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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County

The Honorable J. Mark Hayes, II
Circuit Court Judge

Case No. 2019-CP-42-01605

Stephanie Irene Greene, # 359489

Petitioner,

v.

State of South Carolina

Respondent.

**APPENDIX
VOLUME I**

NELSON MULLINS RILEY & SCARBOROUGH, LLP John F. Kuppens Blake T. Williams Caroline A. Warner 1320 Main Street / 17th Floor Post Office Box 11070 (29211-1070) Columbia, SC 29201 (803) 799-2000 ROSS & ENDERLIN, P.A. Susannah C. Ross 330 East Coffee St. Greenville, SC 29601 <i>Attorneys for Petitioner</i>	OFFICE OF THE ATTORNEY GENERAL Alan Wilson Donald J. Zelenka Danielle Dixon 1000 Assembly Street / Room 519 P.O. Box 11549 (29211) Columbia, SC 29201 <i>Attorneys for the Respondent</i>
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WITNESSES

Spartanburg County Sheriff's Office



Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

M127173 & D/I

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.
11-GS-42-5758

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 15 2011

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

**Count One: Homicide By Child Abuse
Count Two: Involuntary Manslaughter
Count Three: Unlawful Conduct
Towards Child**

SC Code: 16-3-85 (A) (1); 16-3-60; 63-5-70

CDR Code: 2356; 0218; 2481

Greene (Wise File)_007434

0001

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on SEP 15 2011 the
Grand Jurors of Spartanburg County present upon their oath:

Count One- HOMICIDE BY CHILD ABUSE

That the defendant, Stephanie Irene Greene, did in Spartanburg County, on or about November 13, 2010, cause the death of Alexis Greene, a child under the age of eleven (11), while committing child abuse or neglect, and the death occurred under circumstances manifesting an extreme indifference to human life, in violation of Section 16-3-85 (A)(1), Code of Laws of South Carolina (1976, as amended).

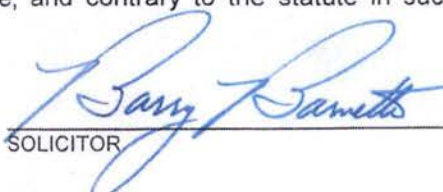
Count Two- INVOLUNTARY MANSLAUGHTER

That the defendant, Stephanie Irene Greene, did in Spartanburg County on or about November 13, 2010, did unintentionally and without malice kill the victim, Alexis Greene, by recklessly disregarding the safety of Alexis Greene, causing her death, in violation of §16-3-60 of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Count Three - UNLAWFUL CONDUCT TOWARD A CHILD

That Stephanie Irene Greene, did in Spartanburg County, on or around November 13, 2010, being the parent and/or lawful guardian of Alexis Greene, a minor child, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety and/or willfully abandoning the child, in violation of Section 63-5-70, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 1 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

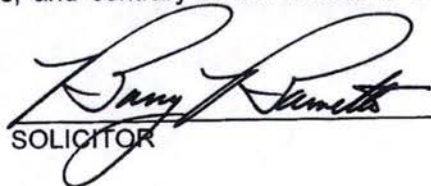
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about December 29, 2010, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about December 29, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Con [Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

13-GS-42-5147
The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 01 2010 the
Grand Jurors of Spartanburg County present upon their oath:

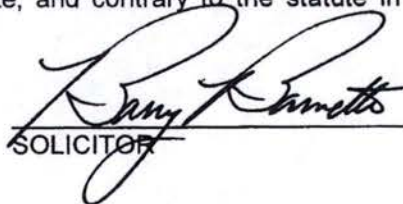
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **December 15, 2010**, knowingly or intentionally acquire or obtain possession of Morphine 30 CR, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Morphine 30 CR by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about December 13, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Morphine 30 CR, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Con A

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5142

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007439

0006

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 7 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

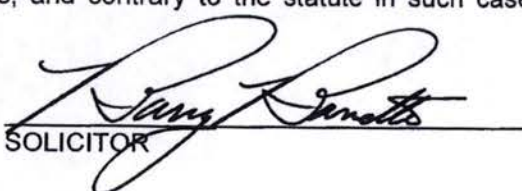
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about December 1, 2010, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about December 1, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Con A

ARREST WARRANT NUMBER

DT

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

13-GS-42-5146

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 11 - 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007441

0008

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 1 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

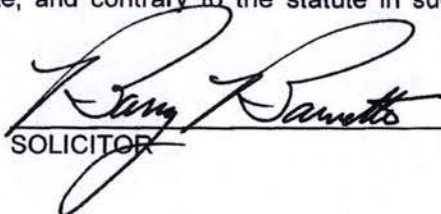
The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **November 18, 2010**, knowingly or intentionally acquire or obtain possession of Morphine 30 CR, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Morphine 30 CR by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION

(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **November 11, 2010**, knowingly or intentionally acquire or obtain possession of a **prescription** for Morphine 30 CR, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Greene (Wise File)_007443

0010

DOCKET NO. **13-GS-42-5143**

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

ARREST WARRANT NUMBER

DI

THE STATE
v.

ACTION OF GRAND JURY

True Bill

Hawley Dyer
Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

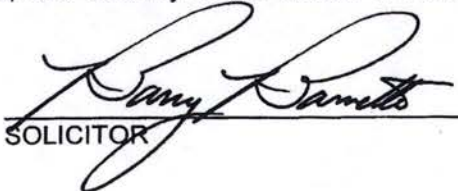
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about November 4, 2010, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about November 4, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5145

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 9 2010

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **October 15, 2010**, knowingly or intentionally acquire or obtain possession of Morphine 30 CR, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from Rite Aid pharmacy #11602 located at 11156 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Morphine 30 CR by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about October 12, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Morphine 30 CR, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW OF SOUTH

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

DHEC

Car Tom L. J. J.

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

13-GS-425159
The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007447

0014

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 9 1 2013 the
Grand Jurors of Spartanburg County present upon their oath:

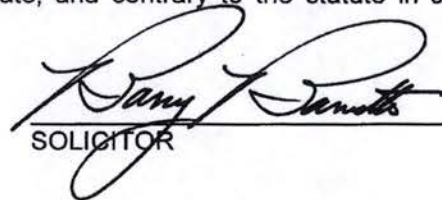
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **September 9, 2010**, knowingly or intentionally acquire or obtain possession of Morphine 30 CR, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Morphine 30 CR by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **August 26, 2010**, knowingly or intentionally acquire or obtain possession of a **prescription** for Morphine 30 CR, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5144

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007449

0016

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

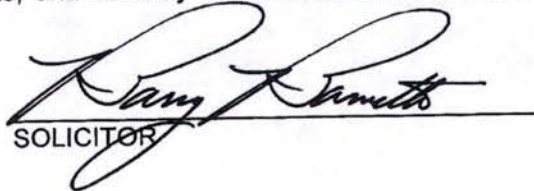
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **August 5, 2010**, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **August 5, 2010**, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Con T

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Harold Day
Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5139

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007451

0018

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2015

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

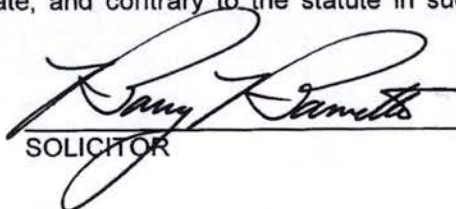
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about July 6, 2010, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about July 6, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

DS

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5138

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007453

0020

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 - 2019

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

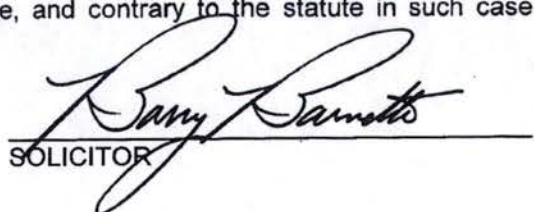
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **June 30, 2010**, knowingly or intentionally acquire or obtain possession of Morphine 30 CR, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Morphine 30 CR by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **June 28, 2010**, knowingly or intentionally acquire or obtain possession of a **prescription** for Morphine 30 CR, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Coy J. A.

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5141

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007455

0022

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

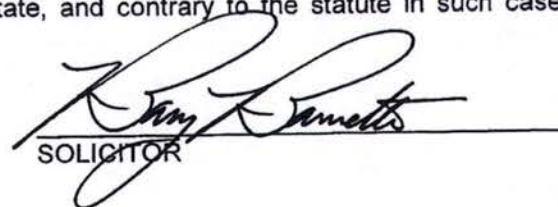
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **June 5, 2010**, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about June 5, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5137

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 9 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007457

0024

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 6 1 2013 the
Grand Jurors of Spartanburg County present upon their oath:

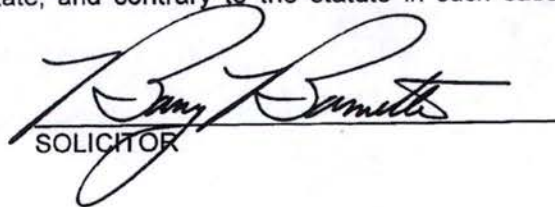
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about May 7, 2010, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about May 7, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Coy

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Harold Day
Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

13-GS-42-5136
The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013 TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007459

0026

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 8 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

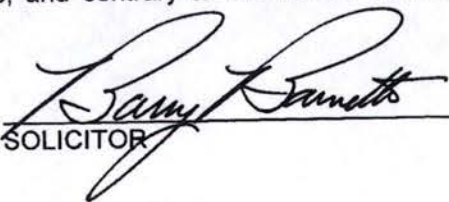
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about May 1, 2010, knowingly or intentionally acquire or obtain possession of Morphine 30 CR, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Morphine 30 CR by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about April 30, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Morphine 30 CR, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2019

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

13-GS-42-5140

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2019

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007461

0028

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

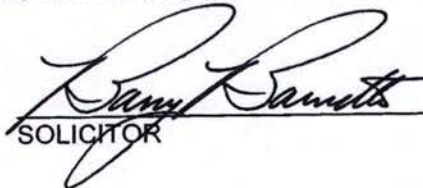
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about April 12, 2010, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about April 7, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5148

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007463

0030

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

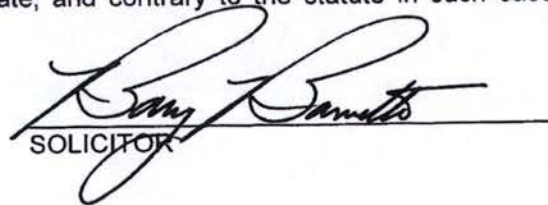
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about April 5, 2010, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about April 5, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5135

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 5 - 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007465

0032

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2012

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

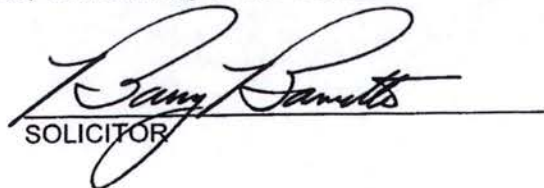
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **March 12, 2010**, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **March 11, 2010**, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Con A

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

13-GS-42-5151

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007467

0034

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

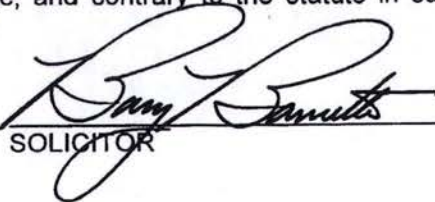
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **March 7, 2010**, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **March 7, 2010**, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Coy T

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5134

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 1 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 21 2013 the
Grand Jurors of Spartanburg County present upon their oath:

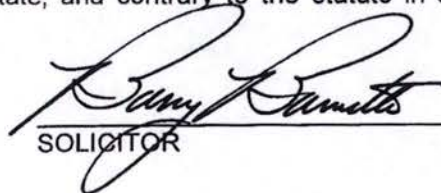
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about February 9, 2010, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about February 4, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEG

[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5150

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 04 2013

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007471

0038

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

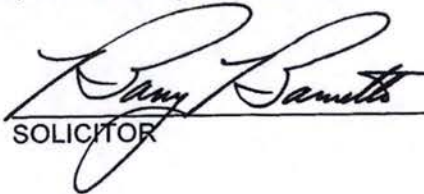
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about January 10, 2010, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about January 6, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

ARREST WARRANT NUMBER

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5149

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007473

0040

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2010

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

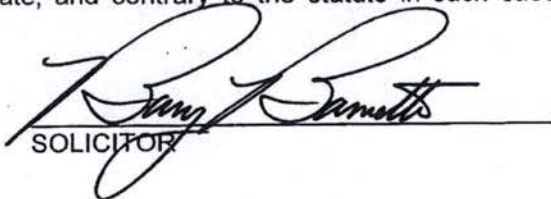
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about January 8, 2010, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about January 8, 2010, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5133

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 11 2009

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

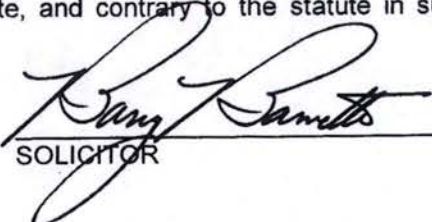
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about December 11, 2009, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about December 11, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Court

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO

13-GS-42-5132

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007477

0044

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 6 1 2013 the
Grand Jurors of Spartanburg County present upon their oath:

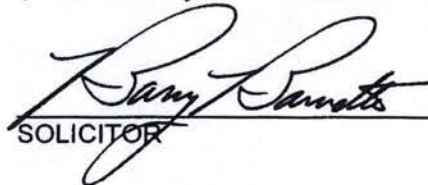
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **December 11, 2009**, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **December 8, 2009**, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

13-GS-42-5153
The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007479

0046

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 1 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

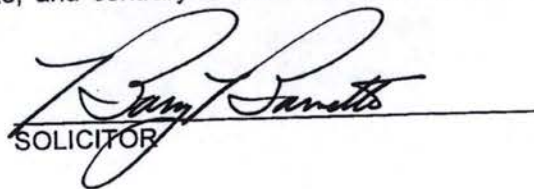
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **November 12, 2009**, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **November 9, 2009**, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO

13-GS-425154

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 6 2013

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007481

0048

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 07 2009

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

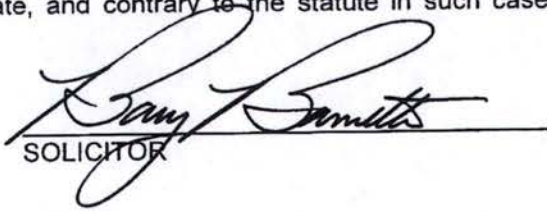
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about November 12, 2009, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about November 12, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO
13-GS-42-5131

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007483

0050

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2013

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

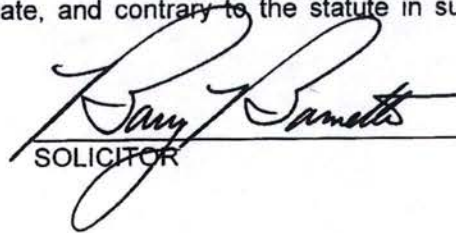
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **October 15, 2009**, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **October 15, 2009**, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

DDI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5130

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 1 - 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007485

0052

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 01 2013, the
Grand Jurors of Spartanburg County present upon their oath:

OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

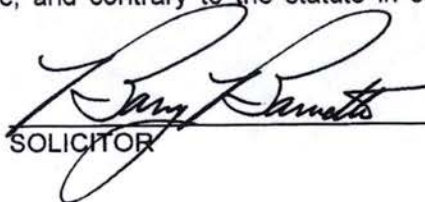
The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **October 13, 2009**, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION

(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **October 8, 2009**, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5152

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

Nov 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007487

0054

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 0 1 2013

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

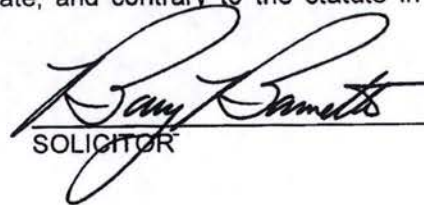
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about September 17, 2009, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about September 17, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5129

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/E

Greene (Wise File)_007489

0056

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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 9 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

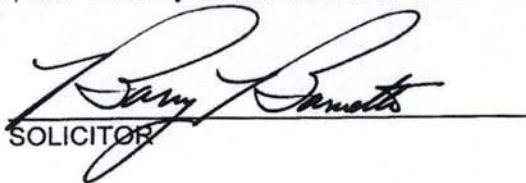
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about September 14, 2009, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about September 10, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

CDI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5155

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 5 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

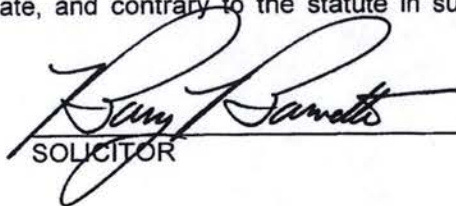
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about August 17, 2009, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about August 17, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5128

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 1 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007493

0060

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

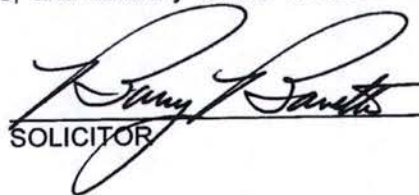
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about August 15, 2009, knowingly or intentionally acquire or obtain possession of Fentanyl 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Fentanyl 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about August 11, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Fentanyl 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

DHEC

Coyle

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

13-GS-42-5156
The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 9 1 2013

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

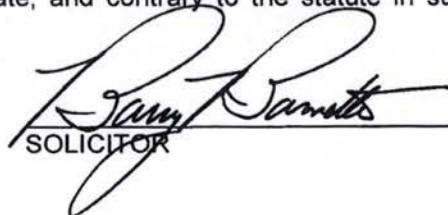
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about July 19, 2009, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about July 19, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

Harold Dyer
NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **13-GS-42-5127**

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

Greene (Wise File)_007497

0064

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 6 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

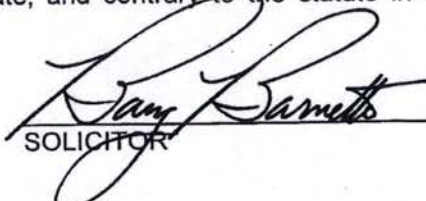
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about June 20, 2009, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about June 20, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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[Signature]

ARREST WARRANT NUMBER

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ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5126

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 01 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

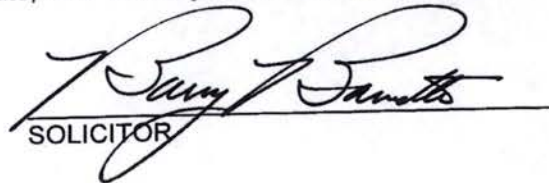
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about June 19, 2009, knowingly or intentionally acquire or obtain possession of Duragesic 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Duragesic 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about June 16, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Duragesic 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

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ACTION OF GRAND JURY

True Bill

Hawley
Foreperson of Grand Jury
Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5158

The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013 TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)
CDR Code: 561; 562
CLASS: FEL/F

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 07 2013, the
Grand Jurors of Spartanburg County present upon their oath:

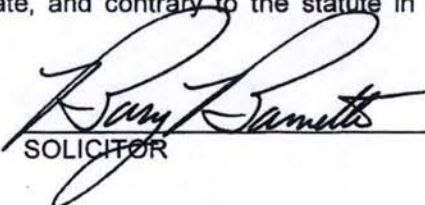
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **May 22, 2009**, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about **May 22, 2009**, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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[Signature]

ARREST WARRANT NUMBER

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ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

13-GS-42-5125
The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007503

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STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 6 / 2013 the
Grand Jurors of Spartanburg County present upon their oath:

OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

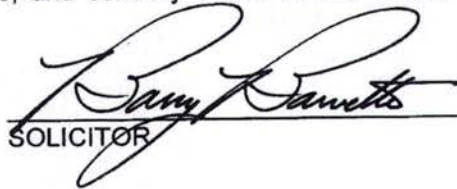
The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about May 20, 2009, knowingly or intentionally acquire or obtain possession of Duragesic 75mcg, a scheduled II **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Duragesic 75mcg by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION

(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about May 14, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Duragesic 75mcg, a scheduled II controlled substance signed by Dr. Suzanne Kovacs, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kovacs that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.


SOLICITOR

WITNESSES

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ARREST WARRANT NUMBER

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ACTION OF GRAND JURY

True Bill

Harold Dyer
Foreperson of Grand Jury

Date:

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

13-GS-42-5157
The State of South Carolina

County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE
v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007505

0072

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

APR 27 2009

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

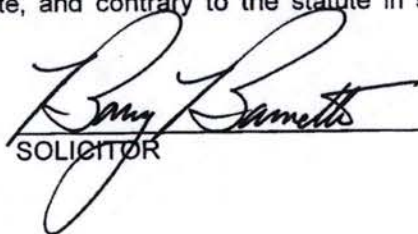
OBTAINING CONTROLLED SUBSTANCE BY FRAUD (COUNT I)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about April 24, 2009, knowingly or intentionally acquire or obtain possession of Hydrocodone 7.5, a scheduled III **controlled substance** through an unlawfully obtained prescription, obtained from and signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, from CVS pharmacy #4185 located at 11211 Asheville Highway, Inman, SC, thereby obtaining the controlled substance Hydrocodone 7.5 by misrepresentation, fraud, deception or subterfuge in violation of Section 44-53-390(3), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

OBTAINING PRESCRIPTION BY WITHHOLDING MATERIAL INFORMATION
(COUNT II)

The Defendant, Stephanie Irene Greene, did in Spartanburg County on or about April 24, 2009, knowingly or intentionally acquire or obtain possession of a **prescription** for Hydrocodone 7.5, a scheduled III controlled substance signed by Dr. Carol Kooistra, M.D., a medical practitioner licensed in South Carolina, by withholding material information from Dr. Kooistra that the Defendant was obtaining a controlled substance(s) of like therapeutic use in a concurrent time period from another practitioner in violation of Section 44-53-395(3), THE CODE OF LAW 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.



SOLICITOR

WITNESSES

DHEC

[Signature]

ARREST WARRANT NUMBER

DI

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

[Signature]

NOV 01 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5124

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

NOV 01 2013

TERM

THE STATE

v.

STEPHANIE IRENE GREENE

Indictment for

OBTAINING CONTROLLED
SUBSTANCE BY FRAUD (Count I)
OBTAINING PRESCRIPTION BY WITHHOLDING
MATERIAL INFORMATION (Count II)

SC Code: 44-53-390; 44-53-395(3)

CDR Code: 561; 562

CLASS: FEL/F

Greene (Wise File)_007507

0074

Spartanburg County Courthouse
RANDOM STRIKE SHEET

JUDGE NAME : Derham J. Cole
TRIAL TYPE : Criminal
PANEL ID : 2011GS4205758
COURTROOM : WA

Sorted by: Random Nbr
Trial

DESCRIPTION : State vs. Stephanie Greene

REDACTED

1 STATE OF SOUTH CAROLINA }
2 COUNTY OF SPARTANBURG } IN THE COURT OF GENERAL SESSIONS
3
4 The State, }
5 -vs- } TRANSCRIPT OF RECORD
6 Stephanie Irene Greene, } 2011-GS-42-5758
7 Defendant. } March 27 - April 4, 2014
8 } Spartanburg, South Carolina
9
10
11 B E F O R E:
12 HONORABLE J. DERHAM COLE, JUDGE; and a jury
13
14
15 A P P E A R A N C E S:
16 BARRY JOE BARNETTE, ESQUIRE
17 TIMI POULOS, ESQUIRE
18 Attorneys for the State
19
20 C. RAUCH WISE, ESQUIRE
21 Attorney for the Defendant
22
23 Linda D. Moffitt
24 Circuit Court Reporter
25

COPY

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EXHIBITS

NO. DESCRIPTION

ID. EV.

S-68 Report of Dr. John David Wren

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9	C-7	SLED report	610
10	C-8	Copy of 02-GS-42-755	610
11	C-9	Copy of 03-GS-42-4180	610
12	C-10	Copy of 03-GS-42-1967	610
13	C-11	Incident report	610
14	C-12	Defendant's requests to charge	614
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1 (Proceedings March 20, 2014)

2 MR. BARNETTE: May it please the Court, Your Honor.

3 THE COURT: Yes, sir.

4 MR. BARNETTE: I will pass that up to you.

5 THE COURT: All right. First motion is defendant's
6 motion to quash.

7 MR. WISE: That's correct, Your Honor.

8 We did have a discussion in the chambers, and from
9 talking -- from what Mr. Barnette said that the state's
10 theory of the fraud is that my client obtained drugs from
11 one doctor without telling the other doctor, and vice
12 versa. And that is kind of what I thought. I just -- the
13 indictment did not spell it out. And if they're limited to
14 that that does not catch me by surprise.

15 THE COURT: All right. So what are we doing with the
16 motion to quash -- withdrawing it?

17 MR. WISE: Well, then another aspect of the motion --
18 and I don't think I really put this in my brief -- was one
19 of these charges against her claims that she obtained drugs
20 while receiving a light -- a light drug that's used for
21 light therapeutic purposes. And I think the light
22 therapeutic purpose is unduly vague because of the fact
23 that a person of ordinary intelligence doesn't know if
24 light therapeutic purpose, which is the way the statute is
25 worded, means exactly like, kinda like, mostly like or

1 what.

2 If it has to be exactly like, then that's okay. But
3 if it's just kinda like or somewhat like, then I know
4 people of reasonable intelligence can disagree whether two
5 drugs are somewhat like for therapeutic purposes.

6 THE COURT: All right. Well, what's the state's
7 position on the interpretation of like? Is it the same as
8 or similar to?

9 MR. BARNETTE: It's going to be similar to, Your
10 Honor. And what's unusual -- I know he's keep talking
11 about an ordinary person -- the defendant was a nurse, and
12 obviously she had special training for certain medications
13 and so forth.

14 She had lost her license back in 2003. But our
15 position would be obviously she has more knowledge than an
16 average person from that standpoint.

17 And the second thing, the drugs we're talking about,
18 we've given all of the drugs that was given by both
19 doctors, give notice to Mr. Wise of that. And he has her
20 prescription and he has her medical records and everything
21 concerning that. And the drugs are -- are very similar
22 because they're pain killers.

23 MR. WISE: Well, they're similar only in the sense
24 that they're pain killers in the sense that an aspirin is a
25 pain killer.

1 They serve conflicting, different therapeutic
2 purposes. MS Contin is long term, which you -- you don't
3 take as often. The hydrocodone is what they call break --
4 for breakthrough pain. They're frequently prescribed
5 together by a lot of doctors, because if a person has MS
6 Contin, it levels the pain out. If they have problems with
7 it and you have breakthrough pain, it serves a different
8 purpose. It's not counted for breakthrough pain. MS
9 Contin -- I mean, excuse me -- hydrocodone will not do the
10 long-term effect that MS Contin does. So they serve
11 totally two different purposes.

12 MR. BARNETTE: Judge, like I said, I think that's
13 argument he can make to the jury for a fact, but obviously
14 we're going to disagree with him. He'll have his experts
15 and we'll have our experts.

16 Of course there's morphine that was involved with
17 it -- hydrocodone -- all kinds of different drugs --
18 Keppra. I can go through a list that she was taking that
19 was on her dresser that day when the E.M.S. arrived there.
20 And we've given actually a copy -- copies of those pictures
21 for the Court.

22 MR. WISE: Well, and he brings something up that does
23 concern me then.

24 I've been under the impression from reading the
25 discovery that the allegation is that her baby died through

1 taking morphine either through breast milk or her giving it
2 to her. I think that was the two things they told the
3 Court.

4 If now they come in and say, well, it's morphine and
5 then some other drugs, that kind of changes what we were
6 looking at earlier.

7 MR. BARNETTE: And the reason why, Judge, I bring that
8 up is listening to her interview with the sheriff's
9 department, basically she talks about a young child, giving
10 vitamins to a -- to her baby, six-week-or-seven-week-old
11 baby, from that standpoint.

12 Obviously, there was more drugs than just morphine in
13 the baby's system. And that's been provided to them --
14 SLED. So I think obviously it's created a different
15 situation if that's something -- I don't know what their
16 defense is going to be. They don't have to tell me what
17 their defense is going to be. But I think I have the right
18 to obviously support a different avenue, especially if the
19 potential defense is made mention of in her statements that
20 she has given before.

21 THE COURT: All right. Well, I'm going to deny their
22 motion to quash the indictments based upon it being vague.

23 All right. Do you have another ground?

24 MR. WISE: That's it, Your Honor.

25 THE COURT: Okay. What other motion do you have?

1 MR. BARNETTE: Judge, I think it was in October of
2 last year we had several motions that the state --

3 THE COURT: Those motions that were heard in October
4 that I have not ruled upon, I -- as I indicated to the
5 lawyers in chambers, I do have a memorandum that was
6 prepared by my law clerk for that purpose that I apparently
7 neglected to -- or did not discover it until this week when
8 this motion was coming up. So I'll take the opportunity to
9 digest that memorandum and issue an order on the motions
10 that were heard in October.

11 MR. WISE: Okay.

12 THE COURT: However, the motion to quash -- there was
13 also a motion to quash heard in October, was there not?

14 MR. WISE: There was a motion heard -- to quash in
15 October on the former indictments. He took those
16 indictments back and reissued a new indictment that the new
17 motion applies to. So the motion to quash the indictment
18 is moot.

19 THE COURT: Is moot.

20 MR. WISE: Is moot, that's correct.

21 THE COURT: The October motion is moot and the present
22 motion has been denied.

23 MR. WISE: That's correct.

24 THE COURT: All right. Anything else?

25 MR. BARNETTE: Your Honor, the only thing is I would

1 add an Exhibit 7, obviously her agreement where she
2 asserts -- gave up her license.

3 That would be the 404(b) showing any mistake or
4 anything from that. I'd like to supplement that and add
5 that to the record. I'll make sure that Mr. Wise -- he
6 does have a copy already. I'll make sure he has a copy of
7 what I supplied the Court.

8 THE COURT: Okay.

9 MR. WISE: And one -- one other thing too, is we
10 briefly touched on in chambers.

11 I think that if he has an expert that can say a child
12 can die from morphine through breast milk we may need a
13 hearing to determine whether or not that's valid science,
14 because I have -- like I say, I cannot find anything that
15 substantiates that position as a matter of science, not as
16 a -- you know, I mean, just I cannot find articles or
17 scientists. And my expert tells me that's because there
18 are none that say a child can die through breast milk. So
19 if that's going to be his scientific position, I think that
20 we need to have some sort of hearing to determine whether
21 or not that's valid.

22 THE COURT: All right. When would that witness be
23 called to testify, at what point in the trial?

24 MR. BARNETTE: It would be later in the trial, Your
25 Honor. We've got several things from the point in the day

1 this happened, from that point on.

2 THE COURT: Okay. Well, we'll have that hearing if
3 necessary.

4 MR. BARNETTE: And, Your Honor, I'd ask to have the
5 same hearing on their fellow, because, like I said, he's
6 submitting this guy as an expert too concerning the thing.
7 And I disagree with some of the findings that he's made
8 from there. So, just because we have a disagreement among
9 experts, I don't think it's right to examine one way or the
10 other. There is law out there. I'll be glad to show the
11 Court that.

12 MR. WISE: Is it law or science?

13 MR. BARNETTE: Well, no. It's science actually.

14 MR. WISE: Okay.

15 MR. BARNETTE: It's not law. I apologize. It's
16 law --

17 MR. WISE: Yeah. I just had -- I've researched and my
18 expert's researched. I, frankly, have not been able to
19 find any except, as I mentioned, that one case out of
20 Canada which is questionable because of genetically
21 affecting the mother.

22 THE COURT: All right. Well, we'll have a hearing
23 next week if need be.

24 MR. WISE: Okay.

25 THE COURT: All right. Anything else?

1 MR. BARNETTE: Nothing else from the state, Your
2 Honor.
3 MR. WISE: Thank you.
4 THE COURT: Okay. Thank y'all for coming.
5 END OF PROCEEDINGS MARCH 20, 2014
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1 (Proceedings March 31, 2014)

2 THE COURT: We're back on the record with State vs.
3 Stephanie Irene Greene.

4 Ms. Greene is present with Mr. Wise; Mr. Barnette and
5 Ms. Poulos are present on behalf of the state.

6 With regard to pretrial motions, the motion to quash
7 indictments was denied previously.

8 The state's motion to join charges is denied in part.
9 The charges contained in Indictment 5758 for homicide by
10 child abuse, involuntary manslaughter and unlawful conduct
11 towards a child will be tried together.

12 The other pending charges, which as I understand it
13 are 38 counts of obtaining drugs by fraud, will not be
14 joined with the Indictment 5758.

15 MR. BARNETTE: Yes, sir. There's two counts. There's
16 one count of the unlawful fraud. Then the second count's
17 what I call the doctor-shopping statute. So there's
18 actually two counts in each one.

19 THE COURT: All right. Those indictments will be
20 tried separately.

21 The state's motion to admit certain evidence pursuant
22 to 404(b) and 609 of the South Carolina Rules of Evidence
23 relating to prior convictions, the prior conviction for
24 unlawful neglect is likely going to be excluded unless
25 something arises during the trial that would allow its

1 admission.

2 The prior convictions for obtaining drugs by fraud
3 will likely be allowed for impeachment purposes.

4 The 2006 conviction comes in through 609; the 2003
5 conviction I also believe comes in through 609, although
6 it's greater than ten years. The indictment is greater
7 than ten years old.

8 The actual conviction took place and the subsequent
9 probation supervision brings that conviction within -- at
10 least in my view within -- the ten years. So those are
11 subject to being used for impeachment purposes.

12 Was there anything else that I have neglected?

13 MR. WISE: I think actually the way those will come in
14 was that the jury -- is if she testifies she would be
15 impeached with the fact that she had been convicted of a
16 crime involving fraud and deceit.

17 THE COURT: That's true. Well, we'll address that
18 when and if the time comes.

19 MR. WISE: Right. Okay.

20 THE COURT: All right.

21 MR. WISE: One other thing. I know you've previously
22 denied my motion to quash, and we had a big discussion on
23 the homicide by child abuse case last fall.

24 At that time in denying the motion you requested the
25 state basically state what theory they were going on. At

1 that time my impression was the state was going on the
2 theory that either the morphine passed to the baby through
3 breast milk or that she gave the baby morphine.

4 In discussion in chambers today they've tweaked it
5 slightly and say, well, we're contending not only morphine
6 but the other drugs in the system could have helped kill
7 the child.

8 Well, I don't know if that's going to create a
9 problem. And here's why. My expert of course has had the
10 autopsy report, has seen what drugs are in the system.

11 We have never discussed the relevance of the other
12 drugs because we've been focusing on the morphine.

13 I don't -- I think if it would create a problem he
14 would have said something, but I've not specifically
15 addressed that with him. So with that caveat I would
16 object to the state having a theory other than the morphine
17 was the cause of death.

18 MR. BARNETTE: Your Honor, in Dr. Wren's report, which
19 has been supplied to the defense, he puts in there about
20 some syntrical [sic] force of the different other drugs, on
21 the morphine on the other drugs too.

22 It's a one-plus-one-equals-three theory. It's
23 something that's not a surprise to the defense. It's
24 something we've, you know, been given in discovery ahead of
25 time.

1 In talking to our experts, all our experts agree on
2 that, that would be a factor of the morphine increasing the
3 effects of the morphine on the child.

4 THE COURT: Well, I can see that that would be an
5 important circumstance.

6 Well, Mr. Wise, I guess you'll need to have that
7 conversation with your expert to determine if that creates
8 an issue in this trial.

9 MR. WISE: Like I said, I don't anticipate it, but I
10 don't want to find out it is and have a problem later and
11 not having not notified you ahead of time.

12 THE COURT: Are you going able to make that
13 determination during lunch?

14 MR. WISE: No, sir. He's in the air during lunch. He
15 gets in about 4:30.

16 THE COURT: All right.

17 MR. WISE: But, you know, just I want to advise the
18 Court ahead of time.

19 THE COURT: Okay. Thank you.

20 MR. WISE: But he's read all of those reports, so I
21 think if it --

22 THE COURT: He's had Dr. Wren's report too?

23 MR. WISE: Correct.

24 THE COURT: Yeah. Okay. Well, I'm satisfied he's
25 addressed it.

1 MR. BARNETTE: And, Your Honor, he's had Dr. Wren's,
2 as well as the SLED, report, even the SLED case file. So
3 all of this --

4 MR. WISE: Right.

5 MR. BARNETTE: -- has been given in discovery a long
6 time -- and I think Mr. Wise will agree with that. I don't
7 think there's any disagreement on that.

8 THE COURT: well, I think the discovery has been
9 provided.

10 It's the theory of -- the state's theory that Mr. Wise
11 is questioning. But I feel fairly certain that if Mr. Wise
12 has an expert who's reviewed all of the materials and he's
13 reviewed Dr. Wren's opinions, and his opinion in the report
14 was that other drugs enhanced the morphine issue, then I'm
15 satisfied an expert would -- would be addressing that
16 issue.

17 He wouldn't be surprised by it, and he would therefore
18 have contemplated sufficiently, and I'm satisfied he has an
19 opinion in that regard. But if I'm wrong, then I'm sure
20 somebody will let me know.

21 MR. BARNETTE: May it please the Court.

22 I know in our meeting in chambers, Your Honor, before
23 we came out today a couple of things.

24 One, I understand the Court's ruling about the drugs.
25 The indictment's not being introduced in the trial -- be

1 tried a separate trial. But obviously we'll bring in
2 evidence of those drugs and so forth. I know that's
3 something we talked in chambers.

4 And, specifically, I talked to Mr. Wise. We're going
5 to introduce prescriptions from March of 2010 up until
6 November 13th of 2010. And I think he's going -- I'm going
7 to show them to him, but I think from our discussions he's
8 going to stipulate to those records and we won't have to
9 call the pharmacists and the doctors and everything
10 concerning all of that, all of that information. So
11 that'll shorten that.

12 The second thing, Your Honor, is there were statements
13 given by the defendant in this case, involved the drugs, as
14 well as the homicide in this case.

15 We're going to introduce those as Court's Exhibits 1
16 and 2. There was actually an interview by the DHEC
17 personnel first and then by the sheriff's department
18 second. I'd like to enter those as court's exhibits
19 obviously and make them a part of the record.

20 What I have to do is go back and talk to my officers
21 at lunch to make sure they understand that we're going to
22 just be -- they'll testify, obviously. We're not going to
23 able to play the interviews at this point -- but basically
24 to what they can testify -- the homicide. Of course the
25 drugs will be part of it from that standpoint. Obviously,

1 not the drug charges themselves from there. And hopefully
2 we can limit that. And they're both going to testify. She
3 was given waivers on both and was given her rights and
4 everything. So I think we'll make that part of the record
5 too just to make sure there's no question about that.

6 MR. WISE: I think what we were going -- I thought
7 what we were doing to try to do is just kind of figure out
8 what statements from those tapes would be admissible and
9 just have the officer testify I interviewed her and this is
10 what she said. And we probably should be able to do that.

11 THE COURT: I think you can.

12 MR. BARNETTE: I don't think that would be a problem.

13 And, Your Honor, we'd also made a plea offer prior to
14 court today. I'd like -- and I believe they've rejected
15 that offer. Obviously, it'll be withdrawn once it's
16 rejected from that point. But I just wanted to make sure
17 that's been made part of the record also.

18 THE COURT: Okay. Anything else we need to address
19 before we recess for lunch?

20 Do y'all have exhibits that y'all want to get marked?

21 MR. BARNETTE: Yes, sir. I've got them marked
22 upstairs. I haven't shown it to Mr. Wise yet. But I was
23 going to revamp that based off our discussions this
24 morning, based off the Court's rulings.

25 THE COURT: Okay. All right. Court is in recess

1 until 2:30.

2 (Whereupon, a recess was taken.)

3 (State's Exhibits 1 through 63 for Identification
4 marked by Mr. Barnette.)

5 MR. WISE: The only additional question I will have is
6 about whether or not they're related to law enforcement,
7 which is pretty standard anyway. I think that covers about
8 everything.

9 THE COURT: All right. Are we ready for the panel?

10 MR. BARNETTE: Your Honor, just a couple of matters
11 just to put on the record real quickly if I could.

12 I talked to Mr. Wise about some of the exhibits, Your
13 Honor, we have premarked. And from that standpoint, Your
14 Honor, if I can go through the exhibits themselves and just
15 put on the record real quick.

16 Your Honor, in talking to Mr. Wise, State's
17 Exhibits 37 through 55, those are the prescriptions in the
18 case. I believe he's stipulated to those and agrees they
19 can come into evidence based off them being the
20 prescriptions. They are copies of the prescriptions
21 themselves.

22 MR. WISE: That's correct.

23 THE COURT: Okay.

24 (Prescriptions marked State's Exhibits Nos. 37 through
25 55.)

1 MR. BARNETTE: And, Your Honor, just for reference,
2 and I've talked to Mr. Wise, I just want to make sure we're
3 clear for this.

4 What's marked State's Exhibit 34 just for I.D.
5 purposes, Your Honor, Court's Exhibit 1, that's the
6 coroner's office interview of the defendant. We're not
7 going to be introducing that, but just to put that in the
8 record from that, Your Honor.

9 What's been marked State's Exhibit 35 is Court's
10 Exhibit 2, Your Honor. That's an interview by the DHEC
11 officers of the defendant in this case. Obviously, based
12 off the Court's prior rulings, there's an issue about the
13 drug charges and so forth on it. It will just be entered
14 in the record as a court's exhibit, not entered in for
15 evidence for the jury.

16 What's been marked as State's Exhibit 57, Your Honor,
17 is Court Exhibit 3 also, Your Honor. This is an interview
18 by Investigator William Gary along with -- Kevin Bobo
19 actually did the Miranda rights with him, Your Honor. And
20 also Agent Kotecha was also involved with that, Your Honor.

21 We're going to mark that as a court's exhibit that was
22 mentioned about the drug charges in there. We're just
23 putting that as a court's exhibit. They'll be testifying
24 about what they can testify in this case, Your Honor.

25 Court's Exhibit -- State's Exhibit 36, Your Honor, for

1 I.D. purposes, Court's Exhibit 4, Your Honor, is the actual
2 waiver that was done by the DHEC officers of the defendant.

3 The reason why we're not introducing that, Your Honor,
4 they were given -- given -- her rights was given to her.
5 It mentions the drug fraud on them, Your Honor, as part of
6 the investigation. So we make that a court's exhibit even
7 though it'll be referenced in those rights being read to
8 her.

9 And, Your Honor, Court's Exhibit 5, Your Honor, which
10 is State's Exhibit 56, Your Honor, is the list of the drugs
11 that we -- it was obviously all of the charges involved and
12 all the drug use. The drug charges won't be mentioned, but
13 they would mention about the drug themselves.

14 We're just going to make that Court's Exhibit 5, Your
15 Honor, State's Exhibits 56 for I.D. purposes.

16 And none of these five items will be entered into
17 evidence. I just want to make sure they're part of the
18 court record.

19 As a matter of fact, I'm going to hand those to
20 Ms. Moffitt so we won't put them in by accident.

21 Thank you, Your Honor.

22 (State's Exhibit No. 34 for Identification marked
23 Court's Exhibit No. 1; State's Exhibit No. 35 for
24 Identification marked Court's Exhibit No. 2; State's Exhibit
25 No. 57 for Identification marked Court's Exhibit No. 3;

1 State's Exhibit No. 36 for Identification marked Court's
2 Exhibit No. 4; State's Exhibit No. 56 for Identification
3 marked Court's Exhibit No. 5.)

4 MR. BARNETTE: And, Your Honor, just to be -- clarify
5 the Court's ruling, what I've told the two officers
6 involved in the interview of the defendant, basically they
7 obviously can talk about the baby, about how the drugs was
8 used and everything.

9 The one thing that they -- they had a question about
10 was obviously we charged her with the drugs. We're not
11 following through with those charges based off the Court's
12 prior ruling. However, they did talk to her about, you
13 know, the doctor shopping and things like that.

14 Is there any problem with the Court's ruling? They're
15 not going to talk about charges themselves, just going to
16 say that's illegal for them to seek two different doctors.
17 I just want to make sure we're clear about that beforehand.

18 MR. WISE: I'm going to object to that.

19 I think the gist of the conversation as I recall it
20 was they told her these doctors say you didn't tell me
21 everything. And she said, "Yes, I did."

22 I don't know of them talking about an illegal, as
23 such, but I do remember very distinctly they said we have a
24 statement from the doctor saying they didn't know you were
25 taking these prescriptions. And she said, "Well, yes, they

1 did." And that was -- if that's the gist of what he's
2 trying to get in --
3 MR. BARNETTE: No, no. I think -- well, at first she
4 said she did, but then later on she admits to William Gary
5 she did not tell the doctors.
6 MR. WISE: Who?
7 MR. BARNETTE: Him -- sheriff's. It's in the
8 interview.
9 MR. WISE: I'll have to go back and listen to it to
10 make sure.
11 MR. BARNETTE: Okay.
12 THE COURT: Well, let's avoid that discussion unless
13 and until we have -- we know exactly what the questions and
14 answers are going to be and that that information has been
15 shared with the defense so they'll--
16 MR. BARNETTE: Well, it -- well, we've given the
17 recorded interview.
18 MR. WISE: Right. I've just got -- I've just got to
19 go listen to the taped interview.
20 THE COURT: Okay.
21 MR. WISE: I think it will come up tomorrow.
22 MR. BARNETTE: It possibly will come up today. I
23 don't know. It just depends on how fast we move. If it
24 does, I'll let the Court know at that point.
25 THE COURT: Please do.

1 All right. Let's bring the jury panel around, please,
2 sir.

3 (Pause.)

4 MR. WISE: Oh, we have one matter quickly. The
5 strikes I understand are five and five.

6 MR. BARNETTE: That's my understanding.

7 MR. WISE: I would -- I would object on the grounds --
8 under the equal protection provision of the South Carolina
9 State Constitution that it's a denial of equal protection
10 for a case of serious homicide by child abuse to deny that
11 defendant of having ten strikes. But you give the numerous
12 things from perjury and grand larceny, which carry much,
13 much less punishment -- they get ten strikes, and we only
14 get five for a much more serious offense. And I think that
15 would deny the defendant equal protection under the law
16 under the state and federal constitutions.

17 THE COURT: Okay.

18 MR. WISE: Thank you.

19 MR. BARNETTE: And, Your Honor, if I could just add
20 something to that, obviously, we would love to have equal
21 strikes. The legislature made that law and did not include
22 homicide by --

23 THE COURT: Y'all do have equal strikes.

24 MR. BARNETTE: We do in this case but not in all
25 cases. And, obviously, we feel like we should have equal

1 strikes in all cases. But the legislature has ruled
2 differently from that standpoint.

3 MR. WISE: That covers it.

4 THE COURT: Yes, it does.

5 Where is this event alleged to have occurred?

6 MR. WISE: Just outside Campobello, South Carolina.
7 What's that road?

8 THE COURT: What's the street address?

9 THE DEFENDANT: Kimbrell Loop.

10 THE COURT: Kimber?

11 THE DEFENDANT: Kimbrell Loop.

12 THE COURT: And Dr. Kirch is what type of doctor?

13 MR. WISE: Karch. He's a medical doctor, and also a
14 toxicologist.

15 THE COURT: Karch?

16 MR. WISE: Karch, K-A-R-C-H.

17 THE COURT: Kimbrell Loop -- that's the residence of
18 the defendant?

19 MR. WISE: That's correct.

20 (The following takes place in the presence of the jury
21 venire.)

22 (Whereupon, a jury was impaneled.)

23 MR. BARNETTE: Your Honor, may it please the Court.
24 There's just one matter I need to put on the record I
25 forgot when I was putting the stipulations on the record.

Opening statements

1 I talked to Mr. Wise. I appreciate them doing this.
2 Taylor Bouknight. She was working at Spartanburg Regional
3 at the time with Dr. Wren. She has now moved to Atlanta
4 and has just started a new job in Atlanta, Georgia, today.

5 He has stipulated. Her part of the chain -- she was
6 actually in the chain in the blood sample that was taken
7 from the victim in this case. She took it from Dr. Wren
8 and placed it into the refrigerator where the coroner's
9 office retrieved it from that refrigerator. And I think
10 he's stipulating to that part of the chain, her part.

11 MR. WISE: That's correct, Your Honor. It was a very
12 minor role in it, and there's just nothing to be gained by
13 having her here.

14 THE COURT: All right. Any other matters we need to
15 address before the jury is sworn?

16 MR. BARNETTE: None from the state, Your Honor.

17 MR. WISE: None from the defense.

18 THE COURT: Okay. Bring them in.

19 (Whereupon, the jury was returned to the courtroom and
20 duly sworn. Whereupon, opening comments by the Court were
21 made.)

22 THE COURT: Ms. Poulos.

23 MS. POULOS: Thank you, Your Honor. May it please the
24 Court.

25 To bring a child, new life, into this world is an

Opening statements

1 amazing thing. It's an honor, a privilege, something so
2 sacred and so special. .

3 On September the 28th of 2010 Stephanie Greene was
4 blessed with a precious little girl, but only 46 days later
5 baby Lexie passed away in her parents bed in the middle of
6 the night. Her fragile little body lay there lifeless.

7 On November 13th of 2010 E.M.S. and the coroner's
8 office and the sheriff's office respond to a 9-1-1 call
9 made from 180 Kimbrell Loop in Campobello.

10 They went out to the scene to gather information and
11 investigate and try to figure out what happened to Baby
12 Lexie. And you're going to hear about what they were told.
13 You're going to hear that they were told that the baby had
14 been having some issues in the days prior to that.

15 You're going to appear that Stephanie Greene breastfed
16 her baby the night before falling asleep and woke up again
17 in the middle of the night to breastfeed her some more, go
18 back to sleep. And around 5:00 a.m. her husband woke up
19 and found the baby in the middle of their bed not moving
20 and not breathing.

21 You're going to also hear about how Stephanie Greene
22 was acting that day. You're going to hear that she was
23 moving around slow and sluggish, that her eyes were glassy,
24 that her speech was slurred. You're going to hear about
25 all of that.

Opening statements

1 Later on that day an autopsy was performed and samples
2 were sent down to SLED for testing. And when those test
3 results came back they revealed toxic levels of morphine in
4 the baby's blood and in her liver and mostly in her brain,
5 along with traces of other drugs in her system.

6 How did the morphine get there? Well, you're going to
7 hear all about Stephanie Greene. You're going to hear that
8 she was taking a lot of prescription drugs. She was taking
9 some very strong pain killers, two of the strongest, in
10 fact, morphine and hydrocodone. She had been seeing
11 different doctors, and she had been getting similar
12 overlapping prescriptions from two different doctors.

13 And you're going to hear that she never told her
14 doctor that she was getting a similar prescription from the
15 other doctor. You're going to hear that she never told her
16 doctors that she was pregnant.

17 You're going to hear that she had never told her
18 doctors that she was breastfeeding. And those doctors will
19 testify that if she had told them they would have never
20 prescribed her those medications.

21 But we're going to prove that Stephanie Greene was
22 addicted and most probably would have lost those
23 prescriptions had she been honest with her doctors.

24 And what makes this case very even more interesting is
25 that Stephanie Greene was a nurse. And we believe that

Opening statements

1 that will put things on a whole different level.

2 In this case we believe that the evidence will prove
3 that Baby Lexie died of an overdose of morphine. That is
4 what we're here to prove.

5 We, the state, have charged her with homicide by child
6 abuse or neglect, involuntary manslaughter and unlawful
7 conduct towards a child. And we, the state, have the
8 burden, the responsibility, of proving those charges to you
9 beyond a reasonable doubt.

10 During the course of this trial you're going to hear
11 some testimony from several witnesses, and we'll try to
12 keep it as simple for you as we can. But over the next few
13 days you're going to hear the story unfold of what happened
14 in this unexpected death of a newborn baby, of how mother's
15 addiction outweighed her concern for the safety of the
16 health of her baby and why she is responsible for a tragedy
17 that should have never happened.

18 On behalf of the state I want to thank you all for
19 your service this week. And during the course of this
20 trial all we can ask of y'all is to pay close attention to
21 the testimony, and most importantly remember to use your
22 good old common sense. Thank you.

23 MR. WISE: Madam forelady and ladies and gentlemen of
24 the jury, this case is truly a tragedy. There's no
25 question about that.

Opening statements

1 Stephanie and Randy Greene married in February of
2 2005. They had a child born in June of 2006, another
3 child.

4 But the story actually goes back further than that.
5 It goes back to probably in 1998 when Stephanie Greene was
6 involved in a very, very serious automobile accident.

7 Hearing the medical testimony they'll talk about the
8 skull fracture, they'll talk about the broken pelvis and
9 numerous other injuries she had. And you'll hear the other
10 doctors talk about the other pain problems she had with
11 fibromyalgia, to the sleepless leg syndrome, anxiety
12 attacks and so forth.

13 And over a period of years she was prescribed pain
14 medicine by these doctors. Whether these doctors knew
15 about each other is a matter of really sharp dispute. So
16 listen carefully to the testimony on that. I think you'll
17 find that they really knew what was going on. They may
18 have later said they didn't, but they did.

19 At any rate, yes, she got some prescription for the
20 pain medicine that she was taking. You'll also look at the
21 prescription records which will be introduced, and they'll
22 show that she took them on a regular basis. Occasionally,
23 she would get a prescription for pain medicine, and it may
24 be three or four days before she filled it and started
25 taking it again. But, at any date, there's no question she

Opening statements

1 had a prescription for morphine.

2 They try to make out the fact that because she was
3 getting overlapping prescriptions or alleged overlapping
4 prescriptions, which we do dispute seriously, that that
5 caused the death of Alexis.

6 This is a science case. This is not whether or not
7 the drugs were legal or illegal. It's a science case. In
8 essence, it's interesting -- the prosecutor made an
9 interesting statement in the opening statement and said how
10 did the morphine get there.

11 I'm waiting for the answer. And the answer to that
12 question is what this case is about. How did the morphine
13 get there?

14 Basically, what the state is trying to prove in this
15 case is that Stephanie Greene committed a crime of homicide
16 by breastfeeding.

17 They are contending that numbers that are very, very
18 high -- there's no question about that -- were given to
19 this child through breastfeeding. Big numbers of morphine.

20 Experts from our side will say that simply is not
21 possible. Not a case that was not probable. It is not
22 possible. It cannot happen because of the high numbers you
23 have.

24 Listen to the testimony, and answer the question of
25 how did the morphine get there. And if the morphine

Opening statements

1 couldn't have gotten there through breast milk, then
2 obviously the numbers are just wrong.

3 You'll hear some testimony about what happens to the
4 human body after a death and whether or not morphine is
5 released into the blood after death and therefore increases
6 the level of morphine and so forth.

7 But this is a case of science. The state has a
8 theory, but they have scant facts to back it up. Their
9 experts will have a theory, but there won't be scant,
10 decent, serious research to back it up.

11 The defense has a theory. And I think you'll find
12 that there is plenty of research from experts from
13 published magazines -- published peer review publications
14 that back up the defense theory that it just could not have
15 happened the way the state said.

16 So when you listen to all of the testimony I think
17 you'll find the proper verdict is not guilty and end this
18 tragedy for Stephanie Greene. Thank you.

19 THE COURT: Do you need to set that up?

20 MR. BARNETTE: Yes, sir, if I could set that up real
21 quickly.

22 (Pause.)

23 MR. BARNETTE: I believe we are ready, Your Honor.
24 Thank you.

25 THE COURT: Okay. Not ready for the lights off yet.

Terri Carter
Direct examination by Ms. Poulos

1 MS. POULOS: Thank you, Your Honor.

2 The state calls Investigator Terri Carter.

3 TERRI CARTER, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MS. POULOS

6 Q If you would, please state your name and tell the jury
7 where you are employed.

8 A My name is Terri Carter, and I am an investigator with
9 the Spartanburg County Coroner's Office.

10 Q And back on November 13th of 2010 did you respond to
11 180 Kimbrell Loop in Campobello?

12 A Yes, ma'am, I did.

13 Q And is that in Spartanburg County?

14 A Yes, ma'am.

15 Q About what time did you arrive?

16 A Is it okay if I look at my stuff? We arrived at
17 6:16 a.m.

18 Q And who else from the coroner's office was assisting
19 you?

20 A Investigator Ellen Holmes.

21 Q Was E.M.S. already at the scene when you arrived?

22 A Yes, ma'am.

23 Q And where was the baby when you got there?

24 A In the back of the ambulance on a stretcher.

25 Q Do you recall what the baby had on -- clothing?

Terri Carter
Direct examination by Ms. Poulos

1 A I believe it was an oversized large, red shirt and a
2 diaper.

3 Q Did you see the defendant when you got there?

4 A Yes, ma'am, I did.

5 Q Can you describe for the jury her demeanor?

6 A She was very stumbly. She was -- her words were very
7 slurred. Her eyes were not focused. She had no cognitive
8 abilities.

9 Q And while you were there did Investigator Ellen Holmes
10 conduct an interview of the defendant?

11 A Yes, she did actually.

12 Q And is that a pretty long interview?

13 A Yes, yes, ma'am, it is. Normally, when we have the
14 unfortunate case of a baby death Investigator Holmes and I
15 spend three or four or five hours usually with a family.

16 Q And were you present for most of that interview?

17 A Yes, ma'am, I was.

18 Q Do you recall anything unusual about the interview
19 that you feel like you need to point out for the jury?

20 A Well, as I said, I noticed that when we got there that
21 she was slurred in her speech and that she had trouble
22 walking. She was somewhat stumbling.

23 Other things that I think that would be necessary to
24 understand was that her husband was there with her during
25 the interview. Actually, when we got there there were

Terri Carter
Direct examination by Ms. Poulos

1 other family members there, but they left.

2 Investigator Holmes and I interviewed just the mother
3 and the father. And he almost mothered her if you know
4 what that means. You know, Stephanie, sit up straight;
5 Stephanie, quit doing that.

6 She knocked her coffee over I believe, and he was like
7 you would be with a child if they turned something over.

8 Other than that one thing I could bring to mind was
9 the fact that, as I said, we got there early that morning.
10 And after we had been with them for quit some time I
11 noticed that Stephanie improved. You know, she seemed more
12 aware of the circumstances of what was going on. She paid
13 more attention. She was more responsive to Investigator
14 Holmes' questions, that type of thing.

15 Q Did that change?

16 A It did actually. She asked to take a break. We had
17 told them at any time they needed to take a break we would.
18 And she had asked to take a break. And Investigator Holmes
19 stayed at the table with the husband. And I happened to go
20 back into the bedroom at the same time Stephanie was going
21 to the bathroom. So I was actually in their bedroom when
22 she went to the bathroom. She closed the door. I assumed
23 she went to the bathroom.

24 A few minutes, a couple of minutes, later, not long,
25 she came out, went back to the table. I think Investigator

Terri Carter
Direct examination by Ms. Poulos

1 Holmes turned on the recorder and started again.

2 At this time she was cognitive. It was clear in her
3 speech. You could understand what she was saying. Fifteen
4 or 20 minutes go by and you see the decline again. You
5 know, the slurred speech comes back, the little bit of
6 swaying and uneasy gait, if you were to say, very clumsy.

7 Q And that brings me to my next question.

8 During the interview did she ever admit to taking any
9 prescription drugs that morning?

10 A I don't remember. That would be a question that would
11 be best asked by Investigator Holmes because she was the
12 one that actually did what we call the sudy form. And I'm
13 sure she'll explain all of that.

14 I was more of there to basically assist her. I did a
15 lot of other things at the house while she did the
16 interview.

17 Q And while you were in and out of the room during the
18 interview did you ever hear the defendant mention that she
19 had ever taken morphine?

20 A No, I did not.

21 Q During your investigation while you were at the scene
22 did you take photographs while you were out there?

23 A Yes, I did. That was one of the things that I did
24 while Investigator Holmes was doing the actual interview.

25 Q Let me hand you State's Exhibits 1 through 32 and ask

Terri Carter
Direct examination by Ms. Poulos

1 you if you would review those.

2 (Pause.)

3 A Yes, ma'am.

4 Q And are those the photographs that you took that
5 morning at the scene?

6 A Yes, ma'am.

7 Q Do they fairly represent the pictures that you took?

8 A Yes, ma'am.

9 MS. POULOS: Your Honor, at this time we ask that
10 State's Exhibits 1 through I believe it was 32 be admitted
11 into evidence.

12 MR. WISE: We've already agreed to those.

13 MS. POULOS: Yes. Thank you.

14 THE COURT: They're admitted.

15 (Photographs marked State's Exhibits No. 1 through 32.)

16 MS. POULOS: Your Honor, may we publish the
17 photographs?

18 THE COURT: You may.

19 BY MS. POULOS

20 Q Investigator Holmes, I'm going to take you one by one
21 through these pictures. And if you would, just describe
22 for the jury what it is that we are seeing in each of these
23 pictures.

24 MS. POULOS: This is for the record, this is State's
25 Exhibit No. 1.

Terri Carter
Direct examination by Ms. Poulos

1 A This is a picture that I took of the master bedroom.

2 Q State's Exhibit No. 2.

3 A Again, that's the master bedroom just from a different
4 angle on the other side of the bed.

5 Q State's Exhibit 3.

6 A That's another picture of the same room, the master
7 bedroom.

8 Q Exhibit 4.

9 A That is another picture in the same room. We're very
10 thorough with our pictures. So, yes, there's going to be
11 quite a few that were from the master bedroom to show the
12 vicinity of other things in the room -- the doors, the bed,
13 the crib, all of those things. So we try to be very
14 thorough.

15 Q This is State's Exhibit 5.

16 A Yes, ma'am. That was the dresser in the master
17 bedroom.

18 Q And what are we seeing on the dresser?

19 A There were numerous prescription medications on the
20 dresser with Mrs. Greene's name on them.

21 Q This is State's Exhibit 6. Is that close up of the
22 same photograph?

23 A Yes, ma'am.

24 Q Is that showing all of the prescriptions that you
25 could see on the dresser?

Terri Carter
Direct examination by Ms. Poulos

1 A I believe so, yes, ma'am.

2 Q This is State's Exhibit 7.

3 A That is a prescription for Stephanie Greene for
4 morphine sulfate.

5 Q State's Exhibit -- one moment.

6 (Pause.)

7 Q Investigator Carter, do you know what type of morphine
8 that is?

9 A I can look here. I'm sure I have it written down if
10 you're wanting the exact name. Morphine sulfate ER 30 mg.

11 MR. BARNETTE: It's also MS Contin.

12 A Yes, it is.

13 Q Is it also MS Contin for the record?

14 A It is, yes.

15 Q This is State's Exhibit No. 8.

16 A That's the same bottle turned around. We normally try
17 to get three pictures on the -- of each bottle. And that's
18 just another side view. That one shows the quantity of 90.

19 Q And could you read the date that it was filled?

20 A It was filled on October the 20th of 2010.

21 Q And what was the date just to clarify for the jury?
22 What was the date this incident occurred?

23 A We were there on November the 13th of 2010 in the
24 very, very early morning.

25 Q State's Exhibit No. 9.

Terri Carter
Direct examination by Ms. Poulos

1 A This is another prescription that was at the house, at
2 the residence, with Stephanie's name on it -- hydrocodone,
3 7.5, 200, meaning the 200 is your acetaminophen.

4 I'm not a doctor, but, you know, I count quite few of
5 these. So, yes, that's what that is.

6 Q All right. State's Exhibit 10.

7 A That's the -- again, that's another side of it showing
8 the original date, the date it was filled, and actually
9 describes what the pill or the capsule -- in this case it
10 was a pill -- what it looked like.

11 Q And what was the date that this one was filled?

12 A This one was filled on November the 4th. That would
13 have been nine days before we were there.

14 Q State's Exhibit 11.

15 A That's another prescription for Stephanie Greene --
16 Clonazepam. I believe the quantity on that one is 90. It
17 says take one tablet by mouth three times a day.

18 Q State's Exhibit 12. Is that just the back side of
19 that same prescription?

20 A Yes, that's correct, and just shows the date it was
21 filled.

22 Q And what is that date?

23 A November the 4th of 2010.

24 Q And above that would you read the warning's labels?

25 A "Do not use if pregnant or suspect you are pregnant or

Terri Carter
Direct examination by Ms. Poulos

1 are breastfeeding."

2 Q State's Exhibit 13.

3 A This is another prescription. This one is
4 Mrs. Greene's, but it says her maiden or prior name I think
5 from her first marriage maybe. I'm -- I'm not a hundred
6 percent on that. It's Keppra XR. "Take one tablet twice a
7 day." Here you see the prescription number. It was filled
8 for 60. And at the bottom the prescriber.

9 Q State's Exhibit 14.

10 A Basically, the same thing. It's going to show you the
11 date it was filled, the date that the original prescription
12 was done.

13 Q And if you would, could you read out the warning on
14 that drug?

15 A That warning says, "May make you drowsy, dizzy,
16 especially with alcohol use. Use care with car or
17 machines." Under that it says, "If pregnant or becoming so
18 discuss use of drug with your doctor. Do not chew or
19 crush. Swallow whole."

20 Q State's Exhibit 15.

21 A This is another prescription for Mrs. Greene. It's
22 Bacolfen 10mg. It says, "Take a half to one tablet by
23 mouth three times a day."

24 Q State's Exhibit 16.

25 A Okay. That just again tells you that it was filled on

Terri Carter
Direct examination by Ms. Poulos

1 11/4. The shape of it at the top. "May cause drowsiness.
2 Alcohol intensifies effect. Use care using machines. May
3 cause dizziness."

4 Q Exhibit 17.

5 A That's another prescription for Mrs. Greene --
6 Amlodipine. "One tablet by mouth every day. It's got the
7 prescriber at the bottom, the prescription number and where
8 it was filled.

9 Q Exhibit 18.

10 A That's going to show you the date that it was filled,
11 which was November the 9th. "May impair ability to use
12 machines. Use care until familiar with effects. Take or
13 use this drug exactly as directed. Do not skip doses or
14 discontinue."

15 Q This is Exhibit 19.

16 A That is a prescription for Mrs. Greene. That one, I
17 can't read the whole name. It's Rop -- Ropinirole, which
18 is the same medication as Requip. "Take one tablet at
19 bedtime." It's got your prescription number, your -- the
20 prescriber and of course where it was filled.

21 Q State's Exhibit 20.

22 A That would be the paper or the other side of the
23 bottle showing that it was filled on the 4th.
24 "Breastfeeding not recommended while using this drug.
25 Consult doctor or" -- I'm sorry. I can't read the last.

Terri Carter
Direct examination by Ms. Poulos

1 Q That's okay.

2 A Okay. "May cause drowsiness. Alcohol intensifies
3 effect. Use care with machines. May cause dizziness."

4 Q This is Exhibit 21.

5 A Yes, ma'am. That is another prescription for
6 Mrs. Greene. It's Keppra XR, 500 mg. Quantity was 60.
7 Take one tablet twice a day." Prescription number,
8 prescriber and store that it was filled.

9 Q And 22. Again, is that just the back side of that
10 prescription?

11 A Yes, it is.

12 Q Okay. And, if you would, please read out the warning
13 label.

14 A "May make you drowsy, dizzy, especially with alcohol.
15 Use care with car or machines. If pregnant or becoming so
16 discuss use of drug with your doctor. Do not chew or
17 crush, swallow whole."

18 Q State's Exhibit 23.

19 A That's another prescription that Mrs. Greene had
20 called Gabapentin, 800 mg. "Take one tablet by mouth twice
21 a day." Quantity was 60. Prescription number, your
22 prescriber and the pharmacy.

23 Q Exhibit 24.

24 A That would be the other side of it. Date filled was
25 10/29, I believe.

Terri Carter
Direct examination by Ms. Poulos

- 1 Q Exhibit 25.
- 2 A That's another prescription that was on the counter at
3 the same time, Savella, 50 mg tablet. "Take one tablet by
4 mouth twice a day."
- 5 Q And Exhibit 26, again, the back side of that
6 prescription.
- 7 A That's correct, yes.
- 8 Q State's Exhibit 27.
- 9 A That's another prescription. It's Caris -- I don't
10 know how to say the word -- but it's Soma. That's a
11 generic for Soma.
- 12 Q And State's Exhibit 28.
- 13 A And that would be the back side of that prescription.
- 14 Q And State's Exhibit 29. Is that the same
15 prescription?
- 16 A It is. It's turned again because it was a larger
17 bottle.
- 18 Q And State's Exhibit 30.
- 19 A That was also on the counter. That is -- or on the
20 dresser. That's an over-the-counter alert.
- 21 Q State's Exhibit 31.
- 22 A That would be the back side of that, which is -- it's
23 just basically a caffeine pill.
- 24 Q And State's Exhibit 32. If you would, describe what
25 is in that photograph.

Terri Carter
Direct examination by Ms. Poulos

1 A As I said, something I do thoroughly is photograph the
2 entire residence. We photograph the decedent. We
3 photograph any medications or anything that we see is of
4 relevance.

5 I just so happened to have been coming through and
6 coming around. And that was not intentionally taken.
7 That's a photograph of the living room. And Mrs. Greene is
8 sitting outside the door on the porch smoking a cigarette,
9 drinking coffee and looking at the newspaper.

10 Q And in addition to taking all of these photographs did
11 you do some sort of pill count or inventory as a part of
12 your investigation?

13 A Yes, ma'am, I did.

14 Q And can you tell the jury what the process basically
15 involves?

16 A Okay. What we do is we find the medications. We look
17 at the information, and from that we write down the name of
18 the prescription, the dosage, the doctor, the times you're
19 supposed to take it each day, the date it was filled, it
20 was prescribed for how many, how many are remaining, the
21 name of the pharmacy and the prescription number.

22 That gives us the ability to say, okay, this
23 prescription was filled four days ago and you're supposed
24 to take it twice a day. So four times two is eight. So
25 eight pills from that prescription should be missing.

Terri Carter
Direct examination by Ms. Poulos

1 Q And why is it important? why do you do this sort of
2 inventory?

3 A There are many times that we use that if there's a
4 suspected overdose, if there is possible family issues
5 where they say that their loved one that has passed away,
6 you know, had talked or threatened suicide. So it's very
7 important.

8 Q And did you do that for each of the bottles that you
9 saw laying in the residence?

10 A Yes, ma'am, I did.

11 Q And did you compile your numbers into some sort of a
12 chart?

13 A I did actually.

14 Q I'm going to show you what's been marked as State's
15 Exhibit 60 for identification purposes and ask you is that
16 the pill inventory that you compiled.

17 A Yes, ma'am.

18 Q Is that your handwriting?

19 A Yes, ma'am.

20 Q And does that fairly and accurately represent the
21 inventory that you took that day of the medications that
22 you found at the scene?

23 A Yes, ma'am. The only thing on here that's not my
24 handwriting is the words across the top, and that's
25 Investigator Holmes. But, yes, all of this is mine.

Terri Carter
Direct examination by Ms. Poulos

1 Q All right. Thank you.

2 MS. POULOS: Your Honor, at this time we'd ask that
3 State's Exhibit 60 be admitted into evidence.

4 MR. WISE: No objection.

5 THE COURT: It's admitted.

6 (Pill count list marked State's Exhibit No. 60.)

7 MS. POULOS: Permission to publish, Your Honor.

8 THE COURT: You may.

9 BY MS. POULOS

10 Q And just to help the jury understand a little bit
11 better, over here in the first column --

12 A Yes, ma'am.

13 Q -- in this column we have the drug names, is that
14 correct?

15 A Yes, ma'am, that's correct.

16 Q And in the second column?

17 A Is your dosage.

18 Q Okay. And in the third column all of those names are?

19 A That is the doctor that prescribed the medication.

20 Q Okay. And how about in the next column?

21 A In the next column it says times daily, which could be
22 several things. If you notice it says B.I.D. That means
23 take it twice a day. T.I.D. is take it three times a day.
24 Q.D. is once a day.

25 THE COURT: Be careful with the microphone. You've

Terri Carter
Direct examination by Ms. Poulos

1 got your back to it. You're rubbing up against it. Let's
2 just talk into it.

3 THE WITNESS: Oh, I'm sorry.

4 BY MS. POULOS

5 A Q.D. is once a day. And then I think the only other
6 one on there is Q.D. bedtime. That's Q.H.S. actually, but
7 that's what it means, is to take it at night before you go
8 to bed.

9 Q And in the columns to the right of that there are
10 several dates listed. And what do those dates mean?

11 A That's the date that the prescription was filled.

12 Q And in the next column what are those numbers?

13 A The first number you'll see will be the number that
14 was prescribed. And then you'll see the slash. And then
15 the number past that is the number that was actually in the
16 bottle.

17 Q Okay.

18 A So like with the first one, it was prescribed for 60.
19 I counted the prescription pills that were in the bottle,
20 and there were 14 in there.

21 Q All right. And finally in this column?

22 A That will tell you the name of the pharmacy and the
23 prescription number.

24 Q And in the last column, does that just basically
25 indicate that you photographed --

Terri Carter
Direct examination by Ms. Poulos

1 A That's correct, yes, ma'am.

2 Q -- the prescriptions?

3 A Yes, ma'am.

4 Q Okay. I want you specifically to look at the second
5 one for morphine, it's called.

6 A Okay.

7 Q And if you would, tell the jury what your count was
8 for that bottle.

9 A Okay. That was -- there were 90 prescribed and there
10 were 12 remaining, which meant there were 78 that were not
11 in the bottle.

12 Q And when was it filled, again?

13 A On October the 20th.

14 Q And taking you down to hydrocodone here. If you
15 would, tell the jury how many you counted in that bottle
16 that were left.

17 A That was prescribed for 90 pills, and there were 42
18 remaining. And it was filled on November the 4th.

19 Q So --

20 A That's on --

21 Q -- in doing the math about how many had been taken?

22 A Well, there were 48 missing. If it was filled on the
23 4th and you count the 4th actually through the 12th, which
24 would be I believe nine days, that's three times a day. So
25 nine times three is 27 -- 90 -- and you take away 27, would

Terri Carter
Direct examination by Ms. Poulos

1 be 53. Is that correct? No. Ninety take away 63 -- and
2 63 would have been what should have been remaining. There
3 should have been 27 that had been taken. So the way I do
4 the math is, okay, there's 90 there that it was prescribed.
5 There's 42 left. There were actually -- should have been
6 only 27 taken. So it was short 21 pills.

7 Q And did the defendant tell you about locations, any
8 other locations, where prescriptions or pills may have been
9 in addition to on her dresser?

10 A No, ma'am.

11 Q And if she had would you have documented that?

12 A Yes, most definitely. I would have photographed it
13 and counted it.

14 Q From the scene was the baby transported to Spartanburg
15 Regional by E.M.S.?

16 A Yes, ma'am.

17 Q And on November 17th of 2010, a few days after the
18 autopsy had been performed, did you go to the morgue to
19 retrieve the sample of the victim's blood?

20 A I did, yes, ma'am, along with my chief, Randy Bogan.

21 Q And was that sample stored in a locked refrigerator?

22 A Yes, ma'am.

23 Q Was it sealed?

24 A Yes, ma'am.

25 Q Was there tape over the seal?

Terri Carter
Direct examination by Ms. Poulos

1 A Yes, ma'am.

2 Q Was it in some type of tube or container?

3 A Yes. They're in a vial with a gray-top tube, and then
4 once the blood is put in there it's taped and sealed up.

5 And then it's put in a bag, and then it's put in the
6 refrigerator where it's locked.

7 Q And was it labeled with identification belonging to
8 this case?

9 A Yes.

10 Q And on that day did you transport the blood sample
11 down to SLED in Columbia?

12 A I did.

13 Q And when you got there -- well, did you transport it
14 in some sort of cooler, or how did you get it down there?

15 A Actually, what we do with SLED when we have something
16 that needs to go down there, we don't mail it or send it
17 that way.

18 We prelog it in a system that SLED has available
19 called iLAB. We prelog so that they know what's coming,
20 and then we take it the following day.

21 I was the one that took that one. What I do is I go
22 when I'm ready -- and if I've got one or more. I go to the
23 morgue. I get it out of the -- out of the refrigerator.
24 It does into a cooler, and in that cooler is what I take to
25 SLED. And I hand deliver it and turn it over to the

Terri Carter
Direct examination by Ms. Poulos

1 evidence techs.

2 Q So you physically handed that sample over to SLED?

3 A Yes, I did.

4 Q And later on February the 23rd of 2011, I believe it
5 was, did you go back to the morgue and retrieve tissue
6 samples of the victim's brain and kidney and liver?

7 A I did, yes, ma'am.

8 Q And I assume that you got them from the same locked
9 freezer.

10 A We keep blood in the refrigerator, and all the tissue
11 is in the freezer. But it is locked as well.

12 Q And were each of those tissue samples packaged
13 separately?

14 A Yes, ma'am.

15 Q Were they in separate containers and sealed as well?

16 A Yes, ma'am.

17 Q And did you transport those samples to SLED?

18 A I did.

19 Q And I'm assuming you transported them in the same type
20 of cooler.

21 A Yes, sir, yeah, I mean, yes, ma'am. I'm sorry. Yes.

22 Q And when you got to SLED you physically turned those
23 samples over to them?

24 A Yes, ma'am. The same process as we do with the blood.

25 Q Let me have one moment.

Terri Carter
Direct examination by Ms. Poulos

1 (Pause.)

2 Q Just a couple of more questions.

3 A Yes, ma'am.

4 Q Going back to your pill count.

5 A Okay.

6 Q If you would, the first prescription for Gabapentin, I
7 believe --

8 A Gabapentin, yes, ma'am.

9 Q Yes. If you would, tell the jury the number of -- the
10 number of pills that the prescription was prescribed for
11 and the number that you counted in there.

12 A Okay. It was prescribed for 60, and there were 14
13 remaining.

14 Q And when was that prescription filled?

15 A October the 29th. So are you -- are you wanting to
16 know based on the numbers what to expect? Is that what
17 you're asking?

18 Q If you can if you have that.

19 A Yes, ma'am. I have that.

20 Q Yes.

21 A That was -- there should have been 30, and there were
22 only 14. So it was 16 short.

23 Q Are there any others here that you identified that you
24 thought would have been short based on your inventory?

25 A Yes, actually. Let's see. That one. The Gabapentin

Terri Carter
Direct examination by Ms. Poulos

1 was short and the morphine was short. The Baclofen was
2 short.

3 Q And let me just stop you right there. If you could
4 tell the jury a little bit more about the Baclofen. That
5 was this one.

6 A Baclofen is a -- there was 90 prescribed, and that one
7 said that she could take one -- I believe it was one -- let
8 me look. One and a half to one twice a day.

9 So I calculated the numbers to see if she were taking
10 it one a day what it would be and if she was taking it one
11 and a half twice as day, as it says. So Baclofen is --

12 Q Is it three times a day?

13 A Three time a day, yes. I'm sorry. So I'm sorry. So
14 with the calculations that were done on that one if she
15 were taking only the half three times a day she would have
16 been short 22. If she would have been taking one every day
17 she would have been short nine.

18 Q And are there any others that from your inventory you
19 found to be short?

20 A The one at the very bottom, again, that word that I
21 don't say very well. But it is a generic for Soma. It was
22 short.

23 Q And going back to the pill count and the inventory
24 that you took, did the defendant ever mention any
25 medications being located inside of her purse?

Terri Carter
Direct examination by Ms. Poulos

- 1 A No, ma'am.
- 2 Q Again, and if she had would you have documented that?
- 3 A Most definitely.
- 4 Q And would you have also photographed that?
- 5 A Most definitely, yes.
- 6 Q And when you got to SLED in turning over each of the
- 7 samples for the blood and each of the tissue samples the
- 8 sample -- were the samples still sealed when you turned
- 9 them over?
- 10 A Yes, ma'am.
- 11 Q And did you see SLED put them in some sort of a
- 12 heat-sealed pouch --
- 13 A Yes, ma'am.
- 14 Q -- at that point?
- 15 A Uh-huh.
- 16 Q And I want to take you back to the morphine --
- 17 A Okay.
- 18 Q -- and your calculations. And how short was she with
- 19 that particular drug?
- 20 A On the -- on the morphine?
- 21 Q Yes, ma'am.
- 22 A If I calculated it correctly, six.
- 23 Q Thank you. Please answer any questions that the
- 24 defense may have for you.
- 25 CROSS-EXAMINATION

Terri Carter
Cross-examination by Mr. Wise

1 BY MR. WISE

2 Q Ms. Carter, when you got there you sat down with
3 Mr. Greene and Mrs. Greene, correct?

4 A I don't believe I ever sat down with them.
5 Investigator Holmes did. I was there to assist her. She
6 was the lead investigator on the case.

7 Q So you never sat down in their presence.

8 A I -- I might have sat down for a couple of minutes
9 throughout the morning while we were there, but not a
10 specific time.

11 Q So most of the time you were doing what?

12 A Most of the time I was -- I'm sorry?

13 Q Most of the time you were doing what then?

14 A I was doing photographs, counting medication, just --

15 Q Of course making that chart, right?

16 A Yes, actually. And, I mean, we do -- as an
17 investigator we do a plethora of things. I mean, there's
18 multiple things we do.

19 Q So you weren't -- you weren't there for the entire
20 two-to-three-hour interview.

21 A Yes.

22 Q I mean, you were in house but not in their presence.

23 A Not the entire time. I was not in their presence.

24 Q You were basically what we call in and out.

25 A I -- I was in the house the whole time.

Terri Carter
Cross-examination by Mr. Wise

- 1 Q Right. But I mean --
- 2 A But there was a lot of times that I would, you know, I
- 3 would be standing in the room but not sitting with them.
- 4 Q Where was the interview taking place?
- 5 A At the table in the kitchen.
- 6 Q Okay. And you were not in the kitchen the whole time.
- 7 A No, sir, I was not in the kitchen the whole time.
- 8 Q You were primarily in the bedroom with the number of
- 9 pictures taken and the evidence gathered in there.
- 10 A No, sir. I wouldn't say that.
- 11 Q Well, where were you primarily?
- 12 A The house.
- 13 Q Which room in the house?
- 14 A The master bedroom, the master bath, the hallway, the
- 15 den, the kitchen, the dining room, the children's bedrooms.
- 16 Q Would it be accurate to say most of the time you were
- 17 not in the kitchen?
- 18 A No, it would not be accurate to say that.
- 19 Q You were in the kitchen then most of the time.
- 20 A I was in the kitchen area more than I was not, but I
- 21 cannot give you a specific amount of time that I was in the
- 22 kitchen.
- 23 Q How long did it take you to make your list of drugs
- 24 there and do the count?
- 25 A That probably took a good 40 minutes.

Terri Carter
Cross-examination by Mr. Wise

- 1 Q Okay. And you got there at what time -- 6:16?
- 2 A Yes. We arrived at 6:16.
- 3 Q And left at what time?
- 4 A 10:30 a.m.
- 5 Q 10:30 a.m. All right. It was dark when you got
- 6 there.
- 7 A It was just starting to break dawn.
- 8 Q Pretty dark, right?
- 9 A Yeah.
- 10 Q Okay. And before you left you took that one picture
- 11 of Stephanie on the porch.
- 12 A Well, that's not -- I took bunches of pictures.
- 13 Q You took a picture with her on the porch.
- 14 A I did take that picture, yes, sir.
- 15 Q She was by herself.
- 16 A Yes.
- 17 Q Smoking a cigarette.
- 18 A Yes, sir.
- 19 Q Drinking coffee.
- 20 A Yes, sir.
- 21 Q All right. No one around her.
- 22 A Not that I was aware of, not at the time. I -- sir, I
- 23 don't remember exactly. I know that at the residence at
- 24 the time that picture was taken was myself, Investigator
- 25 Holmes, Stephanie and her husband Randy.

Terri Carter
Cross-examination by Mr. Wise

1 Q Y'all had just spent -- or not y'all -- but your
2 office -- not you individually -- but your office had just
3 spent about three hours talking to her about the death of
4 her daughter.

5 A Probably a little more than that, yes, sir.

6 Q Three and a half. Tough thing to do.

7 A Yes, sir.

8 Q Tough thing to endure.

9 A It is.

10 Q Upsetting to her, needless to say.

11 A Oh, I'm sure.

12 Q All right. Would it not be unusual after that
13 conversation for her to want to get away from the people
14 who had been addressing that issue with her?

15 A I don't know, sir. I can't -- I can't answer that
16 because I don't know how I would act if I were in her
17 shoes.

18 Q Okay. That's a fair statement. No one really knows,
19 do they?

20 A No, sir, they don't.

21 Q You have to be there to judge it.

22 A That's correct.

23 Q And even then it's not necessarily even good then or
24 accurate then because people react differently.

25 A People do react different, yes.

Terri Carter
Cross-examination by Mr. Wise

- 1 Q And you've seen that over your course of your career.
2 A Yes, I have.
3 Q All right. Now, you testified that you thought she
4 was -- go back one second. The blood sample was taken
5 when?
6 A I don't remember the specific dates.
7 Q All right.
8 A I would have to --
9 Q Taken the next day?
10 A I don't think -- I don't even think it was taken the
11 next day. I think it was the 17th. I don't have that.
12 Investigator Holmes has that notebook.
13 Q Okay. It was taken several days later.
14 A Yes. I believe so.
15 Q All right.
16 THE WITNESS: Your Honor, can I look at that notebook?
17 Q Sure. I have no objection.
18 (Pause.)
19 A Thank you. As you can see, this is a lot of
20 information.
21 Q Right.
22 THE COURT: Be careful of that microphone.
23 THE WITNESS: I do that. I'm sorry.
24 A It was taken, the blood was taken, on November the
25 17th at -- from the hospital morgue to SLED, yes.

Terri Carter
Cross-examination by Mr. Wise

1 Q All right. Do you know when the blood was taken from
2 Alexis though?

3 A Dr. Wren would have done that at autopsy, which would
4 have been the same day, I believe.

5 Q That's when -- the 17th is when you picked it up.

6 A The 17th is when I took it from the refrigerator and
7 took it to SLED, yes.

8 Q You don't know exactly when it was taken from Alexis
9 though, do you?

10 A I can look.

11 Q If you can find it in there that will save me some
12 trouble.

13 A It says right here date and time of recovery is
14 5:15 p.m. on the 13th.

15 Q So that was roughly 12 hours plus after the child had
16 died.

17 A Well, I'm just telling you what this says.

18 Q Okay.

19 A I wasn't there. So I'm not -- I don't know.

20 Q And the -- do you know when -- does that tell you when
21 the brain and liver samples were taken?

22 A That would have done -- that would have been done at
23 autopsy as well.

24 Q Okay. Now, you said that Stephanie appeared to be
25 stumbling and so forth.

Terri Carter
Cross-examination by Mr. Wise

- 1 A Yes, sir, I did.
- 2 Q Did you have medical people there at the house?
- 3 A Did I have who?
- 4 Q Did you -- were there medical people there at the
- 5 house at that time? The ambulance was still there, I
- 6 believe.
- 7 A At -- the ambulance was still there when?
- 8 Q When you got there.
- 9 A When we got there, yes, yes, the ambulance --
- 10 Q How long -- how long after you got there did the
- 11 ambulance leave?
- 12 A I can tell you that.
- 13 Q You've got all of the records there.
- 14 A Actually E.M.S. waited for hospital transport to get
- 15 there. Hospital transport arrived at 7:20 and released her
- 16 to the morgue at 7:53.
- 17 Q Okay. So releasing to the morgue at 7:53 means that
- 18 they didn't carry her to the hospital.
- 19 A Yes.
- 20 Q Oh, they did. And then the hospital -- she was
- 21 released from the hospital.
- 22 A Well, no. The morgue is in the hospital. I'm sorry.
- 23 Q Okay.
- 24 A Yes.
- 25 Q So the hospital [sic] carried her at 7:00 what again?

Terri Carter
Cross-examination by Mr. Wise

1 A It says here that she arrived at the morgue at
2 Spartanburg Regional at 7:53 a.m.

3 Q Arrived at the morgue.

4 A Uh-huh.

5 Q All right. So would have left the house in Campobello
6 some 20 minutes before that -- 30 minutes?

7 A It says that they were called, requested that they
8 come, at 6:47, and they arrived at 7:20.

9 Q Okay. So roughly 7:20, 7:30, sometime after 7:20 and
10 probably before 7:30 or so they left, correct?

11 A Uh-huh.

12 Q So that -- hospital personnel were there, and E.M.S.
13 people were there the whole time too.

14 A No, no.

15 Q They left?

16 A Yes.

17 Q Okay. Did you -- and you said that you noticed that
18 Stephanie was stumbling and so forth. Did you request
19 Stephanie to give you any blood sample?

20 A I don't have the -- I don't have that capability. I
21 don't have that right.

22 Q You don't have the right to ask even as part of your
23 investigation?

24 A No.

25 Q Okay. So y'all went back and discussed this case

Terri Carter
Cross-examination by Mr. Wise

1 later.

2 A Oh, yes, lots.

3 Q Okay. And had a lot of conversation about it the next
4 few days.

5 A Oh, yes.

6 Q Okay. Did -- over the next few days did you ever
7 suggest or did anybody ever suggest they go get a hair
8 sample from Stephanie?

9 A Again, sir, I don't have that capability.

10 Q I understand that. I'm not asking if you did it. Did
11 you in your discussions over the next several days with
12 people who had that capability, did anyone ever suggest to
13 go get a hair sample from Stephanie?

14 A Not that I recall, but, I mean, you know, when you're
15 talking about this incident happening and you're referring
16 to the next couple of days, and the next couple of days
17 we're not -- we're not talking to people to request that.
18 You know, when we're doing a death investigation our job is
19 to determine two things -- cause and manner of death.

20 Q Okay.

21 A We have nothing to do with any type of criminality,
22 nothing of that sort of nature whatsoever.

23 Q Now, the hydrocodone you say is missing some 27
24 tablets.

25 A That's correct.

Terri Carter
Cross-examination by Mr. Wise

1 Q Is that correct? And that's -- the hydrocodone was
2 actually a prescription that I forgot the name of it, but
3 it's a brand name.

4 A Lortab.

5 Q Well, it wasn't Lortab on this case though, was it?

6 A The hydrocodone.

7 Q Right. But it wasn't -- was it Lortab, or do you
8 remember looking at it?

9 A I don't -- I don't remember what it said other than
10 hydrocodone 7.5, which is what I have written in my notes.

11 Q So you didn't write down the brand name.

12 A Well, it's right there.

13 Q Well, that's the generic name.

14 A Right. That's what I wrote down.

15 Q You didn't write down the actual manufacturer,
16 Likuprofen [sic] or something like that.

17 A I don't assume so. I don't see that, sir.

18 Q All right. But you said 27 of those were missing.

19 A Twenty-one, yes.

20 Q Twenty-one. Okay. Now, did you look in her -- ask to
21 look in her pocketbook for any pills or anything?

22 A No, sir.

23 Q You weren't doing the interview about -- you weren't
24 doing the interview about these pills, were you?

25 A No. That's not what the interview was for.

Terri Carter.
Cross-examination by Mr. Wise

1 Q All right. That -- that wasn't what it was for. The
2 interview was about something else.

3 A The death.

4 Q When did you have a conversation with either Stephanie
5 or Randy Greene about the pills?

6 A I don't remember that there being a specific
7 conversation other than I asked her, you know, when
8 Investigator Holmes was doing the -- what we call the sudy
9 form.

10 Q Uh-huh.

11 A Some of the questions on here asked those questions.
12 You know, some of the things that are asked on here are
13 prescription medications.

14 Q Right.

15 A What you're taking and what --

16 Q What you're taking and so forth.

17 A Yes, so.

18 Q So you didn't -- you didn't have a specific
19 conversation with anybody about it.

20 A Not --

21 Q With Randy Greene or Stephanie Greene.

22 A Not that I -- I recall, no, sir.

23 Q All right. And was Chad McNeil there when you got
24 there, or had he left?

25 A I -- I don't know who that is.

Terri Carter
Redirect examination by Ms. Poulos

1 Q Okay. You wouldn't -- you wouldn't -- you don't
2 recognize the name.

3 A No, sir. I'm sorry.

4 Q Some E.M.S. people were obviously there when you got
5 there.

6 A Yes.

7 Q Was anybody from the city of Campobello there that you
8 remember?

9 A I kind of briefly remember one person being there,
10 that they said something to do with that. I don't remember
11 specifically. I don't remember a name.

12 Q Okay. Thank you.

13 MS. POULOS: Just a couple, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. POULOS

16 Q Investigator Carter, the defense asked you about the
17 defendant's stumbling. Did she appear to be under the
18 influence?

19 A Yes.

20 Q And in those three or four hours did she show any
21 emotion whatsoever?

22 A Yes, she did. There was some time that she did show
23 some emotion. And you could tell that she was upset, and
24 she should be. I mean, I would be too. Any mother would
25 be. But that only really showed with me when it got to the

Terri Carter
Recross-examination by Mr. Wise

1 point to where she had basically gotten straight again.

2 You know, when she had the time that she had gotten to
3 where you could understand her words and you could
4 understand what medications and this and that and the other
5 that -- like she was talking about the Tylenol and the
6 vapor and these things. So, yes, there was some, but it
7 was not throughout. There was a lot of it that was very --
8 I don't know how to explain it -- just out there, I guess.

9 Q Thank you.

10 RECROSS-EXAMINATION

11 BY MR. WISE

12 Q Of course you don't know anything about what caused
13 her effect and all.

14 A I'm sorry?

15 Q You don't know what caused her to be that way.

16 A Do I know what caused her to be that way?

17 Q That's correct.

18 A No, sir. I can't say that I know what would cause her
19 to be that way.

20 Q Thank you.

21 THE COURT: You may step down.

22 Ladies and gentlemen, we are going to recess for the
23 afternoon.

24 Let me caution you that as you leave the trial has
25 begun. You've been selected to make the decision in the

1 case.

2 You have to base your decision upon what you see and
3 hear during the trial. You can't supplement your knowledge
4 or allow yourselves to be influenced by any outside
5 consideration. And therefore you cannot discuss this case
6 with anybody whatsoever in any fashion whatsoever.

7 You can't discuss it even with your fellow jurors
8 until jury deliberations begin, and that won't be until the
9 end of the trial.

10 Also, you're never permitted to conduct any research
11 or do your own investigation into any issue that might
12 arise during the trial.

13 Again, you have to base your decision upon the
14 testimony and evidence presented during the trial. You
15 can't supplement that knowledge by conducting your own
16 research or doing your own investigation into any issue.

17 You are not to conduct any internet research about
18 anything whatsoever that might relate to this case. You
19 can't go to any type of social media to try to discover
20 information or talk about the case. You can't discuss it
21 at all.

22 Also, you're not to permit yourselves to be exposed to
23 any type of media coverage that might relate to the case.
24 Maybe there's something that'll come over the television or
25 radio or newspaper, article. You can't watch the

1 television as it relates to news about this case; you can't
2 listen to anything on the radio that might relate to the
3 case; you cannot read any newspaper article that relates to
4 the case.

5 Again, your decision has to be based upon what you see
6 and hear during the trial and not what somebody else thinks
7 they saw and heard during the trial.

8 So no discussions, no research, no investigation, no
9 media exposure.

10 Do have a good evening. Please report to your jury
11 room at 9:30 in the morning. The jury room you'll report
12 to, now, is the jury room that you've been introduced to
13 since your selection. So if you're not sure how to get
14 back there, talk to the bailiff. They'll provide you with
15 those directions.

16 Have a good afternoon.

17 (The following takes place outside the presence of the
18 jury.)

19 THE COURT: What about the issue of bond, or is the
20 defendant's bondsperson available? Do you know if --

21 MR. WISE: Well, she can be. It's her -- she can be.
22 It's her husband's mother, is the one that's on the bond.
23 And we -- and that's the one we renewed when we redid the
24 charges a couple -- oh, six months or so ago. There was
25 really no problem with the bondsperson.

1 THE COURT: All right. Any objection to the defendant
2 remaining on that bond?

3 MR. BARNETTE: I will leave it to the Court's
4 discretion, Your Honor.

5 THE COURT: All right. We'll allow her to remain, but
6 I'm going to need something either -- I need to have the
7 bondsperson present or I need an affidavit saying she will.

8 MR. WISE: I will talk to her husband. I'll get that
9 tonight.

10 THE COURT: Intended to -- intended to assume the
11 obligation of her remaining out on bond.

12 Ms. Greene, however, your obligation is to be here
13 pursuant to the bond and the direction of the Court. If
14 you don't show up it's your plate. It's a violation of
15 your bond.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: The trial will continue in your absence.

18 All right. Any other matters we need to address?

19 MR. BARNETTE: None from the state, Your Honor.

20 MR. WISE: None at this point.

21 THE COURT: All right. Court is in recess until
22 9:30 in the morning.

23 Let me see the lawyers just a minute before you go.

24 END OF PROCEEDINGS MARCH 31, 2014
25

Wendy Lively
Direct examination by Ms. Poulos

1 (Proceedings April 1, 2014)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Are we ready for the jury?

5 MR. BARNETTE: The state's ready, Your Honor.

6 MR. WISE: The defense is ready.

7 THE COURT: Okay. Bring them in.

8 (The following takes place in the presence of the
9 jury.)

10 THE COURT: Good morning, ladies and gentlemen.

11 As you know, when we recessed yesterday the state had
12 begun with their presentation of evidence. So we'll
13 continue with that presentation this morning.

14 Ms. Poulos.

15 MS. POULOS: Yes, sir. Thank you, Your Honor. The
16 state calls Wendy Lively.

17 WENDY LIVELY, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MS. POULOS

20 Q If you would, state your name and where you are
21 employed.

22 A My name is Wendy Lively, and I work for
23 communications, 9-1-1.

24 Q And does your office maintain copies of recordings of
25 9-1-1 calls made in Spartanburg County?

Wendy Lively
Direct examination by Ms. Poulos

1 A We do.

2 Q And did our office ask your office to pull a copy of
3 the 9-1-1 call made on November the 13th of 2010 at 180
4 Kimbrell Loop in Campobello?

5 A Yes.

6 Q And did you provide our office with a copy of that
7 tape?

8 A Yes.

9 Q Okay. I'm showing you what's been marked as State's
10 Exhibit 33 for identification purposes and ask you is that
11 a copy of the tape that you provided our office.

12 A Yes, it is.

13 Q Have you had a chance to review that tape?

14 A Yes.

15 Q And does that fairly and accurately represent a copy
16 of the recording made on that day and from that location?

17 A Yes.

18 MS. POULOS: Your Honor, at this time we'd ask that
19 State's Exhibit 33 be admitted into evidence.

20 MR. WISE: No objection.

21 THE COURT: It's admitted.

22 (9-1-1 tape marked State's Exhibit No. 33.)

23 MS. POULOS: Permission to publish, Your Honor.

24 THE COURT: You may.

25 (Whereupon, the D.V.D. was played for the jury.)

Ellen Holmes
Direct examination by Ms. Poulos

1 Q That's all I have. Please answer any questions the
2 defense has for you.

3 MR. WISE: I have no questions of this witness.

4 THE COURT: You may step down.

5 MS. POULOS: May the witness be excused, Your Honor?

6 THE COURT: She may be.

7 (Whereupon, the witness was excused.)

8 MS. POULOS: Your Honor, the state calls Investigator
9 Ellen Holmes.

10 ELLEN HOLMES, having been
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MS. POULOS

13 Q If you would, state your name and where you are
14 employed.

15 A My name is Ellen Holmes. I'm employed with the
16 Spartanburg County Coroner's Office.

17 Q And prior to working with the coroner's office what
18 type of background did you have?

19 A I'm a Spartanburg native. I graduated from
20 Spartanburg High School in 1984. I went to Salem College
21 in Winston Salem, North Carolina, where I earned a bachelor
22 of science degree in biology.

23 From there I went to Queens College in Charlotte,
24 North Carolina, where I earned a bachelor of science in
25 nursing degree.

Ellen Holmes
Direct examination by Ms. Poulos

1 When I graduated there in 1992 I went to the Medical
2 University of South Carolina in Charleston as a new
3 graduate nurse working in their level three neonatal
4 intensive care unit.

5 I worked there for two years, came back to the Upstate
6 and worked at Greenville Memorial Hospital in their level
7 three neonatal intensive care unit for two years.

8 Then I came to Spartanburg Regional and worked in
9 their level three neonatal intensive care unit from two
10 thousand -- let's see -- 1996 to 2002.

11 In 2002 I transferred to the cardiac cath lab at
12 Spartanburg Regional, worked there for two years, and then
13 went to clinical trials management where I was a nursing
14 coordinator for drug and device clinical trials. I worked
15 there until 2010 --

16 THE COURT: Don't turn your back to the court
17 reporter, please. You can look straight out, but use that
18 microphone.

19 THE WITNESS: Oh, okay. I'm sorry.

20 A Let's see. I was clinical trials coordinator until
21 2010, when in March I became commissioned as a deputy
22 coroner for the coroner or Spartanburg County Coroner's
23 office.

24 In 2006 I found that I missed direct patient care, and
25 I became employed as a registered nurse at the Pediatric

Ellen Holmes
Direct examination by Ms. Poulos

1 Evening Clinic where I'm still currently employed.

2 Q And back on November 13th of 2010 did you respond to
3 180 Kimbrell Loop in Campobello?

4 A I did.

5 Q Is that in Spartanburg County?

6 A It is.

7 Q And do you recall about what time you arrived?

8 A 6:16 a.m.

9 Q And who else from the coroner's office was there
10 assisting you with your investigation?

11 A Investigator Terry Carter and a little bit later our
12 chief investigator, Randy Bogan.

13 Q Was E.M.S. already there when you arrived?

14 A Yes, ma'am.

15 Q And where was the baby when you got there?

16 A The baby was in the back of the E.M.S. truck.

17 Q And could you describe what the baby was wearing?

18 A The baby when we initially went in the truck was
19 covered with a blanket, a hospital blanket. But when we
20 removed the blanket she was dressed in a red oversized,
21 long-sleeve turtleneck and a diaper that was wet.

22 Q How old was the baby?

23 A Six and a half weeks.

24 Q And what did her skin look and feel like?

25 A She was extremely pale and cold to the touch.

Ellen Holmes
Direct examination by Ms. Poulos

- 1 Q Did the baby already have lividity?
- 2 A She had mild lividity on her back, yes, when we turned
- 3 her over.
- 4 Q If you would for the jury, explain what lividity is.
- 5 A Lividity occurs after death where the blood settles
- 6 into the dependent areas of the body. So she had mild
- 7 lividity on her back. When we saw her on the stretcher she
- 8 was laying face up on her back. So lividity was the blood
- 9 settling in her back.
- 10 Q And what does that indicate to you?
- 11 A That -- death.
- 12 Q Did you check for any trauma to the baby?
- 13 A I did.
- 14 Q Did there appear to be any?
- 15 A No.
- 16 Q Did you see the defendant when you arrived?
- 17 A I did.
- 18 Q And if you would, describe her demeanor.
- 19 A She had a very flat affect, slurred speech, almost
- 20 incomprehensible at times. Her eyes were very heavy and
- 21 glassy. She was very -- when she walked it was a very
- 22 unsteady gait.
- 23 Q Did she appear to be under the influence?
- 24 A She did.
- 25 Q Did you ask her whether she had taken any medications

Ellen Holmes
Direct examination by Ms. Poulos

1 that morning?

2 A Yes, ma'am, I did.

3 Q And what did she tell you?

4 A She said no, I wanted to, however I wanted to make
5 sure I could first. But, no, she had not taken any.

6 Q Did you conduct an interview of the defendant while
7 you were at the scene?

8 A I did.

9 Q And did you make an audio recording of that interview?

10 A I did.

11 Q I'm going to show you what's been marked as State's
12 Exhibit 34 for identification purposes and ask you is that
13 a copy of the recording, the interview that you made on
14 that day.

15 A It is.

16 Q And have you had a chance to review that recording?

17 A I have.

18 Q And does that fairly represent the recording that you
19 took that day?

20 A It does.

21 MS. POULOS: Your Honor, we'd ask that State's
22 Exhibit 34 be admitted into evidence at this time.

23 MR. WISE: No objection.

24 THE COURT: It is admitted.

25 (Recorded interview marked State's Exhibit No. 34.)

Ellen Holmes
Direct examination by Ms. Poulos

1 MS. POULOS: Your Honor, may we have permission to
2 publish a portion of the tape?

3 THE COURT: You may.

4 (Whereupon, a portion of the D.V.D. was played for the
5 jury.)

6 Q Investigator Holmes, is it fair to say that that's a
7 very lengthy interview?

8 A Yes, it is.

9 Q About how many hours would you say that is?

10 A We were there from 6:16 to 10:30. I would say the
11 interview was probably around three hours with breaks.

12 Q And just to give the jury an idea of some things that
13 they didn't hear, what types of general questions do you
14 ask?

15 A When we have an infant death we do what's called a
16 study form that's about eight pages long. It goes
17 everywhere. That goes from the first prenatal visit on to
18 the time of death. It asks feeding questions, positioning
19 questions, just basically everything. It asks everything.

20 Q Did the defendant tell you about any issues that the
21 baby had been having in the days prior to this?

22 A She had mentioned that the Wednesday before -- this
23 happened on Friday night, Saturday morning, when she
24 passed -- so the Wednesday before she had had some
25 congestion, that she had called the doctor's office,

Ellen Holmes
Direct examination by Ms. Poulos

1 exactly what she had stated, pretty much that that Dr.
2 Nash's office told her that she needed to get a vaporizer
3 and some baby rub and see if that helped, that she was not
4 running a temperature. Her rectal temperature was 99 that
5 day. The next day she told me it was 98.6 rectal. So she
6 was not running a temperature.

7 Q And did she say about what time they woke up to find
8 the baby unresponsive?

9 A He said closer to 5:00. She said 4:30, something. So
10 it was somewhere between 4:30 and 5:00, is the best I can
11 give.

12 Q During the interview and hours that you were there did
13 she show any emotion at all?

14 A Not that I could detect. She was very flat affect.

15 Q During the interview what did you learn about her
16 prior career?

17 A I learned that she was a nurse. Both Randy and she
18 stated that she was a prior nurse.

19 Q And what did she tell you about breastfeeding the
20 baby? Did she tell about the times?

21 A She did. And that varied. At the beginning it was
22 she breastfed at 11:00 o'clock or 11:30, sometime.

23 She said at one point she thought she fell asleep
24 while breastfeeding. Another time she stated 30 minutes,
25 ten minutes on the left, and 30 minutes on the right -- or

Ellen Holmes
Direct examination by Ms. Poulos

1 20 minutes on the right.

2 She then said that the baby had woken up. One time
3 she stated at 2:30 in the morning, and one time she stated
4 at 3:30 in the morning, nursed for -- let's see. The right
5 side only for about 30 minutes the best she could recall.

6 Q And during the interview did you ask her about drug
7 use with regard to prescription medications --

8 A I did.

9 Q -- that she had? And what did she tell you she was
10 taking?

11 A We asked her several different times, several
12 different ways.

13 We had asked her medication she was currently taking.
14 She listed the Amlodipine for the blood pressure, Baclofen,
15 Vicoprofen, Pristiq, Keppra and Klonopin.

16 We asked her the medicines, the specific medications,
17 that she had taken the prior evening. She stated the
18 Klonopin, Amlodipine, Baclofen and Pristiq. The Amlodipine
19 and the Pristiq were just previously prescribed, she said.

20 Other medications that were found that she did not
21 mention were morphine, Requip, Durotan, Savella, Soma and
22 the alert tabs.

23 Q During the interview did she ever tell you that she
24 was taking morphine?

25 A I had asked her one time in our study form, our

Ellen Holmes
Direct examination by Ms. Poulos

1 extensive form, what medications she was taking during her
2 pregnancy. That was the only time she mentioned MS Contin.

3 Q So she mentioned that she was taking MS Contin during
4 her pregnancy?

5 A Correct.

6 Q Did she tell you that she was on MS Contin at that
7 time while she was breastfeeding?

8 A No, no.

9 Q And did you ask her about her prescriptions more than
10 once during the interview?

11 A Yes, we did.

12 Q If you can refer to your notes with regard to the
13 symptoms that the baby was having, the defendant reported
14 as having prior to this, and if you could tell the jury
15 exactly what you have in your notes from what the defendant
16 told you.

17 A What page are you referring to?

18 Q Page nine of 12 in the case report.

19 A Oh, my case report.

20 Stephanie stated the infant, Lexie, had a cold on
21 Wednesday, November 10th, and was congested and not eating
22 very well and somewhat lethargic that day. Her rectal
23 temperature was 99. She called the pediatrician, Landrum
24 Family Physicians, the following morning, Thursday,
25 November the 11th, 2010, and was told by the nurse that as

Ellen Holmes
Cross-examination by Mr. Wise

1 long as Lexie was not running a fever she did not need to
2 bring her to be seen. She was instructed to get a
3 vaporizer and baby rub to use. Mom stated that Lexie
4 seemed to be getting better after trying the vaporizer and
5 baby rub. She even nursed all through the night Thursday
6 night. On Friday Lexie seemed to be getting better. She
7 bathed her around 8:30 Friday evening, rubbed her down with
8 baby rub and then went to bed around 11:00.

9 Q Thank you. If you would, please answer any questions
10 the defense may have for you.

11 CROSS-EXAMINATION

12 BY MR. WISE

13 Q Ma'am, when you started this interview Ms. Greene knew
14 her baby was deceased.

15 A Yes, sir.

16 Q Okay. A pretty traumatic event --

17 A Yes, sir.

18 Q -- for anybody, right?

19 A Yes, sir.

20 Q And I assume it's difficult for you to conduct those
21 interviews under these circumstances.

22 A Yes, sir.

23 Q Now, you said that she told you sometime that she
24 thought she woke up at 2:30 and sometimes at 3:30.

25 A Yes, sir.

Ellen Holmes
Cross-examination by Mr. Wise

- 1 Q It would not be unusual for a mother to really not
2 know what time a baby wakes up to feed, and, like, early in
3 the morning.
- 4 A If she was breastfeeding I would think she would know.
- 5 Q But, you know, if you're woken up out of a sleep it
6 would be difficult to get the time exactly right.
- 7 A Yes, sir. But she had stated that she had gone to
8 sleep at 11:30 and woke up to find her unresponsive.
- 9 Q And woke up. Okay. Well, then you said she'd woken
10 up and done breastfeeding about 2:00 o'clock in the
11 morning.
- 12 A That's what she stated later in the interview.
- 13 Q Now, on your sudy form --
- 14 A Yes, sir.
- 15 Q -- you asked her what medications she was taking.
- 16 A Yes, sir.
- 17 Q You asked are you taking medications.
- 18 A Yes, sir.
- 19 Q I noticed you didn't fill out anything beside that.
- 20 A Where? Excuse me.
- 21 Q Let me find the page here. On -- well, I don't have
22 it numbered, but it's question No. 7. Seven under
23 pregnancy history.
- 24 A Yes, sir.
- 25 Q All right. You said, "Currently does any caretaker

Ellen Holmes
Cross-examination by Mr. Wise

1 use any of the following?"

2 A Yes, sir.

3 Q And it says prescription medicines, and it has yes.

4 A Yes, sir.

5 Q And you didn't put anything beside that.

6 A I had documented at the end medications Stephanie
7 stated she was taking.

8 Q Okay.

9 A That's handwritten. It may not have --

10 Q Right. Did you ask her anything about the MS Contin
11 with morphine?

12 A There was one -- one time, yes, Investigator Carter
13 came out and specifically asked about the morphine and the
14 hydrocodone.

15 Q All right. Now, the history also from both -- and
16 Mr. Greene was there too.

17 A Yes, sir.

18 Q And both of them were contributing toward the
19 conversation.

20 A Yes, sir.

21 Q And he seemed very subdued also.

22 A Yes, sir.

23 Q Which is not unusual, again.

24 A Correct.

25 Q All right. And they informed you that Friday she,

Ellen Holmes
Cross-examination by Mr. Wise

- 1 Lexie, was doing better.
- 2 A Yes, sir.
- 3 Q And that she was basically bright-eyed and alert.
- 4 A Yes, sir.
- 5 Q Okay. And they hadn't noticed anything unusual on
- 6 Friday.
- 7 A Correct.
- 8 Q Do you know when she learned that her child had died
- 9 or --
- 10 A I don't --
- 11 Q Before you -- you knew. Let me back up a second.
- 12 When you got there did -- did you -- was it your
- 13 understanding that she knew her child was, in fact,
- 14 deceased?
- 15 A Yes.
- 16 Q Okay. And had known that probably for some at least
- 17 since E.M.S. got there.
- 18 A I'm not sure when or who told her.
- 19 Q But you -- but she knew it when you got there.
- 20 A Yes.
- 21 Q Okay. Thank you.
- 22 MS. POULOS: Nothing further.
- 23 THE COURT: You may step down.
- 24 MS. POULOS: May she be excused, Your Honor?
- 25 THE COURT: She may be.

Vera Andrus
Direct examination by Ms. Poulos

1 (Whereupon, the witness was excused.)

2 MS. POULOS: Your Honor, the state next calls Vera
3 Andrus.

4 VERA ANDRUS, having been first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MS. POULOS

7 Q If you would, ma'am, please, state your name and where
8 you are employed.

9 A My name is Vera Andrus and I work at Carolina
10 O.B.G.Y.N.

11 Q And what is your title there?

12 A I'm an L.P.N. I'm a nurse.

13 Q How long have you been a nurse?

14 A I graduated nursing school in 1996.

15 Q And back in 2010 was the defendant Stephanie Greene a
16 patient at Carolina O.B.G.Y.N.?

17 A She was.

18 Q And was she a patient at the time that she was
19 pregnant?

20 A Yes, ma'am, she was.

21 Q And were you the nurse who took down the initial
22 information on the defendant?

23 A Yes, ma'am.

24 Q And taking that information, what types of general
25 questions do you ask?

Vera Andrus
Direct examination by Ms. Poulos

1 A When -- when they come in for an appointment with me
2 at the beginning of their pregnancy we just ask their prior
3 medical history, their present medical history, past O.B.
4 history, any medications that they're taking, any surgeries
5 that they've had, just their entire medical history
6 basically.

7 Q And do you do that for every patient?

8 A Yes, ma'am.

9 Q And specifically one of those questions you mentioned
10 you asked about medications. Did you ask the defendant
11 about the medications when she came in?

12 A I did. I asked her about medications, any medications
13 that she had taken since her last period.

14 Q And why is that important?

15 A It's important to know that because we want to know
16 anything that the baby has been exposed to during
17 pregnancy. And if those medications shouldn't be taken
18 during pregnancy, then we need to advise the patient, you
19 know, to have her stop or to stop or to wean off of them.

20 Q And each time a patient comes in for a -- for a
21 followup visit do you ask them about any changes to their
22 medications?

23 A Yes, ma'am.

24 Q And in this case did you ask the defendant about
25 medications that she was taking?

Vera Andrus
Direct examination by Ms. Poulos

- 1 A I did.
- 2 Q And do you recall what medications that she told you
- 3 she was on?
- 4 A I have a list of them.
- 5 Q You can refer to your chart.
- 6 A Okay. I had asked her any -- to tell me any
- 7 medications that she had -- was taking currently or that
- 8 she had had since her last period. And what she told me
- 9 was Soma, Vicoprofen, Clonazepam, Keppra, Lortab,
- 10 Neurontin, Claritin, Benadryl, Savella and a prenatal
- 11 vitamin.
- 12 Q Did she ever tell you that she was taking morphine or
- 13 MS Contin?
- 14 A No, she did not.
- 15 Q And when she came in for a followup visit after the
- 16 baby was born did she ever mention that she was taking
- 17 morphine MS Contin?
- 18 A It's not in her chart. So she didn't tell me, and
- 19 it's not documented.
- 20 Q And is it fair that obviously if she had told you that
- 21 you would have put it in your chart?
- 22 A Yes, ma'am.
- 23 Q In fact, do you have morphine anywhere in her medical
- 24 record?
- 25 A It is not in her chart.

Vera Andrus
Cross-examination by Mr. Wise

1 Q Thank you. Please answer any questions the defense
2 may have.

3 CROSS-EXAMINATION

4 BY MR. WISE

5 Q When did she first come to see you?

6 A Her -- her visit for her initial intake was May
7 10th of 2010.

8 Q And that was the first time she showed up in your
9 office for pregnancy.

10 A Yes, yes, sir.

11 Q Is that correct?

12 A Yes, sir.

13 Q All right. Do you know who referred her to you?

14 A I -- I do not. She had -- she had come to our office
15 on May 7th, and there is nothing listed in the referred-by
16 section.

17 Q All right. Now, are y'all part of Mary Black
18 Hospital?

19 A We are part of Spartanburg Regional Hospital.

20 Q Spartanburg Regional. All right. Did you ask her
21 what other doctor she'd seen?

22 A Well, she had seen Dr. Nichols on May the 7th, and
23 then she when -- she found out she was -- we had a
24 documented positive pregnancy test that day, and so then
25 it's just protocol that they come in and schedule a visit

Erin Steen
Direct examination by Ms. Poulos

1 with me to get their medical history, what we call their
2 intake visit. So then she came to me on May 10th.

3 Q Okay. Did you ask what other doctors she had seen?

4 A I did not.

5 Q Okay. Is that -- you say that like you should have.
6 Is that a common question to ask?

7 A No, sir.

8 Q Okay. So you're not that concerned about what other
9 doctor she'd seen or anything.

10 A Well, I had asked her about her -- her medical history
11 and documented her problems. But, no, I did not ask her
12 what doctor she was seeing.

13 Q Okay. Thank you.

14 MS. POULOS: Nothing further.

15 MR. WISE: Thank you.

16 THE COURT: You may step down.

17 MS. POULOS: May she be excused, Your Honor?

18 THE COURT: She may be.

19 (Whereupon, the witness was excused.)

20 MS. POULOS: Your Honor, the state next calls Erin
21 Steen.

22 ERIN STEED, having been first
23 duly sworn, testified as follows:

24 DIRECT EXAMINATION BY MS. POULOS

25 Q If you would, please state your name and where you are

Erin Steen
Direct examination by Ms. Poulos

1 your employed.

2 A My name is Erin Steed. I'm employed by Intergrade
3 [sic] Genetics.

4 Q And back in 2010 were you employed at Greenwood
5 Genetics Clinic?

6 A Yes.

7 Q And what was your title there?

8 A Genetic counselor.

9 Q How long have you been a genetic counselor?

10 A Twelve years.

11 Q And what type of training do you have?

12 A I had a bachelor's degree from Winthrop in biology and
13 then a master's degree from the School of Medicine at the
14 U.S.C. Columbia campus in genetic counseling, specifically,
15 is what the master's is.

16 Q Was the defendant Stephanie Greene seen for a genetic
17 consultation back in May of 2010?

18 A Yes.

19 Q Was she -- so was she pregnant at the time?

20 A Yes.

21 Q Was she referred by Carolina O.B.G.Y.N.?

22 A Yes.

23 Q And did you do an initial consultation with her?

24 A Yes.

25 Q What information do you generally ask a patient for

Erin Steen
Direct examination by Ms. Poulos

1 these consultations?

2 A I ask about their pregnancy history, what's been
3 happening since they became pregnant, a little bit of
4 medical history if it's something that would affect the
5 pregnancy, and then a full family history.

6 Q Do you ask about medications as well?

7 A I do.

8 Q And do you ask these types of questions for every
9 patient?

10 A Yes.

11 Q Do you take that information and then report it back
12 to the doctor?

13 A Yes.

14 Q And do you recall which medications the defendant told
15 you that she was taking at the time?

16 A She reported to me that she was taking Keppra, Requip,
17 Gabapentin and the Vicoprofen, that those were her current
18 medications.

19 Q And do you go through the side effects of each drug
20 with the patient?

21 A I do.

22 Q Do you recall her ever telling you that she was taking
23 morphine MS Contin?

24 A No.

25 Q Is it fair to say that if she had told you you would

Erin Steen
Cross-examination by Mr. Wise

1 have documented it in your chart?

2 A Yes.

3 Q How long have you been a genetic counselor?

4 A Since 2002.

5 Q And how many of these consultations would you say
6 you've done throughout your career?

7 A Maybe 2,000.

8 Q One moment.

9 (Pause.)

10 Q Ms. Steed, do you know how far along the defendant was
11 in her pregnancy?

12 A She was in her 19th week.

13 Q Thank you. Please answer any questions the defense
14 may have.

15 CROSS-EXAMINATION

16 BY MR. WISE

17 Q And you did a report on that and sent that to the
18 people who referred you to her?

19 A I sent it back to Carolina and copied the patient.

20 Q And the Vicoprofen was -- you were checking primarily
21 for genetic problems?

22 A Anything that can cause a birth defect to the baby,
23 uh-huh.

24 Q Right. And on the Vicoprofen you reported that it's
25 not known to cause birth defects.

Erin Steen
Cross-examination by Mr. Wise

1 A Depends on when you're taking it during the pregnancy.

2 Q And you said -- was talking about being generally
3 avoided in late pregnancy.

4 A Correct.

5 Q Okay. So early in the pregnancy at this point it
6 wouldn't be something that you'd tell them not to take.

7 A I typically tell everyone to stop ibuprofen no matter
8 what, because not everyone's certain where they are in the
9 pregnancy.

10 Q And there are women that take morphine while pregnant.

11 A There are.

12 Q And, in fact, there are women that take morphine by
13 pump while pregnant.

14 A That's true.

15 Q And deliver and everything.

16 A Uh-huh.

17 Q And morphine is not known to cause any genetic
18 problems.

19 A well, it doesn't cause a genetic problem, but in
20 animal studies it can cause birth defects.

21 Q And so you tell women who are in pain and taking
22 morphine not to take it?

23 A I do not.

24 Q You do not. So if they're on morphine you will let
25 them continue but just caution them?

Erin Steen
Redirect examination by Ms. Poulos

1 A I'm not a prescribing physician, so I can't actually
2 stop a prescription or start a prescription. I would tell
3 them what research studies there are about morphine and
4 then ask them to discuss that with their physician who
5 would have my letter.

6 Q It's not something that you would necessarily say
7 absolutely you don't take that.

8 A Well, there's no absolutes.

9 Q Right. Well, there are some medicines, aren't there,
10 that are kind of absolutes that you don't take -- aspirin?

11 A No. There are women who take aspirin while pregnant.

12 Q But it's not something you'd recommend.

13 A Actually, sometimes it's really needed.

14 Q Right. And sometimes morphine is really needed.

15 A Sure.

16 Q Depending on the pain level of the patient.

17 A It would depend on what the prescribing physician felt
18 was best for their patient.

19 Q And so you're basically weighing the benefit-risk
20 scenario as with practically every medicine.

21 A Yes.

22 Q Okay. Thank you.

23 REDIRECT EXAMINATION

24 BY MS. POULOS

25 Q Just briefly. At what point in the patient's

Erin Steen
Recross-examination by Mr. Wise

1 pregnancy should they stop taking Vicoprofen?

2 A We would typically recommend no ibuprofen exposures in
3 the third trimester, so by around 24 weeks.

4 Q And if she was on morphine wouldn't she have told you
5 that?

6 A I would have expected her to. I asked several ways.

7 Q And basically when we talk about Vicoprofen, is that
8 basically hydrocodone?

9 A It's hydrocodone with ibuprofen, uh-huh.

10 Q Thank you.

11 MS. POULOS: That's all I have.

12 MR. WISE: Just one brief question.

13 RECROSS-EXAMINATION

14 BY MR. WISE

15 Q And with a patient that's taking morphine while
16 pregnant sometimes it's more harmful to go off the morphine
17 if the mother's going to go through any sort of withdrawal
18 than it would be to continue it.

19 A That's a risk benefit the physician has to tell her.

20 Q Right. That's one you have -- that's a judgment call.
21 Thank you.

22 MS. POULOS: That's all we have, Your Honor.

23 THE COURT: You may step down.

24 MS. POULOS: May Ms. Steed be excused?

25 THE COURT: She may be.

1 MS. POULOS: Thank you, Your Honor.
2 (Whereupon, the witness was excused.)
3 MR. BARNETTE: Your Honor, may I approach for a
4 second?
5 THE COURT: Yes, sir.
6 (Bench conference held off the record in the presence
7 of the jury but out of the hearing of the jury.)
8 THE COURT: Let me ask the jury to please go to your
9 jury room. Do not discuss the case. I'll bring you back
10 after a short break.
11 (The following takes place outside the presence of the
12 jury.)
13 THE COURT: We'll be at ease 15 minutes.
14 MR. BARNETTE: Thank you, Your Honor.
15 (Whereupon, a recess was taken.)
16 THE COURT: Are we ready for the jury?
17 MR. BARNETTE: One second, Your Honor. I want to give
18 one thing to a witness.
19 (Pause.)
20 MR. BARNETTE: The state's ready, Your Honor.
21 THE COURT: Bring them in, please.
22 who is the next witness?
23 MR. BARNETTE: That's going to be Ms. Horn -- Emile
24 Horn, Your Honor.
25 (The following takes place in the presence of the

Emilie Marks Horne
Direct examination by Mr. Barnette

1 jury.)

2 THE COURT: Y'all can move over one seat if you want
3 to. There's no point in that seat being vacant.

4 All right. Solicitor.

5 MR. BARNETTE: May it please the Court, Your Honor. I
6 would like to call Mr. Horne to the stand, please.

7 EMILE MARKS HORNE, having been
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MR. BARNETTE

10 Q If you would, ma'am, please state your full name.

11 A Emilie Marks Horne.

12 Q And where do you work at, ma'am?

13 A Mary Black Hospital.

14 Q And what do you do there, ma'am?

15 A I'm a labor and delivery nurse.

16 Q And how long have you been a nurse, ma'am?

17 A Thirteen years.

18 Q Okay. Did you treat the defendant in this case?

19 A I did.

20 Q If you would, tell the jury about that, about -- was
21 it prior to a delivery and during a delivery?

22 A I did. I admitted -- I admitted her, yes.

23 Q Okay. If you would, tell the jury about that.

24 A On September 27th she came into the triage with
25 complaints of a headache and intermittent contractions.

Emilie Marks Horne
Direct examination by Mr. Barnette

1 She was found to be 2 centimeters at her intake. So
2 we medicated her for her headache and pain and kept her for
3 several hours at which change -- at which time she changed
4 her cervix and was actually admitted into the hospital.

5 Q During that time when you were taking care of her did
6 you ask her about what medications she was taking?

7 A I did.

8 Q What medications did she tell you she was taking?

9 A She told me that she was taking a prenatal vitamin,
10 Keppra and Requip daily and occasionally antacids and a
11 stool softener.

12 Q So she never mentioned anything about morphine or SM
13 [sic] Contin.

14 A She did not.

15 Q Did she mention anything about Vicoprofen or
16 hydrocodone?

17 A No, sir.

18 Q Did she mention about Neurontin or anything like that?

19 A No, sir.

20 Q The only drug she mentioned to you was the ones that
21 you mentioned.

22 A That's correct.

23 Q And can you tell the jury those again?

24 A A prenatal vitamin, Requip, Keppra, with the
25 occasional antacids, and a stool softener.

Emilie Marks Horne
Cross-examination by Mr. Wise

1 Q And did she deliver the baby the next day?

2 A She delivered early in the morning, yes.

3 Q And later on did she leave the hospital -- or did you
4 take care of her -- for how long?

5 A I -- I turned her over once she was actually admitted
6 to the hospital.

7 MR. BARNETTE: One moment, Your Honor, please.

8 (Pause.)

9 Q Please answer any questions the defense has for you.

10 A Yes, sir.

11 Q Thank you.

12 CROSS-EXAMINATION

13 BY MR. WISE

14 Q What did your records show that you medicated her with
15 when she was complaining of the headaches?

16 A I medicated her with Nubain 10 mg.

17 Q And what is that?

18 A It's a narcotic pain medication.

19 Q Narcotic. Nubain?

20 A Nubain, yes, sir.

21 Q How do you spell that?

22 A N-U-B-A-I-N.

23 Q And when she was discharged from Mary Black, was she
24 given any pain medication at that point?

25 A I do not know that, sir. I didn't take care of her

Emilie Marks Horne
Cross-examination by Mr. Wise

1 then.

2 Q Do you know if she was given Percocet?

3 A I do not know that for certain.

4 Q Have you got your records with you?

5 A The records, no, I don't.

6 Q Excuse me one second then.

7 (Pause.)

8 MR. BARNETTE: Your Honor, may I approach the witness?

9 We do have the records if she'd like to look at them. May
10 I approach the witness, Your Honor?

11 THE COURT: You may.

12 BY MR. WISE

13 Q I think I can speed things up.

14 A Okay. Yes.

15 Q Do you recognize that as part of your records?

16 A I do, yes.

17 Q Okay. And what does that reflect?

18 A It says she was given a prescription for Motrin 600 mg
19 and Percocet.

20 Q All right. And what is Percocet?

21 A Percocet is also -- is a narcotic medication, pain
22 medication.

23 THE COURT: Please be careful with that microphone,
24 ma'am.

25 THE WITNESS: I'm sorry?

Emilie Marks Horne
Redirect examination by Mr. Barnette

1 THE COURT: I said please be careful with that
2 microphone.

3 THE WITNESS: I will, yes, sir.

4 BY MR. WISE

5 Q So Percocet is also a narcotic pain medication.

6 A That's correct.

7 Q And that was given to her. And I notice it was given
8 to her for pain, correct?

9 A Yes.

10 Q And there were no warnings of anything put with it as
11 far as breastfeeding or anything.

12 A I do not know that. I did not discharge her.

13 Q Okay. You just say that's in the records.

14 A Yes.

15 Q Okay. Thank you.

16 MR. BARNETTE: Just one followup question, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. BARNETTE

19 Q Going through all of these records and everything, did
20 she ever mention, any mention, about being on morphine,
21 hydrocodone or vicoprofen?

22 A She did not.

23 Q She didn't mention it to anybody at the hospital, did
24 she?

25 A Not that I could tell from the records, no.

Emilie Marks Horne
Recross-examination by Mr. Wise

1 Q Thank you, ma'am.

2 RECROSS-EXAMINATION

3 BY MR. WISE

4 Q Did you contact any of her treating physicians?

5 A I contacted her physician on admission, yes, sir.

6 Q And which physician was that?

7 A That was Dr. Nichols.

8 Q And did you get a copy of his records or anything?

9 A I have the prenatal record, yes.

10 Q Okay. Thank you.

11 A You're welcome.

12 MR. BARNETTE: We'd ask for this witness to be
13 excused, Your Honor.

14 THE COURT: You may step down. You may also be
15 excused.

16 (Whereupon, the witness was excused.)

17 MR. BARNETTE: Your Honor, I would like to call
18 Ms. Olson to the stand.

19 ELAINE S. OLSON, having been
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. BARNETTE

22 Q Ma'am, if you would, state your full name for the
23 record, please.

24 A Elaine S. Olson.

25 Q And where do you work at, ma'am?

Elaine S. Olson
Direct examination by Mr. Barnette

1 A Spartanburg Regional Healthcare System. I work in one
2 of the offices, the float pool, one of the physician's
3 office.

4 Q And what -- what is your position there, ma'am?

5 A R.N., staff nurse.

6 Q And how long -- yes, ma'am. How long have you been
7 there?

8 A I've been there -- I retired a little over two years
9 ago. Then I went back P.R.N., which means as needed, two
10 years -- two years and two months ago.

11 Q How long have you been in nursing, ma'am?

12 A Forty-four years.

13 Q Back on -- make sure I'm reading this right. Did you
14 work at Piedmont Women's Healthcare back in March 25th of
15 2010, ma'am?

16 A I did.

17 Q And did you take call or intakes at that time, ma'am?

18 A Yes.

19 Q And did you take an intake from Stephanie Greene in
20 this case?

21 A Yes.

22 Q If you would, tell the jury a little bit about what an
23 intake is or what you was doing when she called in.

24 A I don't recall for sure, but at that time I think we
25 had the system where the doctor that was on call had a

Elaine S. Olson
Direct examination by Mr. Barnette

1 nurse working with him or her to take care of patients that
2 were being seen. And then we also had what we called a
3 nurse that had the beeper to take O.B. calls for that
4 doctor, then relay them either to the doctor or to the
5 nurse that was working with the doctor that day.

6 Q Yes, ma'am. And which doctor was you working with
7 that day?

8 A Dr. Marik, Dr. Susan Marik.

9 Q And y'all are not in Carolina O.B. Y'all are
10 different -- actually Piedmont Women's Healthcare.

11 A Right, Piedmont Women's.

12 Q So y'all a different agency from Carolina O.B.

13 A Right.

14 Q And did you receive a call from Stephanie Greene on
15 March the 25th of 2010?

16 A Yes.

17 Q About what time did you receive that call?

18 A 2:21 in the afternoon.

19 Q Okay. And what did she tell you?

20 A She told me that she had had a home pregnancy test on
21 March the 20th of 2010 that was negative and --

22 Q Could you reread that, ma'am?

23 A She had a positive home pregnancy test on March the
24 20th, and she thought she may have lost her I.U.D., which
25 is a contraceptive device, right after she was seen in

Elaine S. Olson
Direct examination by Mr. Barnette

1 August of 2009 at that time for a G.Y.N. appointment. And
2 she had some heavy vaginal bleeding for eight days, but she
3 didn't call to be checked. And she didn't have any pain or
4 bleeding at the time of the call according to her
5 statements.

6 And she had scheduled what we call a medical-records
7 O.B. appointment for March the 1st after she had her
8 positive home pregnancy test.

9 And then her first visit with the nurse practitioner
10 was scheduled on March the 12th of -- I mean, April the
11 12th of 2010.

12 Q Okay. Did she come to that appointment in April?

13 A According to the records, no.

14 Q Okay. But she called, and she told you she had a
15 positive home pregnancy test on March 20th of 2010.

16 A Right.

17 Q And that's what she told you.

18 A She did.

19 Q And you took -- and that's in the notes.

20 A Right.

21 MR. BARNETTE: One moment, Your Honor, please.

22 (Pause.)

23 Q Ma'am, if you would, please answer any questions the
24 defense may have for you.

25 A Okay.

Elaine S. Olson
Cross-examination by Mr. Wise

1 CROSS-EXAMINATION

2 BY MR. WISE

3 Q She had been seen at the Piedmont Women's Healthcare
4 prior to this March of 2010.

5 A Yes, sir.

6 Q Okay. Now, y'all have access to computer records,
7 don't you?

8 A Yes, we do.

9 Q All right. And back in 2009 was she seeing y'all
10 also?

11 A She was seen in August of 2009 for what we call a
12 G.Y.N. appointment or her annual G.Y.N. checkup.

13 Q August of 2009.

14 A Right.

15 Q And you were able to pull up off the computer a
16 complete list of all of her medications at that time. I'll
17 hand you this, and see if this refreshes your memory.

18 A It would have been available but I -- I didn't. It's
19 not standard procedure for a phone call.

20 Q Not standard, but it's available.

21 A It's available.

22 Q And in August of 2009 -- well, let me ask you this.
23 Do you recognize this as one of y'all's records? And I'm
24 sorry, but I have trouble finding the date on here for this
25 visit. If you can -- let me flip over one page. Let me

Elaine S. Olson
Cross-examination by Mr. Wise

1 see if I can find the date. Let me have that back.

2 A I may have the same thing.

3 Q All right. It's -- well, see if you can find the
4 date. Look at that right there and see if you can tell me
5 about the date. Have you got that record on you?

6 A I think I do, but let me see right here. It would
7 have been signed off. It was signed off on September 20th.

8 Q of?

9 A 2009.

10 Q 2009. So that's approximately September, visit by her
11 in 2009.

12 A Well, the vital signs according to this were recorded
13 on August 28th of 2009.

14 Q Okay. So it's August or September of 2009 she was in
15 to see y'all.

16 A Yes, sir.

17 Q All right. And you list medications on there, don't
18 you, that she told you she was taking?

19 A I did not do her workup that day. I only spoke to her
20 on that phone call.

21 Q All right. Is this your -- this is y'all's records
22 though.

23 A Yes.

24 Q All right. From your office.

25 A Yes, sir.

Elaine S. Olson
Cross-examination by Mr. Wise

1 Q All right. And what medications were she taking --
2 well, let me shorten it a little. Go through the list of
3 what medications she told you she was taking at that time.

4 A Over the counter multivitamins, Duragesic, which is
5 Fentanyl, Mirapex, Keppra, Neurontin, Aleve, Motrin,
6 aspirin, Sudafed, Guaifenesin, Bronkaid, mirena, which is
7 the I.U.D., and Cipro.

8 Q All right. Now, do you know what the Duragistic [sic]
9 patch is?

10 A I don't for sure, but it sounds like something for
11 pain.

12 Q Okay. All right. And that was -- and she put that on
13 there in August of 2009.

14 A Yes, sir.

15 Q And then you recognize this as a medication's report
16 from Piedmont Women's Healthcare?

17 A Yes, sir.

18 Q All right. And you put on -- that all is stored in
19 your computer.

20 A Yes, sir.

21 Q All right. And is that available to anybody who deals
22 with spartanburg Regional Healthcare?

23 A At that time, I don't know. In 2009 I don't know if
24 it was or not.

25 Q What about 2010?

Elaine S. Olson
Cross-examination by Mr. Wise

1 A It's according to who was on the same system that we
2 were on -- electronic records.

3 Q But you're a part of Spartanburg Regional Healthcare.

4 A Yes, sir.

5 Q All right. So anybody with Spartanburg Regional
6 Healthcare should be able to have access to what you --

7 MR. BARNETTE: Your Honor, I'm going to object at this
8 point. He's asking for speculation on the witnesses.

9 MR. WISE: Let me rephrase it then.

10 THE COURT: Okay.

11 BY MR. WISE

12 Q Do you know if anyone would be able in 2009-2010 to be
13 able to access the stored patient or medical records,
14 prescription records, that would have been put into the
15 Spartanburg Regional Healthcare System?

16 A I don't know that anybody -- not just everybody could,
17 no. I don't know.

18 Q Let me rephrase it. Someone who -- someone who is
19 employed by or another doctor with Spartanburg Regional
20 Healthcare.

21 A I don't know.

22 Q You don't know. All right. You don't know to what
23 extent they were interchanged.

24 A Right.

25 Q Okay. Are they interchanged today, or do you know?

Elaine S. Olson
Cross-examination by Mr. Wise

1 A Not every office. I'm not sure of the extent, but I
2 know every office in the system, the physician's network,
3 is not on the same electronic records that we are on.

4 Q Now --

5 A It's more extensive now than it was then, but I don't
6 know.

7 Q Let me see your report that you've got about the
8 March 20th call, one of them.

9 A It was -- actually, the call was on March 26th.

10 Q 26th. All right.

11 A Yes, sir.

12 Q All right. And y'all said next time y'all saw her
13 after March 26th was when?

14 A There's no record of her being seen after that.

15 Q All right.

16 A There was an appointment scheduled, and apparently she
17 didn't come.

18 Q Okay. All right. And what doctor would she have been
19 seeing there?

20 A If she come for the April 1st appointment she would
21 have seen one of the nurses that does the medical records
22 intake.

23 Q Uh-huh.

24 A And if she had come on April the 12th she would have
25 seen Betsy Miller, the nurse practitioner, for her first

Elaine S. Olson
Redirect examination by Mr. Barnette

1 checkup for the pregnancy.

2 Q Okay.

3 A And she also was scheduled to come on the 26th of
4 March for an ultrasound with our ultrasound technician.

5 Q Y'all saw her for a period of several years prior to
6 2010.

7 A According to the records, yes, sir.

8 Q Okay. Thank you.

9 MR. BARNETTE: Just a couple of questions on redirect,
10 Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. BARNETTE

13 Q After you spoke to her she sat up appointments, but
14 she never showed up, is that right, ma'am?

15 A According to the records there's no -- no further
16 records that show that she came.

17 Q Not for the ultrasound or for the doctor's
18 appointments.

19 A Right.

20 Q And she'd been going to y'all for years before this.

21 A Yes, sir.

22 Q She had told them about the -- the patch that Mr. Wise
23 asked you about. Y'all knew about it. I mean, it was in
24 y'all's records, right?

25 A Yes.

Brandon Williams
Direct examination by Mr. Barnette

1 Q And then she didn't come back to y'all.

2 A Right.

3 Q She had told y'all about these medications and even
4 talked about the patch itself.

5 A Uh-huh.

6 Q But she didn't come back.

7 A Right.

8 Q Thank you, ma'am.

9 THE COURT: You may step down.

10 MR. BARNETTE: We ask the witness be excused, Your
11 Honor.

12 THE COURT: She may be.

13 (Whereupon, the witness was excused.)

14 MR. BARNETTE: Your Honor, we're going to call some
15 witnesses out of order if I can get them in and out from
16 this standpoint.

17 I'd like to call Brandy Williams from SLED, or
18 actually it's DHEC.

19 BRANDON WILLIAMS, having been
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. BARNETTE

22 Q If you would, sir, give your full name for the record.

23 A Brandon Williams.

24 Q And, Mr. Williams, where do you work now?

25 A I currently work at DHEC -- Department of Health and

Brandon Williams
Direct examination by Mr. Barnette

1 Environmental Control.

2 Q And how long have you been there, sir?

3 A Two weeks.

4 Q Okay. Before that, where did you work before that,
5 sir?

6 A I was employed at South Carolina Law Enforcement
7 Division, otherwise known as SLED.

8 Q And how long did you work there, sir?

9 A Seven and a half years.

10 Q And what department did you work in, sir, or what
11 department did you work in back in 2010?

12 A The toxicology department.

13 Q Okay. And back then did you receive a sample? I
14 believe the sample was brought down by the Spartanburg
15 Coroner's Office to SLED. Did you open a sealed package
16 that was a blood sample lab No. L10-12917?

17 A According to the chain of custody, yes, sir.

18 Q And was that the victim's, Alexis Greene, was the
19 victim's sample, blood sample, is that right, sir?

20 A Yes, sir.

21 Q And why did you open that? why did you open that
22 sample at that time?

23 A I opened it to document how it came in before we
24 tested it to make sure it was sealed and it was labeled
25 correctly.

Brandon Williams
Cross-examination by Mr. Wise

1 Q And was it, sir?

2 A Yes, sir, yes, sir.

3 Q And was it -- was it later sealed back by you and
4 given to Toni Broome for additional testing?

5 A I sealed it and I gave it to Carmen Tucker.

6 Q Okay. You gave it to Carmen Tucker.

7 A Yes.

8 Q And then Carmen Tucker took possession of it after
9 that, sir?

10 A Yes.

11 Q After it was sealed. And that was just the blood
12 sample in this case, is that right, sir?

13 A That's correct.

14 Q Please answer any questions Mr. Wise may have.

15 CROSS-EXAMINATION

16 BY MR. WISE

17 Q What are you doing with DHEC now?

18 A I work in the lab called medial readesent glassware
19 [sic]. That's the support division.

20 Q Basically a technologist in a lab like you were with
21 SLED?

22 A Correct.

23 Q Okay. And this, what you're reading from, is
24 basically a chain of custody form showing who all touched
25 everything on it.

Brandon Williams
Redirect examination by Mr. Barnette

1 A Correct.

2 Q Okay. And you are -- and your role was what again?

3 A I inventoried the evidence as it came in, as I
4 received it from log-in.

5 Q Okay. And that was -- and you inventoried it on what
6 date?

7 A November 18th of 2010.

8 Q Okay. That was -- you're Brandon Williams?

9 A Yes, sir.

10 Q Okay. I wrote the name down wrong when they
11 introduced you. I'm sorry. Okay. Thank you.

12 REDIRECT EXAMINATION

13 BY MR. BARNETTE

14 Q Just one thing on followup. You talked about the
15 inventory.

16 MR. BARNETTE: Let me mark this, Your Honor, if I
17 could.

18 (Photographs marked State's Exhibit No. 64 for
19 Identification.)

20 Q If you would, sir, this has been marked for State's
21 Exhibit 64. If you would, tell us what that is, sir.

22 A I'm sorry. These are the pictures that I took of the
23 evidence in its bag all the way down to the tubes of blood
24 that were submitted.

25 MR. BARNETTE: Your Honor, I'd like to move these into

Brandon Williams
Redirect examination by Mr. Barnette

1 evidence at this time.

2 MR. WISE: No objection.

3 THE COURT: It's admitted.

4 (Photographs marked State's Exhibit No. 64.)

5 MR. BARNETTE: May I publish them to the jury, Your
6 Honor?

7 THE COURT: You may.

8 BY MR. BARNETTE

9 Q If you would, sir, I'm publishing Exhibit 64. It
10 actually has three pages on it. And this is the packaging
11 you received. And it was actually sealed by Terri Carter
12 in the coroner's office, is that right, sir?

13 A Yes, sir.

14 Q And you opened and actually took pictures of
15 everything involved with it, is that right, sir?

16 A Yes, sir.

17 Q And that was outside the package it was sealed in, is
18 that right, sir?

19 A Correct.

20 Q Showing you the second page. And was these tags and
21 information you received? Is these the blood samples that
22 you received in the packaging, sir?

23 A Yes, sir.

24 Q Okay. And obviously you photographed them and they
25 were sealed and everything labeled and her name on it.

Carmen Tucker
Direct examination by Mr. Barnette

1 A That's correct.

2 Q And I guess this is the other side. You just turned
3 the tubes over so you could see the other side of them, is
4 that right?

5 A Correct.

6 Q And who was these samples given to next, sir, after --
7 after you sealed them back up?

8 A Carmen Tucker.

9 Q Okay. Thank you, sir. Please answer any questions
10 the defense may have for you.

11 MR. WISE: I have no further questions.

12 THE COURT: You may step down.

13 MR. BARNETTE: Your Honor, we'd ask for him to be
14 excused.

15 THE COURT: He may be.

16 (Whereupon, the witness was excused.)

17 MR. BARNETTE: Your Honor, I'd like to call Carmen
18 Tucker to the stand.

19 CARMEN JENEAN TUCKER, having
20 been first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. BARNETTE

22 Q If you would, ma'am, please give your full name for
23 the record.

24 A Carmen Jenean Tucker.

25 Q And where do you work at, ma'am?

Carmen Tucker
Direct examination by Mr. Barnette

1 A South Carolina Law Enforcement Division.

2 Q And is that commonly known as SLED?

3 A It is commonly known as SLED. I work in the
4 toxicology department.

5 Q And is that the lab -- crime laboratory for the state?

6 A It is.

7 Q Okay. And how long have you worked there, ma'am?

8 A I've been with SLED for coming up on eight years, in
9 the toxicology department only the last three and a half.

10 Q Was you -- obviously, you was working at SLED back in
11 2010 --

12 A Yes, sir.

13 Q -- at that time. Was the sample, the Lexis Greene
14 sample, that we've been talking about -- L10-12917 -- did
15 you receive that from Brandon Williams?

16 A I did, sir. I put that in my custody. I received the
17 sealed evidence bag from him.

18 Q What did you do after that, ma'am?

19 A I cut open the evidence bag and removed a sample,
20 removed one of the tubes of blood. I cut out a sample of
21 that tube of blood for drug screening analysis and turned
22 that sample -- one for each instrument. We have two
23 different instruments at the time. And I cut out samples
24 for those instruments and turned them over to Brandon
25 Williams and Kenny Neers [sic].

Carmen Tucker
Direct examination by Mr. Barnette

1 Q And was those tested later?

2 A They were tested that day.

3 Q When you talk about pie pick [sic], tell the jury what
4 that is.

5 A Oh, I basically just took it out of what -- of that
6 blood sample, put it in a separate container and turned
7 that container over to them.

8 The blood sample itself stayed with me in the bag.
9 Then I resealed the bag, and that bag went into what we
10 call a refrigerator custody. It's just a lockable
11 refrigerator that we can lock evidence in.

12 Q And who was the next person that -- I know the one --
13 the one sample went for preliminary drug testing. The
14 other sample went to -- did it go to Toni Broome?

15 A The original evidence in the evidence bag that I took
16 the samples from, the aliquots from, that went on to Toni
17 Broome for blood alcohol analysis.

18 Q Okay. And at the same time the gray tube is on -- on
19 each test tube, is that right? The tube is sealed and
20 everything.

21 A Yes, sir. We check that on the front end before we
22 even cut into the bag.

23 Q I got you. And it was refrigerated before Toni Brown
24 [sic] got -- it was obviously kept in a safe place and
25 refrigerated to make sure it was -- the blood be

Toni Broome
Direct examination by Mr. Barnette

1 maintained, is that right?

2 A Yes, sir.

3 Q If you would, answer any questions the defense may
4 have for you, ma'am.

5 MR. WISE: I don't have any questions, Your Honor.

6 THE COURT: Come down.

7 MR. BARNETTE: Ask the witness step down.

8 I'd like to call -- and we'd ask the witness be
9 excused, Your Honor.

10 THE COURT: She may be.

11 (Whereupon, the witness was excused.)

12 MR. BARNETTE: Your Honor, I'd like to call Toni
13 Broome to the stand, please.

14 TONI BROOME, having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BARNETTE

17 Q Ms. Broom, if you would, state your full name for the
18 record.

19 A Toni Broome.

20 Q And where do you work at, ma'am?

21 A South Carolina Law Enforcement Division or SLED.

22 Q And what is your position there, ma'am?

23 A Forensic toxicologist.

24 Q And how long have you been there, ma'am?

25 A Since August of 2000.

Toni Broome
Direct examination by Mr. Barnette

1 Q If you would, tell the jury a little bit about your
2 qualifications.

3 A Basically, I received my bachelor of science degree in
4 chemistry from Francis Marion University. I have completed
5 and have been deemed competent in all aspects of
6 toxicology, specifically to blood alcohol. I have
7 completed classroom lectures on composition and uses and
8 effects of alcohol, along with a successful completion of a
9 competency, an oral and practical examination.

10 I have analyzed over a thousand -- over a thousand
11 known samples. I've analyzed a thousand known samples in
12 addition to unknown samples. I've had the opportunity to
13 observe live drinking studies where basically individuals
14 were dosed with a specific amount of alcohol on -- for a
15 period of time. And I've had the opportunity to observe
16 their effects.

17 I've also had the opportunity to attend D.U.I.
18 seminars along with schools on alcohols and I've had
19 opportunity to testify in courts of law in the state of
20 South Carolina.

21 Q How many times have you been qualified as a
22 toxicologist, forensic toxicologist, in the state court?

23 A Over 30 times.

24 Q Okay.

25 MR. BARNETTE: Your Honor, I'd move her as an expert

Toni Broome
Direct examination by Mr. Barnette

1 in the forensic toxicology at this time.

2 MR. WISE: No objection.

3 THE COURT: She is so qualified.

4 BY MR. BARNETTE

5 Q If I understand right you just tested for the blood
6 alcohol in this blood sample, is that right?

7 A That is correct.

8 Q And when Quintus Young actually tested -- tested for
9 the drugs at a later date.

10 A That is correct.

11 Q Okay. If you would, tell the jury a little bit -- is
12 that just protocol that y'all follow at SLED where you test
13 any sample?

14 A Basically, the samples that come in, usually they're
15 going to need a blood alcohol sample. Some variation comes
16 into play when it's like a criminal sexual conduct case.
17 We're looking at timeframes where this is what we call a
18 tox-other case where the other would be an unknown liquid
19 other than a biological sample where alcohol may not be a
20 drug entrance.

21 Q Did you do a blood alcohol test on this blood sample?

22 A That is correct.

23 Q And what was your results, ma'am?

24 A I would like to see the report, please.

25 Q Yes, ma'am. I'll be glad to give that to you.

Toni Broome
Cross-examination by Mr. Wise

1 Let me show you what's been marked State's Exhibit 62
2 for I.D. purposes, ma'am.

3 A Okay.

4 Q I believe that's a copy of the report. And what was
5 your finding on the blood alcohol?

6 A Okay. For the sample type blood toxicology labeled
7 Greene, Alexis, the -- the blood alcohol is negative.

8 Q After you did your testing and everything was the
9 blood sample -- the rest of the blood sample was then
10 forwarded to Quintus Young, or sealed?

11 A That is correct. The sample was -- basically, I
12 resealed. Basically, I resealed the tamper-evident bag,
13 initialed and dated and the package was stored into our
14 refrigerator until further analysis -- in our -- stored
15 secure refrigerator until further analysis.

16 Q And Quintus Young was the next person. It was sealed
17 and left for him, is that right, ma'am?

18 A That is correct.

19 Q Okay. If you would please, answer any questions
20 Mr. Wise may have for you.

21 CROSS-EXAMINATION

22 BY MR. WISE

23 Q So you took a blood sample from a bag and opened it up
24 completely in your lab.

25 A That's correct.

Toni Broome
Cross-examination by Mr. Wise

1 Q And then after testing it -- well, I guess you
2 resealed before you did the test.

3 A That is correct. We have -- we only open one piece of
4 evidence at a time. So basically what goes on is I have
5 a -- basically, a plastic bag, a tamper-evident bag. And I
6 will cut it open, remove the sample, which is usually a
7 blood test tube, take it out while -- a portion of the
8 blood that's in the sample -- in the test tube. The sample
9 will be prepared for analysis. Basically, I'm going to
10 seal it back up, heat seal, initial and date that test tube
11 that -- excuse me -- that evidence bag and get it for
12 store -- storage until analysis can be done.

13 Q That would be the test tube that you took the blood
14 out of.

15 A That is correct.

16 Q And how did you take the blood out of it?

17 A With Hamilton diluter or pipe bag.

18 Q What is that?

19 A Basically, it's an instrument that we use to get our
20 portion that we need for the blood sample to be analysis --
21 analyzed.

22 Q Okay. Now, y'all don't do the drug testing and the
23 alcohol testing in the same lab at the same time.

24 A No, not normally. We do not.

25 Q You can do that though.

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 A Under certain circumstances it could be done.

2 Q Okay. But you chose not to do it in this case.

3 A This case it was not done.

4 Q Okay. All right. And then you resealed the blood,
5 correct --

6 A That's correct.

7 Q -- because you had to break the seal to get it out.

8 A That is correct.

9 Q Thank you.

10 MR. BARNETTE: No further questions of this witness,
11 Your Honor. We'd ask that she be excused.

12 THE COURT: You may step down. You may also be
13 excused.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness was excused.)

16 MR. BARNETTE: Your Honor, I would like to call
17 Quintus Young to the stand.

18 QUINTUS LEON YOUNG, II, having
19 been first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q Mr. Young, if you would, state your full name for the
22 record, please.

23 A It's Quintus Leon Young, II.

24 Q And where do you work at, sir?

25 A I'm employed with the South Carolina Law Enforcement

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 Division.

2 Q And what is your position there, sir?

3 A I am a forensic toxicologist.

4 Q And how long have you been with SLED, sir?

5 A Seven years.

6 Q Okay. And if you would, tell the jury a little bit
7 about your training and background, sir.

8 A I have my bachelor's degree from the University of
9 South Carolina in chemistry.

10 Once hired at SLED I began the in-house training,
11 which, like Ms. Broom stated, consisted of written and oral
12 exams and becoming proficient in volatile analysis.

13 Once that was completed in addition to going to other
14 seminars -- D.U.I. seminars, also the Borkenstein School of
15 Alcohol -- once that was completed drug -- drug analysis --
16 not drug analysis -- drug training began where you
17 essentially shadow senior analysts in each drug class until
18 you're deemed competent in drug analysis.

19 Q How many drug samples do you test when you're doing
20 that training?

21 A Hundreds.

22 Q And it's out of blood, all -- urine -- all types of
23 different things.

24 A Correct.

25 Q From there they check you to make sure you're

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 proficient in that.

2 A Correct.

3 Q And also you can continue your training. You said
4 education and so forth during this time also, is that
5 right?

6 A Yes.

7 Q And how many times have you been qualified in state
8 court as a forensic toxicologist, sir?

9 A About nine or ten.

10 Q Yes, sir.

11 MR. BARNETTE: Your Honor, at this time, Your Honor,
12 I'd move him as an expert in forensic toxicology, at this
13 time.

14 MR. WISE: No objection.

15 THE COURT: He is so qualified.

16 BY MR. BARNETTE

17 Q Sir, if I could, did you receive a sample, I guess,
18 shown up here? This is State's Exhibit 64. Did you
19 receive blood samples on this case from Alexis Greene?

20 A I did.

21 Q And did you do a drug analysis on the blood sample,
22 sir?

23 A I did.

24 Q Let me show you what's been marked as State's
25 Exhibit 62. Is that a copy of the report that you produced

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 in this case, sir, concerning your findings?

2 A This is a copy of the report.

3 MR. BARNETTE: Your Honor, I'd like to enter this into
4 evidence at this time.

5 THE COURT: What number is that?

6 MR. BARNETTE: Sixty-two, Your Honor.

7 MR. WISE: No objection.

8 THE COURT: It's admitted.

9 (SLED report marked State's Exhibit No. 62.)

10 MR. BARNETTE: May I publish it to the jury, Your
11 Honor?

12 THE COURT: You may.

13 BY MR. BARNETTE

14 Q When you received these blood samples what kind of
15 drug testing did you do on these blood samples, sir?

16 A In most -- most toxicologies we do what we call a
17 general drug screen. And we would also go as far as to
18 confirm whatever drugs were found on the preliminary
19 screen.

20 Q And those -- let me show you this page. Does that
21 show the, I guess the, blood alcohol and the preliminary
22 screen in this case?

23 A It does.

24 Q And what was the results of that, sir?

25 A The volatile -- volatile analysis was negative. The

Quintus Leon Young, II
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1 drug screen, we screened for benzodiazepines, amphetamine,
2 methamphetamine and oxycodone. In this case it screened
3 positive for benzodiazepines.

4 Q And showing you page two of that same exhibit. What
5 else did it have, sir?

6 A Cocaine metabolite, which is benzoylecgonine, opiates
7 and salicylates.

8 Q Okay. And did you go -- based off that did you go
9 ahead and do a more comprehensive screen on that?

10 A Yes. We confirmed -- we confirmed exactly which drugs
11 within these classes were actually present or not present.

12 Q And was these the results of your drug screen after
13 you did them, sir?

14 A Yes.

15 Q If you would, tell the jury. And I guess we'll just
16 go down the list. What's the first item that you found in
17 Lexie Green's blood?

18 A It is the Acetaminophen.

19 Q Okay. And what was the result you found in there?

20 A It was 19 mg per liter.

21 Q Which is at the high level, I guess, of the
22 therapeutic -- these are your notes over here of the levels
23 that you're looking at.

24 A Correct.

25 Q And is it the high level of therapeutic at that time,

Quintus Leon Young, II
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1 sir?

2 A Correct.

3 Q If you will, go to the next one, sir.

4 THE COURT: Do you have a copy of that that he can
5 have so he doesn't have to strain his neck looking at the
6 screen?

7 THE WITNESS: Oh, I think I have one.

8 BY MR. BARNETTE

9 A The next drug on the list is Diphenhydramine. It's
10 common known as Benadryl.

11 Q Okay. And that was found .03 mg per liter?

12 A Yes, sir.

13 Q Okay. And that was actually therapeutic levels too,
14 is that right?

15 A That is correct.

16 Q What's the next item that was found?

17 A Is Chlorpheniramine.

18 Q Okay. And it could come from Klonopin and things like
19 that?

20 A That is not -- that is an antihistamine.

21 Q Okay. I got you there. And you found .08 mg per
22 liter of that?

23 A Point -- .06 mg per liter.

24 Q I misread that a while ago. I need to get my glasses
25 changed.

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 Next one. What's the next one that was found, sir?

2 A Methorphan or Dextromethorphan, a drug commonly used
3 to treat cough at a point -- 0.03 mg per liter.

4 Q And what's the next substance that was found?

5 A It's Methorphanan which is a metabolite of the
6 Methorphan seen above it. This is just the body's way of
7 breaking it down. But that was found at a 0.04 mg per
8 liter.

9 Q And what's the next substance that you found, sir?

10 A That'd be morphine found at a 0.52 mg per liter.

11 Q Is that within lethal levels?

12 A That is.

13 Q Lethal levels is from .05 to 4 mg per liter?

14 A Yes.

15 Q And it was at a .052 mg per liter.

16 A 0.52, yes.

17 Q That's within lethal levels.

18 Now, you did check for cocaine, but it came negative,
19 is that right?

20 A That's correct.

21 Q So the preliminary test at that time, it wasn't enough
22 to show a large amount of that or anything in there, is
23 that right?

24 A Right. That screened positive, but we confirmed it.

25 And it was negative for cocaine.

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 Q Okay. And what was the next substance you found, sir?

2 A That is Clonazepam, and that was at a 0.01 mg per
3 liter.

4 Q Okay. And that was also within the therapeutic level.
5 So it definitely had an affect on the person.

6 A It is present. It's on the low -- low end.

7 Q But it definitely had an affect on the --

8 MR. WISE: Objection, Your Honor. He's leading the
9 witness.

10 THE COURT: Sustained.

11 BY MR. BARNETTE

12 Q The therapeutic --

13 MR. BARNETTE: I'll rephrase the question, Your Honor.

14 Q The therapeutic levels is at that point there, is that
15 right?

16 A Correct.

17 Q Okay. And that's within that level, is that correct?

18 A Correct.

19 Q Afterwards did you also receive the brain and liver
20 tissue of Alexis Greene?

21 A We did.

22 Q Okay. I can show you this here.

23 (Photographs marked State's Exhibit No. 65 for
24 Identification.)

25 MR. BARNETTE: May I approach the witness, Your Honor?

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 THE COURT: Yes.

2 Q Let me show you what's marked as State's Exhibit 65.
3 Was that the bag that you received that was dropped off by
4 Terri Carter with the brain, I guess, kidney and liver
5 samples of Alexis Greene?

6 A Yes, it is.

7 Q And was you the person that opened that bag to do the
8 testing?

9 A To do the testing, yes, after the initial inventory.

10 Q Okay.

11 MR. BARNETTE: Your Honor, I'd like to move State's
12 Exhibit 65 into evidence at this time.

13 MR. WISE: No objection.

14 THE COURT: Those are photographs?

15 MR. BARNETTE: Yes, sir, they are. They're
16 photographs of -- I'd like to publish them to the jury.
17 That way the Court could see them.

18 THE COURT: Okay.

19 (Photographs marked State's Exhibit No. 65.)

20 Q So this was the SLED bag which you opened that had the
21 brain, liver and kidney tissue from Alexis Greene in it,
22 sir?

23 A Correct.

24 Q That's page two. Are these items that you found
25 inside the bag, sir?

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 A Correct.

2 Q And was that one side of the bottles before you opened
3 them, sir, or are they I guess -- I call them bottles, but
4 I guess they're plastic bottles.

5 A That's what -- containers, bottles, yes.

6 Q And it shows Alexis Greene as being the person the
7 sample came from.

8 A Yes, sir.

9 Q And I believe that's the other side of the bottle, is
10 that right?

11 A That is correct.

12 Q And did you perform analysis on, I guess, the brain
13 and the liver tissue of Alexis Greene?

14 A We do. There's a process it must go through before
15 analyzing in its -- in its current state, homogenization.
16 I pretty much turned it from a solid to a liquid form so we
17 could analyze it.

18 Q So you did do that?

19 A Yes.

20 Q And did you test the -- I guess you tested the brain
21 and liver to see how much morphine or MS Contin was in
22 that.

23 A Correct.

24 MR. BARNETTE: May I approach the witness, Your Honor?

25 THE COURT: Yes.

Quintus Leon Young, II
Direct examination by Mr. Barnette

1 BY MR. BARNETTE

2 Q Let me show you State's Exhibit 63 that's been marked
3 for I.D. Is that a copy of your report, sir?

4 A This is.

5 MR. BARNETTE: Your Honor, I'd like to enter this into
6 evidence at this time.

7 MR. WISE: No objection.

8 THE COURT: It's admitted.

9 (SLED report marked State's Exhibit No. 63.)

10 MR. BARNETTE: May I publish it to the jury, Your
11 Honor?

12 THE COURT: Yes.

13 BY MR. BARNETTE

14 Q So this is the toxicology report that you did
15 concerning the brain testing, as well as the liver testing,
16 is that right, sir?

17 A Yes.

18 Q It was on Alexis Greene.

19 A Yes.

20 Q And what was the results of the -- the amount of
21 morphine or MS Contin that you found in the brain of Alexis
22 Greene?

23 A In the brain it was a .54.

24 Q Okay. Is that mg per kilogram?

25 A Yes.

Quintus Leon Young, II
Direct examination by Mr. Barnette

- 1 Q which is also milligrams per -- I guess liter too also
2 from that standpoint or can be similar to --
- 3 A This -- this is weight, because of the nature of the
4 sample, it's a weight per weight.
- 5 Q weight per weight, okay, instead of liter. I
6 understand from that.
- 7 Okay. And did you also check the liver in this case?
- 8 A Correct.
- 9 Q And what was your results there, sir?
- 10 A 0.56.
- 11 Q Okay. And was these both in the lethal range --
- 12 A Yes.
- 13 Q -- like the blood sample was? All of these drugs
14 together, do they have a centri -- I call it one plus one
15 equals three.
- 16 A Synergistic.
- 17 Q Yes, sir.
- 18 A These -- these drugs --
- 19 Q I'll go back to Exhibit 62. And, like I said, we're
20 going to have I think other people testifying about that,
21 so but they could have an affect on each other?
- 22 A They could -- they could.
- 23 MR. BARNETTE: One moment, Your Honor, please.
- 24 (Pause.)
- 25 Q If you would, please, answer any questions the defense

Quintus Leon Young, II
Cross-examination by Mr. Wise

1 may have for you, sir.

2 CROSS-EXAMINATION

3 BY MR. WISE

4 Q Give me one second. I'm looking for a first page.

5 Here's a copy of your report with some handwriting on
6 it. Is that your handwriting, or somebody else's?

7 A It is not mine.

8 Q That's not yours.

9 Okay. All right. Now, when you did this analysis how
10 did you -- what analysis did you do or what exactly --
11 program did you run to determine the drugs in the blood?

12 A Once we -- once using -- using the preliminary drug
13 screens, screen positive for benzodiazepines, cocaine, and
14 opiates in this case, from there we would go on to confirm
15 that specific drug class to identify exactly which drug of
16 that class is actually present or absent.

17 Q Now, when you say drug class, what's included in a
18 drug class?

19 A Benzo -- the group, the drug class, of benzo --
20 benzodiazepines is made up of different drugs --
21 Alprazolam, Clonazepam, Diazepam, Lardiazepam [sic], a few
22 others.

23 Q Okay. And that's checked out to be negative.

24 A That's actually -- that -- that will be for the
25 Clonazepam that came back positive.

Quintus Leon Young, II
Cross-examination by Mr. Wise

- 1 Q For the -- what was that actually for? What did
2 you -- what would you call that?
- 3 A Confirmation.
- 4 Q Excuse me?
- 5 A A drug confirmation.
- 6 Q Right. But, I mean, the substance is what actually?
- 7 A A benzo -- a benzodiazepine.
- 8 Q All right. And that is a -- breaks down from what?
- 9 A The Clonazepam or -- that's a -- it's a drug class of
10 its own.
- 11 Q It's a drug class of its own.
- 12 A Correct.
- 13 Q All right. And what drug would you take to end up
14 with that in your body?
- 15 A Xanax, Klonopin.
- 16 Q Okay. Something like that.
- 17 A Yes.
- 18 Q Okay. All right. Now, there's a -- is there a way of
19 testing very specifically for a drug?
- 20 A Yes.
- 21 Q And what is that test called?
- 22 A That is just the same confirmation that -- that I
23 performed in this two -- the drug test that we did where
24 the Clonazepam showed up. It's the same -- same process.
- 25 Q So there is a test that you're testing for a bunch of

Quintus Leon Young, II
Cross-examination by Mr. Wise

1 different drugs at the same time.

2 A Correct, correct.

3 Q Sometimes you'll have a test where you test for a very
4 specific drug because you're asked for it the first time.

5 A It can be done.

6 Q Is that the same type test or a different test?

7 A The same type test.

8 Q Now, when you do the raw data in this you actually --
9 to get to this level of -- of morphine you did a manually
10 integrated qualifier?

11 A I would have to look to see what exactly.

12 Q Well, I wish I could find my copy, but if you'll
13 excuse me I think I can let you look at this and explain
14 it.

15 (Pause.)

16 Q There we go. Do you recognize that as part of your
17 program?

18 A That is.

19 Q And what is that manual qualifier?

20 A That is simply saying that the software did not
21 integrate or find a peak that we were looking for for some
22 reason.

23 Q So.

24 A So -- so the analyst -- whose writing is that? The
25 analyst in this case would have had to manually integrate.

Quintus Leon Young, II
Cross-examination by Mr. Wise

- 1 Q The analyst wasn't you.
- 2 A Not -- not in this instance, no, sir.
- 3 Q So you don't know why they used that qualifier.
- 4 A The qualifier -- we have a set list of target --
- 5 target -- target ions or a fingerprint that we specifically
- 6 look for. And these qualifiers are just more -- to
- 7 complete the set of fingerprints pretty much.
- 8 Q Well, this test there that you're looking at shows a
- 9 morphine level of .03 before the multiplication of the
- 10 manual qualifier.
- 11 A That is actually due to the -- they can't see, but
- 12 this was a diluted sample and --
- 13 Q What do you mean, a diluted sample?
- 14 A The -- if you look at the top -- well, they can't see,
- 15 but the liver in this case was diluted by one -- one to 16,
- 16 and this result -- the reason we did that is because the
- 17 opiates screened, actually screened, above a A1 per liter.
- 18 And because of that we know that our -- our curves or
- 19 the -- the levels that we look for in our controls goes up
- 20 to A1. So if I would have gave an undiluted sample it
- 21 would have been above that curve, meaning I can't use that
- 22 data.
- 23 Q So who diluted the sample?
- 24 A That would be me.
- 25 Q That would be you.

Quintus Leon Young, II
Cross-examination by Mr. Wise

- 1 All right. And you diluted it for which reason?
- 2 A For the reason I just gave.
- 3 Q Okay.
- 4 A Just to make sure that that -- when that sample was
- 5 sent to confirmation that it actually fell within the range
- 6 that we were looking for.
- 7 Q All right. And you did the same thing with another
- 8 sample, or some tech did. You didn't do it.
- 9 A I would have to see.
- 10 Q I'm getting ready to show you. All right. Is that
- 11 correct?
- 12 A That is correct.
- 13 Q All right. And that -- and you multiplied that or
- 14 somebody multiplied that by what?
- 15 A By four.
- 16 Q And who did that?
- 17 A That would be me.
- 18 Q That would be you.
- 19 A Yes.
- 20 Q All right. And why did you multiply it by four
- 21 manually?
- 22 A Because the dilution in this case was a one to four.
- 23 Q All right. One to four done.
- 24 A Correct.
- 25 Q And your software doesn't have the means of just

Quintus Leon Young, II
Cross-examination by Mr. Wise

1 putting in there it's a diluted sample one to four?

2 A It does not. That's something we have to go in the
3 back end. And the -- actually the -- the anolyte or the
4 compound that was manually integrated in this case was not
5 a compound of interest in -- for this particular case.

6 Q All right. So, and also with the blood you used the
7 manual qualifier, didn't you?

8 A It is possible.

9 Q Hold on one second.

10 (Pause.)

11 Q I don't know why it closed out on me, but it did. Is
12 using the manual qualifier a standard procedure?

13 A If, only if, for some reason the software that we used
14 to use in our analysis does not integrate or find a peak of
15 interest.

16 Q So -- so you only use the qualifier when you don't
17 find a peak of interest?

18 A No. The qualifiers are part of -- a part of the
19 fingerprint that we look for in compounds. In cases where
20 you have to manually integrate a compound or a peak as far
21 as the simple reason that the software did not integrate it
22 for you.

23 Q And why would the software not integrate it for you if
24 that's what the purpose of the software is?

25 A Well, we set certain -- certain -- well, the software

Quintus Leon Young, II
Cross-examination by Mr. Wise

1 has certain limitations. It can't do everything or there
2 should -- there can be some cutoffs to where the peak is
3 missed by the software.

4 Q And explain what you mean by looking for a peak.

5 A Well, in our -- in our analysis we run an internal
6 standard or a control similar to the analyte that we are
7 interested in. How do I explain a peak or --

8 Q Yes, a peak.

9 A The different compounds -- with the instrumentation
10 that we use the instru -- the analytes come off. Best way
11 to explain this, each compound shows up at a certain time
12 on our -- on our computer system. You have to set up a
13 method of using the different controls that we run to set
14 up a method to actually search for certain compounds.

15 Q All right. So peak tells you what the compound is.

16 A Is the peak -- the peak -- the presence of a peak
17 simply says that the compound is there.

18 Q All right. How do you get the milliliters per
19 kilogram -- milliliters per gram -- per liter?

20 A Milligrams per liter?

21 Q Right. Either one.

22 A That is the units based on concentration.

23 Q All right. So what -- what in your program tells you
24 that the level is .02 or .01 or whatever?

25 A We run controls with each run.

Quintus Leon Young, II
Cross-examination by Mr. Wise

1 Q Uh-huh.

2 A And we -- we routinely look for levels, therapeutic
3 levels -- from therapeutic to levels of abuse. In this
4 case with opiate, the opiate drug class, we look for the
5 range of a 0.01 mg per liter to a one -- 1.0 mg per liter.

6 Q Now, I believe this is from the brain sample, right?
7 You end up doing a multiplier there of what?

8 A Sixteen.

9 Q Sixteen. And with that 16 you ended up with how much
10 in the brain sample?

11 A .64.

12 Q All right. And so without doing the -- and before you
13 did the manual qualifier the reading was like .04?

14 A Actually the .04 is going to be there regardless of
15 whether or not the software found a qualifier. That is the
16 response primarily of the target or the main -- the main
17 fingerprint of -- of the drug.

18 Q So the .04 tells you there's morphine there.

19 A Correct, but because I did a dilution I --

20 Q So if you'd had twice as much morphine you'd still
21 have a .04 sitting there to tell you if it's morphine?

22 A It depends on the dilution that you -- that you
23 initially give.

24 Q So if you gave -- and dilution in this case with
25 the -- with the brain was how much?

Quintus Leon Young, II
Cross-examination by Mr. Wise

- 1 A Had one to 16.
- 2 Q One to 16. And if you'd done a one to 32 would it be
- 3 .04 there?
- 4 A It would be a point -- should be 0.02.
- 5 Q .02.
- 6 A Right.
- 7 Q So that would then just -- well, that tells you
- 8 there's morphine there at a certain amount then, doesn't
- 9 it?
- 10 A Correct.
- 11 Q Okay. But you have to do the multiplication yourself.
- 12 A Right.
- 13 Q And who did the dilution?
- 14 A That would be me.
- 15 Q All right. Now, did you occasionally run some tests
- 16 that showed no morphine on a chart similar to that?
- 17 A Do we?
- 18 Q Yeah. In this case, now, you generated in this case.
- 19 A I would have to go through the complete case file.
- 20 Q would it surprise you if you had one?
- 21 A Depending on the dilution you give.
- 22 Q Okay. So you can over dilute it.
- 23 A You can over dilute it to where --
- 24 Q Has none.
- 25 A Right.

Quintus Leon Young, II
Cross-examination by Mr. Wise

- 1 Q So you did more than one dilution on each substance?
- 2 A Correct.
- 3 Q All right. So on the brain you would do a dilution of
- 4 one to 16, and you may do one, one to 32?
- 5 A If a -- depends on the nature of the case. If you
- 6 thought that once -- once you sent your sample to
- 7 confirmation that it would be above that curve that I
- 8 explained earlier, the .01 to the one -- if you felt that
- 9 it would be above that level you would give a dilution.
- 10 That's routine practice.
- 11 Q Okay. So you give a dilution to kind of bring it
- 12 down.
- 13 A Correct.
- 14 Q And if you over dilute it you come up with zero.
- 15 A You could -- you could.
- 16 Q All right. So if there's some zeros in here, that's
- 17 because it's over diluted, correct?
- 18 A Could you ask that again?
- 19 Q If there some zeros in those charts it's because it's
- 20 over diluted.
- 21 A Oh, on the other -- other drugs?
- 22 Q All of the morphine with similar type prints.
- 23 A In that specifically morphine had a response.
- 24 Everything else was zero.
- 25 Q Now, you found no hydrocodone in this -- in this -- in

Quintus Leon Young, II
Cross-examination by Mr. Wise

- 1 the blood.
- 2 A That is correct.
- 3 Q You found no amphetamine, correct?
- 4 A Correct. I don't think -- I think that screened
- 5 negative.
- 6 Q All right. And do you have a test that if you wanted
- 7 to you could -- you can test for -- I assume you tested for
- 8 Oxycontin.
- 9 A Oxycodone would have been in that same list.
- 10 Q In that same list.
- 11 A Uh-huh.
- 12 Q So to find out whether it's Oxycontin or hydrocodone
- 13 you'd have to do a further test.
- 14 A It would be covered in that same test.
- 15 Q It'd be covered in the same test.
- 16 A Uh-huh.
- 17 Q All right. You have no Oxycontin.
- 18 A That is correct.
- 19 Q No hydrocodone, correct?
- 20 A Correct.
- 21 Q And the -- you did found -- find Tylenol, correct?
- 22 A Correct.
- 23 Q And which would not be unusual for a baby taking baby
- 24 Tylenol.
- 25 A It wouldn't -- it wouldn't.

Quintus Leon Young, II
Cross-examination by Mr. Wise

- 1 Q And the antihistamine was from what type of substance?
- 2 A Diphenhydramine is commonly found in Benadryl.
- 3 Q And what about the -- the substance you said was taken
- 4 for cough?
- 5 A Dextromethorphan. What about it?
- 6 Q I mean, it's -- it's something that's taken for cough,
- 7 a child or adult?
- 8 A I'm not sure how that's prescribed for children.
- 9 Q Okay. You don't know if it's prescribed for children
- 10 or not. You're not -- you're not in the pharmacy world.
- 11 A Correct.
- 12 Q All you can say is it's there.
- 13 A Is correct.
- 14 Q And in some numbers.
- 15 A Correct.
- 16 Q And then you get a chart that or a book that says
- 17 these numbers are bad.
- 18 A Based on different literature.
- 19 Q Right.
- 20 A And different case studies.
- 21 Q Okay. And basically a published book that says
- 22 they're bad.
- 23 A In some cases, yes.
- 24 Q Thank you.
- 25 MR. BARNETTE: Just one question on followup, Your

Quintus Leon Young, II
By Mr. Barnette

1 Honor.

2 REDIRECT EXAMINATION

3 BY MR. BARNETTE

4 Q Mr. Young, isn't your results reviewed, peer reviewed,
5 at SLED?

6 A They are.

7 Q And they're checked by them to make sure they're
8 correct.

9 A That is correct. Each person -- the person
10 responsible for each drug class or confirmation of each
11 drug class, they're responsible for putting together a
12 quality control pack which is reviewed prior to analysts
13 receiving data.

14 After that -- that data that's used to formulate the
15 reports that we send out, that too is reviewed before it's
16 actually locked and sent out to agencies or solicitors or
17 whoever, you know, that report's supposed to go out to.

18 Q Thank you, sir.

19 THE COURT: You may step down.

20 MR. BARNETTE: We'd ask for the witness to be excused,
21 Your Honor.

22 THE COURT: He may be.

23 (Whereupon, the witness was excused.)

24 MR. BARNETTE: May we approach for a second, Your
25 Honor?

1 (Bench conference held off the record in the presence
2 of the jury but out of the hearing of the jury.)

3 THE COURT: All right. Ladies and gentlemen, we're
4 going to recess for lunch now.

5 Let me caution you before you leave you're to have no
6 discussions about the case. You're not to conduct any
7 research or do your own investigation into any issue. Do
8 not permit yourselves to be exposed to any type of media
9 coverage -- television, radio or newspaper -- that relates
10 to the case.

11 Have a good lunch, and please report to your jury room
12 at 2:00 o'clock, at 2:00 o'clock this afternoon.

13 (The following takes place outside the presence of the
14 jury.)

15 THE COURT: Court is in recess until 2:00 o'clock.

16 (Whereupon, a recess was taken.)

17 (Redacted State's Exhibit 57 marked State's Exhibit No.
18 66 for Identification.)

19 THE COURT: All right. Are we ready for the jury?

20 MR. BARNETTE: The state's ready, Your Honor.

21 THE COURT: Bring them in.

22 (The following takes place in the presence of the
23 jury.)

24 THE COURT: Good afternoon. We're going to continue
25 with the state's presentation.

Dr. Susan Kovacs
Direct examination by Mr. Barnette

1 Mr. Barnette.

2 MR. BARNETTE: May it please the Court, Your Honor.
3 We would like to call Dr. Kovacs to the stand.

4 DR. SUZANNE KOVACS, having
5 been first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BARNETTE

7 Q Doctor, if you would, give your full name, please.

8 A It's Dr. Susan Kovacs.

9 Q And where do you work at, ma'am?

10 A Piedmont Internal Medicine Associates in Spartanburg.

11 Q What is your position there, ma'am?

12 A Physician.

13 Q And how long have you been a doctor, ma'am?

14 A I've been at Piedmont Internal Medicine for 16 years.

15 Q If you would, tell the jury a little bit about your
16 background, education background.

17 A I graduated from New York Medical College in 1994 and
18 then from Duke University, 1998, internal medicine.

19 Q Okay. And you've been -- how many patients have you
20 treated over the years or --

21 A A lots.

22 Q I understand.

23 MR. BARNETTE: And, Your Honor, at this time I would
24 move her as an expert in medicine at this time.

25 MR. WISE: No objection.

Dr. Susan Kovacs
Direct examination by Mr. Barnette

1 THE COURT: She is so qualified.

2 Q Let me ask you. Do you know the defendant in this
3 case, ma'am?

4 A Yes.

5 Q Did you treat her?

6 A Yes.

7 Q And what did you treat her for?

8 A Treated her for any internal medicine problems such as
9 fibromyalgia, anxiety, sore throats, anything that she
10 would come in for.

11 Q When did she first come into y'all's practice?

12 A November of 2007.

13 Q And you treated her up through I guess 2010, is that
14 right, ma'am?

15 A Correct.

16 Q Okay. And did you ever know that she was pregnant?

17 A No.

18 Q Did you ever know that she was breastfeeding?

19 A No.

20 Q Let me take you back to I think it's April 30th of
21 2010. Did she have a doctor's visit with you then?

22 A Yes.

23 Q If you would, tell the jury about that doctor's visit
24 if you would.

25 A Doctor's visit in April. She had come in. We

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1 adjusted her main medications because the patches I believe
2 were falling off or weren't working well. So we placed her
3 on a different type of medication for pain and referred to
4 the gynecologist to have a Mirena removed, which is a
5 contraceptive device.

6 Q So she didn't tell you at that time she was pregnant?

7 A No.

8 Q And you gave her MS Contin and mor -- along with
9 release morphine.

10 A Correct, instead of a durgies [sic] patch.

11 Q Would you give her that medication if you knew she was
12 pregnant?

13 A No.

14 Q Did you know that she was -- did you know she was
15 seeing Dr. Kooistra?

16 A Yes, yes.

17 Q Did you know about the medication Dr. Kooistra was
18 giving her?

19 A I knew about the seizure medications. When she first
20 came in she was on some pain medication, and then I was
21 taking over her fibromyalgia or chronic pain. This is what
22 I was -- what I believed.

23 Q Right. So you were treating her for her pain.

24 A Correct.

25 Q And you -- at that time Kooistra -- she didn't tell

Dr. Susan Kovacs
Direct examination by Mr. Barnette

1 you about pain medication Kooistra was giving her, did she?

2 A No. By this point in time she had been referred to
3 the pain specialist who was doing injections, and I
4 believed I was doing the pain control.

5 Q So you didn't know about the other prescriptions that
6 Dr. Kooistra was giving her also at the same time.

7 A Not at that point in time, no.

8 Q Let me show you. These have already been entered into
9 evidence by stipulation. Let me show you State's Exhibits
10 37, 38, 39, 40, 41, 50, 52, 53 and 55, ma'am. If you
11 would, take a look at those and see if those are
12 prescriptions that was ordered by you or somebody in your
13 office.

14 A These are from me or another physician in the office.

15 MR. BARNETTE: Your Honor, these have already been
16 entered into evidence. I'd like to publish them to the
17 jury at this time.

18 THE COURT: Are they numbered nine?

19 MR. BARNETTE: They're numbered -- do you want me to
20 read those numbers again, Your Honor?

21 THE COURT: Are there nine separate exhibits?

22 MR. BARNETTE: Yes, sir. I think they are.

23 BY MR. BARNETTE

24 Q Let me go ahead and show you No. 37, State's
25 Exhibit 37. It's entered into evidence, ma'am. Now, I

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1 notice it says Stephanie Neet, but this is actually, was I
2 guess, a prior name for her. But it's Stephanie Greene, is
3 that right?

4 A Correct.

5 Q And what was this substance that she received on
6 March the 11th of 2010?

7 A Duragesic patch for pain.

8 Q And is that a morphine patch?

9 A It's a fentanyl patch.

10 Q A fentanyl patch.

11 Okay. And then let me show you State's Exhibit 38.

12 And the date of that was March 11th, is that right?

13 A Correct.

14 Q And this is something they put to your skin for pain.

15 A Yeah, yes.

16 Q Okay. On I believe this is April the 7th did she
17 receive another prescription?

18 A Yes.

19 Q Okay. And what was that prescription, ma'am?

20 A Same, Duragesic patch.

21 Q Let me show you State's Exhibit 39. This prescription
22 was done on April the 30th of 2010. What was this for,
23 ma'am?

24 A That's for pain. It was instead of the Duragesic
25 patch.

Dr. Susan Kovacs
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- 1 Q And what kind of medication was it?
- 2 A It's a morphine type medicine, long acting.
- 3 Q Long acting. So MS Contin is a long-acting morphine.
- 4 A Correct.
- 5 Q Now, in looking -- and you can review your notes if
- 6 you'd like to -- in the visit did she request to be
- 7 switched to MS Contin?
- 8 A Yes.
- 9 Q And why did she request to be switched to that?
- 10 A I believe the patches were not staying on.
- 11 Q And so she requested that. That's something that you
- 12 didn't do. You did it based off her request.
- 13 A Correct.
- 14 Q Okay. And, again, this is the same visit. She didn't
- 15 tell you anything about the morphine or anything, I mean,
- 16 about being pregnant or anything at this time.
- 17 A Right.
- 18 Q And, as a matter of fact, if I remember your records,
- 19 you always weigh the patient also.
- 20 A Correct.
- 21 Q What did she weigh at that time?
- 22 A 133.9.
- 23 Q And how much did she weigh in her previous visit?
- 24 A 131.
- 25 Q So there was no -- you weigh them every time, but

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1 there was no noticeable difference, and obviously it was a
2 gain, but not a huge gain by any means.

3 A No.

4 Q Okay. And let me show you State's Exhibit 40. On May
5 27th of 2010 was she given another prescription?

6 A Yes.

7 Q And what does P.R.N. say?

8 A As needed.

9 Q So she determined when she would take the medication.
10 It wasn't three times a day or anything like that.

11 A You can take it every eight hours or just as needed.

12 Q So she dictated how she would take it.

13 State's Exhibit 41. Is this also another MS Contin?

14 A Same, same medicine.

15 Q And that was on June 28th of 2010?

16 A Correct.

17 Q Let me show you what's been marked as State's
18 Exhibit 52. Was this also another prescription for MS
19 Contin?

20 A Correct.

21 Q And was this October 15th of 2010?

22 A Correct.

23 Q Then on October 29th -- this is State's Exhibit 53 --
24 was she given another prescription for a different type
25 medication?

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1 A That was the medication that she had been on, a
2 refill.

3 Q Was that Klonopin?

4 A Correct.

5 Q And she was given a quantity of 60?

6 A Correct.

7 Q Milligrams. And is that twice a day?

8 A Correct.

9 Q And she was given five refills on that.

10 A Correct.

11 Q And then October 11th of 2010 was she given another MS
12 Contin refill?

13 A Correct.

14 Q And that was also P.R.N.

15 A Yes.

16 Q Let me ask you, Doctor. I'm going to start, and
17 these've already been entered into evidence, so I'll just
18 place them up there.

19 You didn't know about the other prescriptions that Dr.
20 Kooistra was giving her.

21 A No. At that point in time she was supposed to be off
22 them.

23 Q And obviously Dr. Bridges has also -- her O.B.G.Y.N.
24 -- had gave her prescriptions. You didn't know about those
25 either.

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- 1 A No.
- 2 Q Okay. So she didn't tell you about any of this.
- 3 A No.
- 4 Q Before I forget I actually -- show you these. State's
5 Exhibit 46 is already entered into evidence. This is the
6 one I actually missed. She was giving a prescription of MS
7 Contin on July 27th of 2010, is that right?
- 8 A Yes.
- 9 Q Showing you State's Exhibit 43. You didn't know about
10 this prescription of Dr. Kooistra for Klonopin at that
11 time, did you?
- 12 A No, because it wasn't overlapping prescriptions.
- 13 Q And I believe that was filled on July 3rd of 2010.
14 Let me show you State's Exhibit 47. This is for
15 Vicofin [sic], August 5th of 2010, and this is also from Dr.
16 Kooistra. Did you know about that prescription?
- 17 A No.
- 18 Q And is Visoprofen [sic] -- profen -- something that
19 you shouldn't take in your later pregnancy?
- 20 A I mean, I wouldn't prescribe any pain medicine in
21 pregnancy.
- 22 Q You wouldn't have gave any pain medication.
- 23 A No. The gynecologist or obstetrician would have to do
24 it.
- 25 Q Okay. And August -- you didn't know about this.

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1 August the 5th of 2010, Dr. Kooistra had also gave her
2 Klonopin. You didn't know about that prescription, did
3 you?

4 A No.

5 Q Showing you State's Exhibit 44. You didn't know about
6 this Vicofin [sic] prescription of Dr. Kooistra on
7 July 6th of 2010, did you?

8 A No. She had been on pain medicine with Dr. Kooistra
9 in the beginning. And, like I said, I was taking over the
10 fibromyalgia for the chronic pain.

11 Q Okay. And, like you said, you would not have
12 prescribed it if you'd known, if you knew she was even
13 pregnant.

14 A No.

15 Q And you definitely didn't know she was breastfeeding
16 then.

17 A No.

18 Q Okay. State's Exhibit No. 54. You didn't know this
19 prescription that was given to her for -- from Dr. Kooistra
20 from Baclofen, Vicoprofen, Neuroton, Lonopin on
21 November 4th of 2010, did you?

22 A No.

23 Q As a matter of fact, if you take State's Exhibit 54 --
24 look at State's Exhibit 54. This, these four
25 prescriptions, is filled or given to her on November 4th of

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1 2010, is that correct?

2 A Correct.

3 Q You'd gave her Klonopin on October 29th of 2010 in 60
4 pills, didn't you?

5 A Correct.

6 Q So you didn't know -- I mean, obviously you wouldn't
7 have gave her the same prescription knowing Dr. Kooistra
8 was filling it five days later.

9 A No.

10 Q Showing you State's Exhibit 45. We'll do it this way.
11 Going back, this is State's Exhibit 42. This is
12 actually issued by Dr. Bridges. You didn't know about the
13 Darvocet prescription she gave on June 30th of 2010, did
14 you?

15 A No.

16 Q State's Exhibit 45, July 23rd of 2010. You didn't
17 know about a Darvocet prescription that had been given by
18 Dr. Bridges.

19 A No.

20 Q As a matter of fact, you didn't know she was pregnant.
21 So there was no reason for you to talk to her O.B.G.Y.N. or
22 anything, right?

23 A No. We had have referred her to have a Mirena changed
24 out.

25 Q So she wanted her Mirena changed when she talked to