator that day, were out in the county
13 looking for a particular individual. That particular
14 individual was known to associate with the defendant, Mr.
15 Duncan. Mr. Duncan was known at that time to law
16 enforcement to have a warrant out for his arrest, which
17 means that if law enforcement was to see him, they do
18 what law enforcement does and they arrest him.

19 While they were looking for this other
20 individual, they will tell you that they saw a vehicle
21 known to be driven by the defendant, Mr. Duncan. And
22 that, in fact, when they looked at that vehicle the
23 person driving appeared to be Mr. Duncan. So they did
24 what law enforcement does, they pulled behind him, they
25 activated blue lights and sirens, one, believing him to

OPENING STATEMENT BY THE STATE

1 be the person that had an arrest warrant, and also
2 because he failed to signal in front of them. Probable
3 cause for a stop.

4 And you will hear that the defendant
5 didn't stop. Quite the opposite, he accelerated and a
6 chase ensued approximately a half of a mile. And that,
7 in fact, the defendant left the road, jumped a ditch, and
8 went across a grassy area into a backyard and continued
9 until he ran out of yard. At which point he hit a tree
10 line, bailed out of the vehicle and began running.

11 At that point law enforcement had already
12 exited their vehicle. They will tell that they were in
13 foot pursuit telling him to stop, that he was under
14 arrest. And that very shortly after getting out of the
15 vehicle and starting to run, he fell in the woods and
16 they were able to apprehend him and make an arrest.
17 Beyond that they will tell you that as they were getting
18 control of the defendant, next to him they found what
19 appeared to be a sunglass case, a soft fabric case, and
20 that inside that case they found a quantity of what they
21 believed, based on their training and experience, was
22 methamphetamine. They weighed that there in the field
23 and it was slightly more than 25 grams.

24 They will also tell you, particularly,
25 that it had been raining a lot that week, everything was

OPENING STATEMENT BY THE STATE

1 wet. It was, in fact, raining at the time. And what as a
2 matter of fact -- what stood out to them about the
3 sunglass case within a length or two past the truck, that
4 it was dry. It is wet outside, it had been raining, was
5 in fact raining, and the thing next to him within his
6 arm's reach is dry.

7 Ladies and gentlemen, those are the facts
8 that are the bases of this case. The facts that you will
9 hear from the witness stand, and ultimately the reason
10 that I'll ask you to find the defendant guilty beyond a
11 reasonable doubt of failure to stop for a blue light and
12 possession of trafficking weight methamphetamine, 28 to
13 100 (SIC) grams.

14 Now, beyond a reasonable doubt, that is
15 the standard that we are held to in presenting a case.
16 It is a high standard. It is by no means an impossible
17 standard. When you hear "beyond a reasonable doubt", I
18 would ask you to give particular attention to that word,
19 "reasonable". Reasonable doubt is not beyond any and all
20 doubt or any and all possibility. It asks the question,
21 when you consider the evidence and you apply your common
22 sense and your life experiences, are you firmly convinced
23 of a fact. That's really it. It is a common sense test.
24 When you apply your own common sense in the same way that
25 you would any other important decision in your own lives

OPENING STATEMENT BY THE DEFENSE

1 outside of this courtroom, are you firmly convinced.

2 Ladies and gentlemen, I'm confident that
3 once you hear the evidence presented in this case you
4 will be firmly convinced that the defendant is guilty of
5 failure to stop for blue light and trafficking
6 methamphetamine. Thank you very much for your attention
7 and I would ask that you give the same to Ms. Earle.

8 THE COURT: Ms. Earle.

9 OPENING STATEMENT BY THE DEFENSE.

10 MS. EARLE: Thank you, Your Honor. May it
11 please the Court. Ladies and gentlemen of the jury, I'm
12 Suzanne Earle. I'm senior public defender representing
13 Mr. Duncan. From the information that you have been
14 provided just now by the solicitor you probably think,
15 why are we sitting here, why are we having a trial,
16 there's no question here. But there are questions.
17 Because there are some things that you are going to not
18 hear from the State when they present their evidence that
19 are important in this case.

20 You are not going to hear that they found
21 drugs on Mr. Duncan. You are not going to hear that they
22 found drugs in Mr. Duncan's vehicle. You are going to
23 hear that they found drugs laying on the ground in the
24 woods. Those drugs may have been in close proximity to
25 him, but as the solicitor was explaining to you what

OPENING STATEMENT BY THE DEFENSE

1 possession and constructive possession are, he used an
2 example of a vehicle. So when you parked your vehicle in
3 the parking lot to come to court this morning, you
4 probably parked next to another vehicle. That vehicle is
5 in close proximity to you, that doesn't put you in
6 possession of that vehicle. That doesn't make you the
7 owner of that vehicle. That doesn't give you any control
8 over that vehicle. Those are the kind of things that you
9 have to take into consideration when you are making your
10 decision in court.

11 The beyond a reasonable doubt standard
12 that the solicitor referenced, he also told you that you
13 had to be firmly convinced. The standard is not firmly
14 convinced, the standard is convinced beyond a reasonable
15 doubt. And I think if you keep an open mind and listen
16 at all of the evidence that is presented here today, at
17 the end of the term you will have reasonable doubt and
18 you will find Mr. Duncan not guilty.

19 I appreciate you being here today. I
20 apologize for not being here on Monday when you were
21 qualified. I was still recovering from an illness over
22 the weekend. But I do appreciate all of you showing up
23 this morning and being here to hear the evidence against
24 Mr. Duncan and find him not guilty. Thank you.

25 THE COURT: State call your first witness.

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 MR. ALDERMAN: Thank you, Your Honor. At
2 this time the State would call Sergeant Hellams with the
3 Oconee County Sheriff's Office.

4 MS. EARLE: I would ask that all of the
5 witnesses be sequestered.

6 THE COURT: Okay. Mr. Alderman, are all
7 of the other witnesses out of the courtroom?

8 MR. ALDERMAN: Judge, there is one who is
9 on our witness list that we do not intend to call, so all
10 that we would call are outside.

11 THE COURT: Okay. If you are not going to
12 call that witness they can stay in.

13 MR. ALDERMAN: Thank you, Judge.

14 THE COURT: Okay.

15 Thereupon,

16 JAMES HELLAMS

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ALDERMAN

21 Q. If you would give us your name for the record,
22 and spell your last name please?

23 A. James Hellams, H-E-L-L-A-M-S.

24 Q. And what do you do?

25 A. I'm an investigator at the Oconee Sheriff's

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 Office.

2 Q. How long have you been at the Sheriff's Office?

3 A. Approximately 10 years.

4 Q. And tell me a little bit about the duties of an
5 investigator, what do you do every day?

6 A. My duties, specifically as an investigator, I
7 deal with violent crimes, crimes against people. That is
8 how we classify it. I deal with domestic violence,
9 assault. Assault high and aggravated nature. Robberies,
10 that sort.

11 Q. Were you on duty in that capacity on July 20th
12 of 2021?

13 A. Yes, sir.

14 Q. All right. Tell us what you were doing that
15 day.

16 A. So we had gotten information from our road
17 patrol that a known individual with warrants had possibly
18 wrecked his vehicle in the Salem area of Stamp Creek
19 Road. We located that vehicle and the occupant was not
20 inside of it. A passer-by said that they saw him walk
21 into the wood line. So we were in the wood line of Stamp
22 Creek Road in Salem, myself and two other investigators,
23 attempting to locate him in the woods.

24 Q. What happened next?

25 A. While we were in the wood line, I was near the

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 road. While two others were farther into the woods, I
2 observed an individual that I knew to be an associate of
3 Mr. Clark's, the one we were originally looking for. I
4 recognized his vehicle, recognized him, knew that he had
5 an active warrant. And we proceeded back to my Tahoe and
6 tried to catch up to him.

7 Q. And who was that individual?

8 A. That was Steven Lee Duncan.

9 Q. And once you got back to your vehicle, what
10 happened next?

11 A. We were able to catch up. There was a car in
12 between us. I was able to get the tag on the vehicle,
13 ran that tag. Came back to Steven Lee Duncan. At that
14 time I activated my blue lights and went around the car
15 in front, got behind him, he did not use a turn signal
16 turning onto the adjacent street to the left. I
17 activated my siren. At that time Mr. Duncan accelerated
18 making an abrupt left turn onto another adjacent street.
19 Went through a pretty significant ditch that I was not
20 able to follow through.

21 I was able to run parallel with him. We
22 were able to keep eyes on the vehicle the whole
23 time. We saw him crash into a tree line and exit
24 the vehicle. Due to the position that I had to park
25 in the driveway, the two other investigators that

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 were in my car were in foot pursuit of him within
2 seconds of his car coming to a stop. It took me a
3 little longer to get around and get down there.

4 Q. And what happened next?

5 A. Sergeant Logan took him into custody really
6 quick. We were on top of him. Like I said, we ran
7 parallel to him in the field the entire time. Sergeant
8 Logan and Sergeant Long were able to take him into
9 possession just in front of the vehicle along the tree
10 line. And we escorted him back to the patrol vehicle.

11 MR. ALDERMAN: Permission to approach,
12 Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. ALDERMAN

15 Q. Sergeant Hellams, I'm approaching you with what
16 has been previously marked as State's Exhibits 1 through
17 3. Would you take a look at these please?

18 A. Yes, sir.

19 Q. And do you recognize these?

20 A. Yes, sir.

21 Q. And what are they?

22 A. That is Steven's vehicle at the time. You can
23 clearly see the tracks in the field where it was very,
24 very wet. It was actually hard for us to walk out it was
25 so wet.

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 Q. As you are looking at these pictures, is it a
2 clear and accurate representation of the scene that day?

3 A. Yes, sir.

4 Q. Does it appear that the pictures have been
5 altered or manipulated in any way?

6 A. No, sir.

7 MR. ALDERMAN: Your Honor, at this time
8 the State moves 1 through 3 into evidence.

9 THE COURT: Any objection?

10 MS. EARLE: I would like to see what they
11 are.

12 THE COURT: Okay.

13 MS. EARLE: No objections, Your Honor.

14 THE COURT: State's Exhibits Nos. 1, 2,
15 and 3 are admitted without objection.

16 *(Whereupon, State's Exhibit No(s). 1-3*
17 *marked for identification and received in evidence.)*

18 MR. ALDERMAN: Permission to publish to
19 the jury?

20 THE COURT: Yes, sir.

21 BY MR. ALDERMAN

22 Q. Sergeant Hellams, I am going to show you,
23 please, State's Exhibit 1. Actually let me start with
24 State's Exhibit 3. Tell us what we are looking at here.

25 A. That is the tire tracks coming through the

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 field to where he was actually right in front of the
2 truck right there. There is a good sized tree, you can
3 see it is overgrown, that is where the truck came to a
4 stop.

5 Q. And State's 1 and 2. And, again, what are
6 these?

7 A. That is a closer-up picture of the side and up
8 to the driver's side window. I mean, you can see the
9 little reflection there, there is no tint on those
10 windows on the front, no window tint.

11 Q. Is that the vehicle that you pursued?

12 A. Yes.

13 Q. And was that the vehicle that the defendant,
14 Mr. Duncan, exited on foot?

15 A. Yes.

16 Q. I'll approach with you State's 5.

17 A. Yes, sir.

18 Q. Do you recognize that?

19 A. I do.

20 Q. And can you tell us what it is?

21 A. This is the overview map of the area that we
22 were in.

23 Q. All right. And based on your knowledge in
24 looking at that map, does it appear to be a fair and
25 accurate representation?

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 A. Yes.

2 Q. All right. Does it appear to be manipulated or
3 altered or changed in any way?

4 A. Not at all.

5 MR. ALDERMAN: Your Honor, we would move
6 State's 5 into evidence.

7 THE COURT: Any objection?

8 MS. EARLE: No, Your Honor.

9 THE COURT: State's Exhibit No. 5 would be
10 admitted without objection.

11 *(Whereupon, State's Exhibit No(s). 5*

12 *marked for identification and received in evidence.)*

13 BY MR. ALDERMAN

14 Q. Sergeant Hellams, I am going to ask you to take
15 a look at this. Can you tell me what it is?

16 A. That is a blown-up photo of Exhibit 5.

17 Q. All right. Is it substantially the same other
18 than the size of the one we just moved into evidence?

19 A. Yes, other than the size, a hundred percent.

20 MR. ALDERMAN: Okay. Your Honor, we would
21 like to use this as a demonstrative aid and have the
22 witness step down.

23 THE COURT: Show Ms. Earle the exhibit.

24 THE COURT: Mr. Hellams, you can move over
25 here.

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 BY MR. ALDERMAN

2 Q. Sergeant Hellams, if you would, step down here.
3 And if you would explain where you were when you saw the
4 defendant's vehicle?

5 THE BAILIFF: They can't see.

6 A. Better angle for everybody?

7 So, this right here, I don't know if you
8 are familiar with Salem. This is Stamp Creek Road.
9 This road heads back into Salem itself. We were
10 approximately in the wood line, just below outside
11 of the photo. And right here, at Bumble Bee Road,
12 this is when I passed the vehicle that I said was
13 between us with my blue lights. The car went to the
14 right and we were able to pass behind.

15 And right before Mountain View Road right
16 here I was able to confirm his tag. He did not
17 signal. With my blue lights still activated, he
18 made a left turn on Mountain View. I was hoping
19 that he was going to -- the reason I initiated my
20 sirens, I was hoping that he was going to turn into
21 the lot here, which is a tow yard. At that point he
22 accelerated to a high rate of speed proceeding down
23 Mountain View and then making an abrupt left turn
24 onto Whispering Pines Lane right here. As soon as
25 we are in that turn, this road right here follows

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 the ditch line, pretty significant, and due to the
2 conditions of the weather he hit that ditch at a
3 pretty high rate of speed, to where I was not going
4 to follow him. But he followed this empty field
5 right here all the way behind this residence.

6 So this is an accurate picture of it.
7 There is still no houses here. It is owned by
8 private individuals. So this is an open field and
9 we ran parallel with him the entire time. As we
10 pulled up right here he -- so there is two houses
11 right here, two houses right here. I pulled down
12 this little dirt road, which is the residence
13 driveway access. This area right here that is
14 depicted in the photos is where he crashed his truck
15 into the tree line.

16 Sergeant Long and Sergeant Logan were able
17 to keep eyes on him the entire time, as they were
18 not the driver. So when he exited the vehicle and
19 ran around front, they could clearly see him. I
20 then had to exit and come down through there. It
21 was saturated. I mean as you can see the tire marks
22 and everything in the field. And those tire marks
23 were from the time that he hit the ditch all the way
24 down. They were significant in size due to the
25 moisture.

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 Q. Thank you, Sergeant Hellams. After he was
2 apprehended, what happened then?

3 A. Myself and Sergeant Logan had him detained in
4 handcuffs and we proceeded to walk him up to my vehicle
5 where road units then arrived to put him in the back of a
6 marked car.

7 Q. And tell us how he came to be charged with
8 trafficking methamphetamine.

9 A. So, while he was in -- while we were on the
10 ground with him detaining him, which was in plain view,
11 within arm's length reach of him was a tan, soft sunglass
12 case. We noticed it immediately, but we were worried
13 about controlling him at the time. And then Deputy
14 Justice and Sergeant Logan then were able to retrieve
15 that item at the time we had him detained and I was
16 taking photographs.

17 Q. Once you have these items in your custody, what
18 do you do next?

19 A. I'll then initiate the report as the charging
20 officer and I'll put them into a Best pack. A Best pack
21 is what we place narcotics into, what we believe to be
22 narcotics, and have them placed into our evidence. And
23 then our evidence chain takes them to a lab in Anderson
24 and further tests and weighs that item.

25 Q. Sergeant Hellams, I'm approaching you with what

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 has previously been marked as State's Exhibit 6. Can you
2 tell us what that is?

3 A. That is form B of what I previously stated was
4 the Best pack. It is a chain of custody and it states
5 what we believe the item to be and whether it was a
6 lawful arrest or a warrant service. And then this is
7 turned into our evidence chain.

8 Q. And how do you recognize it?

9 A. I recognize my handwriting and my signature.

10 Q. Does it appear to be altered, changed, or
11 manipulated in any way?

12 A. Not at all.

13 MR. ALDERMAN: Your Honor, we move State's
14 Exhibit 6 into evidence.

15 THE COURT: Has Ms. Earle seen it?

16 MR. ALDERMAN: She has.

17 THE COURT: Any objection?

18 MS. EARLE: No, Your Honor.

19 THE COURT: State's Exhibit No. 6 would be
20 admitted without objection.

21 *(Whereupon, State's Exhibit No(s). 6*
22 *marked for identification and received in evidence.)*

23 BY MR. ALDERMAN

24 Q. Sergeant Hellams, I'm approaching you with what
25 has been previously marked as State's Exhibit No. 4.

DIRECT EXAMINATION OF JAMES HELLAMS BY MR. ALDERMAN

1 Would you take a look at that for me?

2 A. Yes, sir, that is the defendant, Steven Lee
3 Duncan.

4 Q. And do you recognize him by sight?

5 A. I do.

6 Q. Is this photograph a fair and accurate
7 representation of what he looked like at the time?

8 A. It is.

9 Q. Has it been changed, altered, or manipulated in
10 any way that you can tell?

11 A. No, sir.

12 MR. ALDERMAN: Your Honor, at this time we
13 move State's 4 into evidence.

14 THE COURT: Any objection?

15 MS. EARLE: No, Your Honor.

16 THE COURT: State's Exhibit No. 4 would be
17 admitted without objection.

18 *(Whereupon, State's Exhibit No(s). 4*

19 *marked for identification and received in evidence.)*

20 MR. ALDERMAN: Permission to publish to
21 the jury, Your Honor?

22 THE COURT: Yes, sir.

23 BY MR. ALDERMAN

24 Q. Again, Sergeant Hellams, who is this person?

25 A. That is Steven Lee Duncan, the defendant.

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 Q. And is he the person who you charged with
2 failure to stop for blue light and trafficking in
3 methamphetamine on July the 21st, 2021?

4 A. Yes, sir.

5 MR. ALDERMAN: Thank you. No further
6 questions at this time.

7 THE COURT: Ms. Earle, any cross
8 examination?

9 MS. EARLE: Yes, Your Honor. May it
10 please the Court.

11 CROSS EXAMINATION

12 BY MS. EARLE

13 Q. Officer Hellams, you wrote an incident report
14 about this incident, did you not?

15 A. Yes, ma'am.

16 Q. And in your incident report, you indicate that
17 when you ask for information about the tag number that
18 you called in, you testified today it came back to the
19 defendant. Did it come back to that vehicle?

20 A. I don't remember if it came back to that
21 vehicle or not. But I know that it came back as Steven
22 Lee Duncan.

23 Q. All right. in your incident report you write
24 that it came back to a different vehicle?

25 A. Now, there was -- there was another tag in the

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 vehicle that was located that came back to another
2 vehicle.

3 Q. No, in your incident report you say that this
4 tag that was on that vehicle came from a different
5 vehicle. Would that be true or not?

6 A. Possibly true. That would have just been
7 further probable cause for a stop. But that tag did come
8 back to him, which I knew that he had a warrant and I did
9 recognize him when he passed.

10 Q. All right. And in your incident report you
11 also say that when you turned on your blue lights in an
12 attempt to stop the vehicle, that he tapped his brake
13 lights and turned on his turn signal before he made the
14 turn onto Whispering Pines. You testified today that he
15 didn't use a turn signal when he turned onto Whispering
16 Pines. So why would you put in your report that he did
17 use a turn signal if he didn't?

18 A. No, I said that he didn't use a turn signal
19 when he turned onto Mountain View. And then he tapped
20 his brakes and I was hoping that he was going to turn
21 into the tow lot. And then he used a turn signal after
22 he accelerated onto Whispering Pines before he crashed
23 into the ditch.

24 Q. Okay. Well, that is not -- it didn't happen
25 exactly the way that you said it did on direct testimony?

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 A. Yes, it happened exactly as I stated. Because
2 I said he didn't use a turn signal when he turned onto
3 Mountain View, which is what I depicted on the photo.
4 But I put in my report that he used a turn signal when he
5 turned onto Whispering.

6 Q. Well, you didn't tell the jury that he tapped
7 his brake lights when you were giving the description of
8 the stop?

9 A. I did say he slowed down. That is when I was
10 hoping that he was going to turn into the lot. And then
11 he accelerated.

12 Q. All right. Who actually collected the drugs
13 that were found on the ground?

14 A. Sergeant Logan.

15 Q. All right. And in your chain of custody, you
16 say that you took them from Steven Lee Duncan?

17 A. Well, yes.

18 Q. How did you come into possession of the drugs?

19 A. When Sergeant Logan picked them up off of the
20 ground I was taking photos of the vehicle, which were the
21 photos that were put into evidence. And then he brought
22 them to me and I photographed them as we opened them and
23 then weighed them. So the photos of the crystal-like
24 substance on the scale, those were taken by me and then
25 taken into my possession for the Best pack.

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 Q. At what point did you take the drugs into your
2 possession?

3 A. Immediately. Sergeant Logan picked them up off
4 of the ground.

5 Q. What is immediately? You said that Sergeant
6 Logan is the one that picked them up off of the ground?

7 A. Correct. And then placed them in my hand and I
8 took a photo. So it went from --

9 Q. And they remained in your custody entirely
10 after that --

11 A. Yes, ma'am, I --

12 Q. -- or was Sergeant Logan the one that actually
13 opened the pouch and found the drugs?

14 A. So, Sergeant Logan opened the pouch. Because I
15 had -- he had gloves on and I did too. He opened the
16 pouch and handed it to me for photographs and to weigh.
17 And I put them into the Best pack in my vehicle. Because
18 I actually come into a lot of narcotics, so I actually
19 came into the practice of keeping Best packs in my
20 vehicle. So I placed it into a Best pack immediately and
21 put it into a locked safe in my vehicle.

22 Q. Did not Sergeant Logan weigh the drugs --

23 A. We were -- sorry.

24 Q. -- and then put them in an evidence bag and not
25 you?

CROSS EXAMINATION OF JAMES HELAMS BY MS. EARLE

1 A. Yes, ma'am, we did that together. He opened --
2 he placed them in the evidence bag. And then when we
3 further went back to my car because my car was, as you
4 can see on the map, up the hill a tad. So he had brought
5 down evidence bags and gloves and stuff for us to process
6 the vehicle, so as we are there together, that is true,
7 yes, ma'am. That he placed them into the evidence bag
8 and then when we get to my car I placed them in a Best
9 pack and put them in a locked compartment of my vehicle
10 in the rear.

11 Q. Then what did you do with them after that?

12 A. We proceeded to the Sheriff's Office where I
13 conducted the evidence chain to put them into the
14 evidence lockers at the Oconee Sheriff's Office.

15 Q. All right. And so did you put them in that
16 same day?

17 A. I put the narcotics in the same day, yes,
18 ma'am.

19 MS. EARLE: May it please the Court? May
20 I have a second to look at the evidence?

21 THE COURT: Yes, ma'am.

22 MS. EARLE: Your Honor, may I take a
23 moment to confer with the State's attorney?

24 THE COURT: Yes, ma'am.

25 (Pause.)

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 BY MS. EARLE

2 Q. So I am a little confused. And I apologize for
3 my confusion. You have got a form B Rule 6 where you say
4 that you seized the drugs from Mr. Duncan and made
5 delivery of them to an evidence locker.

6 A. Correct.

7 Q. And then there's a form C that says that you
8 received from an evidence locker at the Sheriff's Office
9 drugs that you then put into an evidence locker. And so
10 I am a little bit confused about where -- and it also
11 says that on 7-7 you received these drugs and then put
12 them in an evidence locker on July 20th. So I am a
13 little bit confused about how many evidence lockers did
14 you put these drugs in?

15 A. I'm confused on your question as well. Without
16 seeing it I --

17 THE COURT: Let the witness see the form
18 that you are questioning him about.

19 A. So what it appears, and this is as it appears,
20 this form was sent to me through narcotics which are with
21 pre-filled dates. And on July 7th earlier I had also
22 done a Best pack and this date was not changed. That is
23 a clerical error. So the dates were collected on July
24 20th is when the situation with Mr. Duncan occurred. And
25 there was another incident with another Best pack, and

CROSS EXAMINATION OF JAMES HELAMS BY MS. EARLE

1 for whatever reason on my part I didn't change that date
2 on this particular part of form C.

3 Q. I guess my question is how many different
4 evidence lockers did you put these drugs into?

5 A. So, I -- well, we have -- there's -- I can't
6 tell you the exact number. I know there's only six
7 lockers approximately of a small size for our evidence,
8 and I typically use the same one every time. Because our
9 evidence -- they do collect them out pretty regular. And
10 I know that this number particularly is usually open. So
11 what happened was on the 7th I had received some other
12 narcotics and this portion of the date on this form was
13 not changed to correct on July 20th.

14 So it corrected on -- because it pre-fills
15 on different pages, so like Page 1, if I fill it in,
16 it'll pre-fill the next three pages for me and
17 sometimes you might overlook one. So on this
18 particular pre-fill I did not go back and change the
19 date from the last one that I did. But you can see
20 on the other portions I did do that, where it states
21 July 20th. On the part where I actually put my
22 signature it was changed to the 20th. Does that
23 make sense?

24 Q. The part about pre-filling, yes.

25 A. Okay.

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 Q. But we have two different forms that say that
2 you submitted drugs -- we have got one form that says
3 that you seized these drugs and put them into an evidence
4 locker?

5 A. Correct.

6 Q. Then we have got a second form that says that
7 you took them from an evidence locker and put them into
8 an evidence locker?

9 A. Correct.

10 Q. I guess my question is, how many times did you
11 transfer these drugs?

12 A. It was just put into one locker one time. This
13 was a pre-filled clerical part on --

14 Q. So what you are saying is that where this says
15 that you took them from an evidence locker and put them
16 into an evidence locker, that is not accurate?

17 A. No, ma'am. I put them in the locker one time
18 and then I never even see them again. The evidence tech
19 will then remove them.

20 Q. Okay, thank you.

21 A. I'm sorry for that.

22 Q. Now, you also testified that you were in the
23 area of Stamp Creek Road searching for another person; is
24 that correct?

25 A. Yes, ma'am.

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 Q. And did you find that person?

2 A. Later that day road units were able to find
3 him.

4 Q. Where was he located?

5 A. Right in that same area.

6 Q. The Stamp Creek area?

7 A. The Stamp Creek Road area near where his
8 vehicle was located.

9 Q. Okay. And how long after the -- how long
10 between the time that you were first there and the time
11 that he was located was -- what amount of time was that?

12 A. From the time that Mr. Duncan was located, or
13 the other individual?

14 Q. The other individual.

15 A. Well, the two road units that I believe found
16 him later were also involved with us. So they
17 transported Mr. Duncan to jail, and then sometime later,
18 purely my belief because I was dealing with the rest of
19 my report, that we got a phone call about an individual
20 in the area walking down the road and they were able to
21 go back over there. So to testify on the exact time, I'm
22 not sure. But it was that day though.

23 Q. Would it be fair to say that it was more than
24 an hour?

25 A. Fair, yes, ma'am.

CROSS EXAMINATION OF JAMES HELLAMS BY MS. EARLE

1 Q. Less than 24 hours but more than an hour, so
2 sometime in that time?

3 A. Yes, ma'am.

4 Q. Now when you collected the sunglass case with
5 the drugs, did you keep the sunglass case?

6 A. No, ma'am. Usually on -- every time our
7 evidence is pretty full, so usually when we collect
8 property that no one lays claim to and if there is
9 narcotics in it, we will just destroy that.

10 Q. Did you try to get any fingerprints off of it
11 before you destroyed it?

12 A. No, ma'am.

13 Q. Did you try to get fingerprints off of the bag
14 that the drugs were in?

15 A. They were -- the bag that the drugs were in
16 itself was collected with gloves on due to unknown
17 substance it could be and placed into the Best pack. So
18 our evidence techs would not touch the fingerprint
19 aspect, that would be on a portion for the evidence in
20 Anderson. And I'm not sure if they do that or not. But
21 I believe she is here for that.

22 Q. You didn't try to get any fingerprints?

23 A. No, ma'am.

24 Q. Do you know how to collect fingerprint
25 evidence?

REDIRECT EXAMINATION OF JAMES HELLAMS BY MR.
ALDERMAN

1 A. I do.

2 Q. But you didn't try to get any in this case?

3 A. Well, there are several ways to collect
4 fingerprint evidence, whether it be with charcoal powered
5 or super glue fuming or some other way that I am not even
6 sure of because that is not what I do particularly. I
7 usually only did that when I was on the road doing like
8 some glass on a window or a door handle. I would never
9 attempt to do that with narcotics because of not knowing
10 what it is.

11 Q. Did you request anyone to do that?

12 A. No, ma'am.

13 MS. EARLE: I don't think that I have any
14 other questions at this time.

15 THE COURT: Any redirect?

16 MR. ALDERMAN: Briefly, Judge.

17 REDIRECT EXAMINATION

18 BY MR. ALDERMAN

19 Q. You testified that you know how to collect
20 fingerprints. Based on training and experience, would
21 you expect to be able to collect fingerprints from a
22 cloth bag in the rain?

23 A. No, sir.

24 Q. Beyond that, did you collect what you believe
25 to be narcotics at the scene that day?

DIRECT EXAMINATION OF ROBERT ADAM LOGAN BY MR.
ALDERMAN

1 A. Yes, sir.

2 Q. And did you log them into evidence at the
3 Sheriff's Office?

4 A. On July the 20th, yes, sir.

5 MR. ALDERMAN: I have nothing further.

6 THE COURT: Anything further from this
7 witness?

8 MR. ALDERMAN: Nothing from the State.

9 MS. EARLE: Nothing from the defense.

10 THE COURT: Thank you, Officer. You may
11 step down. State call your next witness.

12 MR. ALDERMAN: Your Honor, at this time
13 the State would call Sergeant Logan.

14 Thereupon,

15 ROBERT ADAM LOGAN

16 was called as a witness, having been first duly sworn,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ALDERMAN

20 Q. Would you state your name for the record and
21 spell your last name?

22 A. Yes, sir. It is Robert Adam Logan. And that
23 is L-O-G-A-N.

24 Q. Where do you work?

25 A. The Oconee County Sheriff's Department.

DIRECT EXAMINATION OF ROBERT ADAM LOGAN BY MR.
ALDERMAN

1 Q. What do you do there?

2 A. I am an investigator.

3 Q. And tell me generally what kind of
4 investigations you do there?

5 A. Primarily I am focused on child crimes and
6 elder abuse. I also assist Sergeant Hellams with
7 domestic violence and crimes against people.

8 Q. And in that capacity, were you on duty on July
9 20th of 2021?

10 A. I was, yes, sir.

11 Q. All right. Tell us a little bit about what you
12 were doing that day.

13 A. Sergeant Hellams and I, along with Sergeant
14 Long were out at an area where there had been a car
15 wreck. We were looking for an unrelated individual, an
16 individual related to that car wreck.

17 Q. And what happened next?

18 A. We had gotten word that another individual, a
19 known associate of that person, was going to come by and
20 pick him up. Either Sergeant Hellams or Sergeant Long, I
21 don't recall which, recognized an individual that drove
22 by as a known associate of the individual we were looking
23 for.

24 Q. And who was that individual that drove by?

25 A. Mr. Duncan.

DIRECT EXAMINATION OF ROBERT ADAM LOGAN BY MR.
ALDERMAN

1 Q. All right. And what happened next?

2 A. We retreated to our vehicles and attempted to
3 get behind him. Sergeant Hellams ran his tag, and the
4 tag on the back of the vehicle came back to Mr. Duncan
5 but not to that vehicle.

6 Q. And was he signaled by blue lights?

7 A. He was. Upon getting that information from
8 dispatch, Sergeant Hellams initiated his blue lights and
9 we attempted the traffic stop.

10 Q. All right. What happened next?

11 A. Mr. Duncan didn't pull over. He began to flee
12 from us, attempt to flee from us.

13 Q. And can you tell us approximately how far that
14 chase went before it stopped?

15 A. Sure. I would estimate to be about a half mile
16 to a mile, not very long. During that chase things got a
17 little crazy though. When we were giving pursuit he
18 actually hit an embankment and actually went up into, for
19 lack of a better term, I would call it a field. That
20 field went into the back of someone's yard. We were able
21 to maintain a visual on the vehicle on a parallel road.
22 He continued to drive his vehicle into the wood line
23 where he then exited his vehicle and attempted to flee on
24 foot.

25 Q. And were you able to keep eyes on him from the

DIRECT EXAMINATION OF ROBERT ADAM LOGAN BY MR.
ALDERMAN

1 vehicle that you were in during this time?

2 A. For a large portion of it, yes. He did go
3 behind the house at one point, but he emerged very
4 quickly. I did keep eyes on him from the vehicle to the
5 wood line. And upon seeing him exit his vehicle I bailed
6 out of the passenger's side and gave foot pursuit along
7 with Sergeant Long.

8 Q. And tell us about that foot pursuit.

9 A. So it was across a field and it had been
10 raining for a while and I was in dress shoes. And
11 unfortunately while we were running I slipped and fell
12 and kind of slid at the tree line. However, I was able
13 to get back up to my feet. Luckily for us I believe Mr.
14 Duncan had tripped over vines and shrubbery of that
15 nature, and he was located just inside the wood line.

16 Q. Did you take him into custody at that point?

17 A. Yes, we did. We secured him. And upon
18 securing him I observed a pouch of some kind in his
19 vicinity. We picked him up and escorted him to a patrol
20 car and I returned to Deputy Justice to where we had
21 located him at.

22 Q. Okay. What happened next?

23 A. Deputy Justice took photos of the little pouch
24 in question. I did observe that it was dry, which I
25 found odd because it had been raining for a couple of

DIRECT EXAMINATION OF ROBERT ADAM LOGAN BY MR.
ALDERMAN

1 days. We took photos of it and I secured that pouch and
2 looked inside of it and presented it to Sergeant Hellams.

3 Q. You said that it had been raining for a few
4 days; was it raining at the time?

5 A. Yes, it was.

6 Q. Based on your training and experience, when you
7 opened that pouch what did it appear to be?

8 A. It was a crystalline substance that I believed
9 to be methamphetamine.

10 MR. ALDERMAN: Permission to approach the
11 witness, Your Honor?

12 THE COURT: Yes, sir.

13 BY MR. ALDERMAN

14 Q. Sergeant Logan, I'm approaching you with what
15 has previously been marked as State's Exhibits 13, 14 and
16 12. If you could just review those for a second.

17 A. Yes, sir.

18 Q. All right. Do you recognize those photographs?

19 A. I do, yes, sir.

20 Q. Have you had a chance to see them before your
21 testimony here today?

22 A. They are attached to the case report, yes, sir.

23 Q. All right. As you look at these pictures, do
24 they appear to be a fair and accurate representation of
25 what you saw that day?

DIRECT EXAMINATION OF ROBERT ADAM LOGAN BY MR.
ALDERMAN

1 A. They do, sir.

2 Q. And has anything been altered, changed, or
3 manipulated in any way?

4 A. No, sir.

5 MR. ALDERMAN: Your Honor, at this time we
6 move State's Exhibits 12, 13, and 14 into evidence.

7 THE COURT: Ms. Earle seen them?

8 MR. ALDERMAN: She has.

9 THE COURT: Any objection?

10 MS. EARLE: No, Your Honor.

11 THE COURT: Okay. So, State's Exhibits
12 12, 13, and 14 are admitted without objection.

13 *(Whereupon, State's Exhibit No(s). 12-14*
14 *marked for identification and received in evidence.)*

15 MR. ALDERMAN: Permission to publish to
16 the jury, Your Honor.

17 THE COURT: Yes, sir.

18 BY MR. ALDERMAN

19 Q. Sergeant Logan, if you would, just tell us what
20 we are looking at here in State's 13?

21 A. Sure. That would be the crystalline substance
22 I was talking about, and it is sitting on the top of a
23 pouch on the tailgate of the vehicle.

24 Q. When you say the pouch, was that the pouch that
25 it was found in?

CROSS EXAMINATION OF ROBERT ADAM LOGAN BY MS. EARLE

1 A. Yes, sir.

2 Q. And State's 14?

3 A. This is the same image. Typically we use
4 objects of a known size for people for scale. That is an
5 ink pen. I believe it is Sergeant Hellams' ink pen
6 because he likes those blue zebras. That is posted next
7 to the substance.

8 Q. And State's 12?

9 A. Yes, sir, that would be that substance sitting
10 on a scale.

11 Q. And could you tell us the approximate weight
12 based on that scale?

13 A. It would be 25.73 grams.

14 MR. ALDERMAN: No further questions at
15 this time, Judge.

16 THE COURT: Any cross-examination?

17 MS. EARLE: Yes, Your Honor, may it please
18 the Court.

19 CROSS EXAMINATION

20 BY MS. EARLE

21 Q. How far from where Mr. Duncan fell did you find
22 the pouch?

23 A. I would say that it was in his immediate area,
24 ma'am, within feet.

25 Q. Well, within a foot or two --

CROSS EXAMINATION OF ROBERT ADAM LOGAN BY MS. EARLE

1 A. I would say probably like --

2 Q. -- within two to three feet?

3 A. I am sorry. I would say probably in three to
4 four feet of his area.

5 Q. Three to four feet?

6 A. Yes, ma'am.

7 Q. In looking at the photograph, there appears to
8 be spots on the pouch, what were those?

9 A. I'm not sure what you are referring to as far
10 as spots, ma'am. It was a camouflage printed pouch I
11 believe. I'm not sure what spots you are referring to.

12 Q. Do you know what fabric it was made from?

13 A. I don't know, ma'am.

14 Q. You had on gloves, is that right?

15 A. Yes, ma'am.

16 Q. You couldn't feel it to see if it was damp?

17 A. I couldn't feel skin on skin, no, ma'am, or
18 skin on the material.

19 Q. So when you say that it was dry, you were just
20 using visual to make that determination?

21 A. Well sometimes, ma'am, honestly, items feel
22 different even with gloves on when they are wet. And I
23 believed it to be dry at the time.

24 Q. And what did you do with that pouch?

25 A. I gave it to Sergeant Hellams.

REDIRECT EXAMINATION OF ROBERT ADAM LOGAN BY MR.
ALDERMAN

1 Q. And at what point during all of this did you
2 give the drugs to Mr. Hellams?

3 A. After securing them and opening the pouch up
4 and looking inside of it. After securing them after they
5 were photographed I secured them and I gave them to
6 sergeant Hellams.

7 Q. And who actually weighed them? The picture
8 that we saw with the drugs on the scale, do you remember
9 who?

10 A. I don't recall, ma'am. I honestly don't.

11 MS. EARLE: Okay. I have no further
12 questions. Thank you.

13 THE COURT: Any redirect?

14 MR. ALDERMAN: Beg the Court's indulgence.

15 (Pause.)

16 MR. ALDERMAN: Briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. ALDERMAN

19 Q. You testified that the pouch was found within
20 three or four feet from the defendant; how far away from
21 the truck was the defendant found?

22 A. Probably a truck length into the woods, so 10
23 feet, 12 feet, something in that area.

24 MR. ALDERMAN: Thank you. Nothing
25 further.

DIRECT EXAMINATION OF BRANDON JUSTICE BY MR.
ALDERMAN

1 THE COURT: Anything else of this witness?

2 MR. ALDERMAN: Nothing further. Thank
3 you, Judge.

4 THE COURT: All right. Thank you,
5 Officer. You can step down.

6 MR. ALDERMAN: Judge, at this time we
7 would call Deputy Brandon Justice.
8 Thereupon,

9 BRANDON JUSTICE
10 was called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ALDERMAN

14 Q. Sir, could you give us your full name and spell
15 your last name for the record?

16 A. Corporal Brandon Justice. Last name,
17 J-U-S-T-I-C-E.

18 Q. And Corporal Justice, where do you work?

19 A. Oconee County Sheriff's Office.

20 Q. And what do you do for the Sheriff's Office?

21 A. I am a corporal second in command supervisor on
22 night shift patrol.

23 Q. And tell us a little bit about what that
24 entails, day-to-day.

25 A. Basically we answer high priority calls for

DIRECT EXAMINATION OF BRANDON JUSTICE BY MR.
ALDERMAN

1 service, or all calls for service, patrolling,
2 pro-activeness, things like that.

3 Q. Okay. In that capacity, were you working on
4 July 20th of 2021?

5 A. Yes, sir.

6 Q. All right. And can you just tell us a little
7 bit about what you did that day?

8 A. Yes, sir. So I was answering calls for service
9 and heard on the radio that investigations had began a
10 pursuit. I then tried to catch up to the pursuit. By
11 the time I got up to it, it pretty much had already
12 ended.

13 Q. So when you got there, what did you see first?

14 A. So I parked at the driveway in front of the
15 house, walked back in the backyard, and I observed I
16 believe it was an F150 and several investigators. They
17 already had the subject in custody and the pursuit was
18 over.

19 Q. So from that point forward, with the subject in
20 custody, what was your role?

21 A. Just assist in investigations, whatever they
22 needed.

23 Q. All right. Did you interact with Sergeant
24 Logan in particular while you were there on the scene?

25 A. Yes, sir.

DIRECT EXAMINATION OF BRANDON JUSTICE BY MR.
ALDERMAN

1 Q. Tell us about that interaction.

2 A. So whenever I went into the back yard, I
3 observed the truck. Sergeant Logan was behind the truck
4 in the wood line, or just inside the wood line. I went
5 into the wood line and made contact with him. He had
6 observed something on the ground. I asked him if he
7 needed a digital camera for me to take photos, so I went
8 back to my patrol car and got a digital photo, or a
9 digital camera and came back and took several photos of
10 what they had found.

11 Q. Were you wearing a body worn camera at the
12 time?

13 A. Yes, sir.

14 MR. ALDERMAN: Permission to approach the
15 witness, Your Honor?

16 THE COURT: Yes, sir.

17 BY MR. ALDERMAN

18 Q. Corporal, I'm handing you what has previously
19 been marked as State's 7 through 11. If you could just
20 take a look at these for a second.

21 A. Okay.

22 Q. And do you recognize these?

23 A. I do.

24 Q. All right. What are they?

25 A. They are still shot photos of my body worn

DIRECT EXAMINATION OF BRANDON JUSTICE BY MR.
ALDERMAN

1 camera footage that day.

2 Q. Have you had a chance to review those before
3 your testimony today?

4 A. Yes, sir.

5 Q. Do they appear to be a fair and accurate
6 representation of the scene as you saw it at that time?

7 A. Yes, sir.

8 Q. And does this appear to you to be altered or
9 changed in any way?

10 A. No, sir.

11 MR. ALDERMAN: Your Honor, at this time we
12 move State's 7 through 11 into evidence.

13 THE COURT: Any objection?

14 MS. EARLE: No, Your Honor.

15 THE COURT: States 7, 8, 9, 10, and 11
16 will be admitted without objection.

17 *(Whereupon, State's Exhibit No(s). 7-11*
18 *marked for identification and received in evidence.)*

19 MR. ALDERMAN: Permission to publish?

20 THE COURT: Yes, sir.

21 BY MR. ALDERMAN

22 Q. Corporal Justice --

23 A. Yes, sir.

24 Q. -- can you tell us what we are looking at here
25 in State's Exhibit 7?

DIRECT EXAMINATION OF BRANDON JUSTICE BY MR.
ALDERMAN

1 A. Yes, sir, this is in the backyard behind the
2 house. The F150 you see there was the pursuit suspect
3 vehicle. And to the left of that there is a little
4 access way into the wood line. That is what I used to
5 meet up with Sergeant Logan in the wood line.

6 Q. Are you referring to this area I'm indicating
7 with my pen?

8 A. Yes, sir.

9 Q. And could you tell us what we are looking at in
10 State's Exhibit 9?

11 A. Yes, sir, that is a closer still shot of my
12 body worn camera of the access where I made contact with
13 Sergeant Logan in the wood line.

14 Q. Okay, so 7 and 9 is of you walking into that
15 access?

16 A. Yes.

17 Q. State's Exhibit 8, can you tell us what that
18 is?

19 A. Yes, sir, that is me taking a photo of the
20 substance that Sergeant Logan had located on the ground.
21 That is me taking the photo with my digital photo -- or
22 digital camera, I am sorry.

23 Q. And can you tell us what we are seeing in
24 State's 10?

25 A. That is the substance that was found inside the

CROSS EXAMINATION OF BRANDON JUSTICE BY MS. EARLE

1 bag that was located in the previous where I was taking
2 the photo, that is of the back of the tailgate of the
3 suspect vehicle where they were about to weigh the
4 substance that was found.

5 Q. Is that the same bag that it was found in?

6 A. Yes, sir.

7 Q. And again, briefly, State's 11?

8 A. Same thing, just a different photo.

9 Q. And based on your training and experience, what
10 did that substance appear to be?

11 A. It appeared to be methamphetamine. It was a
12 crystalline like substance consistent with
13 methamphetamine.

14 MR. ALDERMAN: Nothing further from the
15 State at this time.

16 THE COURT: Okay. Cross-examination?

17 MS. EARLE: Yes, Your Honor. May it
18 please the Court.

19 CROSS EXAMINATION

20 BY MS. EARLE

21 Q. Officer Justice, when you arrived where was Mr.
22 Duncan?

23 A. At that point I wasn't sure. I believe he was
24 in the custody in the back of Deputy O'Kelley's patrol
25 vehicle.

CROSS EXAMINATION OF BRANDON JUSTICE BY MS. EARLE

1 Q. Did you see him in the woods at all?

2 A. I did not.

3 Q. So you don't know which way he went into the
4 woods; you were not present for that, were you?

5 A. No, ma'am.

6 Q. The photographs that you took that day, where
7 are they?

8 A. I believe that I failed to upload them to the
9 report. I'm human, I am imperfect. So I believe I
10 forgot to add them to it.

11 Q. What happened to the disc in your digital
12 camera?

13 A. Well, it is the same disc, but back then I used
14 to delete photos to get more extra space on my disc. Now
15 I just get new discs and save the old ones.

16 Q. So you believe that those photographs were
17 deleted without being uploaded to the report?

18 A. Yes, ma'am.

19 Q. Did you write a report?

20 A. I did not. I didn't do a supplemental or a
21 report. The original pursuing deputy is the one who did
22 the report.

23 Q. And you were not involved in any part of the
24 pursuit that day?

25 A. No, ma'am.

COLLOQUY

1 Q. So basically you arrived after the defendant
2 was in custody and then took photographs?

3 A. Yes, ma'am.

4 MS. EARLE: I have no further questions.
5 Thank you.

6 MR. ALDERMAN: Briefly. Judge.

7 REDIRECT EXAMINATION

8 BY MR. ALDERMAN

9 Q. Although we do not have the original
10 photographs from your camera, is it fair to say that
11 State's 8 is a picture of you taking that picture?

12 A. That is correct.

13 MR. ALDERMAN: Nothing further.

14 THE COURT: Anything further from this
15 witness?

16 MS. EARLE: No, Your Honor.

17 MR. ALDERMAN: Nothing from the State.

18 THE COURT: Thank you, Officer. You may
19 step down. All right. We are going to take a short
20 break.

21 Ladies and gentlemen, when you go back for
22 your break, you have one order of business. I want you
23 to elect a foreperson. This will be the juror that will
24 preside over your deliberations at the end. If there's
25 any need for the jury to communicate with the Court, it

COLLOQUY

1 needs to be by written note from the foreperson. So when
2 you -- we are going to take a break, but do that during
3 the break. Madam Bailiff, if you would take the jury to
4 the jury room please.

5 (The jury exits the courtroom at 10:40
6 a.m.)

7 THE COURT: Okay. Anything before we go
8 into recess?

9 MR. ALDERMAN: None from the State, Judge.

10 THE COURT: All right. We will be in
11 recess for about 15 minutes. .

12 (Brief recess.)

13 THE COURT: Let's go on the record.
14 Before I bring them in, the bailiff said that they had a
15 question, they wanted to ask questions. And I'm going to
16 re-instruct them again that they are not to -- they are
17 not allowed to ask questions and they are not allowed to
18 deliberate until the case is over. But they asked her if
19 they could ask questions.

20 MR. ALDERMAN: Happy to answer their
21 questions, Judge.

22 THE COURT: I'm sure that both of you
23 would.

24 MS. EARLE: Happy to know that they are
25 considering asking questions.

COURT COMMENTS TO THE JURY

1 THE COURT: But I am going to reiterate
2 that, okay?

3 MR. ALDERMAN: Okay.

4 MS. EARLE: Thank you.

5 THE COURT: Madam Bailiff, get our jury
6 please.

7 (The jury enters the courtroom at 10:58
8 a.m.)

9 THE COURT: Okay. I see that y'all have
10 elected a forelady. Madam Forelady, you will always sit
11 where you are seated right there. Two alternates, y'all
12 will always sit over there. And the rest of you are free
13 to move about as you see fit. Now, the bailiff relayed
14 to me your desire to ask questions. Now, I'm going to
15 reiterate what I said yesterday. First of all, you are
16 not allowed to ask questions. Secondly, you are not
17 allowed to deliberate. You cannot discuss the case
18 amongst yourselves until I tell you to at the end. And
19 the reason for these rules, ladies and gentlemen, is just
20 like the reason for you not being able to do independent
21 research or talk to third parties, is you are to base
22 your decision solely on what is presented in the
23 courtroom, the evidence you receive in this courtroom and
24 not outside influences. And also you are not to make
25 your decision prematurely until all of the evidence is

DIRECT EXAMINATION OF DAVID PHILPOTT BY MR. ALDERMAN

1 in. So with that, we will proceed. State, call your
2 next witness.

3 MR. ALDERMAN: Your Honor, at this time we
4 would call David Philpott.

5 THE COURT: Mona, make that an exhibit,
6 please?

7 *(Whereupon, Court's Exhibit No(s). 1*
8 *marked for identification and received in evidence.)*

9 Thereupon,

10 DAVID PHILPOTT
11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. ALDERMAN

15 Q. Please state your full name for the record and
16 spell your last name.

17 A. David Philpott, P-H-I-L-P-O-T-T.

18 Q. And where are you employed?

19 A. The Oconee County Sheriff's Office.

20 Q. And if you would, please just tell the jury a
21 little bit about what you do for the Sheriff's Office?

22 A. I began with the Sheriff's Office in February
23 of 2002, worked the road for approximately nine years. I
24 was a supervisor for most of that on second shift. Then
25 day shift we went to 12 hours. The last 13 years I have

1 been assigned to CID as an evidence tech. We handle
2 property and evidence control and work in crime scenes.

3 Q. All right. And were you employed in that
4 capacity, or working in that capacity on July 20th, 2020?

5 A. I was.

6 Q. Okay. Can you tell us how you were involved in
7 the case against Steve Duncan?

8 A. My involvement with this case is just purely
9 property and evidence control. When evidence is turned
10 in to us through temporary lockers, we are responsible to
11 log it in, house it, store it, and subsequently transport
12 it to any necessary labs for analysis.

13 Q. Can you explain to us a little bit about how
14 narcotics, for example, might come into your custody from
15 where, through what mechanism?

16 A. So if a deputy with the Sheriff's Office
17 obtains drug items, if it is marijuana it is handled one
18 way. If it's anything other than marijuana, such as
19 meth, cocaine, crack, pills, anything like that, it is
20 handled through what is commonly referred to as a Best
21 pack. What they do is seal it inside a plastic Best
22 pack, fill out certain paperwork, place it into a
23 temporary evidence locker which is locked from the
24 outside.

25 Just myself and the other evidence tech

DIRECT EXAMINATION OF DAVID PHILPOTT BY MR. ALDERMAN

1 can then remove the evidence from the backside and
2 then unlock the locker for the next use. Once we
3 log it in, we will bar code the Best pack, put it
4 into secure storage in the back evidence, and keep
5 it until we take it to the lab for analysis.

6 Q. Other than yourself and another tech, does
7 anyone else have access without supervision to that
8 control area?

9 A. No, sir, just the two of us.

10 MR. ALDERMAN: Permission to approach the
11 witness, Judge?

12 THE COURT: Yes, sir.

13 BY MR. ALDERMAN

14 Q. I am approaching you with what has been
15 previously marked as State's Exhibits 15 and 16. If you
16 will take a look at those for me and tell me if you
17 recognize them.

18 A. I do.

19 Q. And how is it that you recognize them?

20 A. These are form C paperwork, which is basically
21 just a written chain of custody that the lab uses. One
22 of these is where I logged it in from the temporary
23 locker and put it into storage. And the second is where
24 I removed it from the storage and took it to the lab for
25 analysis and hand delivered it to the analyst, Meredith

DIRECT EXAMINATION OF DAVID PHILPOTT BY MR. ALDERMAN

1 Lanford.

2 Q. And how is it that you recognize that as yours?

3 A. It has my name on it, my handwriting, my
4 signature. And they are dated with a control number for
5 this case, with the Best pack control number.

6 Q. And does it appear that they have been altered
7 or changed in any way?

8 A. No, sir.

9 MR. ALDERMAN: Judge, at this time we move
10 into evidence State's 15 and 16.

11 THE COURT: Any objection?

12 MS. EARLE: None, Your Honor.

13 THE COURT: State's Exhibits 15 and 16 are
14 admitted without objection.

15 *(Whereupon, State's Exhibit No(s). 15-16*
16 *marked for identification and received in evidence.)*

17 BY MR. ALDERMAN

18 Q. Now you mentioned taking the drugs out of the
19 locker and delivering them to the analyst. Explain that
20 process, that hand-off you to another.

21 A. So when the officers put the evidence into the
22 lockers, we will take it out and we will verify all of
23 the information on the paperwork and the Best pack bag
24 itself. Also on our evidence submission form. Whichever
25 one of us removes it from the locker, we will date and

DIRECT EXAMINATION OF DAVID PHILPOTT BY MR. ALDERMAN

1 initial the bags so that we can verify that that is the
2 bag that we took in. We will run it through our system
3 that will print out our bar code label that we will put
4 on the Best pack. And then we transfer it to our storage
5 where stays behind a couple of locked doors until when we
6 take it back out and hand deliver it to the lab in
7 Anderson. That is when it's actually signed over to the
8 analyst at the Anderson Oconee Regional Forensics Lab.
9 And then they do the analysis on the Best pack.

10 Q. Once they finish their work, what happens to
11 the item?

12 A. It is returned to us in a sealed bag and we
13 keep it until it's needed at a later date.

14 Q. Is it delivered to you, or do you go back
15 personally and pick it up?

16 A. We personally pick it up. What happens is
17 whenever we make a lab trip we will take drugs to them,
18 Best packs, and then they will return whatever is ready
19 to come back. So it was returned to me on a subsequent
20 trip.

21 Q. Sergeant Philpott, I'm approaching you with
22 what has been marked as State's 19. If you will take a
23 look at this and just tell us what it is?

24 A. This is what we commonly refer to as a Best
25 pack. Y'all probably can't see from here. This blue

DIRECT EXAMINATION OF DAVID PHILPOTT BY MR. ALDERMAN

1 border here is doubled up, so it's usually twice that
2 size, about like a piece of paper. That is the original
3 bag that the officers will turn into us. It has a
4 control number, which is a serialized number. No two are
5 the same.

6 The officers will put their names, date,
7 sign the front. And then, if you can see, right
8 here is my initial and the date that I received this
9 out of the locker. And then once we log it in, this
10 is our bar code label that we put on the Best pack.
11 That is the way that it's housed until we take it to
12 the lab. When we take it to the lab, it comes back
13 in this outer sealed bag. So it is still a sealed
14 item that you can't get access to.

15 Q. And is that the Best pack that you delivered
16 for analysis in this case?

17 A. Yes, sir, it is.

18 Q. Does it appear to be in the same condition as
19 when it was returned to you from the lab?

20 A. It is.

21 MR. ALDERMAN: At this time, Your Honor,
22 we move State's Exhibit 19 into evidence.

23 THE COURT: Any objection?

24 MS. EARLE: No, Your Honor.

25 THE COURT: State's Exhibit No. 19 will be

CROSS EXAMINATION OF DAVID PHILPOTT BY MS. EARLE

1 admitted without objection.

2 *(Whereupon, State's Exhibit No(s). 19*

3 *marked for identification and received in evidence.)*

4 MR. ALDERMAN: Nothing further at this
5 time, Judge.

6 THE COURT: Ms. Earle, cross examination?

7 MS. EARLE: May it please the Court, Your
8 Honor.

9 CROSS EXAMINATION

10 BY MS. EARLE

11 Q. Sergeant Philpott, on the form C there is a
12 place for signatures to be notarized. Is there a reason
13 why they are not?

14 A. The notary usually is when the officer is not
15 available for testimony. That is kind of like a checks
16 and balances. If they are not going to be available to
17 be in Court, a lot of times they will try to notarize
18 that so it can be used as an official document. We
19 typically don't do that if we are going to be here to
20 testify in person.

21 Q. How would you know a year or two years ahead of
22 time whether or not you are going to be available?

23 A. We are always available.

24 Q. All right. When you deliver the drugs from --
25 you take them out of the -- where you have them stored.

CROSS EXAMINATION OF DAVID PHILPOTT BY MS. EARLE

1 Now, are they on shelves or in a locker at that time?

2 A. Within our office we have a secured storage
3 facility in the back that is behind one, two, three
4 locked doors. And then within the narcotics room we have
5 a filing cabinet. Usually it is in 189B1, which is the
6 top drawer of that filing cabinet, those are the items
7 that are to go to the lab for analysis. And then once
8 they come back they go to a different shelf in the
9 narcotics room for storage.

10 Q. All right. So you take them out along with any
11 other evidence that needs to be delivered at that time?

12 A. Correct. We typically, on a normal lab trip,
13 will take 20 cases down. If we have 20. If we have more
14 than that, they just normally accept about 20. Whereas
15 if we only have 13 or 14, we will take those 13 or 14.
16 But we will take more than one case on a lab trip.

17 Q. Okay. And when you transport them in your
18 vehicle, how are they secured?

19 A. In the locked rear compartment of my vehicle
20 when I go, or the vehicle of Sergeant Williams if he is
21 the one delivering the drugs.

22 Q. All right. And is there like a safe or a lock
23 box that they are in, or just a cardboard box?

24 A. We have, essentially it is a mail carrier tote.
25 It is just a plastic tote. That is just what we carry

CROSS EXAMINATION OF DAVID PHILPOTT BY MS. EARLE

1 them in. And then that is placed in the back of our
2 vehicle, which has you know like a locked tool box, so to
3 speak. And it is a one stop trip from the Sheriff's
4 Office to the lab without making stops anywhere so we can
5 verify that nothing has been tampered with.

6 Q. Okay. And then you take it out of that and
7 into the lab?

8 A. Correct.

9 Q. And then the analyst herself actually takes
10 them from you?

11 A. Yes. We sign them over to her. She scans
12 paperwork in. She prints out her own bar code labels.
13 Once the batch that we took of however many, you know, we
14 take that day, she prints out her chain of custody
15 paperwork that we sign too, and then she has possession
16 of them from that point forward.

17 Q. Then when you return to pick them up everything
18 is done in reverse basically?

19 A. Correct.

20 Q. And then you bring it back to the evidence
21 storage and put it in another secure location within your
22 office; is that correct?

23 A. Correct, that's correct.

24 MS. EARLE: I have no other questions,
25 thank you.

DIRECT EXAMINATION OF MEREDITH LANFORD BY MR.
ALDERMAN

1 MR. ALDERMAN: No further questions,
2 Judge.

3 THE COURT: Thank you, Officer. You can
4 step down.

5 MR. ALDERMAN: Your Honor, at this time we
6 would call Meredith Lanford.
7 Thereupon,

8 MEREDITH LANFORD

9 was called as a witness, having been first duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. ALDERMAN

13 Q. Would you state your name for the record
14 please, and spell your last name?

15 A. Meredith Lanford, L-A-N-F-O-R-D.

16 Q. And, Ms. Lanford, what do you do for a living?

17 A. I am a forensic chemist with the Anderson
18 Oconee Regional Forensics Laboratory.

19 Q. How long have you been there?

20 A. I have been there for 17 years.

21 Q. Tell us a little bit about your training and
22 experience and what it takes to have your position.

23 A. I graduated from Clemson University with a
24 Bachelor of Science degree in chemistry. I then went on
25 to complete the forensics certificate program at

DIRECT EXAMINATION OF MEREDITH LANFORD BY MR.
ALDERMAN

1 Greenville Technical College. I was trained in the area
2 of forensics drug chemistry by the drug enforcement
3 administration. I am a member of the American Chemical
4 Society as well as the clandestine laboratory
5 investigating chemists. And every year I have to
6 complete a proficiency test as well as maintain training
7 areas in the area of forensics.

8 Q. And as part of your job, would it be fair to
9 say that you analyze and identify drugs?

10 A. Correct, my primary job function is to analyze
11 drugs brought to our lab for controlled substances.

12 Q. If you had to estimate, how many substances do
13 you analyze in a given week?

14 A. In a given week, I would say probably 150 so.

15 Q. How many times have you testified as an expert
16 witness in your field of expertise?

17 A. Forty-one times.

18 MR. ALDERMAN: Your Honor, at this time we
19 would move to have the witness declared an expert in the
20 field of forensic drug chemistry.

21 THE COURT: Any objection?

22 MS. EARLE: No, Your Honor.

23 THE COURT: The witness will be declared
24 an expert witness in forensic drug chemistry without
25 objection.

DIRECT EXAMINATION OF MEREDITH LANFORD BY MR.
ALDERMAN

1 BY MR. ALDERMAN

2 Q. Ms. Lanford, did you analyze a sample in this
3 case against Mr. Steven Duncan?

4 A. Yes, I did.

5 Q. And tell us how that sample came to be in your
6 custody?

7 A. Samples are brought to us by whatever agency we
8 are taking in. Their evidence technicians bring us our
9 drug kits to our laboratory.

10 Q. When you say "drug kits", are we talking about
11 what is commonly called a Best pack?

12 A. Yes.

13 MR. ALDERMAN: Permission to approach the
14 witness, Judge?

15 THE COURT: Yes, sir.

16 BY MR. ALDERMAN

17 Q. I am approaching with what has been entered
18 into evidence as State's Exhibit 19. If you will take a
19 look at that and tell me what is that to you?

20 A. This is the actual evidence Best kit that we
21 ask all of our agencies to put any of their evidence into
22 to be submitted to the laboratory.

23 Q. And is this one that you have analyzed?

24 A. Yes, it is.

25 Q. And how do you know that?

DIRECT EXAMINATION OF MEREDITH LANFORD BY MR.
ALDERMAN

1 A. It has my initials on it.

2 Q. All right. And tell me about the process.

3 After you have analyzed the thing, how do you repackage
4 it and deliver it back to the agency?

5 A. So everything goes into the sealed K pack and
6 it stays in my evidence locker until the next time that
7 the evidence technician comes to pick it up.

8 Q. Thank you. And I'm approaching you with what
9 has been marked for identification as State's Exhibit 18.
10 Can you tell me what this is?

11 A. Yes, this is our laboratory report.

12 Q. Is that the report that you made in this case?

13 A. Yes, it is.

14 Q. Okay. And does it appear as you look at it now
15 that it's been altered, changed, or manipulated in any
16 way?

17 A. No, it does not.

18 MR. ALDERMAN: Judge, at this time we
19 would seek to admit State's 18 into evidence.

20 THE COURT: Any objection?

21 MS. EARLE: No, Your Honor.

22 THE COURT: State's Exhibit No. 18 will be
23 admitted into evidence without objection.

24 *(Whereupon, State's Exhibit No(s). 18*
25 *marked for identification and received in evidence.)*

CROSS EXAMINATION OF MEREDITH LANFORD BY MS. EARLE

1 BY MR. ALDERMAN

2 Q. And can you tell us a little bit about how you
3 go about testing a sample; what is that process?

4 A. So the first thing I do is remove the sample
5 from any packaging that it is in. And I take a weight of
6 just the sample itself. I then perform screening tests
7 on the sample in order to narrow down what control
8 substance might be present. And then I perform two
9 confirmatory tests using an instrument from the lab to
10 identify what controlled substance is present, if there
11 is any.

12 Q. And is that what you did in this case?

13 A. Yes, I did.

14 Q. In looking at your report, can you tell us what
15 the weight of the sample was at that time?

16 A. The weight was 25.08 grams.

17 Q. What was the substance based on your expertise?

18 A. Methamphetamine was found.

19 MR. ALDERMAN: Thank you. Nothing
20 further.

21 THE COURT: Ms. Earle, cross examination?

22 MS. EARLE: Thank you, Your Honor. May it
23 please the Court.

24 CROSS EXAMINATION

25

CROSS EXAMINATION OF MEREDITH LANFORD BY MS. EARLE

1 BY MS. EARLE

2 Q. How long do these drugs usually stay in your
3 possession before they are tested?

4 A. They are usually anywhere from two to three
5 months before we actually get to the samples. They
6 usually are out two to three months.

7 Q. And where do the drugs stay while they are
8 waiting to be tested?

9 A. They are in an evidence locker that only I have
10 the evidence key to.

11 Q. Are they stored with other drugs?

12 A. Yes, they are.

13 Q. Now you said that you performed a screening
14 test; how do you do that?

15 A. So the screening test, I believe in this case
16 was the color test. We perform several color tests to
17 narrow down what we may have.

18 Q. What does a color test entail; what do you do?

19 A. So I just take a small amount of sample and add
20 a reagent to it, and whatever color it turns that is an
21 indication of what class of drugs may be present.

22 Q. Okay. And you say that you take a small
23 sample. So you take what was submitted to you and test a
24 portion of it?

25 A. Correct.

CROSS EXAMINATION OF MEREDITH LANFORD BY MS. EARLE

1 Q. And then when you run your confirmatory test,
2 do you take additional portions?

3 A. Yes, I do.

4 Q. And is it possible that in a case like this
5 where you have got one large piece, is it possible that
6 that there are different substances throughout it or
7 is --

8 A. In this case I didn't find anything else in the
9 substance; it was all methamphetamine.

10 Q. All right. But you only tested one small
11 portion; is that correct?

12 A. Right.

13 Q. How do you determine where you are going to
14 take that sample from?

15 A. I just randomly test throughout the sample.

16 Q. How do you actually remove the sample; what
17 type instruments do you use for that? Like do you have a
18 knife or tweezers?

19 A. Oh I have a small little, I would say it is
20 more like a little spatula.

21 Q. And do you scrape it, or if it is a solid piece
22 --

23 A. If it's a solid piece, I'll just scrape it a
24 little bit. But if it's more just everywhere, I'll just
25 scoop out.

CROSS EXAMINATION OF MEREDITH LANFORD BY MS. EARLE

1 Q. All right. And it is just random where you
2 take the samples from?

3 A. That's correct.

4 Q. And then when you do the confirmatory test, you
5 don't actually do the test yourself, you put it in a
6 machine to be tested; is that correct?

7 A. I do an extraction and then I'll put it on the
8 instrument, yes.

9 Q. All right. And then how long does that test
10 take with the machine?

11 A. So the one instrument is just a few minutes.
12 It pretty much, you just place it on the instrument and
13 it gives you a readout. But the other instrument is
14 overnight.

15 Q. All right. And you do both of those and then
16 compare them to see if you get the same results?

17 A. Correct.

18 Q. And then you make your lab report based on what
19 you get from that?

20 A. From all of my tests, yes.

21 Q. All right. And in this particular case, do you
22 remember what the results of the color tests were?

23 A. I believe so. I performed a Vegas (phonetic)
24 test, which was blue. I performed a Liebermann test,
25 which was dark orange. And a Marquis test that was dark

COLLOQUY

1 orange.

2 Q. And what do those tests indicate to you?

3 A. They usually indicate -- those are the three
4 main reagents that we use to help us with methamphetamine
5 or amphetamine type class of drugs.

6 Q. All right. If it was not methamphetamine,
7 would there be a color change?

8 A. Correct. If it's not methamphetamine sometimes
9 it could still turn those colors, that is why we do the
10 confirmatory test. And this is just a screening test.

11 Q. All right. And approximately how much of a
12 sample does it take to run the confirmatory test?

13 A. Confirmatory?

14 Q. Yes?

15 A. Less than a milligram.

16 Q. For non-scientists, how much would that be, a
17 pin head?

18 A. Yes, I would say about a pin head, yeah.

19 MS. EARLE: All right. Thank you, I have
20 nothing further.

21 THE COURT: Any redirect?

22 MR. ALDERMAN: No, Your Honor.

23 THE COURT: Thank you, ma'am. You are
24 excused.

25 MR. ALDERMAN: State rests, Your Honor.

COLLOQUY

1 THE COURT: Okay. Counsel approach. Well
2 just a minute. Madam Bailiff, would you take our jury to
3 the jury room?

4 (The jury exits the courtroom at 11:24
5 a.m.)

6 THE COURT: Okay, the State has rested.
7 Are there any motions?

8 MS. EARLE: No, Your Honor.

9 THE COURT: Ms. Earle, does the defense
10 have any witnesses?

11 MS. EARLE: No, Your Honor.

12 THE COURT: Well, since the defense is not
13 presenting any evidence, defense will get last argument.
14 I wanted to -- it is 11:30. I don't know how long you
15 want to be on your arguments, and I'm certainly not
16 putting any pressure on either side to be short or long
17 or whatever. I'm thinking we probably just need to take
18 an early lunch and let y'all gather your thoughts and
19 then we will come back after lunch. We will start back
20 at 1:00.

21 And, Ms. Earle, I will let you formally
22 rest on the record and then we can proceed to Mr.
23 Alderman's argument and go into yours. You have both
24 tried cases with me before. I have got the same standard
25 charges. The case specific charges, let me see what I --

COLLOQUY

1 I have got failure to stop for a blue light, the statute.
2 And then trafficking in methamphetamine, which also has
3 the standard charge on actual and constructive
4 possession. And it also includes that the proof requires
5 more than mere presence. So it incorporates the active
6 construction possession and also the mere presence charge
7 into the same charge. So are there any other specific
8 charges that either side requests?

9 MR. ALDERMAN: No, Judge.

10 MS. EARLE: Yes, Your Honor, I would like
11 a charge on suspicion.

12 THE COURT: My reasonable doubt charge
13 contains -- and I will -- let me just go through what I
14 have got. I have got my general charge on the judge and
15 jury responsibilities.

16 Charge, arrest, and indictment not
17 creating any presumption of guilt or evidence of guilt.
18 Presumption of innocence. And then reasonable doubt has
19 the statement, "Suspicion, however strong, is not enough
20 to sustain a conviction. Evidence presented by the State
21 must be substantial evidence that tends to prove the
22 guilt of the defendant beyond a reasonable doubt."

23 So I don't have a separate charge on
24 suspicion, it is included in reasonable doubt. And I
25 also have direct and circumstantial evidence, credibility

COURT COMMENTS TO THE JURY

1 of witnesses, expert witnesses, criminal intent, failure
2 of the defendant to testify.

3 Now, in situation of a trial in absence I
4 add the -- I add two words to this charge, ordinarily I
5 say I instruct you and emphasize the fact that the
6 defendant did not testify is not a factor to be
7 considered. I am going to add, "Did not testify and
8 appear" just to cover the trial in absence portion.

9 And then I have a conclusion instructing
10 them about their deliberations, in addition to the two
11 statute cases, case-specific charges. So, is there
12 anything else?

13 MR. ALDERMAN: Nothing from the State,
14 Judge.

15 MS. EARLE: No, Your Honor.

16 THE COURT: Okay. All right. Well, let's
17 get our jury back in and I'll let you rest on the record
18 and then we will break for lunch.

19 (The jury enters the courtroom at 11:29
20 a.m.)

21 THE COURT: Okay. Madam Forelady, ladies
22 and gentlemen of the jury, the State has rested. Now we
23 turn to the next part of the case. Ms. Earle.

24 MS. EARLE: Thank you, Your Honor. May it
25 please the Court. The defense would rest at this time.

COURT COMMENTS TO THE JURY

1 THE COURT: Okay. The defense has also
2 rested, so the evidentiary stage of this trial is
3 concluded. The next stage of the trial will be closing
4 arguments that the attorneys will be able to make an
5 argument to you outlining their respective positions. It
6 is 11:30 and I hesitate to plow into this right now
7 because it will go through your lunch hour, so I'll go
8 ahead and let you take an early lunch. We will reconvene
9 at 1:00. So be back in the jury room before 1:00.

10 Now keep in mind your instructions, no
11 independent research. Don't talk to third parties about
12 the case. And do not deliberate until I instruct you to
13 at the end. I hope everyone has a good lunch and we will
14 see you at 1:00.

15 THE COURT: All right. We will reconvene
16 at 1:00. We will be in recess until that time.

17 MR. ALDERMAN: Thank you, Judge.

18 (Lunch break.)

19 THE COURT: Okay, let me go on the record.
20 Anything from either side before we bring our jury in?

21 MR. ALDERMAN: Nothing from the State,
22 Judge.

23 MS. EARLE: Nothing from the defense.

24 THE COURT: Madam Bailiff, get our jury
25 please.

CLOSING ARGUMENT BY THE STATE

1 (The jury enters the courtroom at 12:57
2 p.m.)

3 THE COURT: Madam Forelady, ladies and
4 gentlemen of the jury, I hope that everyone had a good
5 lunch. We are ready to proceed with closing arguments.
6 Mr. Alderman.

7 CLOSING ARGUMENT BY THE STATE.

8 MR. ALDERMAN: Thank you, Your Honor. May
9 it please the Court. Ladies and gentlemen, I'm going to
10 keep my remarks to you short. We have kept your
11 attention long enough.

12 At the beginning of this trial I told you
13 about the events that happened on July 20th of 2021.
14 Told you what you would hear from the stand about the
15 defendant, Mr. Duncan, being signaled by way of blue
16 lights, fleeing from the police, leaving the roadway
17 until he crashed into the wood line, and then being found
18 directly in front of that truck next to trafficking
19 weight in methamphetamine. That is how he came to be
20 charged, and that is the evidence that you have heard
21 from the stand.

22 So the question now is whether, by that
23 evidence, you can find the defendant guilty beyond a
24 reasonable doubt. And I did touch on before what that
25 means, beyond a reasonable doubt. Again, it asks if you

CLOSING ARGUMENT BY THE STATE

1 are firmly convinced of a fact. It really is a question
2 of common sense. It is a common sense test. It doesn't
3 ask you to do or be or think in any other way than you
4 normally would in your everyday life. In fact, to bring
5 your everyday experience here to court and apply that to
6 this case.

7 So ask yourself, does it make sense that
8 the defendant would run from the police at a high rate of
9 speed, Dukes of Hazard jump a ditch into a wet field, run
10 his car into a wood line, bail out of that wood line,
11 trip and fall 10 feet in front of that truck on a wet day
12 next to a dry bag of methamphetamine that in all 674
13 square miles of Oconee County just fell out of the sky
14 and happened to be there. He is the most unlucky human
15 being on the face of the earth if that is true.

16 So ask yourself, what makes sense? Did he
17 run from the police, probably because he had trafficking
18 weight methamphetamine on his person, tried to get away,
19 and then ditched those drugs as soon as he tripped and
20 hit the ground, and throw them three, four feet away? It
21 is wet and it's raining and the bag is dry.

22 So apply your common sense and ask
23 yourself, if you are firmly convinced if you were in any
24 other scenario making an important decision in your own
25 lives and those were the facts presented to you, would

CLOSING ARGUMENT BY THE DEFENSE

1 you be firmly convinced? Or is this the most incredible
2 coincidence anyone has ever heard of? One of those two
3 make sense, and if you answer that question you will have
4 your verdict.

5 THE COURT: Ms. Earle.

6 CLOSING ARGUMENT BY THE DEFENSE

7 MS. EARLE: Thank you, Your Honor. May it
8 please the Court. Ladies and gentlemen of the jury,
9 maybe Mr. Duncan is the most unlucky person on earth.
10 What you have heard today from the evidence and testimony
11 from the stand was that law enforcement was searching for
12 someone in the woods, maybe not in that particular area
13 but they knew that somebody was in the woods in the Salem
14 area that they were looking for. They didn't tell you
15 why they were looking for him but they knew that -- or
16 they had suspicions that someone was out there. They
17 didn't know if that person was alone, they didn't know if
18 he was by himself or with other people. They did locate
19 someone in the woods later in the day.

20 So the State tells you that Mr. Duncan ran
21 from the police because he had drugs. Well, you also
22 heard from the officers that the tag on that vehicle when
23 they ran it came back that it belonged to another
24 vehicle. People run from officers for a lot of different
25 reasons. They run because they don't have a driver's

JURY CHARGE

1 make an assumption that Mr. Duncan threw the drugs when
2 he tripped and fell. They don't have any evidence to
3 support that. They are telling you to believe that that
4 is what happened. The Judge is going to charge you that
5 suspicion alone is not sufficient to support a proof
6 beyond a reasonable doubt. So if you have questions or
7 if you have to make -- if you have to speculate about
8 what happened or you have to make assumptions about what
9 happened, the State has failed in its burden to prove to
10 you beyond a reasonable doubt that Mr. Duncan possessed
11 these drugs.

12 So I would ask you, if you do have
13 questions, if you have to make assumptions, or if you
14 have to speculate about what happened that day, that you
15 must return a verdict of not guilty. Thank you.

16 JURY CHARGE

17 THE COURT: Ladies and gentlemen, I have
18 come -- we have come to the point in the case where I
19 instruct you on the law. My instructions will be
20 somewhat lengthy. They will be in three parts. First,
21 instructions on the general rules that define and control
22 the jury's duties. Secondly, the instructions that state
23 the rules of law that you must apply, what the State must
24 prove to make its case. And, lastly, some rules for your
25 deliberations.

JURY CHARGE

1 General rules begin with your duties as
2 jurors. It is your duty to find the facts from all of
3 the evidence in the case. To those facts you must apply
4 the law as I give it to you. You shall not be concerned
5 with what the law should be, but what it is. And you
6 must not be influenced by any personal likes, dislikes,
7 opinions, prejudices or undue sympathy. That means that
8 you must decide the case solely on the evidence before
9 you in accordance with the law. The very thing that you
10 took an oath promising to do at the beginning of the
11 trial.

12 It is your responsibility and yours alone
13 to determine the facts of this case. I'll therefore
14 charge you that if during the course of this trial or
15 during this charge you have been given or left with the
16 feeling that I favor one side or the other, I would
17 specifically instruct you to disregard that impression.
18 Under our Constitution I'm not allowed to have an opinion
19 as to the facts of the case. You should not be
20 influenced by any objections or the Court's ruling on
21 them. You and you alone are the judges of the facts.

22 You determine the facts by evaluating and
23 weighing the evidence that you heard during the trial.
24 What is evidence? Evidence is the sworn testimony from
25 witnesses and any exhibits that are entered into

JURY CHARGE

1 evidence. The statements by the attorneys are not
2 evidence. What they have said in opening statements,
3 closing arguments, and at other times is intended to help
4 you interpret the evidence but it is not evidence.

5 The indictments charge the defendant with
6 failure to stop for a blue light and trafficking in
7 methamphetamine 10 grams to 28 grams. I remind you that
8 the fact that the defendant was arrested, charged, and
9 indicted in this case is not evidence in this case and
10 cannot be considered by you as evidence of guilt in the
11 case, nor does it create any presumption or inference of
12 guilt. These documents are simply the formal, written
13 instruments which contain the charges made against the
14 defendant. They are the formal documents by which the
15 case is brought into Court.

16 The defendant entered a plea of not guilty
17 to these indictments and that plea puts the burden on the
18 State to prove the defendant guilty. A person charged
19 with committing a criminal offense is never required to
20 prove himself innocent. I charge you that it is an
21 important rule of the law that a defendant in a criminal
22 trial, no matter what the seriousness of the charge may
23 be, will always be presumed to be innocent of the crime
24 for which the indictment was issued, unless guilt has
25 been proven by evidence satisfying you of that guilt

JURY CHARGE

1 beyond a reasonable doubt.

2 The presumption of innocence does not end
3 when you begin your deliberations, but it accompanies the
4 defendant throughout the trial until you reach a verdict
5 of guilt based on evidence satisfying you of that guilt
6 beyond a reasonable doubt. The presumption of innocence
7 is like a robe of righteousness placed about the
8 shoulders of the defendant until it has been stripped
9 from the defendant by evidence satisfying you of the
10 defendant's guilt beyond a reasonable doubt.

11 Presumption of innocence is not a mere
12 legal theory, it is not just a legal phrase. It is a
13 substantial right to which every defendant is entitled
14 unless you the jury are satisfied from the evidence of
15 the defendant's guilt beyond a reasonable doubt.

16 What is a reasonable doubt in the law? A
17 reasonable doubt is the kind of doubt that would cause a
18 reasonable person to hesitate to act. Some of you may
19 have served as jurors in civil cases where you are told
20 that it is only necessary to prove that a fact is more
21 likely true than not true, such as by the greater weight
22 or preponderance of the evidence.

23 In criminal cases, the State's proof must
24 be more powerful than that, it must be beyond a
25 reasonable doubt. Proof beyond a reasonable doubt is

JURY CHARGE

1 proof that leaves you firmly convinced of a defendant's
2 guilt. There's very few things in this world that we
3 know with absolute certainty. In criminal cases the law
4 does not require proof that overcomes every possible
5 doubt. If, based on your consideration of the evidence,
6 you are firmly convinced that the defendant is guilty of
7 the crime charged, you must find the defendant guilty.
8 If, on the other hand, you think that there's a real
9 possibility that the defendant is not guilty, you must
10 give the defendant the benefit of the doubt and find him
11 not guilty.

12 A reasonable doubt may arise from the
13 evidence or from a lack of evidence. The defendant is
14 entitled to every reasonable doubt that may arise in the
15 case. If upon any issue of fact essential to a
16 conviction and a verdict of guilty of an offense, if you
17 have any reasonable doubt at how to resolve that issue,
18 it is your duty to resolve that doubt in favor of the
19 defendant.

20 Suspicion, however strong, is not enough
21 to sustain a conviction. The evidence presented by the
22 State must be substantial evidence that tends to prove
23 the guilt of the defendant beyond a reasonable doubt.

24 There are two types of evidence which are
25 generally presented during a trial, direct evidence and

JURY CHARGE

1 circumstantial evidence. Direct evidence directly proves
2 the existence of a fact and does not require deduction.
3 Circumstantial evidence is proof of a chain of facts and
4 circumstances indicating the existence of a fact. Crimes
5 may be proven by circumstantial evidence. The law makes
6 no distinction between the weight or value to be given to
7 either direct or circumstantial evidence.

8 However, to the extent that the State
9 relies on circumstantial evidence, all of the
10 circumstances must be consistent with each other and when
11 taken together point conclusively to the guilt of the
12 accused beyond a reasonable doubt. If the circumstances
13 merely portray the defendant's behavior as suspicious,
14 the proof has failed. The State has the burden of
15 proving the defendant guilty beyond a reasonable doubt.
16 The burden rests with the State regardless of whether the
17 State relies on direct evidence, circumstantial evidence,
18 or some combination of the two.

19 As the judges of the facts, you are the
20 sole judges of the credibility, that is the believability
21 of the witnesses who have testified in this case. In
22 determining their credibility you may take into
23 consideration many things, such as the appearance and
24 manner of the witness on the stand, sometimes referred to
25 as the demeanor of the witness. Was the witness able to

JURY CHARGE

1 see, hear, or know the things about which the witness
2 testified. How well was the witness able to recall and
3 describe those things. Did the witness have a cause or
4 reason to be bias or prejudice in favor of the testimony
5 he or she gave. How reasonable was the witness'
6 testimony considered in the light of the evidence in the
7 case. Was the witness' testimony contradicted by what a
8 witness had said or done at another time or by the
9 testimony of other witnesses or by other evidence. These
10 are some of the factors that you may consider in deciding
11 whether to believe testimony.

12 As jurors you have the right to believe
13 all of the testimony of a witness or none of the
14 testimony of a witness. You have the right to believe a
15 portion of the testimony of a witness and discard the
16 rest. You may believe the testimony of one witness over
17 the many or the many over the one. Most certainly,
18 though, you do not determine the matter of credibility by
19 simply counting up the number of witnesses who may have
20 testified on behalf of the parties in a case.

21 Ladies and gentlemen, you heard from an
22 expert witness in this case. Normally a person cannot
23 give opinion testimony. Normally a witness must testify
24 to what they either saw, heard, or sensed by smell or
25 something of that nature. However, there's an exception

JURY CHARGE

1 when someone is qualified as an expert because of
2 education and experience. They are permitted to give
3 their opinion in certain areas if the Court qualifies
4 them as an expert in that area. This does not mean that
5 you are required to accept that opinion. Like any other
6 witness, you may place whatever weight on that person's
7 testimony that you, as the judge of the facts, deem
8 appropriate.

9 In order to establish criminal liability,
10 criminal intent is required. For example, the mental
11 state required to be proven by the State for a particular
12 crime might be purpose, intent, knowledge, recklessness,
13 or criminal negligence. Criminal intent must be proven
14 by the State beyond a reasonable doubt. Criminal intent
15 is always a matter that must be determined by the jury
16 from the circumstances surrounding the situation. There
17 is no way to prove intent to a mathematical certainty.

18 There is no way medical science can
19 dissect a person's brain and determine what that person
20 had in mind, so the law says that criminal intent may be
21 inferred from the circumstances shown to have existed.
22 This is how you make a determination of whether or not
23 the element requiring intent was present. It's not
24 necessary to establish intent by direct and positive
25 evidence, but intent may be established by inference in

JURY CHARGE

1 the same way as any other fact, by taking into
2 consideration the acts of the parties and all of the
3 facts and circumstances of the case.

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

12 I instruct you and emphasize that the fact
13 that the defendant did not appear and testify is not a
14 factor to be considered by you in any way in your
15 deliberation and in your consideration on the questions
16 of guilt or innocence of the defendant. It must not be
17 considered by you in any manner whatsoever. A defendant
18 has the constitutional right to remain silent. And the
19 assertion of this right must not be considered by you in
20 your deliberations. I repeat, under your oath you are to
21 draw no conclusion whatsoever from the fact that the
22 defendant in this case did not appear and testify. The
23 fact that this defendant did not testify should not even
24 be discussed in the jury room.

25 The burden of proof, as I stated to you,

JURY CHARGE

1 is on the State. The defendant is not required to prove
2 his innocence. The burden of proof remains on the State
3 to prove guilt beyond a reasonable doubt.

4 Ladies and gentlemen, the defendant is
5 charged with failing to stop for a blue light. In order
6 to prove this crime, the State must prove beyond a
7 reasonable doubt that the defendant was driving a motor
8 vehicle; that the defendant was driving the motor vehicle
9 on a road, street, or highway of this state; that the
10 defendant was signaled by a law enforcement vehicle by
11 means of a siren or flashing light; and that the
12 defendant did not stop.

13 In determining whether or not there are
14 mitigating circumstances which would justify the
15 defendant's failure to stop for the blue light you may
16 consider actual road conditions, actual roadside
17 conditions, other conditions such as lighting, weather,
18 officer, driver, and/or passenger safety, and any other
19 circumstances that you believe to reasonably mitigate the
20 alleged violation.

21 An official signal requiring a motorist to
22 stop may be a siren or flashing lights, but both are not
23 required. An attempt to increase the speed of the
24 vehicle or in some other manner avoid the pursuing law
25 enforcement officer when signaled by a siren or flashing

JURY CHARGE

1 light may be considered as evidence of failure to stop
2 for a blue light. However, it is merely an evidentiary
3 fact to be taken into consideration by you, along with
4 all of the other evidence in the case, and to be given
5 the weight that you decide it should receive.

6 The defendant is also charged with
7 trafficking methamphetamine 10 grams but less than 28
8 grams. In order to find the defendant guilty of this
9 offense the State must prove beyond a reasonable doubt
10 that the substance involved is, in fact, methamphetamine;
11 that there were in fact 10 grams or more of
12 methamphetamine involved; and the defendant had actual or
13 constructive possession of the methamphetamine.

14 The legal principal of possession requires
15 the State to prove beyond a reasonable doubt that the
16 defendant had the right and power to control disposition
17 or use of the controlled substance. Possession may be
18 actual or constructive. Actual possession occurs when
19 the controlled substance is found in the actual, physical
20 custody of the person charged. Constructive possession
21 occurs when a person has dominion and control over the
22 controlled substance, or has the right to exercise
23 dominion or control over the controlled substance.

24 Proof of possession requires more than the
25 defendant's mere presence at the place where the

JURY CHARGE

1 substance is found. The State must prove also beyond a
2 reasonable doubt that the defendant had knowledge of the
3 controlled substance in his possession and the defendant
4 had the intent to control the disposition or use of the
5 controlled substances.

6 Actual knowledge of the presence of the
7 controlled substance is evident of the requisite intent
8 to control the disposition of the use of the controlled
9 substance and actual knowledge may be equated or
10 substituted for the intent element.

11 However, if you find from the evidence or
12 from a lack of evidence that the defendant was merely
13 present at the scene where methamphetamine was found or
14 merely associated with persons who possess
15 methamphetamine and do not find beyond a reasonable doubt
16 that the defendant had dominion or control or the right
17 to exercise dominion and control over the
18 methamphetamine, the defendant would not be guilty.

19 Ladies and gentlemen, this is a long
20 instruction on the law and we are almost to the point
21 where I send you to the jury room. But I want to leave
22 you with some final thoughts. You were chosen as jurors
23 in this case because both sides believed that you could
24 be fair and impartial in deciding this case. I instruct
25 you to make use of your life experiences, your good

JURY CHARGE

1 common sense, and your sense of logic and reason in
2 evaluating the evidence in this case.

3 You are not partisans or advocates for
4 either side. You have no friends to reward nor any
5 enemies to punish. You are the judges of the facts.
6 Your sole interest is to determine whether the State has
7 proven beyond a reasonable doubt that the defendant is
8 guilty of these crimes charged. Be courteous to one
9 another, listen to the views of your fellow jurors. Take
10 the amount of time necessary for you to thoroughly
11 evaluate this case. This case is important to both
12 sides.

13 Madam Forelady, I am going to go over the
14 verdict form with you. It is a one-page verdict form and
15 it has two parts. It says, As to the charge for failure
16 to stop for a blue light, Indictment Number
17 2021GS37-01378, we the jury unanimously find, and it
18 gives you two options, not guilty and guilty. When you
19 have unanimously reached a verdict on that charge, you
20 will check the appropriate box.

21 The second part is identical except it is
22 on the trafficking in methamphetamine between 10 and 28
23 grams indictment. And, again, when you have unanimously
24 reached a verdict on that charge you will check the
25 appropriate box. When you have reached a verdict on both

JURY CHARGE

1 charges, you will sign it above your name on the line
2 provided.

3 Now, I'm going to send you to the jury
4 room now. Do not begin your deliberations until I send
5 the verdict form and the exhibits back to the room. So,
6 Madam Bailiff, would you take the jury to the jury room?

7 (The jury exits the courtroom.)

8 THE COURT: Any exceptions to the charges
9 from the State?

10 MR. ALDERMAN: None, Your Honor.

11 THE COURT: Any objection to the jury
12 charge from the defense?

13 MS. EARLE: No, Your Honor.

14 THE COURT: If I can get both parties to
15 come up and check the exhibits and make sure that they
16 are all there, and then we will send them back to the
17 jury.

18 (Pause.)

19 THE COURT: Take the exhibits and the
20 verdict form back and tell them that they may begin their
21 deliberations.

22 (Evidence goes to the jury and
23 deliberations begin.)

24 THE COURT: At this point in time, I want
25 to thank counsel for the professional manner in which you

JURY DELIBERATIONS

1 handled the case under difficult circumstances on both
2 sides.

3 (Pause.)

4 THE COURT: All right. You have got my
5 two alternates?

6 THE BAILIFF: Yeah, they wanted to stay.

7 THE COURT: That is what I was going to
8 tell you. I appreciate your service. We have reached
9 the point in the trial where your job is over. All of
10 your other jurors -- it was a short trial, but so we
11 don't have that issue come up I always appoint two now.
12 I don't want a situation where I have only got one and we
13 have to do it all over again. So you are welcome to stay
14 if you want to see how it turns out. If you need to
15 leave you are free to go. This is the last trial case on
16 the docket. The rest of the week is going to be what we
17 did yesterday, non-jury, pleas and stuff. And if you
18 want to sit and watch that, you are free to do that. But
19 you are free to go. But thank you, thank you for your
20 service, and this will satisfy your jury requirement for
21 three years for this court, not federal court. The
22 bailiff can show you how to get out if you want to leave.

23 (Jury deliberating.)

24 THE COURT: Okay. I have been informed
25 that we have a verdict.

VERDICT

1 THE COURT: All right. Madam Forelady,
2 has the jury reached a verdict?

3 THE FORELADY: Yes, sir.

4 THE COURT: All right. Would you hand
5 that to the bailiff, please, ma'am?

6 (Judge reviews the verdict form.)

7 THE COURT: Madam Clerk, would you publish
8 the verdict please?

9 THE CLERK: In the matter of the State of
10 South Carolina versus Steven Lee Duncan, as to the charge
11 for failure to stop for a blue light on indictment number
12 2021GS37-1378, we the jury unanimously find the defendant
13 guilty of failure to stop for a blue light.

14 As to the charge for trafficking in
15 methamphetamine between 10 and 28 grams, indictment
16 number 2021GS37-1377, we the jury unanimously find the
17 defendant guilty of trafficking in methamphetamine
18 between 10 and 28 grams.

19 Ladies and gentlemen of the jury, if this
20 was your verdict and remains your verdict, please
21 indicate so by raising your right-hand.

22 (Jurors comply.)

23 THE CLERK: Let the record reflect that
24 all members of the jury have affirmed their verdict.

25 THE COURT: Anything from the State before

SENTENCING

1 we release the jury?

2 MR. ALDERMAN: No, Your Honor.

3 THE COURT: Anything from the defense
4 before we release the jury?

5 MS. EARLE: No, Your Honor.

6 THE COURT: Ladies and gentlemen of the
7 jury, thank you for your service this week. This will
8 satisfy your circuit court jury requirement for three
9 years. So, like I told you yesterday, the trial docket,
10 all of the cases except this one, were resolved so this
11 will end your duty for the week. You are welcome to stay
12 and watch us do pleas this afternoon if you want to, but
13 I have a feeling you want to go home. So, you are free
14 to go home. Thank you, ladies and gentlemen.

15 Madam Forelady, let me have you sign this
16 document before you leave. You can just come around.

17 (Whereupon, the trial concluded.
18 Sentencing follows below:)

19 THE COURT: All right. Let's go back on
20 the record in State versus Duncan. All right. We are
21 going back on the record. All right. State versus
22 Duncan. Let's hear from the State first and then I'll
23 hear from Ms. Earle.

24 MR. ALDERMAN: Judge, with regard to a
25 prior record it appears he has convictions out of the

SENTENCING

1 State of California. 2002 possession of controlled
2 substance, it appears to be two counts. Petty theft.
3 Possession of a hypodermic needle here, in-state.
4 Possession of marijuana, controlled substance, and meth
5 possession. That appears to be -- and a shoplifting.
6 That appears to be the extent of the record.

7 Judge, honestly, Mr. Duncan's case is kind
8 of disappointing to us in the office. He was a member of
9 the drug court program, a participant who managed to
10 complete the program successfully. He turned his life
11 around and was sort of a success story. Since that time
12 he has turned back in another direction very clearly.

13 On one hand it is disappointing to see
14 that happen when he was doing so well, but on the other
15 hand it seems that he knows exactly what he needs to do.
16 He has all of the tools and is capable of doing what he
17 needs to do and is choosing to do the wrong thing. So,
18 Judge, we have no opinion with regard to a number. We
19 would simply ask that you craft a sentence appropriate
20 under the circumstances with that knowledge.

21 THE COURT: What offense number? I heard
22 two prior drug offenses?

23 MR. ALDERMAN: Yes. Judge, this could
24 have been charged as a third. And he received, to his
25 benefit, in going forward on a first.

SENTENCING

1 MS. EARLE: Actually, Your Honor, I don't
2 think that it could have been charged as a third.
3 Because I think that the prior controlled substances were
4 primarily marijuana. I think at best this would have
5 been a second.

6 THE COURT: But he is charged under a
7 first?

8 MS. EARLE: He is charged under a first,
9 Your Honor.

10 MR. ALDERMAN: And it is fair to say that
11 the California charge, Judge, we do not know what that
12 controlled substance was. It could have very well been
13 marijuana.

14 THE COURT: Ms. Earle.

15 MS. EARLE: Your Honor, I ask that you run
16 the sentence concurrent on these two charges. And I
17 would ask for the minimum on the trafficking, which is
18 three years. The failure to stop carries a maximum of
19 three, so that should -- if they run concurrently that
20 should subsume the failure to stop.

21 THE COURT: Thank you, Ms. Earle.

22 (Judge seals the sentence.)

23 THE COURT: Okay. Well, I have issued
24 sentences, and I will seal those. We will issue a bench
25 warrant for Mr. Duncan. And at such time that he's taken

SENTENCING

1 into custody he will be brought back to court and the
2 sentences will be opened.

3 MR. ALDERMAN: Thank you, Your Honor.

4 MS. EARLE: Thank you, Your Honor.

5 (Whereupon, proceedings concluded.)

6 * * *.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SENTENCING

1 (The following proceedings were held
2 1-12-2023 at 3:58 p.m.:)

3 MR. ALDERMAN: Your Honor, this is Steven
4 Lee Duncan here on Indictment 2021GS37-01377 and 01378
5 charged with trafficking in methamphetamine between 10 to
6 28 grams and failure to stop for a blue light. Mr.
7 Duncan was tried and convicted on both counts this week.
8 And we are here to unseal his sentence.

9 THE COURT: Okay. Before I do that, Ms.
10 Earle, anything for the record?

11 MS. EARLE: Yes, Your Honor. There are
12 some things that I would like to put on the record. Mr.
13 Duncan appeared in court voluntarily today because he had
14 been served with a notice to come to court on a motion
15 filed by DCT Detection regarding his ankle monitor. He
16 was told to be here at 2:00 and he appeared and signed
17 in. That is when he was taken into custody.

18 In talking with him, he acknowledged he
19 did not get notice to come to court earlier this week for
20 the trial. I told him which address we sent the
21 information to and that I had tried to reach him by
22 telephone and that the phone number was no longer in
23 service, that the mail we sent had been returned.

24 He told me that that was not his address
25 and that he had changed his address with my office

SENTENCING

1 earlier in the year. Well, last year. I did not have
2 anything, anything to indicate that we had received that.
3 The only change of address was one he had given me in
4 court, which he denies having done. But that is the
5 address we have been using.

6 In further conversation with him, it turns
7 out he came to the Clerk of Court's office and changed
8 his address in September. My office was not aware of
9 that. He has been in court since that time and did not
10 tell me he had a different address when he was in court.
11 I don't know how he got his notices for those court
12 dates, because all of those notices have been returned.

13 The address on his application that he
14 made in August of 2021 is a Central address. He changed
15 his address to Six Mile in Sep -- in July of 2022. That
16 was the last address that our office had. He then
17 changed his address with the Clerk of Court in September,
18 which is apparently where he has been receiving his mail
19 since then.

20 I was not able to locate him. I did
21 not -- I will be forthright with the Court, I did not
22 look on the public index to see if they had a change of
23 address for him. I had thought that if he had changed
24 his address with me in court, he knew to change his
25 address with me. So I did not check the public index to

SENTENCING

1 see if he had changed his address with someone else and
2 did not let us know.

3 So, in any event, he was tried in his
4 absence. And it was the first time, to my knowledge,
5 that he had not appeared in court when he was supposed
6 to. Which I found surprising, because he had been good
7 about coming to court. And then, as I said, he appeared
8 in court today. And I think he may want to address the
9 court too.

10 THE COURT: What was set today?

11 MR. ALDERMAN: I believe that DCT
12 monitoring company had a motion to be relieved from their
13 obligation to monitor Mr. Duncan for what they have
14 alleged to be, I believe, failure to comply and charge
15 the monitor.

16 THE COURT: Is the monitor operational
17 now?

18 MR. ALDERMAN: It was not. Our office, we
19 reached out to DCT, obviously, to see if we could find
20 Mr. Duncan ahead of the trial. I can't say whether it is
21 at this time.

22 MS. EARLE: DCT did withdraw their motion
23 earlier this week.

24 THE COURT: Because of the trial?

25 MS. EARLE: I don't know if it was because

SENTENCING

1 of the trial or if they had worked things out with Mr.
2 Duncan. They were seeking to be relieved and have
3 monetary damages awarded to them. This was the second
4 time that they had filed a motion. And I just got a
5 notice from the attorney representing them that they were
6 withdrawing their motion.

7 MR. ALDERMAN: Based on my conversation
8 with Mr. Colegrove this week, I believe that it was
9 because the trial that he withdrew.

10 THE COURT: Okay. All right. Mr. Duncan,
11 is there anything you would like to tell me?

12 THE DEFENDANT: Yes, Your Honor. I
13 apologize to the Court for not being here. I did not
14 know that I was supposed to be -- I did not know that I
15 was supposed to change it with her office. I changed it
16 downstairs with the Clerk of Court thinking that that was
17 what I had to do and that it would get to her. I didn't
18 know that I had to go to her office and do it.

19 I have been late on my payments to DCT. I
20 was in contact with them and I have been charging my
21 ankle monitor. I don't always -- it don't always when I
22 -- I go up in the mountains a lot, stay in the mountains
23 sometimes, and it doesn't always get reception up there.
24 I don't know how that works. But I have been charging
25 it.

SENTENCING

1 And I have never taken it off for any
2 reason or anything like that. And I have never not came
3 to court. If I had known that I had court, sir, I would
4 have definitely been here. I only knew that I was
5 supposed to be here today at 2:00 until I got a call when
6 I was working a little while ago and somebody told me
7 that they were -- the police were looking for me at my
8 residence. So I came here straight from working and I am
9 trying to address it, you know, like wondering why it
10 was.

11 I called up here on my way here and asked
12 them what was going on and they said that they didn't
13 know, that the case has been dismissed or something. And
14 I am like, Dismissed? I said, I don't understand that.
15 And so I called them and like I have just been -- it was
16 a mistake, Your Honor.

17 I didn't purposely miss court whatsoever.
18 I haven't been late to a court appearance. I haven't not
19 shown up. I have always showed up. I definitely
20 wouldn't have came in here today for this if I knew
21 anything about anything that happened -- well, I mean, I
22 am not saying that I wouldn't have. But, I mean, I
23 wouldn't -- that was not my intention, was to do
24 anything, you know, that I wasn't supposed to do.

25 I have -- I talked to DCT at one time and

SENTENCING

1 they were going to work things out with me. I did have a
2 problem, I lost my job, but I finally got another job.
3 And I just ask for leniency. Just please work with me on
4 this. This was not meant to happen like this. I did not
5 mean for this to happen.

6 THE COURT: All right. The clerk just
7 handed me -- he did change his address on September the
8 6th. You live at [REDACTED] Country Circle Drive, Westminster?

9 THE DEFENDANT: I do, Your Honor.

10 THE COURT: Mr. Alderman.

11 MR. ALDERMAN: Judge, I think that it
12 remains the defendant's responsibility to change his
13 address with his attorney. He failed to do that. His
14 attorney attempted to contact him. And we attempted to
15 find him. We reached out to the monitoring company, and
16 he had not changed his monitor in some time and he
17 couldn't be reached that way. As Ms. Earle said,
18 couldn't be reached by phone. Every effort was made and
19 we proceeded in his absence.

20 THE COURT: Okay. Mr. Duncan, tell me
21 about your telephone number.

22 THE DEFENDANT: I have a number that I
23 have had that I did have on record with them for a long
24 time. I have had this number. But I don't know which
25 one that I had then -- they had on record for me now. I

SENTENCING

1 mean, I -- this number I have had for a long time but I
2 lost the phone, yada, yada, yada, and like got a new
3 number. But I got this number back and it's been one
4 that I have had for years of mine. And I don't know
5 which one they have right now honestly.

6 THE COURT: Ms. Earle, what number did you
7 call?

8 MS. EARLE: Your Honor, the phone number
9 that I have on record for him is [REDACTED]. When he gave
10 me a new address on July 28th of 2022 he told me he would
11 call next week with an update on the phone number, and
12 that is the phone number that we have.

13 THE COURT: What number did you have, Mr.
14 Alderman?

15 MR. ALDERMAN: Judge, I don't have my file
16 on the case up here. We would not have tried to call him
17 directly based on him being represented. We would have
18 called the monitoring company or send an investigator to
19 look for him.

20 THE DEFENDANT: Your Honor.

21 THE COURT: All right. This is what I am
22 going -- this is what I want you to do. All right. I am
23 going to order Mr. Duncan into custody, and I want you to
24 get Mr. Colegrove up here in the morning and I want to
25 hear from Mr. Colegrove.

SENTENCING

1 MR. ALDERMAN: Yes, sir.

2 THE COURT: All right. But I'll just hold
3 the issue in abeyance until I can hear from Mr.
4 Colegrove. So take Mr. Duncan into custody and then we
5 will do this before we start probation in the morning.
6 But I will note for the record he did change his address.

7 MR. ALDERMAN: Yes, sir.

8 MS. EARLE: Thank you, Your Honor.

9 THE COURT: Okay.

10 (Whereupon, the proceedings adjourned.)

11 * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SENTENCING

1 (The following proceedings were held on
2 January 13, 2023 at 11:14 a.m.:)

3 THE COURT: All right. Let's go back on
4 the record. State versus Steven Lee Duncan. These are
5 cases 2021GS37-1377 and 1378. Mr. Duncan was tried in
6 his absence this week in the Court of General Sessions.
7 The Court had previously made a finding that he had
8 proper notice of the hearing and had failed to appear. I
9 also made a finding that, according to his bond, he was
10 informed and given notice that a trial would proceed in
11 his absence if he failed to attend court.

12 Mr. Duncan appeared in court on Thursday,
13 was taken into custody. A hearing began. The Court
14 recessed that hearing so we could get Mr. Colegrove
15 present. Mr. Colegrove was the individual whose company
16 was monitoring Mr. Duncan with an electronic monitor in
17 accordance with the conditions of his bond. Mr.
18 Colegrove had filed a motion previously to terminate the
19 electronic monitor alleging that Mr. Duncan had failed to
20 fulfill his obligations under their agreement and had
21 failed to cooperate.

22 So at this point I would like to hear from
23 Mr. Colegrove, and then I'll hear from the attorneys and
24 anything else that needs to be put in the record. Put
25 Mr. Colegrove under oath please.

SENTENCING

1 Thereupon,

2 DALE COLEGROVE

3 was called as a witness, having been first duly sworn,
4 was examined and testified as follows:

5 MR. COLEGROVE: May I address the Court
6 please?

7 THE COURT: Yes, sir.

8 MR. COLEGROVE: All right. So, Steven
9 Duncan was put on monitoring on August 2nd of 2021.
10 August the 2nd through February 21st, 2022 he made four
11 payments up until January the 11th. From that point in
12 January Mr. Duncan's monitor stayed out of commission,
13 not charged, not properly working, until October the 18th
14 of 2022.

15 The notes I have provided they State,
16 Judge, will show exactly what I'm talking about because I
17 have a staff that uses Google docs, and every time that
18 they attempt to contact someone they log in the system
19 and it is just generated with stuff like this. It gives
20 you the time, like, March 4th, 2022 10:45 p.m., battery
21 dead. Made contact but no answer.

22 So everything on that first set of
23 documents, that is what it is going to show. The next
24 page that I have is going to show that Mr. Duncan owed my
25 company three thousand dollars. He just doesn't believe

SENTENCING

1 in doing what he needs to do to stay out of jail.

2 And on October the 18th I asked the
3 Sheriff's office to try to track him down, figure out
4 what's been going on with him since January with the
5 monitor not being operable. They had made contact with
6 him several different times throughout the year, but this
7 particular time on the 18th he actually come to my
8 office. I put a new monitor on him. And between that
9 October the 18th until today -- his monitor has been out
10 the last seven days -- he had been in and out. Mostly
11 out. But there was times where periodically the unit
12 would be charging.

13 The next set of pages that I have provided
14 on one it'll show the charges and VIN (phonetic) reports.
15 This is stuff that is inside a server that nobody can
16 access, it is all -- I mean there's no way to duplicate
17 in any way any of these reports, it comes from a central
18 database for everybody that uses this company that I use.

19 So the first report is 1-13-2022, 31-2022,
20 you will see that the monitor is completely dead up until
21 October the 18th. Next to the last page will show you
22 that this reports 10-19 through 11-17, or 11-17-2022,
23 it'll show you that the monitor did communicate on
24 different occasions but it was only for like 49 minutes,
25 six minutes. Never anything over an hour.

SENTENCING

1 So what that means, Judge, is that he
2 probably sat down for about ten minutes and had the
3 monitor plugged up, and that was about the extent of him
4 doing that when the monitor was working.

5 We have a mandatory call-in every Monday.
6 This gentleman has never called my office updating phone
7 numbers, addresses, anything. We have not heard
8 anything. This is the first time that I have seen him in
9 person since the 18th. No communication. Pretty much
10 done whatever he wants to do.

11 On the amount of money that I filed, I
12 filed -- my law firm filed, through the clerk's office,
13 the civil aspect of being removed from the monitor. That
14 was a hearing that was scheduled yesterday. When I found
15 out that there was bench warrants issued for him, I asked
16 the law firm to contact the clerk's office and say, look
17 there's bench warrants on him so here pretty soon I'm not
18 going to be on his case for monitoring, so call the
19 clerk's office -- we will try to be diligent of the
20 Court's time -- and just tell them that we will let this
21 set until he's arrested and then we will pull the monitor
22 off and everything will be okay.

23 From that October the 18th, this gentleman
24 has been doing whatever he wants to do. He's never given
25 us change of phone numbers, change of addresses, nothing

SENTENCING

1 whatsoever. He's one hundred percent been on the dark
2 side, as far as concerning what we are supposed to
3 provide to the Court by court order. And that is what he
4 adhere to. And that is what we try to explain to them,
5 listen this isn't us, we are a company that has to do
6 whatever the court order states.

7 And up to this date, you can see on the
8 15th, I provided everybody with this affidavit of
9 service. David Hurt (phonetic) who is a gentleman -- and
10 David is here in the courtroom if he needs to testify to
11 this -- but for the action that he was supposed to be in
12 court for yesterday, David Hurt served him on 12-15-22 at
13 6:05 p.m. and that was at [REDACTED] -- to Forest Ridge Road in
14 Mountain Rest.

15 So how we found him is we just got lucky.
16 It was one of the very sparing times he kept his monitor
17 charged and the monitor showed him in that Mountain Rest
18 area. And I have also provided a copy of the active
19 pings that I provided. They are actually green on your
20 copies. So when you see that green, to be honest, it is
21 kind of like a stop light, green is working, red is not;
22 it stopped.

23 So David Hurt went to this location based
24 off of the monitor pinging him in Mountain Rest. David
25 approaches him, he denies who he is. He asks him several

SENTENCING

1 times, Steven, Steven, and he said, No. But again, David
2 can attest to this. David did ask him to pull his pant
3 leg up because we were having -- or he had concerns that
4 the monitor wasn't on him. And lo' and behold, he pulled
5 his pant leg up and the monitor was on him. So he denied
6 who he was to my employee several times when he went to
7 serve him with this paperwork.

8 THE COURT: Okay. What address did you
9 have on file as his home address?

10 MR. COLEGROVE: I'll just pull it straight
11 off of his application. [REDACTED] Old Seneca Road in Central.
12 That is off of his application.

13 THE COURT: Did you ever have additional
14 addresses given?

15 MR. COLEGROVE: Yes.

16 THE COURT: What are those?

17 MR. COLEGROVE: When he come in on the
18 18th of October he gives a [REDACTED] Country Circle Drive in
19 Westminster. And there's another one here. Yes
20 sometime -- yes, so, [REDACTED] Old Seneca Road Central was the
21 first one that he put on on 8-2-21. Then the monitor
22 shows him at being at three other locations, and that is
23 recorded that shows that.

24 And then when he come in on the 18th of
25 October '22 he gave us the [REDACTED] Country Circle Drive in

SENTENCING

1 Westminster. So the time -- from the time that he was
2 placed until we sit here today there's been five
3 different addresses.

4 THE COURT: Okay.

5 MR. COLEGROVE: No phone number. The
6 phone number that he gave us from the get-go was an [REDACTED]
7 [REDACTED]. And here is another one that he put on his
8 paperwork, [REDACTED].

9 So, again, between this whole time frame
10 he's never called in on Mondays. That is in his
11 paperwork, he agrees to do that. And that is the main
12 objective for those call-ins is for my staff to be able
13 to say, hey, what is your new phone number, do you have a
14 new address. That is one of the main key components.
15 And if their payments are behind. And again, I think
16 that I stated he owes my company over three thousand
17 dollars as we sit here today.

18 THE COURT: Okay. All right. Now, Ms.
19 Earle, what address -- you notified the Clerk of Court
20 what you put into the record. You notified the Clerk of
21 Court at some point last fall that he had a new address.
22 What was the new address that he gave you?

23 MS. EARLE: The address that I was given
24 in July of 2022 was [REDACTED] Walhalla Highway, Six Mile,
25 South Carolina, 29682.

SENTENCING

1 MR. COLEGROVE: That is the first that I
2 have heard of that.

3 THE COURT: Okay. And, Madam Clerk, you
4 received a September change of address directly from Mr.
5 Duncan as was stated yesterday; tell me what that address
6 was.

7 THE CLERK: It was the -- let me get the
8 Court that information. It is the [REDACTED] Country Circle
9 Drive in Westminster.

10 THE COURT: Okay. Now, what is the
11 telephone number that he gave the clerk's office?

12 THE CLERK: [REDACTED].

13 THE COURT: Okay. And Ms. Earle, what is
14 the telephone number that you were given?

15 MS. EARLE: 324 -- the area code

16 [REDACTED].

17 THE COURT: Okay.

18 MR. COLEGROVE: And again, we had no, no,
19 no change of any of that stuff. That is -- this is the
20 first time that I have heard that.

21 THE COURT: Okay. Okay. Thank you, Mr.
22 Colegrove.

23 MR. COLEGROVE: Yes, sir.

24 THE COURT: Mr. Alderman, do you have any
25 questions that you would like to ask Mr. Colegrove?

SENTENCING

1 MR. ALDERMAN: No, Judge. We certainly
2 have a position with regard to notice and we want to put
3 it on the record.

4 THE COURT: Okay, I'll give that you
5 opportunity. Ms. Earle, do you have any questions that
6 you would like to ask Mr. Colegrove?

7 MS. EARLE: I do not, Your Honor.

8 THE COURT: Okay. Let me hear from the
9 State, and then I'll hear from Ms. Earle.

10 MR. ALDERMAN: Judge, our position with
11 regard to notice is based essentially on the
12 understanding that it is the defendant's responsibility
13 to update his information with his attorney so that Ms.
14 Earle can notify him of court dates. I think that it is
15 telling that, as she explained at yesterday's hearing,
16 that he's changed his address with the public defender's
17 office several times. They have a number of addresses
18 chronologically on record for Mr. Duncan.

19 It is only this last time that he went
20 directly to the clerk's office and did not inform Ms.
21 Earle. It is not as if that was his common practice, to
22 go to the clerk's office. In fact, the opposite. In
23 July he went to the public defender's office and the
24 public defender's office informed the clerks as to his
25 new address.

SENTENCING

1 Judge, I also think that it's telling that
2 after he changed his address in September with the
3 clerk's office, he was on a November trial docket and
4 appeared. And Ms. Earle has told us that his notices
5 were sent to that same address and came back just as they
6 had this time and they had a chance to speak. So, Judge,
7 every opportunity to address this issue and have the
8 conversation about the change of address and have a
9 conversation about notices coming back.

10 Ms. Earle also put on the record yesterday
11 that he informed the public defender's office that he had
12 a new number or was getting a new number and would update
13 them, and then failed to do that with them.

14 Now, Judge, as Mr. Colegrove has said, the
15 monitor was out. We got word through Mr. Colegrove and
16 law enforcement that the monitor was out because if it
17 had been on, of course, we could send our own
18 investigators and would have done that, if the Court
19 would have asked us to do so, to just tell him in person,
20 You have a trial. And then report back to the Court that
21 that had been done. But we didn't have that opportunity
22 because, of course, he wasn't charging his monitor.

23 So every step of the way, the public
24 defender's office, the clerk's office, the solicitor's
25 office have been doing everything that we can based on

SENTENCING

1 the information that he has provided to us, or rather to
2 the public defender's office and the clerk's office.
3 And, Judge, at all times the responsibility has been on
4 him to do that.

5 So, Judge, the Court found that he had
6 been given proper notice based on the information he had
7 provided. He's had a full and fair trial.

8 THE COURT: Okay. Thank you, Mr.
9 Alderman. Ms. Earle.

10 MS. EARLE: May it please the Court, Your
11 Honor. To clarify, he only changed his address with our
12 office one time and he did that when we were here in
13 court, is when he gave me that address. To my knowledge
14 he's not been at our office to change his address. Is
15 this the appropriate time to address any other issues?

16 THE COURT: I'll let you -- this is -- I'm
17 treating this as a motion for a new trial, so I'm going
18 to allow you wide latitude. Anything that you need to
19 put in the record, Ms. Earle?

20 MS. EARLE: Thank you, Your Honor. As I
21 had stated yesterday, Mr. Duncan to my knowledge has
22 always appeared in court when he was supposed to. This
23 case originally was assigned to a different public
24 defender. When he left our office the case was assigned
25 to me. Any day that I knew that we had court with Mr.

SENTENCING

1 Duncan, he did appear. This trial was the only time he
2 did not appeared.

3 And I, I did not contact DCT directly to
4 find out what address they had on record for him. And I
5 had no notice that there had been a change of address in
6 the public index that was different from what we had. We
7 were still relying on the address that we had in our
8 system, which is where his notices were sent and returned
9 to us as being the wrong address.

10 So, Your Honor, I'm -- the fact that he
11 showed up for a hearing yesterday, the paperwork had been
12 served on him to come to court yesterday and he did
13 appear, I think is indicative that he does appear in
14 court when he is told to. And I don't know that he had
15 notice of the court date on Monday because, as I said,
16 our mail was returned. So I'm not sure that he had
17 proper notice. And we would ask for a new trial.

18 THE COURT: Ms. Earle, did Mr. Duncan
19 schedule any appointments with you prior to this week's
20 trial?

21 MS. EARLE: He did not, Your Honor.

22 THE COURT: And he was previously on trial
23 dockets and you were able to confer with him at the
24 courthouse; is that correct?

25 MS. EARLE: That's correct, Your Honor.

SENTENCING

1 THE COURT: And at those times, did he
2 make any attempt to schedule an appointment with you at
3 your office to discuss the upcoming trial?

4 MS. EARLE: No, Your Honor.

5 THE COURT: Okay.

6 THE DEFENDANT: Your Honor, may I say
7 something?

8 THE COURT: Yes, I'll be happy to hear
9 from you.

10 THE DEFENDANT: I did not call and
11 schedule anything. She did say that she was going to
12 contact me and I did not follow-up on that, as I should
13 have. But as I said before, Your Honor, I have never
14 purposely missed any court date. I did not do as I
15 should have done, and that I apologize for. But I did
16 not do it, as far as -- I just had a rough patch and I
17 was trying to get all of my ducks back in order.

18 But at the same time, I know that I should
19 have been more -- I should have been more -- I should
20 have communicated better with both DCT and my lawyer, but
21 I did not do any of this to purposely miss a court date
22 or the -- you know, any of that stuff. If I had known
23 that I had to be in court, I definitely would have been
24 here. I wouldn't have done that purposely knowing that I
25 didn't have to.

SENTENCING

1 And I just ask, you know, for leniency.

2 Please. I did not know that I was supposed to be here.

3 THE COURT: Okay. Anything else for the
4 record from any party?

5 MR. ALDERMAN: Nothing from the State,
6 Judge.

7 MS. EARLE: Your Honor, Mr. Duncan's wife
8 Jessica is here.

9 THE DEFENDANT: Angela.

10 MS. EARLE: I apologize, I was informed
11 her name was Jessica.

12 MS. EARLE: That was my wife. We are
13 separated.

14 MS. EARLE: Ma'am, if you will come
15 forward, just right there. You are going to have to
16 speak up so that the court reporter can hear you.

17 UNIDENTIFIED SPEAKER: Thank you, Your
18 Honor, for letting me speak. So I do want to address
19 that the reason that he was giving different addresses,
20 you know, is because at one time for a few months, me and
21 him, we was going through a bad time in our lives and we
22 was homeless and just having to live from place to place.
23 So that is one reason he was giving different addresses.

24 We are doing a lot better now. And he has
25 got a job. So do I. And today I brought proof of that

SENTENCING

1 from his boss man to Ms. Suzanne Earle. She has the
2 note. He is capable of definitely doing what he needs to
3 do if you can just have mercy on him and give him a
4 chance. I'll push him to do better also.

5 And, you know, he has a five-year-old
6 daughter that loves him so much and she just needs him.
7 So if you would just take that into consideration.

8 THE COURT: Thank you, ma'am.

9 UNIDENTIFIED SPEAKER: Thank you.

10 THE COURT: Mr. Colegrove, if you will
11 take your exhibit-- I want your packet made an exhibit,
12 and make that a Court's exhibit.

13 MR. COLEGROVE: Sure. Do you want the
14 application and everything, sir, from start to finish?

15 THE COURT: Sure make that -- anything
16 that you referred to, make that a Court's exhibit.

17 MR. COLEGROVE: Okay. This is actually
18 the only file that I personally have for my records
19 but -- well, I can take one of these. I can take maybe
20 the State's.

21 THE COURT: Just, Mona, make that -- what
22 will that be Court Exhibit No. 2.

23 THE COURT: You want me to go back to the
24 trial exhibits? It will be No. 2 then, Judge.

25 THE COURT: Yes, okay.

SENTENCING

1 *(Whereupon, Court's Exhibit No(s). 2*
2 *marked for identification and received in evidence.)*

3 THE COURT: Okay.

4 MS. EARLE: Your Honor, Mr. Duncan has
5 informed me that there's another family member of his
6 that would like to speak.

7 THE COURT: I'll be happy to hear from
8 you. Yes, ma'am.

9 UNIDENTIFIED SPEAKER: I am Mr. Duncan's
10 cousin. He is like my brother. I just want to state
11 that he -- his ankle monitor was not getting charged
12 because he had lost his home and he was homeless, so he
13 was charging his monitor wherever he could to get a
14 chance to -- wherever he got a chance to lay his head.
15 He just had a rough patch in his life.

16 I suffer from stage four metastatic colon
17 cancer, and he is my biggest support. And he also helps
18 with my care. So I'm just asking if you could just give
19 him a chance. We can get DCT paid. And he is capable of
20 doing what he is supposed to do if you just give him a
21 chance.

22 THE COURT: Thank you, ma'am.

23 MS. EARLE: Thank you, Your Honor.

24 THE COURT: Well I will, again, restate at
25 the outset, this is something that the Court takes

SENTENCING

1 seriously. Every defendant has a right under the Sixth
2 Amendment to confront the witnesses against him. The
3 confrontation clause is something that the Court takes
4 very seriously. Central to that is a defendant's right
5 to appear in court.

6 Now, there are a long line of cases that
7 have come down that establishes the parameters of that
8 right and when it can be waived. Now, South Carolina has
9 had several cases. The most important one, the one that
10 is cited, is a case of State versus Patterson a 2006
11 opinion which can be found at 625 S.E.2d 239. And South
12 Carolina makes a strong effort to protect a defendant's
13 right to appear. However, that can be waived.

14 And it interprets Rule 16, how a knowing
15 and intelligent waiver of the right to be present can
16 take place. Now, central to that is notice. The
17 defendant must receive notice of a hearing. And, second,
18 the Court must find that the trial proceeding in his
19 absence is something that the defendant was informed of.
20 Now, in both of these cases -- I mean, both of these
21 standards I find are applicable in this case.

22 The defendant did not appear. The trial
23 proceeded in his absence. And I would find for the
24 record that the defendant is the author of his own fate.
25 That I -- I base that on a number of findings. First is

SENTENCING

1 lack of communication with his attorney. That has been
2 shown to the Court. The Court finds it very unusual that
3 the defendant would go around his attorney to change his
4 address directly with the clerk.

5 The fact that there's no appointments
6 scheduled with the attorney, despite the fact of speaking
7 with the attorney. The case was on the trial docket
8 multiple times and he discussed that with his attorney.
9 His attorney sent the notices to the address that the
10 defendant had provided to her to send notices. I find
11 that constitutes proper notice. I reiterate my finding
12 from the beginning of the case.

13 The Court would also note the lack of
14 cooperation and communication with the electronic
15 monitoring company which had the responsibility to
16 monitor the defendant. And they were basically
17 responsible for him during pendency of his case. Had the
18 defendant had difficulty appearing in court, the
19 electronic monitor company would have provided him
20 transportation, as is common, just like any bonding
21 company. The Court would note what has been marked as
22 Court's Exhibit 2, there's multiple months in which the
23 electronic monitor was allowed to die due to lack of
24 charging. The defendant was at different addresses.

25 And finally, I would find that multiple

SENTENCING

1 addresses -- the Court has heard from three different
2 given addresses, addresses given by the defendant. And
3 then there's several -- then there are others that were
4 indicated on the report from the electronic monitoring
5 company. The address where he was -- and I would note he
6 changed his address, and even if I were to interpret the
7 defendant's allegations that he changed his address
8 directly with the clerk in September to the Country
9 Circle address in Westminster as legitimate and this was
10 a legitimate misunderstanding, the Court would note that
11 he was served in December with the bonding company, the
12 electronic monitoring company's motion at a completely
13 different residence in Mountain Rest. And that was
14 less -- that was three months after he had changed his
15 address. So even if I accept that argument, Ms. Earle,
16 he's changed his address again, which was also different
17 from the address that you were given by the defendant.

18 So, with these factors, I would deny the
19 motion for a new trial and we will proceed with
20 sentencing.

21 THE DEFENDANT: Your Honor.

22 THE COURT: No, sir, I have heard all that
23 I'm going to hear in this.

24 (The Court unseals the sentence.)

25 THE COURT: All right. On 2021GS37-1377,

SENTENCING

1 trafficking in methamphetamine first offense, the
2 defendant will be confined to the Department of
3 Corrections for a term of ten years. And then on
4 2021GS37-1378 the defendant -- that is failure to stop
5 for a blue light, the defendant will be confined to the
6 Department of Corrections for three years, concurrent.
7 Good luck to you, sir.

8 (Whereupon, the proceedings concluded.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SENTENCING

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF OCONEE:

6 I, MONA L. MANLEY, Court Reporter, certify that I
7 was authorized to and did stenographically report the
8 foregoing proceedings and that the transcript is a true
9 and complete record of my stenographic notes.

8

DATED this 7th day of May, 2023.

9

10

11

Mona L. Manley /s/

12

MONA L. MANLEY

13

Official South Carolina Court Reporter
Circuit Reporter for the 10th Circuit
(850) 893-6662

14

mmanley@sccourts.org

15

16

17

18

19

20

21

22

23

24

25

WITNESSES

Oconee Co Sheriff's Dept.
James R. Hellams

ARREST WARRANT NUMBER

2021A3710200340

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury
Date:

NOV 08 2021

TRUE BILL

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2021-GS-37-

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

NOV 08 2021 TERM

THE STATE

VS.

STEVEN LEE DUNCAN

INDICTMENT FOR

TRAFF METH 10G BUT <28G 1ST

SC Code: § 44-53-375(C)
CDR Code: 0450

WES

FILED OCONEE COUNTY SC
JESSICA C. BURTON
CLERK OF COURT
2021 NOV -8 P 2:07

ENTERED
4/20
COMPUTER

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

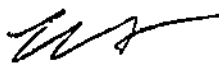
INDICTMENT

At a Court of General Sessions, convened on NOV 08 2021, the
Grand Jurors of Oconee County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE 10G BUT <28G 1ST

The defendant, Steven Lee Duncan, did on or about July 20, 2021, in Oconee County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of ten (10) grams or more but less than twenty-eight (28) grams of Methamphetamine, a Schedule II controlled substance as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2). All in violation of 44-53-375(C) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM E STOLARSKI
ASSISTANT SOLICITOR

WITNESSES

Oconee Co Sheriff's Dept.
James R. Hellams

ARREST WARRANT NUMBER

2021A3710200336

ACTION OF GRAND JURY

Kathryn Stevenson
Foreperson of Grand Jury

Date:

NOV 08 2021

TRUE BILL

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2021-GS-37-

The State of South Carolina
County of Oconee

COURT OF GENERAL SESSIONS

NOV 08 2021, TERM

THE STATE

VS.

STEVEN LEE DUNCAN

INDICTMENT FOR

FAIL TO STOP FOR A BLUE LIGHT

SC Code: § 56-05-0750(B)(1)
CDR Code: 0065

WES

FILED OCONEE COUNTY SC
JANELISA G. BURTON
CLERK OF COURT
2021 NOV - 8 P 2:07

ENTERED
Yes
COMPUTER

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

INDICTMENT

NOV 08 2021

At a Court of General Sessions, convened on _____, the
Grand Jurors of Oconee County present upon their oath:

FAIL TO STOP FOR A BLUE LIGHT

The defendant, Steven Lee Duncan, did on or about July 20, 2021 in Oconee County, while driving a vehicle on a road, street, or highway of the state, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light. All in violation of 56-05-0750(B)(1), 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.



WILLIAM E STOLARSKI
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

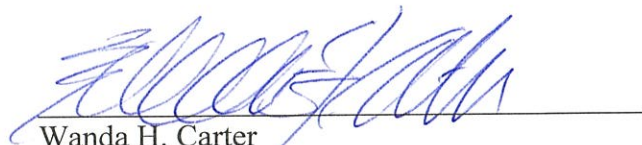
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Aug 09 2023

SC Court of Appeals


Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 9th day of August, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 09 2023
SC Court of Appeals

Appeal from Oconee County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

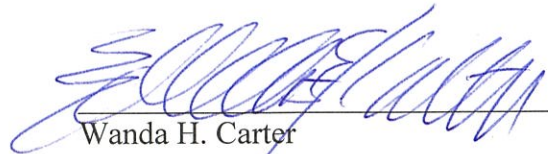
V.

STEVEN LEE DUNCAN,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and on Steven Lee Duncan, 389956, at Trenton Correctional Institution, 84 Greenhouse Road, Trenton, SC, 29847, this 9th day of August, 2023.



Wanda H. Carter
Deputy Chief Appellate Defender