

PETTUS

FARNSWORTH

Reginald Hoffman Pettus (1920-2000)
John Wright Farnsworth (1941-1997)
Daniel Joseph Farnsworth (Of Counsel)

Daniel J. Farnsworth, Jr.*

*Member of the South Carolina and Virginia Bar

RECEIVED

Apr 12 2024

SC Court of Appeals

Attorneys and
Counselors at Law

211 Pettigru Street
Greenville, South Carolina 29601

201 King Street
Keysville, Virginia 23947

April 12, 2024

Via Electronic Mail
The South Carolina Court of Appeals
ctappfilings@sccourts.org

Re: The State of South Carolina v. David Mitchell Padgett
Case No.: 2024-000359

Dear Clerk of Court:

Please find enclosed Transcript Request(s) pertaining to the above-referenced appeal. These transcripts were sent to South Carolina Court Administration on January 23, 2024 via e-mail to transcripts@sccourts.org.

These requested transcripts pertain directly to the issues on appeal, as these transcript requests are for the motion hearings leading up to the Appellant's criminal trial and Motion to Compel, which took place the week of February 23, 2024. The transcript request for the Appellant's Motion to Compel, as well as the Appellant trial in the lower court, was filed with the Appellate Court on April 1, 2024. The transcript for this matter was received April 1, 2024, and has been attached as a filing.

On April 10, 2024, staff to Counsel for the Appellant noticed they had failed to properly file the prior transcript requests that were sent on January 23, 2024 with this Honorable Court. Staff of Counsel also realized that as of April 10, 2024, no responsive documents had been received for the hearing held on September 29, 2023. Again, this request was made January 23, 2024. Several follow ups were made via e-mail and telephone correspondence, and have been attached as well. On the evening of April 11, 2024, the court reporter contacted counsel for the Appellant and it's staff, and sent the firm her invoice for her services, advising she has sixty days from date of payment to send the transcript.

This is to request that this Honorable Court grants an extension for the Appellant's Initial Brief and Designation of Matter currently due May 1, 2024, to allow the Appellant time to receive the transcript, and for these prior requests and the transcripts to be included on the Record of Appeal, as these requests were made months in advance, and are directly related to the issues on Appeal.

With kind regards, I remain

DJF/lol
Enclosures
cc: Grace Moroney

Yours truly,
/s/ Daniel J. Farnsworth, Jr.
Daniel J. Farnsworth, Jr.
Counsel for the Appellant

www.FarnsworthLawOffices.com
South Carolina Office 864.250.9119
Virginia Office 434.736.8171

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*Member of the South Carolina and Virginia Bar

Attorneys and
Counselors at Law

211 Pettigru Street
Greenville, South Carolina 29601

201 King Street
Keysville, Virginia 23947

January 23, 2024

Via E-mail
Court Administration
transcripts@sccourts.org

Re: Transcript Request

Dear Sir or Madam:

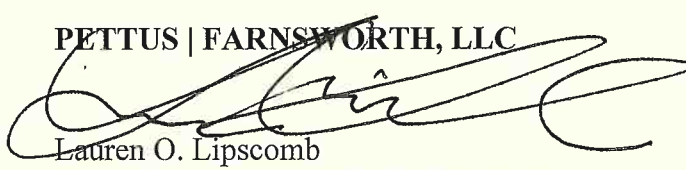
I hope this finds you well. Please find enclosed four (4) transcript requests regarding our client, David Mitchell Padgett.

We are kindly requesting to have these records by Friday, January 26, 2024. These records may be sent via e-mail to Daniel J. Farnsworth, Jr., at Dan@FarnsworthLawOffices.com. Our firm will happily pay any expedited fees associated with this request.

Please contact our office by phone (864) 250-9119, or at the email listed above, should you have any questions or concerns. Thank you for your assistance in this request.

With kind regards, I remain

PETTUS | FARNSWORTH, LLC



Lauren O. Lipscomb
Firm Manager and Litigation Paralegal to
Daniel J. Farnsworth, Jr.
211 Pettigru Street (29601)
Post Office Box 8719 (29604)
Greenville, South Carolina

/lol
Cc: Grace Moroney

www.FarnsworthLawOffices.com
South Carolina Office 864.250.9119
Virginia Office 434.736.8171



South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name Daniel J. Farnsworth, Jr.		Law Firm/Agency PETTUS FARNSWORTH, LLC	Phone Number 864-250-9119
Email Address Dan@FarnsworthLawOffices.com		Mailing Address 211 Pettigru Street Greenville, South Carolina 29601	
Is the requestor a party in the case? ☐ Yes ☒ No			
If no, does the requestor represent a party? ☒ Yes ☐ No If yes, name of party David Mitchell Padgett			
Transcript Information			
Docket Number 2022A2330210176	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) State of South Carolina v. David Mitchell Padgett		Circuit ☒ Family ☐
Date(s) of Proceeding January 13, 2023	County Greenville	Appeal pending ☐ Yes ☒ No	Death Penalty ☐ Yes ☒ No
Presiding Judge The Honorable Alex Kinlaw, Jr.		Special Circumstances Is the hearing to be transcribed one of the following: ☐ Termination of parental rights ☐ Adoption ☐ Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Grace Moroney, gmoroney@greenvillecounty.org		Delivery Timeframe (check Rule 607 for current page rates) ☐ Quote ☐ Rough Draft ☒ Overnight delivery ☐ Daily delivery ☒ Expedited delivery (7 days) Due on/before: 1/26/24 ☐ Regular delivery (60 days)	
Court Reporter(s) April Herron, aherron@sccourts.org		☐ WebEx ☐ DCRP	
Portion of proceeding to be transcribed ☒ Entire hearing ☐ Voir dire by juror ☐ Jury selection ☐ Plaintiff's opening statement ☐ Defendant's opening statement ☐ Plaintiff's closing arguments ☐ Defendant's closing arguments ☐ Entire direct examination ☐ Entire cross examination ☐ Entire redirect ☐ Examination of witness (W) by attorney (A) W: _____ A: _____ ☒ Ruling of the court		Delivery Method (additional fees may apply) ☒ PDF / Email ☐ Hard Copy/Priority Mail (\$50 + shipping) ☐ PDF & Hard Copy/Priority Mail (\$50 + shipping)	
		Responsible Payor ☒ Private / Self ☐ Court Appointed Counsel Appeals Attorney _____ Email _____ ☐ Other _____	
Next Hearing Date _____			

Requestor's Signature: _____

(Typed name will serve as signature)

Date: January 23, 2024

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

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South Carolina Judicial Branch

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Requestor's Information			
Full Name Daniel J. Farnsworth, Jr.		Law Firm/Agency PETTUS FARNSWORTH, LLC	Phone Number 864-250-9119
Email Address Dan@FarnsworthLawOffices.com		Mailing Address 211 Pettigru Street Greenville, South Carolina 29601	
Is the requestor a party in the case? ☐ Yes ☒ No			
If no, does the requestor represent a party? ☒ Yes ☐ No If yes, name of party David Mitchell Padgett			
Transcript Information			
Docket Number 2022A2330210176	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) State of South Carolina v. David Mitchell Padgett		Circuit ☒ Family ☐
Date(s) of Proceeding September 29, 2023	County Greenville	Appeal pending ☐ Yes ☒ No	Death Penalty ☐ Yes ☒ No
Presiding Judge The Honorable Judge R. Lawton McIntosh.		Special Circumstances Is the hearing to be transcribed one of the following: ☐ Termination of parental rights ☐ Adoption ☐ Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Grace Moroney, gmoroney@greenvillecounty.org		Delivery Timeframe (check Rule 607 for current page rates) ☐ Quote ☐ Rough Draft ☒ Overnight delivery ☐ Daily delivery ☒ Expedited delivery (7 days) Due on/before: 1/26/24 ☐ Regular delivery (60 days)	
Court Reporter(s) Lisa Amick, lamick@sccourts.org	☐ WebEx ☐ DCRP	Delivery Method (additional fees may apply) ☒ PDF / Email ☐ Hard Copy/Priority Mail (\$50 + shipping) ☐ PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed ☒ Entire hearing ☐ Voir dire by juror ☐ Jury selection ☐ Plaintiff's opening statement ☐ Defendant's opening statement ☐ Plaintiff's closing arguments ☐ Defendant's closing arguments ☐ Entire direct examination ☐ Entire cross examination ☐ Entire redirect ☐ Examination of witness (W) by attorney (A) W: _____ A: _____ ☒ Ruling of the court		Responsible Payor ☒ Private / Self ☐ Court Appointed Counsel Appeals Attorney _____ Email _____ ☐ Other _____	
Next Hearing Date _____			

Requestor's Signature: _____

(Typed name will serve as signature)

Date: January 23, 2024

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Requestor's Information			
Full Name Daniel J. Farnsworth, Jr.		Law Firm/Agency PETTUS FARNSWORTH, LLC	Phone Number 864-250-9119
Email Address Dan@FarnsworthLawOffices.com		Mailing Address 211 Pettigru Street Greenville, South Carolina 29601	
Is the requestor a party in the case? ☐ Yes ☒ No If no, does the requestor represent a party? ☒ Yes ☐ No If yes, name of party David Mitchell Padgett			
Transcript Information			
Docket Number 2022A2330210176	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) State of South Carolina v. David Mitchell Padgett		Circuit ☒ Family ☐
Date(s) of Proceeding May 11, 2023	County Greenville	Appeal pending ☐ Yes ☒ No	Death Penalty ☐ Yes ☒ No
Presiding Judge The Honorable G.D. Morgan		Special Circumstances Is the hearing to be transcribed one of the following: ☐ Termination of parental rights ☐ Adoption ☐ Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Grace Moroney, gmoroney@greenvillecounty.org		Delivery Timeframe (check Rule 607 for current page rates) ☐ Quote ☐ Rough Draft ☒ Overnight delivery ☐ Daily delivery ☒ Expedited delivery (7 days) Due on/before: 1/26/24 ☐ Regular delivery (60 days)	
Court Reporter(s) [Redacted]	☐ WebEx ☐ DCRP	Delivery Method (additional fees may apply) ☒ PDF / Email ☐ Hard Copy/Priority Mail (\$50 + shipping) ☐ PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed ☒ Entire hearing ☐ Voir dire by juror ☐ Jury selection ☐ Plaintiff's opening statement ☐ Defendant's opening statement ☐ Plaintiff's closing arguments ☐ Defendant's closing arguments ☐ Entire direct examination ☐ Entire cross examination ☐ Entire redirect ☐ Examination of witness (W) by attorney (A) W: [Redacted] A: [Redacted] ☒ Ruling of the court		Responsible Payor ☒ Private / Self ☐ Court Appointed Counsel Appeals Attorney [Redacted] Email [Redacted] ☐ Other [Redacted]	
Next Hearing Date [Redacted]			

Requestor's Signature: [Signature]

(Typed name will serve as signature)

Date: January 23, 2024

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Full Name Daniel J. Farnsworth, Jr.		Law Firm/Agency PETTUS FARNSWORTH, LLC	Phone Number 864-250-9119
Email Address Dan@FarnsworthLawOffices.com		Mailing Address 211 Pettigru Street Greenville, South Carolina 29601	
Is the requestor a party in the case? ☐ Yes ☒ No			
If no, does the requestor represent a party? ☒ Yes ☐ No If yes, name of party David Mitchell Padgett			
Transcript Information			
Docket Number 2022A2330210176	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) State of South Carolina v. David Mitchell Padgett		Circuit ☒ Family ☐
Date(s) of Proceeding December 8, 2023	County Greenville	Appeal pending ☐ Yes ☒ No	Death Penalty ☐ Yes ☒ No
Presiding Judge The Honorable G.D. Morgan		Special Circumstances Is the hearing to be transcribed one of the following: ☐ Termination of parental rights ☐ Adoption ☐ Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Grace Moroney, gmoroney@greenvillecounty.org		Delivery Timeframe (check Rule 607 for current page rates) ☐ Quote ☐ Rough Draft ☒ Overnight delivery ☐ Daily delivery ☒ Expedited delivery (7 days) Due on/before: 1/26/24	
Court Reporter(s) [Redacted]	☐ WebEx ☐ DCRP	☐ Regular delivery (60 days)	
Portion of proceeding to be transcribed ☒ Entire hearing ☐ Voir dire by juror ☐ Jury selection ☐ Plaintiff's opening statement ☐ Defendant's opening statement ☐ Plaintiff's closing arguments ☐ Defendant's closing arguments ☐ Entire direct examination ☐ Entire cross examination ☐ Entire redirect ☐ Examination of witness (W) by attorney (A) W: [Redacted] A: [Redacted] ☒ Ruling of the court		Delivery Method (additional fees may apply) ☒ PDF / Email ☐ Hard Copy/Priority Mail (\$50 + shipping) ☐ PDF & Hard Copy/Priority Mail (\$50 + shipping)	
		Responsible Payor ☒ Private / Self ☐ Court Appointed Counsel Appeals Attorney [Redacted] Email [Redacted] ☐ Other [Redacted]	
Next Hearing Date [Redacted]			

Requestor's Signature: [Signature]

(Typed name will serve as signature)

Date: January 23, 2024

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Lauren Lipscomb <lauren@farnsworthlawoffices.com>

Transcript Request- David Mitchell Padgett

13 messages

Lauren Lipscomb <Lauren@farnsworthlawoffices.com>

Tue, Jan 23, 2024 at 4:50 PM

To: "Moroney, Grace" <GMoroney@greenvillecounty.org>, Dan Farnsworth <Dan@farnsworthlawoffices.com>, Transcripts <transcripts@sccourts.org>

Bcc: Nikki Tesnar <nikki@farnsworthlawoffices.com>, Bridgett Castrejon <bridgett@farnsworthlawoffices.com>, James Lucky <james@farnsworthlawoffices.com>

Dear Sir or Madam:

I hope this finds you well. Please find enclosed cover letter and four (4) transcript requests regarding our client, David Mitchell Padgett.

We are kindly requesting to have these records by Friday, January 26, 2024. We are requesting that these records be sent via email in lieu of mail to Daniel J. Farnsworth, Jr., at Dan@FarnsworthLawOffices.com. **Our firm will happily pay any expedited fees associated with this request.**

Please contact our office by phone (864) 250-9119, or at the email listed above, should you have any questions or concerns. Thank you for your assistance in this request.

With kind regards, I remain

Yours truly,

Lauren Lipscomb
Firm Manager and Litigation Paralegal to
Daniel J. Farnsworth, Jr.

--

Lauren Lipscomb
Firm Manager and Senior Paralegal to
Daniel J. Farnsworth, Jr.
Pettus | Farnsworth, LLC
211 Pettigru Street (29601)

Post Office Box 8719 (29604)
Greenville, South Carolina
Phone: (864) 250-9119
Fax: (864) 250-9120
Lauren@FarnsworthLawOffices.com

INJURY LAW and WRONGFUL DEATH
NURSING HOME ABUSE

CRIMINAL LAW and DUI DEFENSE
POLICE MISCONDUCT

EMPLOYMENT LAW
and BUSINESS LITIGATION

South Carolina Office:

Post Office Box 8719
Greenville, South Carolina 29601
864.250.9119

Virginia Office:

201 King Street
Keysville, Virginia 23947
434.736.8171

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5 attachments

 **20240123162630205.pdf**
429K

 **20240123162555071.pdf**
255K

 **20240123162655434.pdf**
428K

 **20240123162705607.pdf**
427K

 **20240123162639583.pdf**
434K

Transcripts <transcripts@sccourts.org>
To: Lauren Lipscomb <Lauren@farnsworthlawoffices.com>
Cc: Transcripts <transcripts@sccourts.org>

Tue, Jan 23, 2024 at 4:55 PM

Good afternoon,

Your requests are incomplete. Please submit docket numbers as soon as possible to process.

Thank you

Court Reporter Section

From: Lauren Lipscomb <Lauren@farnsworthlawoffices.com>

Sent: Tuesday, January 23, 2024 4:50 PM

To: Moroney, Grace <GMoroney@greenvillecounty.org>; Dan Farnsworth <Dan@farnsworthlawoffices.com>;
Transcripts <transcripts@sccourts.org>

Subject: Transcript Request- David Mitchell Padgett

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

[Quoted text hidden]

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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**Lauren Lipscomb** <[Lauren@farnsworthlawoffices.com](mailto:Lauren@farnsworthlawoffices.com)>

Tue, Jan 23, 2024 at 5:43 PM

To: Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

Cc: Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

I have re-attached the forms. Please advise

Thank you

Lauren

[Quoted text hidden]

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 **Padgett Amm.pdf**  
670K

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**Transcripts** <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

Wed, Jan 24, 2024 at 9:04 AM

To: Lauren Lipscomb <[Lauren@farnsworthlawoffices.com](mailto:Lauren@farnsworthlawoffices.com)>

Cc: Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

Good morning,

Your transcript request has been received by our office. You should receive communication from a transcriptionist within 5 days with an estimated cost for production.

Thank you.

[Quoted text hidden]

---

**Transcripts** <transcripts@sccourts.org>  
To: Lauren Lipscomb <Lauren@farnsworthlawoffices.com>

Wed, Jan 24, 2024 at 9:10 AM

Good morning,

We have searched for the hearing on May 11, 2023 and December 8, 2023 with Judge Morgan and your hearing is not on the recording. Could this hearing have taken place in front of another judge or on another date? Please let us know as soon as possible.

Thank you,

Court Reporter Section

---

**From:** Lauren Lipscomb <Lauren@farnsworthlawoffices.com>  
**Sent:** Tuesday, January 23, 2024 5:43 PM  
**To:** Transcripts <transcripts@sccourts.org>

[Quoted text hidden]

[Quoted text hidden]

---

**Lauren Lipscomb** <Lauren@farnsworthlawoffices.com>  
To: Transcripts <transcripts@sccourts.org>

Wed, Jan 24, 2024 at 9:19 AM

Possibly. Dan was not counsel for the hearing on May 11, 2023. Previous counsel indicated to me it was Judge Morgan.

12/8/23 Only Judges on that term were Honorable Gravely and the Honorable Kinlaw

5/11/23- Can you look at Judge Kinlaw?

Lauren

[Quoted text hidden]

---

**Jenkins, Hollie M.** <HJenkins@sccourts.org>  
To: Transcripts <transcripts@sccourts.org>, "Lauren@farnsworthlawoffices.com" <Lauren@farnsworthlawoffices.com>

Sun, Jan 28, 2024 at 7:57 PM

I have checked my records and daily log sheet for May 11, 2023, and I was not the court reporter assigned to Judge Morgan on this date.

Thank you.

**Hollie Jenkins**  
**Circuit Court Reporter**  
**Thirteenth Judicial Circuit**  
**P.O. Box 16506**  
**Greenville, SC 29606**

---

**From:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>  
**Sent:** Thursday, January 25, 2024 9:24 AM  
**To:** Jenkins, Hollie M. <[HJenkins@sccourts.org](mailto:HJenkins@sccourts.org)>  
**Cc:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>  
**Subject:** FW: Transcript Request- David Mitchell Padgett

Good morning,

Attached please find a transcript request for a hearing where you were the court reporters who captured the record. Please let me know if you will be able to produce the transcript.  
5/11/23

Thank you.  
Court Reporter Section

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**From:** Lauren Lipscomb <[Lauren@farnsworthlawoffices.com](mailto:Lauren@farnsworthlawoffices.com)>  
**Sent:** Tuesday, January 23, 2024 5:43 PM  
**To:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

[Quoted text hidden]

[Quoted text hidden]

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**Transcripts** <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>  
To: Lauren Lipscomb <[Lauren@farnsworthlawoffices.com](mailto:Lauren@farnsworthlawoffices.com)>  
Cc: Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

Wed, Jan 31, 2024 at 9:22 AM

Good morning,

I wanted to give you an update on your requested transcripts. As you know April Herron has reached out to you about the January 13<sup>th</sup> transcript. We are still waiting for her to confirm if she was the court reporter for the September 29<sup>th</sup> transcript request. The May 11<sup>th</sup> has been confirmed by Cheryl Smith and she has been in contact with you. The December 8<sup>th</sup> transcript has no recording. The judge that presided that day didn't need a court reporter so there is no recording. Please feel to update us on any changes to the September and December requests as soon as possible to process.

Thank you

Cordelia Coath

[Quoted text hidden]

---

**Lauren Lipscomb** <Lauren@farnsworthlawoffices.com>

Wed, Apr 10, 2024 at 3:57 PM

To: Transcripts &lt;transcripts@sccourts.org&gt;

Cc: Transcripts &lt;transcripts@sccourts.org&gt;

Good afternoon,

Upon checking my records, it appears I have not yet gotten a response to the transcript request for the September 29th hearing transcript that (may) have been reported by Lisa Amick.

Can you please follow up on this request and advise me as soon as possible? This request was made January 23, and we are currently working on an appeal, so on a very short deadline. I have re-attached the amended requests that were sent Jan 23.

Thank you and I look forward to hearing from you soon.

Best,

Lauren

[Quoted text hidden]

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Lauren O. Lipscomb

[Quoted text hidden]

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 **Padgett Amm.pdf**  
670K

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**Lauren Lipscomb** <Lauren@farnsworthlawoffices.com>

Thu, Apr 11, 2024 at 10:25 AM

To: Transcripts &lt;transcripts@sccourts.org&gt;

Cc: Transcripts &lt;transcripts@sccourts.org&gt;

Hi!

Pleasure speaking with you yesterday afternoon and again just now. Thanks again for your help on this, I appreciate it more than you know!

I am sending this in writing in case I need to show the Court of Appeals diligent effort on our part. I am so sorry to be difficult, this is just an urgent matter. This appeal has been filed, with our Initial Brief due May 1, 2024. I am waiting to hear back from you before formally advising the Court of Appeals of this transcript issue.

Have a wonderful day, Cordelia! Thanks again.

Best,

Lauren

[Quoted text hidden]

---

Jenkins, Hollie M. <HJenkins@sccourts.org>

Thu, Apr 11, 2024 at 7:43 PM

To: "Jacobs, Tabatha" <tjacobs@sccourts.org>, "Lauren@farnsworthlawoffices.com" <Lauren@farnsworthlawoffices.com>

Cc: Transcripts <transcripts@sccourts.org>

Ms. Lipscomb:

**RE: #2023-GS-23-04000, State of Carolina vs. David Mitchell Padgett  
(Date of Proceedings: September 29, 2023)**

I am in receipt of your e-mail dated April 10, 2024, requesting the above-referenced transcript. I have reviewed my records and estimate that the transcript will be 18 pages. Based upon the current page rate of \$4.25 per page, the cost will be \$76.50. **Under our rules, I have 60 days in which to complete the transcript.**

**Upon receipt of a check payable to Hollie Jenkins for \$76.50, the 60 days will begin.** If I have underestimated the number of pages, you will be notified prior to delivery of the transcript of the balance due. If I have overestimated the number of pages, you will be refunded the overpayment.

In the event I need an extension of time to complete the transcript, I will request an extension from Court Administration. You will be notified if the extension is granted.

In reference to your other transcript requests, I was not the court reporter assigned to:

Judge G. D. Morgan on December 8, 2023

Judge Alex Kinlaw, Jr. on January 13, 2023

Judge G.D. Morgan on May 11, 2023

Thank you.

**Hollie Jenkins**  
**Circuit Court Reporter**  
**Thirteenth Judicial Circuit**  
**P.O. Box 16506**  
**Greenville, SC 29606**

---

**From:** Jacobs, Tabatha <tjacobs@sccourts.org>

**Sent:** Thursday, April 11, 2024 10:26 AM

**To:** Jenkins, Hollie M. <HJenkins@sccourts.org>

**Cc:** Transcripts <transcripts@sccourts.org>

**Subject:** FW: Transcript Request- David Mitchell Padgett

Good morning Hollie,

Would you please respond to the Transcripts email regarding the information below as soon as possible please?

Respectfully,

Tabatha A. Jacobs

Court Reporter Supervisor

S.C. Judicial Branch

1220 Senate Street, Ste. 200

Columbia, SC 29201

[tjacobs@sccourts.org](mailto:tjacobs@sccourts.org)

(803)734-2239

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**From:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

**Sent:** Thursday, April 11, 2024 10:25 AM

**To:** Jacobs, Tabatha <[tjacobs@sccourts.org](mailto:tjacobs@sccourts.org)>

**Subject:** FW: Transcript Request- David Mitchell Padgett

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**From:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

**Sent:** Wednesday, April 10, 2024 4:46 PM

**To:** Jenkins, Hollie M. <[HJenkins@sccourts.org](mailto:HJenkins@sccourts.org)>

**Cc:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

**Subject:** FW: Transcript Request- David Mitchell Padgett

Good afternoon,

Attached please find a transcript request for a hearing where you were the court reporters who captured the record. Please let me know if you will be able to produce the transcript.

Thank you.

[Quoted text hidden]

---

**Lauren Lipscomb** <Lauren@farnsworthlawoffices.com>  
To: Rhapsody Cook <Rhapsody@farnsworthlawoffices.com>

Fri, Apr 12, 2024 at 9:43 AM

[Quoted text hidden]

---

**Lauren Lipscomb** <Lauren@farnsworthlawoffices.com>  
To: Rhapsody Cook <Rhapsody@farnsworthlawoffices.com>

Fri, Apr 12, 2024 at 11:58 AM

[Quoted text hidden]



**Padgett Amm.pdf**  
670K

STATE OF SOUTH CAROLINA                    )  
                                                  ) COURT OF GENERAL SESSIONS  
COUNTY OF GREENVILLE                    ) 2022A2330210176  
                                                  )  
                                                  )  
                                                  )  
THE STATE                                    )  
                                          PLAINTIFF)  
                          vs.                    ) TRANSCRIPT OF RECORD  
                                                  )  
DAVID M. PADGETT                            )  
                                          DEFENDANT)  

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January 13, 2023  
Greenville, South Carolina

B E F O R E:

THE HONORABLE ALEX KINLAW, JR., Judge.

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

GRACE MORONEY, ESQ.  
Attorney for the State

IVAN TONEY, ESQ.  
Attorney for the Defendant

APRIL HERRON  
Official Court Reporter

1                   There were no witnesses.

2                   There were no exhibits.

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5                   Certificate of Reporter . . . . .7

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1           THE COURT: All right, this is in the interest  
2 of David Mitchell Padgett. This is The Defendant's  
3 request for bond. Mr. Toney.

4           MR. TONEY: Your Honor, he's 56 years old, he  
5 has two houses in this area. His mother and his  
6 father live here. They're in their 80's. His mother  
7 has dementia, his dad is sort of unable to take care  
8 of her. He helps a lot. He does subcontracting  
9 work. He does mill work, cabinet work, plumbing  
10 work. He's very well thought about his employers.  
11 One of them is actually here today. They came down  
12 to just support him. He's very well thought of by  
13 his employer. And we think he should get a  
14 reasonable bond. He has substantial contact with the  
15 community, he's not going anywhere. He has real  
16 estate. He intends to fight all of this. And based  
17 on that, I think he should get a reasonable bond,  
18 sir.

19          THE COURT: Is there a pending motion to revoke  
20 bond?

21          MRS. MORONEY: There was, Your Honor. I've  
22 withdrawn that motion based on Mr. Toney's provided  
23 an affidavit of the person who owned the pills that  
24 were found on Mr. Padgett, in his prior offense. I  
25 will note for the record that he did still have a

1 open container of alcohol on that arrest, as well as  
2 a, you know, a crack pipe. You know, one of the  
3 glass pipes with the ball on the end that had residue  
4 in it. He's not violated any other provisions of his  
5 bond.

6 I think the allegations in this case kind of  
7 speak for themselves. He sold to a undercover agent  
8 with the DEU several times. Trafficking weight  
9 57-grams on one, 114 grams, 57 grams, again,  
10 114-grams, 118 grams on another one, approximately,  
11 112-grams; as well as the search warrant showing him  
12 to be in possession of three pounds of  
13 methamphetamine. All told these charges, if  
14 convicted, all of them he's facing 190 years in  
15 prison. It is an undercover officer that bought from  
16 him. So it's not an issue where we have a squirely  
17 CI who might, you know, end up going off the, you  
18 know, edge of the earth at some point. These are  
19 very prosecutable cases.

20 Mr. Padgett had -- Mr. Padgett had a -- you  
21 know, during this investigation the DEU looked into  
22 his past tax records. The Department of Revenue of  
23 South Carolina said that they have no record of him  
24 paying taxes in the past 10 years. So he is -- he is  
25 a drug dealer. He is a trafficker of

1           methamphetamine. I think that he presents a serious  
2           flight risk. If you're inclined to set a bond, we'd  
3           ask that it be a very high surety bond with all the,  
4           you know, intended conditions.

5           THE COURT: All right.

6           Anything else you want tell me, Mr. Toney?

7           MR. TONEY: His whole family is in this area, he  
8           takes care of them. The friends have come to support  
9           him. He's just got. . .

10          THE COURT: What kind of job was he working?

11          MR. TONEY: He was doing subcontracting work.  
12          One of his bosses is Joe Yankovich, he's here. And  
13          he was doing some mill work and cabinet work and  
14          plumbing for him. He is actually here today. And  
15          they also bought a house and flipped it and they were  
16          repairing that too.

17          THE COURT: All right. What I'm going to do,  
18          Mr. Toney, is I'm going to deny bond at this time.  
19          But I'll give you 90 days to come back if there is a  
20          change of circumstances, you can revisit the issue of  
21          bond. The Court considered whether or not he's a  
22          danger to the community and also considered whether  
23          or not he's a flight risk and The Court made that  
24          determination.

25          MR. TONEY: Thank you, Your Honor.

1                   MRS. MORONEY:  Thank you, Your Honor.

2                   THE COURT:  All right.

3                   (WHEREUPON, the proceedings were concluded.)

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA            )  
COUNTY OF GREENVILLE            )

I, APRIL P. HERRON, Official Court Reporter for  
the Thirteenth Judicial Circuit of the State of South  
Carolina, do hereby certify that the foregoing is a true,  
accurate and complete Transcript of Record of the  
proceedings had and evidence introduced in the trial of  
the captioned case, relative to appeal, in the Court of  
General Sessions for Greenville County, South Carolina, on  
the 13th day of January, 2023.

I do further certify that I am neither of kin,  
counsel nor interest to any party hereto.

March 3, 2024

April P. Herron

APRIL P. HERRON, Court Reporter

STATE OF SOUTH CAROLINA            ) COURT OF GENERAL SESSIONS  
                                          ) Warrant #2022A2330210176  
COUNTY OF GREENVILLE            )  
                                          )  
                                          )  
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                                          )  
STATE OF SOUTH CAROLINA,            )  
                                          ) PLAINTIFF,  
                                          )  
vs.                                        ) TRANSCRIPT OF RECORD  
                                          )  
DAVID MITCHELL PADGETT,            )  
                                          ) DEFENDANT.  
                                          )  
\_\_\_\_\_

May 11, 2023  
Greenville, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., JUDGE

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

GRACE BARRINGER MORONEY, ESQ.  
Attorney for the Plaintiff

ELIZABETH JENNINGS BYFORD, ESQ.  
Attorney for the Defendant

CHERYL A. SMITH  
Circuit Court Reporter

INDEX

(SW) - Denotes State's Witness  
(DW) - Denotes Defense Witness  
(IC) - Denotes In Camera

PAGE

There were no witnesses called.

EXHIBITS

| <u>NO</u> | <u>DESCRIPTION</u> | <u>ID</u> | <u>EVD</u> |
|-----------|--------------------|-----------|------------|
|-----------|--------------------|-----------|------------|

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 3:31 PM.)

THE COURT: All right. You are David Padgett?

DEFENDANT PADGETT: Yes, ma'am [sic].

THE COURT: All right. We've got a motion to reconsider denial of bond. I'll hear from you.

MS. BYFORD: Thank you, Your Honor. May it please the Court. Mr. Padgett has been a resident here in Greenville for 13 years, Your Honor. His family lives here. His father, George Padgett, is actually present in the courtroom today along with Joe Janovic [phonetic] who has worked with Mr. Padgett and is a very close friend of his. They've known each other for many, many years.

Your Honor, Mr. Padgett's girlfriend is also in the courtroom, Judge.

And I brought them all today to show that he has significant ties to this community. His parents are elderly. They are not in good health. If the Court were to consider letting him out on bond, which we certainly hope that you will, he's not going anywhere, Your Honor, because he has family here who needs him.

He worked with Joe additionally for many years. I understand at the previous bond hearing there may have been some information provided to the Court that Mr. Padgett made a living solely based on drug sales,

1 based on the charges he had, and I just wanted to bring  
2 Mr. Janovic here today to show that that is not true. He  
3 has worked construction for many years, Judge.

4 We would ask to consider -- the Court to consider  
5 setting a \$75,000 bond with GPS and house arrest. Don't  
6 believe he's a flight risk, Judge. He's not a danger to  
7 the community. And Mr. Padgett is a smart man, and he  
8 understands that were he to get out on bond, law  
9 enforcement is going to be watching him like a hawk.

10 He has a place to stay. He's got some work he can  
11 do. Judge, we feel like GPS with house arrest would solve  
12 any concerns the Court might have about him being either a  
13 flight risk or a danger to the community, and we would ask  
14 you to consider that.

15 THE COURT: What's the charges?

16 MS. MORONEY: His charges, Your Honor, are he is  
17 charged with five different counts of selling trafficking  
18 level weight to an undercover operative with the DEU and  
19 then a search warrant that resulted in a seizure of three  
20 pounds of methamphetamine from one of his houses here in  
21 Greenville. This is the result of a long-term DEU  
22 investigation with undercovers, as I said earlier. These  
23 are all captured on video, audio where he sold --  
24 Mr. Padgett sold directly to an operative with the DEU.

25 I have investigator John Garrett here from the DEU,

1 Sergeant Garrett. And he would like to address the Court  
2 about some of this.

3 This case was brought for bond in front of Judge  
4 Kinlaw who denied it outright. He said that you could  
5 come back with a change in circumstance. It is the  
6 State's position that there has been no change in  
7 circumstance. Mr. Toney did present all this information  
8 that he was employed, which I counter during that hearing  
9 with some discovery that we got from DEU that the  
10 Department of Revenue of South Carolina says that he has  
11 not filed a tax return stating income since 2017.

12 So if you have any questions for Sergeant Garrett, he  
13 can address some of the flight risk and the seriousness of  
14 the charges.

15 THE COURT: All right. Yes, sir. I'll hear from  
16 you.

17 SERGEANT GARRETT: Yes, sir. I'm the sergeant over  
18 one of the teams, and I've mandated my group to go out to  
19 mid and upper level. We feel like we've got an upper  
20 level of over the several months we were doing these  
21 undercover buys, we consistently saw panel weight  
22 quantities. During the deals, we were buying ounces. So  
23 we're confident the three panels that we got that day is  
24 just the tip of the iceberg.

25 We would be watching him like a hawk, but we have

1 several other investigations we're working on where we  
2 wouldn't have to circle back to that.

3 And we went ahead and subpoenaed his taxes just to  
4 see if that was his chief income. And he's not paying a  
5 revenue, so we'd only assume he'd do it again and we'd  
6 have to revisit it.

7 THE COURT: All right. What's the change of  
8 circumstances?

9 MS. BYFORD: Your Honor, it was my understanding in  
10 talking with my client that that was not presented.

11 As far as the taxes go, Judge, he was a 1099  
12 employee. He tells me he has an accountant working on  
13 that. He did struggle with some paperwork for a little  
14 bit, Judge. But, Your Honor -- and Mr. Janovic is here  
15 seated right over there. If the Court has questions for  
16 him, he can verify that he did contractor work with this  
17 man for a number of years.

18 Your Honor, additionally ---

19 THE COURT: Notwithstanding that, Judge Kinlaw denied  
20 the bond. What's the change of circumstances?

21 MS. BYFORD: Your Honor, Judge, Ivan Toney filed a  
22 motion to reconsider. It was not my understanding that it  
23 required a change in circumstance. It was just that Judge  
24 Kinlaw ---

25 THE COURT: But the law requires that, though,

1 doesn't it?

2 MS. BYFORD: Judge Kinlaw originally ordered that the  
3 bond could be refiled in 90 days with a change of  
4 circumstance. Then Ivan Toney filed a motion to  
5 reconsider Judge Kinlaw's original ruling.

6 THE COURT: That was filed back in January. Wanted a  
7 \$100,000 bond, right?

8 MS. BYFORD: I'm sorry?

9 THE COURT: That was filed in January wanting a -- he  
10 said the defendant respectfully requests ---

11 MS. BYFORD: \$100,000 bond.

12 THE COURT: --- \$100,000 bond.

13 MS. BYFORD: Yes. By Ivan Toney. Yes, sir.

14 THE COURT: All right. So -- but Judge Kinlaw gave  
15 you 90 days to come back with a change of circumstances.  
16 What is the change of circumstance?

17 MS. BYFORD: He did. And then Judge Kinlaw granted  
18 Ivan Toney's motion to reconsider that ruling. And that's  
19 what we're here today is to reconsider that original  
20 ruling. So I would respectfully submit to the Court that  
21 that original ruling is what we're reconsidering, so we're  
22 starting over and don't need a change in circumstance.

23 THE COURT: So the motion to reconsider is Judge  
24 Kinlaw's original ruling of what?

25 MS. BYFORD: That ---

1 THE COURT: No bond, correct?

2 MS. BYFORD: Of no bond, correct.

3 THE COURT: Okay. And so don't you think it still  
4 requires a change in circumstances from that original  
5 ruling from Judge Kinlaw?

6 MS. BYFORD: No, sir. I would -- I would argue that  
7 that original ruling is what we're reconsidering. So I  
8 would argue that it ---

9 THE COURT: Okay. Let's assume that is the case,  
10 which I think it is. What I'm hearing, though, still,  
11 does there not have to be a change of circumstances from  
12 Judge Kinlaw's original ruling denying him bond?

13 MS. BYFORD: You mean in order to reconsider his  
14 motion? I don't -- I think Judge Kinlaw said he could --  
15 it could just be reconsidered with whatever information we  
16 provided. That's how I understand that, Your Honor.

17 THE COURT: What does the State have?

18 MS. MORONEY: The order from Judge Kinlaw does say  
19 can refile in 90 days with a change in circumstance. And  
20 I -- you know, the State's position is that even when I  
21 received this motion from Mr. Toney, I was objecting to  
22 setting it for a hearing based on this is -- this was  
23 already presented at the original bond hearing. There was  
24 allegations that Mr. Padgett was working in construction.  
25 I don't believe they had Mr. Joe or whoever this was here.

1           But other than that, all the facts have remained the  
2 same. This man is in on no bond set by a magistrate. He  
3 was denied bond by a Circuit Court judge. Nothing has  
4 changed as far as, you know, the prosecutability of this  
5 case.

6           We have the undercover officers able to testify.  
7 This is five trafficking level distributions caught on  
8 video and three pounds of meth in the house. We have  
9 seized the house through forfeiture action through the  
10 other side of our office. And it is our belief that  
11 Mr. Padgett represents a strong flight risk and a danger  
12 to the community because of these activities.

13           We have served him with LWOP notice today. We will  
14 be seeking that at trial if he does not take his plea deal  
15 by November.

16           THE COURT: All right. Anything else?

17           MS. BYFORD: No, sir.

18           THE COURT: All right. Having heard the arguments of  
19 -- I understand where you're coming from, but I'm going to  
20 deny the motion at this time.

21           MS. BYFORD: Thank you, sir.

22           MS. MORONEY: Thank you.

23           THE COURT: Thank you.

24           (WHEREUPON, proceedings concluded at 3:39 PM.)  
25

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3 CERTIFICATE OF REPORTER

4 STATE OF SOUTH CAROLINA )

5 COUNTY OF GREENVILLE )  
6

7 I, CHERYL A. SMITH, Official Court Reporter for the  
8 Thirteenth Judicial Circuit of the State of South  
9 Carolina, do hereby certify that the foregoing is a true,  
10 accurate and complete Transcript of Record of the  
11 proceedings had and evidence introduced in the trial of  
12 the captioned case, relative to appeal, in the Court of  
13 General Sessions for Greenville County, South Carolina, on  
14 the 11th day of May, 2023.

15 I do further certify that I am neither of kin,  
16 counsel, nor interest to any party hereto.

17  
18 January 30, 2024  
19

20  
21 *Cheryl A. Smith*

22 Cheryl A. Smith, CVR-M

23 Court Reporter  
24  
25

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF GREENVILLE ) COURT OF GENERAL SESSIONS

3  
4 STATE OF SOUTH CAROLINA, ) TRANSCRIPT  
5 PLAINTIFF, ) OF  
6 VS. ) RECORD  
7 DAVID MITCHELL PADGETT, ) 2023-GS-23-4000  
8 DEFENDANT. )

9  
10 February 21<sup>st</sup> - 22<sup>nd</sup>, 2024  
11

12 B E F O R E:

13 THE HONORABLE R. SCOTT SPROUSE, Judge.  
14

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

16 GRACE MORONEY  
17 ASSISTANT SOLICITOR  
Attorney for the State

18 DANIEL J. FARNSWORTH, JR.  
19 ESQ.  
20 Attorney for the Defendant  
21  
22

23 Pamela E. Green  
24 Circuit Court Reporter  
25

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I N D E X

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P R O C E E D I N G S

THE COURT: I know I'm a minute or two early but do we have everyone here?

SOLICITOR MORONEY: I think so, Your Honor.

THE COURT: All right. What -- what's the name of this case?

SOLICITOR MORONEY: This is the State versus David Padgett.

THE COURT: And this is a trafficking charge? Well, more than a hundred grams but less than 200 grams.

SOLICITOR MORONEY: Correct, Your Honor.

THE COURT: Okay. All right. I had instructed the jury to be back at nine o'clock in the morning.

So, do y'all anticipate being able to do this case tomorrow, if we have to, spill over into Friday?

Is that enough time to try it?

SOLICITOR MORONEY: I do, Your Honor. The only scheduling consideration I would say from our side is that our drug analyst can not be here before 10:15. But I think that should be fine.

THE COURT: Okay. Mr. Farnsworth, do you --?

MR. FARNSWORTH: Your Honor, I don't believe we can and it's because of what -- discovery that we don't have

1 yet that I've been asking for for probably six months that  
2 I can -- the basis on my motions today.

3 You heard some of our motions that we're seeking some  
4 information a few weeks ago. This is different  
5 information or, or information that's, that's been asked.

6 As you'll remember, they said you're suppose to ask  
7 us at the Solicitor's Office to, to give you these things,  
8 which I had and I have again. And I think Your Honor  
9 found that the subpoena, the way I went about that  
10 subpoena, was sort of wrong. But I was just trying to get  
11 that information.

12 But no, Your Honor, in fact, and I can go through  
13 this now if you'd like---

14 THE COURT: well---

15 MR. FARNSWORTH: ---or if you --.

16 THE COURT: well, let's, let's just, just hold on to  
17 that thought.

18 So you -- so you, you don't believe the case can be  
19 tried in the time we have left?

20 MR. FARNSWORTH: I don't think I have access to  
21 everything I need to prepare to defend my client, Your  
22 Honor, and I can explain all this to you.

23 THE COURT: Okay. well, is this case on the docket?  
24 This isn't on the --.

25 MR. FARNSWORTH: It wasn't on the docket, judge. But

1 it didn't get reached back in January. I think the last  
2 week in January. And so it was placed on the March  
3 docket.

4 After that, Ms. Moroney asked if the chief judge  
5 would consider putting it at the end of both of these  
6 weeks, this week and next week, to try to get it next --  
7 reached. I think she's got a -- she was worried that if  
8 it didn't get reached in March, one of their witnesses has  
9 a -- will have to be -- on maternity leave after March or  
10 the very last day or two in March.

11 So, I agreed, fine, if you want to put it on there.  
12 But, still, I don't have what I need to---

13 THE COURT: All right.

14 MR. FARNSWORTH: ---to go forward.

15 THE COURT: And, Ms. Moroney, anything you -- else  
16 you want to tell me on that issue?

17 SOLICITOR MORONEY: Oh, about the scheduling, Your  
18 Honor?

19 THE COURT: Yes, ma'am.

20 SOLICITOR MORONEY: Oh, no, just to -- that's correct  
21 what he said about scheduling it. Judge, Judge Gravely  
22 agreed to add it to the end of this roster and next week's  
23 roster.

24 THE COURT: Okay.

25 SOLICITOR MORONEY: And this case was previously

1 before you on January 22<sup>nd</sup>---

2 THE COURT: And I, I---

3 SOLICITOR MORONEY: ---if you recall.

4 THE COURT: I remember that, that there were issues  
5 about the subpoena about employees of the Solicitor's  
6 Office.

7 Is, is that -- am I correct?

8 MR. FARNSWORTH: Well, and also, judge, there was  
9 also seeking records of anything that would be impeachment  
10 material for the two officers involved.

11 THE COURT: Okay. You're right.

12 Okay. Okay. All right. So, so what -- how many  
13 witnesses will the State have?

14 SOLICITOR MORONEY: The State has four witnesses,  
15 Your Honor, and one of them being the undercover officer.  
16 That's, that's all we have. There's -- should be a pretty  
17 short trial frankly.

18 Just for way of background cause that may touch on  
19 some issues that we're gonna bring up, this is a case that  
20 started as an undercover operation in the Summer of 2022.  
21 There are five charged buys with an undercover, where an  
22 undercover officer bought from Mr. Padgett, and then a  
23 search warrant that happened at the very tail end. That's  
24 when he was arrested in December of 2022. This is the  
25 September 28<sup>th</sup>, 2022, buy for a hundred grams of

1 methamphetamine.

2       So we intend to just strictly tailor our facts as, as  
3 presented to that buy. We are not planning to get into  
4 previous buys, which may come up depending on what they  
5 choose to do with their defense. But we are gonna keep it  
6 strictly tailored to that and make it kind of streamlined.

7       THE COURT: Okay. And, and, Mr. Farnsworth, what,  
8 what is it that you don't believe you have?

9       MR. FARNSWORTH: Well, Your Honor, one of the first  
10 things we get -- and I was a solicitor here at this  
11 office, you know, 28, 29 years ago and, and we have -- you  
12 know, whenever they have a buy on video, we get a copy of  
13 the video. The rules say give copies of the evidence.

14       Ms. Moroney hasn't given me copies of these videos  
15 since I got involved in June. I was the third -- I've  
16 been the third attorney for Mr. Padgett. I got involved  
17 in June, and to give you a little more background too --  
18 well, I can answer your questions first and then give you  
19 a little more background.

20       So, I was -- I told -- I was told I couldn't have  
21 these copies of videos because this is a U.C. case. It's  
22 an undercover officer rather than an, an informant, you  
23 know, a defendant or somebody. And I explained to Ms.  
24 Moroney, I said well, if the policy of the office, the  
25 solicitor's Office, can't, can't really -- can't, can't

1 violate my client's constitutional rights.

2 I mean I understand you have a -- and, and the case  
3 law looks at, at the -- protecting the C.I. or the  
4 undercover officer.

5 Here's the thing though, judge. Back in November,  
6 how many months ago is that?

7 Four months ago.

8 She went from -- and here's the background, judge.

9 When I got the discovery from her, when I got in on  
10 June, and it was on all five buys and the search warrant,  
11 the search warrant didn't have a signed return. There  
12 were some things missing.

13 Also, the majority of the, the, the Code 5s and the  
14 police reports were redacted. Some entire narratives  
15 where pages were gone. I mean it -- literally 70, 80  
16 percent of it, it was just -- it was redacted. It was, it  
17 was blank. I've never seen that at this office, which,  
18 again, I was a former drug prosecutor here too.

19 So, I asked her about it. I said can you please  
20 unredact that so I can see what you're claiming my client  
21 did. It's as if she thinks we say you're guilty. So,  
22 therefore, you're guilty even though they have the burden  
23 of proof, judge. So, I filed a motion.

24 Finally, November 2<sup>nd</sup> of last year, she sent me an  
25 unredacted copy, mostly unredacted, and I understand you,

1 you, you black out witnesses names and phone numbers. I  
2 understand that. But this is how things happened.

3       Okay. So she blacks that. She, she, she unredacts  
4 it, including several reports, three or four reports,  
5 showing the undercover officer's name on there back in  
6 November. So I said okay. Thanks for sending me that.  
7 Can you send me these videos and they said no, you can  
8 come to our office and watch them.

9       So I said okay. Came to the office to watch them.  
10 She was on maternity leave and had someone else sit in  
11 with me and they told me, once I showed up, I don't have a  
12 lot of time this afternoon. So, we'll, we'll just flip,  
13 flip through to the 15, 20 seconds of each actual buy to  
14 show you that and I was like well, I want to see them all.  
15 So, I watched those little things.

16       One of the things I heard during that was this  
17 undercover officer actually starts begging Mr. Padgett to  
18 keep selling him drugs. Mr. Padgett says I, I want to get  
19 out of this mess. This is just a mess. I want to get out  
20 of it and he said please don't. I got to, I got to use  
21 this, what you're giving me, to resell it and pay my child  
22 support in Tennessee. Kept on, kept on, which I thought  
23 was hugely inappropriate for a police officer to do, to  
24 encourage someone that, that, you know, buying from to,  
25 to, to keep breaking the law.

1        So, so that perked my ears up. That's a red flag. I  
2 said wow, is there anything else inappropriate that's said  
3 in these videos that might approach entrapment or  
4 something else even, even, even closer.

5        So I asked for the videos again. I'm told no, you  
6 can come watch them at, at my office.

7        Well, judge, I don't think I'm required to prepare my  
8 case at the Solicitor's Office. I've already been up  
9 there once and was told they didn't have time for me to  
10 see them but for a few seconds of each one. But these are  
11 hours of videos. These are six -- five buys I guess,  
12 search warrant.

13        So, November 2<sup>nd</sup>, after I've been asking since  
14 June, just because I had a hearing set to be heard, I get  
15 an unredacted copy, correct. Still unable to get the  
16 videos, copy of the videos for me to prepare and go over  
17 and stop and fast forward and pause and everything I need  
18 to do. And mind you, judge, the, the offer -- the initial  
19 offer to the first lawyer was 18 years out of a, you know,  
20 a 25 on, on the max he was looking at -- the minimum he's  
21 looking at.

22        And so, as late as November 2<sup>nd</sup> when I got these,  
23 her -- I kept asking Ms. Moroney, can you please extend  
24 this plea deadline so I can look at everything now that  
25 you've uncovered it and these videos I want to see. And

1 while we're doing that, I need to know whether it's --  
2 since this officer has, has, has said something and I  
3 think it crosses the line of inappropriate and encouraging  
4 him to keep selling and next time and bring double the  
5 amount the next time is what he said, which he did, so  
6 they arrested him for that.

7       So, so, judge, I asked her to extend the plea  
8 deadline. I said just give me till, you know,  
9 December 15, 30 more days. So she said no. No, your plea  
10 deadline is still like it was. I'm not gonna -- I'm not  
11 gonna extend it.

12       So, then, the day before -- the day after the plea  
13 deadline, she, in fact, gives me a search warrant that I  
14 pointed out I don't have a search warrant return signed on  
15 this one. Oh, I think it's there somewhere. So, I get it  
16 the day after the plea deadline, November 16<sup>th</sup>.

17       Then she says oh, he can have till the end of the  
18 week to plead, the 17<sup>th</sup>. Then I also get -- I still don't  
19 have a, a search warrant return for the second search  
20 warrant. They're two different houses where this stuff  
21 happened.

22       So, I get it yesterday, judge, February 20<sup>th</sup>. I  
23 get -- I get it yesterday. I'm still getting things I've  
24 been asking for. It's the day before trial and the trial  
25 was called last month in, in January. Same things.

1       The, the things I need, judge, I, I think I'm  
2 entitled to -- the rule says I get copies of evidence. I  
3 even suggested a couple months ago do a stipulation to  
4 where, you know, I keep it. Don't give it to -- you know,  
5 don't even show it to my client. I can just describe it  
6 to him.

7       I need this to prepare cause I've already seen  
8 something I think's inappropriate that I think a jury  
9 would consider, if not mitigating, maybe better with a law  
10 enforcement officer encouraging this guy to, to, to keep  
11 selling drugs when he's, when he's talking about wanting  
12 to get out of this whole mess.

13       Okay. So, the recordings, again, they're five buys  
14 and then there's a search warrant recording.

15       Also what I asked for more recently was can I -- let  
16 me get the recorded phonecalls of their first talks, their  
17 discussions, their phonecalls. I think I'm entitled to  
18 that. Have talks with this undercover officer and my  
19 client.

20       Did he convince him from the beginning to do it?

21       You know, did, did he say anything else  
22 inappropriate?

23       I think that's -- all goes to my defense and, and,  
24 and mitigation as, as well as, again, approaching an  
25 entrapment defense and I was only given the call for this

1 one, September 28<sup>th</sup> buy. That's it. Not the initial  
2 ones. Not the initial hey, how you doing, getting  
3 introduced by this other guy who's in trouble. Of course,  
4 his charges are dismissed.

5 So, recorded calls that I've, again, only been given  
6 one. That's all they said they'd give me.

7 Let me go back to the stipulation. So, so, more  
8 recently, I think it was the week of trial with Your Honor  
9 back when we didn't get to this and you graciously  
10 continued the case cause I had some family medical issues  
11 going on.

12 And so then she sends me -- Grace sends me a  
13 stipulation. I said well, it -- how about we do the  
14 stipulations. That's what I suggested months ago. But  
15 it, it was so strict, judge -- she called it her standard  
16 thing. But it said can't use this for any other reason.  
17 You got to return it after the case is over and I have now  
18 with, with this, I'm gonna call it entrapment evidence,  
19 maybe I have a civil issue here.

20 And so I told Grace, I said, look, if you'll change  
21 this, this, and this, I'll sign it. But I can't give up a  
22 right to my client's civil -- possible civil liability by  
23 law enforcement -- against law enforcement, which I do  
24 quite a bit of, police cases, to just get the discovery  
25 that I'm entitled to. So there was no more response to

1 that.

2 So, so I've got no response as to whether those will  
3 be -- the stipulation would be adjusted and, and, you  
4 know, make an exception to where I'm not waiving my  
5 client's civil rights under 1983 or something.

6 The third thing, judge, is what we've talked to  
7 several times about is, after seeing what this officer  
8 told my client on -- and begged him to keep selling drugs  
9 on the tape, I'm concerned with what might -- with me, me,  
10 any, any, any witness really, concerned on with,  
11 especially governmental witness, concerned with what might  
12 be in their history that I need to know about that could  
13 be impeachment. So I asked for that and Grace says  
14 there's none of that.

15 So I asked her, I think yesterday, have you actually  
16 seen the files, Grace, the personnel files that I've tried  
17 to subpoena in front of Your Honor and then requested  
18 through Giglio and Brady basises (sic) and grounds for her  
19 and she said no, I haven't seen them. She said the  
20 officers told us there were none.

21 So, I'm suppose to take the officer's word that  
22 there's nothing there impeachable in their history, their  
23 employment history, previous employer, any of that stuff  
24 I'm entitled to, judge, we're going to see and these are  
25 the main witnesses against my client.

1       So, the personnel file records, anything, any  
2 disciplinary of -- the same kind of things we would do  
3 with, with -- in any kind of trial we've got whether it's  
4 a government witness or not. Those have been refused.

5       Actually, you know what, judge?

6       I'll, I'll correct myself.

7       Several weeks back the Solicitor's Office, I'm not  
8 sure if it was Grace or, or maybe Kyle Thompson who's been  
9 assisting with this too, he -- they suggested to Judge  
10 Gravely hey, why don't we do an in camera -- let's do an  
11 in camera review of these two personnel files just to make  
12 sure there's nothing there, which I said great. That --  
13 that's fine.

14       There's never been any discussion, never been done  
15 again, and she's saying there's no discovery issues and  
16 I'm not entitled to it when she's offering to do it.

17       Judge, there's been, I hope they're mistakes but  
18 there's been misleading statements made to the Court this  
19 entire time that I just want to paint this whole picture  
20 to you. I'm not sure why I'm getting all this resistance  
21 and this is really odd for me to, to, to get these kind of  
22 things.

23       I understand if they want to play hard ball and want  
24 18 out -- 20 years or 25 years. But give me a -- make it  
25 fair. Let me review everything.

1        So I wasn't given discovery. For months it was  
2        blacked out for the most part. Anything important, dates,  
3        dates, amounts of drugs, weights of drugs, all kinds of  
4        stuff, judge, on five buys in a search warrant.

5        So I get that. Evidently, at the first bond hearing,  
6        they come in and argue that he's a career -- he's never,  
7        never made bond, judge. He got arrested December of a  
8        year ago.

9        They said he wasn't working. He's a career drug  
10       dealer. Their own reports say he's working. Every time  
11       he goes to buy he's working on this house. He's trying to  
12       rebuild this, you know, re -- remodel a house and he has a  
13       work history as a plumber and all kinds of stuff, judge.

14       So they mislead the -- I don't know if it was Your  
15       Honor. But they mislead the first judge. So they get no  
16       bond for him.

17       The second bond hearing comes up and they serve him  
18       with an LWOP, judge, and say, if you don't take the 18  
19       years, we're gonna go for LWOP for you. He doesn't even  
20       qualify for LWOP. His record doesn't even support it,  
21       judge.

22       So that's the first thing I look and find it. The  
23       LWOP notice itself not only had the same warrant numbers,  
24       case numbers, which can't mean two priors, but it --  
25       looking at the -- it's the statutes, you know, and those,

1 those -- what, what counts for an LWOP, you know, is a  
2 little bit restrictive.

3 And so the day that I sat down with this other  
4 assistant solicitor to watch 15 seconds of each of these  
5 videos, that solicitor said yeah, you're right. There's,  
6 there's no -- there's no LWOP. That's just not valid.  
7 We'll, we'll withdraw that.

8 Meanwhile, they've presented that in front of the  
9 second judge to deny bond again.

10 Okay. So, there's twice we've had bond hearings  
11 where there's been material misstatements about my client  
12 intending to keep him from getting bond.

13 The third bond hearing he was denied and basically  
14 they're said this is a duplicate, judge. This is the  
15 third time he's had a bond hearing, and, you know, we, we,  
16 we got told no again.

17 But I just want to show the -- show the Court what  
18 I've been dealing with here and it shocks me. I'm not  
19 sure why. I really don't understand some new policy maybe  
20 or some, some new policy of Solicitor Wilkins. I'm not  
21 sure. But I've been doing this for 30 years, a lot longer  
22 than judge -- that what -- Solicitor Wilkins has and I've  
23 never seen this happen.

24 So here I am. The trial's getting ready to be called  
25 tomorrow. The trial's already been called, you know,

1 early January, a month ago, and I still don't have what  
2 I'm entitled to. Their response is you come to my office  
3 and watch it.

4 I don't think the rules require me, judge, to go  
5 prepare my case on something they're seeking the max of 25  
6 years of, of, of on each one go prepare in her office.  
7 And I'll tell you, judge, the only cases I've seen, I've  
8 read through a bunch of them, that allow the solicitors to  
9 be a little more restrictive in giving out videos and  
10 evidence with an undercover officer because they're trying  
11 to protect his identity.

12 Judge, she gave me his identity on November 2<sup>nd</sup> when  
13 she unredacted, I guess mistakenly, three or four reports  
14 with all officer's names in there. So, there's no,  
15 there's no threat of -- or, or danger for, for this  
16 officer. Everybody's known who he was since, since  
17 November and I'm still getting this resistance, judge,  
18 which I think not only does it, does it put me in a  
19 position of, of, of, of ineffective assistance of counsel,  
20 if he gets convicted, and I'm, and I'm not even be able to  
21 explain why I couldn't look at discovery.

22 Okay. And, and, again, I don't think there's any  
23 rule in, in, in any state in America that says I've got to  
24 go prepare my case and spend hours at their office  
25 stopping a video, looking at a video, having them look

1 over my shoulder, I'm writing notes, whatever I stop is  
2 important, they're gonna see it. I mean I, I shouldn't  
3 have to do that, judge.

4 THE COURT: When, when did you go to look at the, the  
5 video?

6 MR. FARNSWORTH: Oh, that was back in, I think, early  
7 November. Maybe in the -- early November.

8 THE COURT: And did you seek Court intervention when  
9 you weren't allowed to watch---

10 MR. FARNSWORTH: I did, judge. I, I set -- scheduled  
11 several motions.

12 One -- well, the first motion I scheduled was to  
13 unredact, which didn't get held because, a few days before  
14 the motion, she actually sent me the redaction --  
15 unredacted copy.

16 I've been asking her for these, judge, since then.  
17 We had a hearing set again in December. I think it was  
18 the week of Christmas and then I was up here for a while  
19 and we tried to discuss it, work it out. It didn't work  
20 out. I had something come up where I had to just  
21 reschedule that.

22 So that, again, motion to compel discovery had been  
23 pending since then. So, you know, again, judge, I just  
24 got another search warrant returned yesterday sent to me.

25 THE COURT: Okay. Let me hear---

1 MR. FARNSWORTH: But just, you know, I don't have  
2 these things that I need. This is serious. This is not  
3 just a misdemeanor or something like time served or  
4 something.

5 THE COURT: Again, so you want to see the complete  
6 video on all five buys?

7 MR. FARNSWORTH: Yeah, which is -- which we used to  
8 always get.

9 THE COURT: Okay.

10 MR. FARNSWORTH: I have a whole box---

11 THE COURT: And---

12 MR. FARNSWORTH: ---of them.

13 THE COURT: And you want to see -- and you want to be  
14 able to listen to any telephone recordings between the  
15 officer and your client?

16 MR. FARNSWORTH: Yes, sir.

17 Now, and, again, the video I've seen and I want  
18 copies so I can work at my house, at my home where I do my  
19 work and, and prepare my cases to do this.

20 THE COURT: Okay.

21 MR. FARNSWORTH: And I don't mind a stipulation  
22 the -- that's, that's reasonable, judge. But I can't sign  
23 one that says I'm, I'm waiving any, any use of this in any  
24 other matter as a -- as, you know -- and then what if I  
25 see other things in there that are consistent with the,

1 with the, with the entrapment or the entrapment like  
2 language that, that I did see in here.

3       You know, I do enough federal and state police cases  
4 where I know I'm not gonna do that. I'm not gonna waive  
5 his rights to a -- to possible civil liability against  
6 the -- law enforcement just, you know, to get these. I  
7 don't think I'm required to.

8       THE COURT: All right. Ms. Moroney, any response?

9       SOLICITOR MORONEY: Your Honor, I -- you know, I'm  
10 not really sure where to start with this.

11       Let me just start with initially the videos issue.  
12 Mr. Farnsworth did request to see the undercover buys in  
13 this case and I set that up while I was out on maternity  
14 leave. As he mentioned, that's correct. I was not able  
15 to be there at the office with him.

16       That took place on September 20<sup>th</sup> of 2023, well  
17 before the November deadline of the plea offer being  
18 expired. He sat with Mr. Moroney in our office and even  
19 solicitor Wilkins was in there at times. I heard, you  
20 know, kind of chatting with Dan, and chatting with Mr.  
21 Moroney about the case and how strong this case is, and  
22 there's your guy selling the meth, you know. This is a  
23 good deal. You know, check it out.

24       He had his opportunity to see those videos that time.  
25 It is, it is my understanding, from speaking with Mr.

1 Moroney, that it is incorrect to say that he was somehow  
2 rushed out of the office about this.

3 I then -- you know, Your Honor, I have -- I went  
4 through meticulously my emails and wanted to make sure  
5 that I had all of this ready for Your Honor to consider.

6 I have offered for Mr. Farnsworth to come see the  
7 videos nine times in writing. Seven of those times was  
8 after the September 20<sup>th</sup> date where he did come and view  
9 the videos and none of them were responded to except to  
10 get the response of I don't have to prepare my case in  
11 your office.

12 Well, Mr. Farnsworth, he's worked in our office. He  
13 knows that we have a duty to protect some of this  
14 undercover information. We have case law that supports  
15 that. You're not entitled to every single identifying  
16 aspect of undercover and C.I. operations and it was made,  
17 in fact, made available under Rule 5 to Mr. Farnsworth.

18 I've released screen shots that show Mr. Padgett with  
19 a, with a crystal -- of crystal meth from this buy, you  
20 know, taking it with his face in the screen from the  
21 undercover video that clearly identifies him.

22 I've got case law from Hyman v. State and Hines v.  
23 State that both support that that is not -- that is, that  
24 is complying with Rule 5. It's been provided. It's been  
25 made available. He does not have a absolute right to a

1 copy of it.

2 Even so, Your Honor, this, this charge -- this buy  
3 with the video and the audio recordings has been released.  
4 It was released 72 hours before we appeared in front of  
5 Your Honor in January through PCMS, through our, our  
6 typical electronic discovery system.

7 So he has it. He has -- he can watch it as many  
8 times as he wants. This is the only case that's on trial.  
9 And then, after the fact, after I think the second trial  
10 term, I'd have to go back and check my records, but I did  
11 offer to him that, you know, you, you already have the one  
12 buy. Here's -- we'll offer you all of the buys and all of  
13 the recordings. Just sign this stipulation. It's a  
14 standard stipulation that we use. He refused.

15 Mr. Farnsworth keeps moving the goalposts of what he  
16 wants. I have complied with discovery in this case. I've  
17 complied with Brady and Giglio and that can take me into  
18 the next thing about, you know, he's asked for these two  
19 personnel records.

20 I sent an email to Mr. Fant earlier that we have both  
21 the city attorney from Greenville and the command staff  
22 from Greer P.D. ready to go if Your Honor does wish to  
23 view those in camera, the personnel records of Zach Moore  
24 and Chris Montgomery.

25 You know, it's our, it's our position on that that,

1 you know, they're not ours to give. And if we ask, as I  
2 have in my pretrial discussions with my officers, you  
3 know, is there anything Giglio, have you ever been caught  
4 lying, have you ever been accused of lying, anything like  
5 that, is there anything Brady in explaining to them going  
6 back and forth about what might apply in that situation,  
7 both of them told me no, and as an officer of the Court, I  
8 told him there's nothing in that file.

9 So, I see that as a fishing expedition. If Your  
10 Honor does want to view them in camera, I think that --  
11 you know, that wouldn't take very long. I don't think we  
12 need to continue this case based on that.

13 So, those are available if Your Honor wants them---

14 THE COURT: Do you have them---

15 SOLICITOR MORONEY: ---to be brought over.

16 THE COURT: Do you have the record's custodian here  
17 or --?

18 SOLICITOR MORONEY: No, they're both on standby at  
19 their respective offices that they can come here with them  
20 if you choose to do that because there -- they're their  
21 files. I, I don't have a right---

22 THE COURT: All right.

23 SOLICITOR MORONEY: ---to have them.

24 THE COURT: well, tell them to come in. I'll, I'll  
25 review both files in camera.

1 SOLICITOR MORONEY: Okay. Great. We can do that.  
2 That is no problem.

3 The final thing -- well, let's see. So that's that  
4 one.

5 Oh, and then, finally, Your Honor, I mean he -- he's  
6 basically just admitted that he was aware of who the U.C.  
7 was on November 2<sup>nd</sup>. So, you know, he had all the  
8 information that he now seeks on November -- as early as  
9 November 2<sup>nd</sup>.

10 The redactions in this case, what happens with the  
11 D.E.U. file is that usually they get redacted by the  
12 officer or, in concert with our office, we do redactions.  
13 In this case, as he -- he's done a lot of work on this  
14 case. He is very astute, very good lawyer.

15 He noticed immediately that we accidentally didn't  
16 redact the U.C.'s name. So it's always actually been  
17 unredacted, and, in fact, the part that was redacted would  
18 signify to anyone who's looking at it that this is the  
19 U.C.

20 So, that's my mistake. It's been remedied at this  
21 point. He has all of the information that he needs in  
22 full -- in order to defend this case.

23 We can move onto the entrapment issue if Your Honor  
24 believes that it's necessary.

25 THE COURT: well, well, before we do -- let me ask

1 you this.

2 You, you, you say that you transferred the video  
3 pertaining to this indictment---

4 SOLICITOR MORONEY: Yes.

5 THE COURT: ---to Mr. Farnsworth in November.

6 Is that correct?

7 SOLICITOR MORONEY: Sorry. No. Sept -- that was 72  
8 hours before the January 22<sup>nd</sup> trial date.

9 THE COURT: So in January.

10 SOLICITOR MORONEY: But I have, I have offered him to  
11 view the videos and come to our office seven times after  
12 he had viewed it already with no response or a response  
13 about how he doesn't want to prepare the case and, and the  
14 State's position is that we have made it available based  
15 on that.

16 I have -- I cleared my schedule. I said anytime you  
17 want to come and view them again at your leisure as, as  
18 long as you like. I just did the math on it. In total,  
19 for five buys, it's an hour and 40 minutes of video.

20 THE COURT: Okay. All right.

21 MR. FARNSWORTH: Judge, I do have a couple factual  
22 things to clear up---

23 THE COURT: All right.

24 MR. FARNSWORTH: ---as part of that.

25 THE COURT: Any response---

1 MR. FARNSWORTH: I think Grace is -- and  
2 supposedly -- and I -- my information was the one video  
3 for this buy that's on trial tomorrow that was given was  
4 still redacted some. I think she described it as we did  
5 some redacting and all. But here -- here's, here's your  
6 redacted copy.

7 THE COURT: How long is the one you got?

8 MR. FARNSWORTH: Well, it's -- you know, it's  
9 evidently not everything. I, I don't remember the exact  
10 minutes on it, judge. The --.

11 THE COURT: Well, hold on.

12 Let me talk -- what did you re -- is it---

13 SOLICITOR MORONEY: I'm sorry, Your Honor. I  
14 didn't---

15 THE COURT: Is it---

16 SOLICITOR MORONEY: I didn't hear---

17 THE COURT: ---a redacted video you sent in January?

18 SOLICITOR MORONEY: No.

19 MR. FARNSWORTH: It's not redacted---

20 SOLICITOR MORONEY: It's unredacted.

21 MR. FARNSWORTH: ---in any, any---

22 SOLICITOR MORONEY: No.

23 MR. FARNSWORTH: Okay. Cause I think that was  
24 described in an email to me. But maybe I have---

25 THE COURT: So the -- and, and I want to make sure I

1 understand.

2 So the one that you're seeking to proceed on, you  
3 have given him the complete video?

4 SOLICITOR MORONEY: The full copy of everything, yes.

5 THE COURT: Okay.

6 All right. Go ahead, Mr. Farnsworth.

7 MR. FARNSWORTH: So, so the important thing to have  
8 the others, judge.

9 First of all, I'm defending all these cases.  
10 They're, they're picking -- they, they picked, after six  
11 months of defending him and trying to get discovery and  
12 all that, they chose which one they wanted to try first,  
13 which, you know, was on the docket first in January. I  
14 guess a month ago.

15 But when I did go in to see, judge, and I was told I  
16 don't have much time, and that's why they flipped through,  
17 the other assistant solicitor flipped through these  
18 things, and I did stay there probable 30, 45 minutes or  
19 so. But it wasn't as long as I needed to to see  
20 everything. I thought I could get copies of them.

21 Judge, I don't think there's anything -- the only  
22 thing that would, would -- if, if I was a judge in this,  
23 the only thing I'd be concerned with is not giving these,  
24 these videos or, or the, the -- they're two things here.

25 The videos, if you've ever seen these and defended

1 these cases as a prosecutor, judge, they never show who  
2 the buyer is, who the undercover person is. If there's a  
3 camera on his belt or lapel or somewhere and it's showing  
4 my guy and everything else in the room, you never know.

5 Now, you hear his voice, which you always do. But  
6 remember back in November we were, we were -- his identity  
7 was revealed. No one's gone after him. No one's trying  
8 to do anything.

9 You know, we, we -- I need more than his identity. I  
10 need to know what else he said. Thank goodness I caught  
11 the little bit of thing I caught on there when he's con --  
12 trying to convince him and coercing him into keep selling,  
13 bring me double next time, next week, which I think is a  
14 huge issue. I think they're jurors that would look at  
15 that and go that's ridiculous. That's dirty. That's  
16 wrong and, and, and, and we get the benefit of that.

17 So that's one of the main reasons I want to see the  
18 rest of it, the rest of it to see if there's anything else  
19 in there that's all -- that's said which crosses a line,  
20 that, that reaches closer to an entrapment defense or  
21 something, judge. I mean I think I'm entitled to this no  
22 matter what particularly when I hear, when I hear these,  
23 you know, these statements made.

24 So that's what I'm asking for, judge, and that's what  
25 I think I'm entitled to. Just because the solicitor has

1 come up with some new policy, cause it wasn't a policy  
2 when I was there -- when I was there it was an open file  
3 policy. Sure there's risks to a C.I. or even an officer  
4 that's going into there. There's certain risks you've got  
5 if you -- if you're gonna try to put a man in jail for 25  
6 years for selling things that are, that are prescribed  
7 everyday or the, or the substantial similar things that  
8 are prescribed everyday, judge.

9       So, I, you know, when, when Grace says I know the  
10 identity, that's, that's, that's not even half the ball  
11 game, judge. I, I need to know what else this person has  
12 said similar to what I've, I've already seen him say, this  
13 undercover officer, that would go to mitigate this case or  
14 go to show that he's crossing the line, which it appears  
15 to me he is, you know. And, and for them to say he's --  
16 we've made it available by sending you screen shots, that  
17 doesn't give me what's said and we already know something  
18 was said---

19       THE COURT: well, now wait a minute. She said she  
20 sent you the whole video.

21       MR. FARNSWORTH: Just on the one buy, judge. But  
22 the, the other five buys in the search warrant when they  
23 go in there and, and arrest him and tackle him and all  
24 that stuff, that's, that's what I need. I need to know---

25       THE COURT: What---

1 MR. FARNSWORTH: ---if there's any---

2 THE COURT: What is it that y'all want him to sign to  
3 get the other video?

4 SOLICITOR MORONEY: It's a standard stipulation that  
5 says that's it's just gonna be viewed by his experts, his,  
6 you know, his office staff, people like that, and that  
7 it's not going to be used for any other purpose than the  
8 preparation of the defense of this case, that it won't  
9 be -- you know, the, the concern there is, is having a  
10 video and then showing it to other defendants or showing  
11 it to other people and, you know, news media, putting it  
12 in complaints for civil actions. That is not -- that's  
13 not proper.

14 I mean this is -- these are videos that he's entitled  
15 to for defense of this case under the case law that I have  
16 here. You know, it's, it's just the ones that we are not  
17 trying, we don't want to just hand those over cart  
18 blanche, that do show the undercover officer's face in  
19 some of them.

20 THE COURT: But the undercover's identity y'all --  
21 had already been revealed---

22 SOLICITOR MORONEY: Yes, we---

23 THE COURT: ---back in November inadvertently.

24 SOLICITOR MORONEY: We would like to continue using  
25 him. So, a video of him being, you know, passed around or

1 put into some sort of filing, you know, on a public index  
2 is a concern of ours.

3 THE COURT: Well, let me, let me ask you this.

4 Mr., Mr. Farnsworth also mentioned telephone  
5 recording.

6 Are there any telephone recordings that have not been  
7 made part of discovery?

8 SOLICITOR MORONEY: No, not to my knowledge. No.

9 THE COURT: Okay.

10 SOLICITOR MORONEY: Those, those are the ones -- so  
11 each, each buy has a file with the media. And if there's  
12 a phone recording, it is in there waiting to be released  
13 if he signs the stipulation.

14 THE COURT: I see.

15 So, have you given -- on the case that you're seeking  
16 to proceed on him, have you given him everything that you  
17 have that's covered in the Rule 5 under---

18 SOLICITOR MORONEY: Absolutely everything, Your  
19 Honor.

20 THE COURT: ---Brady?

21 All right. What -- all right, Mr. Farnsworth.

22 MR. FARNSWORTH: Yes, Your Honor.

23 And, and so these other videos, the same two people  
24 involved, especially since I've seen some things now  
25 that -- that's, that's caused some red flags, I'm entitled

1 to that, judge.

2 what she -- what she's I think confusing or maybe  
3 it's not, maybe purposely not confusing, is I know there's  
4 a rule -- there's always been a rule that you don't give  
5 the C.I.'s, the solicitor, like I used to be, you don't  
6 give the C.I.'s identity so I can check his background,  
7 his, his criminal history, any of that stuff, until 72  
8 hours before trial starts. That's identity.

9 That's not the videos, the evidence they're gon'  
10 present, judge. That's not what -- the same thing and  
11 he's never had -- if, if there's a situation -- if there's  
12 any on this -- these five videos where his face is  
13 showing, they're welcome to black, to black it out, fuzzy  
14 it up, or whatever. But I got to hear his voice. I got  
15 to hear what he's telling this guy.

16 And, and what, what Grace also seen, judge, and,  
17 again, it may be a mistake or not, she keeps saying  
18 there's none of this available and she hadn't even looked.  
19 She, she asked about Giglio and any problems, any  
20 complaints, any disciplinary actions on these two  
21 officers, yet she asked them, judge. They're not officers  
22 of the Court.

23 THE COURT: well, I'm, I'm gon' look at those files.

24 MR. FARNSWORTH: Yes. So---

25 THE COURT: I'm gonna have her bring them.

1 MR. FARNSWORTH: But it's the same thing with this.

2 She claims these videos might show a face. If it do  
3 show a face, you're gonna, your -- first of all, I told  
4 her I'd sign, sign the stipulation. But I can't waive  
5 some -- something, something that's in there that's --  
6 that could be civil liability and it wouldn't be another  
7 case. I'm welcome to -- I'm happy to say well, you know,  
8 the clients or cases or defendants.

9 But as it goes to Mr. Padgett, I don't think I'm  
10 required to do that. I'm not required to waive any, any  
11 violation of his rights under U.S. 1983 or State Law, Tort  
12 Claims Act, because I'm trying to get discovery to defend  
13 him in a criminal case.

14 So, so, I think I'm entitled to all this, judge, and  
15 it's not just a fishing expedition. Well, if it is, I  
16 think I'm entitled to go fishing if they're trying to put  
17 my client in prison for 25 years when the officer's on  
18 tape encouraging him to keep going and keep doing it.

19 THE COURT: All right. Now, Ms. Moroney, there was  
20 something else you wanted to tell me about the entrapment  
21 allegation?

22 SOLICITOR MORONEY: Just, Your Honor, you know, we --  
23 I have tailored this case just to this buy for the purpose  
24 to keep it as clean as possible for the hundred and --  
25 111 grams that was bought on this date.

1           In a trafficking defense of, you know, in doing my  
2 research, you know, if Mr. Farnsworth is planning on using  
3 the entrapment, the affirmative defense of entrapment, he  
4 has to prove that his client was, you know, at least -- he  
5 has to give at least some sort of proof that he was -- his  
6 client was not entitled or not predisposed to engage in  
7 these crimes.

8           Your Honor, we, we were not planning to bring in any  
9 evidence of the un -- uncharged buys or the previous  
10 interactions between law enforcement and Mr. Padgett. I  
11 feel that, you know, that may be a pretrial ruling that  
12 you need to make so that I know how to proceed with  
13 presenting my case cause we do have a duty, if you're  
14 going to charge entrapment at the end of the case, we have  
15 to prove, beyond a reasonable doubt, that Mr. Padgett was  
16 predisposed and, you know, was inclined to sell  
17 methamphetamine on all these dates.

18           So, we're gonna have to go into the whole, you know,  
19 kind of open up the, the discussion about how, how often  
20 he sold methamphetamine to undercovers and C.I.'s.

21           So, if -- that was the only thing I wanted to bring  
22 to Your Honor's attention on our side as a pretrial  
23 matter, that if that is gonna be the defense, that kind of  
24 changes a little bit of the calculus and I have Chris  
25 Montgomery, who's my chief agent, here. I can proffer

1 that testimony if you'd like if that -- if you think that  
2 would---

3 THE COURT: That goes into the five videos that he's,  
4 he's talking about?

5 SOLICITOR MORONEY: It goes into --.

6 THE COURT: I mean all five videos.

7 SOLICITOR MORONEY: Well, I, I -- this is the second  
8 of the five. So, it would go into the previous one and  
9 how the U.C. came to be introduced to Mr. Padgett.

10 THE COURT: Okay. Mr. Farnsworth, your thoughts on  
11 that?

12 MR. FARNSWORTH: Just the, the last thing, judge.

13 As, as to the entrapment issue, that's the reason I  
14 want these phonecalls, the initial phonecall recordings.  
15 They record all this stuff, judge, cause they're gon' use  
16 it against him.

17 The, the -- how he was introduced, the first, you  
18 know, the first things he says, cause if my client is, is,  
19 is saying -- to, to confirm, my client's saying look, I  
20 don't really want to be involved in this or hey, can you  
21 get me some meth and he's like ah, and hesitating. And if  
22 I got the same thing with the officer convincing him oh,  
23 come on, your, your best friend here introduced me to, I'm  
24 just a friend of his, you know, and the more I have of  
25 that, which would be in the initial cellphone calls from

1 the U.C. to, to my client, that's what I need, judge,  
2 cause, if not, they're hiding things that could help in,  
3 in -- help me not only on guilt but sentencing.

4 And, and so we're told she's not aware of any.

5 How does she know?

6 Not everything's put in the reports obviously, judge.  
7 I mean that's something that I, that I don't think that --  
8 once we bring it to the solicitor's attention, they have a  
9 duty to inquire just like with the personnel files. I  
10 don't agree that she has no way to look at those things.

11 I think if she's using any undercover officer or two  
12 or three, and she's relying on them for her convictions  
13 and her hard work, I think that she's entitled to sit down  
14 with them and go through those things that the defense  
15 attorney has brought it up and say look, this looks like  
16 it might be or this looks like it might be.

17 Just saying is there anything and so on, okay, then  
18 there's none, asserting to me that there's none when she's  
19 just taking these -- do you think an officer's gonna  
20 admit -- I hope they would, judge. But I think you and I  
21 been doing this long enough to know not everybody is the,  
22 is the George Washington admitting chopping down the  
23 cherry tree, judge.

24 And so I have to go through it and find this stuff  
25 and review it myself. I wasn't told, prior to going to

1 see this stuff back I guess in September, if so November,  
2 I guess I did earlier when the plea deadline was, was  
3 getting -- approaching, but I wasn't told that, that, that  
4 this, which I think clearly crosses a line, maybe it's not  
5 quite an entrapment or maybe a jury would think it would  
6 of been.

7 But for this guy to -- for this drug dealer they're  
8 trying to catch and tell them hey, I'm not -- I just don't  
9 want to be involved in this stuff anymore, I mean oh,  
10 please, come, please bring me twice the next, next week  
11 more. I'm trying to pay my child support in Tennessee and  
12 I've got to flip this to pay it. That's what he said,  
13 judge.

14 So, so I need -- since I have that, I really have a  
15 reason to be looking at every recorded call, everything,  
16 every communication with these -- between these people to  
17 see if there's other things like that cause it's gon' make  
18 a difference.

19 THE COURT: Okay.

20 MR. FARNSWORTH: And, and here I am, judge, without  
21 copies of the videos and, again, I don't think there's any  
22 way that I'm required to go there and prepare my case with  
23 her.

24 THE COURT: Okay.

25 MR. FARNSWORTH: And, and if I could go there and

1 watch the video and take a copy with my phone, is it gonna  
2 made -- get my own copy?

3 That's been declined too.

4 So, I, I just -- I don't know how -- I don't know how  
5 we got here, judge, to tell you the truth cause this is  
6 never something I've seen out of the Solicitor's Office in  
7 the 30 years of law practice.

8 THE COURT: But you -- have you asserted -- and, and  
9 what I'm hearing from the solicitor is you have not  
10 asserted an entrap -- entrapment defense.

11 MR. FARNSWORTH: I've talked to -- I pointed it out  
12 to her husband, who, who let me watch the videos for a few  
13 seconds on each one, told me he didn't have a lot of time  
14 that afternoon after we had rescheduled this twice, I said  
15 that's a problem there. I even mentioned it in the bond  
16 hearing that he stood in for the third bond hearing and he  
17 made some smart comment in front of my client.

18 It's like oh, yeah, that's not gonna work for you.  
19 That's, you know, that's not admissible. I was like of  
20 course it's admissible.

21 So, so I'm not sure why I'm getting this. But they  
22 were aware of it from the beginning. In fact, when she  
23 got back from maternity leave a few weeks or a couple  
24 months after the meeting with, with Mr. Moroney, she even  
25 said oh, yeah, Brian told me about what you're, what

1 you're -- you know, your, your issue with the, with the  
2 coercion and the continue -- and we, and we might of had a  
3 couple comments about whether she thought it would matter  
4 and I thought it would.

5 So that was something they were aware of the whole  
6 time, judge. That's why I've been asking for these  
7 things. I think I'm entitled to it without having to show  
8 such a specific need so that -- so there's -- I think I'm  
9 doing a disjustice to, to myself, first of all, and the  
10 client to be going to trial possibly with this, this --  
11 tomorrow or, or next week or in March without having  
12 all -- everything that I can have to look and see if  
13 there's any available impeachment or defenses or  
14 mitigation.

15 THE COURT: Anything further, Ms. Moroney?

16 SOLICITOR MORONEY: Can I just address just a couple  
17 more things, Your Honor?

18 I'm sorry.

19 Okay. June 29<sup>th</sup>, 2023, was the first email that I  
20 sent to Mr. Farnsworth notifying him that he would be able  
21 to come view the videos in our office and that was the  
22 standard practice to which he did not object at that time.  
23 He got on the case formally in -- let's see. Substitution  
24 of counsel was filed on July 14<sup>th</sup>, 2023.

25 I did leave for maternity leave at the end of July

1 unexpectedly. But the first time I invited him to come  
2 view the videos was September 6<sup>th</sup>. He did, in fact, come  
3 see the videos September 20<sup>th</sup> and then the seven emails  
4 that I've referenced are October 31<sup>st</sup>, November 2<sup>nd</sup>,  
5 November 8<sup>th</sup>, two times to no response, November 13<sup>th</sup>,  
6 November 14<sup>th</sup>, and November 15<sup>th</sup> all with either a  
7 denial of my invitation to come view the videos or no  
8 response at all.

9       Finally, the -- you know, I just want to make sure  
10 that it's out there and I've corrected the record about he  
11 keeps referencing that the U.C. was begging Mr. Padgett to  
12 sell him drugs. The U.C. sets up at the very end on the  
13 last buy.

14       He says hey, is there any way you could get a couple  
15 more ounces after he's bought a hundred, 50 grams each  
16 time on these other buys. That's just set up the search  
17 warrant that is inevitably coming, which he does have the  
18 video of the search warrant by the way. He -- I don't  
19 know if he's just misstating that or misremembers that.  
20 The videos from the search warrant being executed are  
21 also -- have been provided, have always been provided.

22       That final U.C. buy that he's referencing is, is in  
23 the -- in effort to essentially get him to get a little  
24 bit of drugs and make sure that, when we go to do a search  
25 warrant, he's gonna have drugs there. And, at that search

1 warrant, Your Honor, was three and a half pounds of  
2 methamphetamine in that same house he's been selling out  
3 of.

4 So, we could go into the case law of the entrapment  
5 stuff. I can proffer the evidence that I have that would  
6 combat his defense of entrapment. It's just whatever Your  
7 Honor would like.

8 And also the, the file from the Greenville City  
9 Police Department is on the way I think to Your Honor at  
10 this time.

11 THE COURT: All right. Well, this, this, this is  
12 what I'm gonna order.

13 I'm gonna conduct, as soon as they get here, an in  
14 camera review of these two per -- personnel files. I'm  
15 gonna order that the videos requested be transmitted to  
16 Mr. Farnsworth in the same manner as the first one was.

17 The Court's gonna issue a protective order that these  
18 videos will be used only for purposes in the defense of  
19 this case. They shall not be disseminated to third  
20 parties except to, to -- an, an expert, the -- if the  
21 defendant has an expert that they're using in the defense  
22 of the case.

23 Now, whether or not civil litigation results, that's  
24 a different discovery mechanism and, Mr. Farnsworth,  
25 you're well aware of discovery in civil cases and you

1 should be able to obtain the information you need to  
2 proceed in a, in a civil case.

3 I am -- we're -- I'm denying the request for a  
4 continuance. We're gon' go forward tomorrow.

5 And so go transport -- transmit these videos  
6 immediately and Mr. Farnsworth can review them this  
7 afternoon. I'm gonna find that the protective -- the, the  
8 law which has, has been correctly stated protecting the  
9 undercover officer is not applicable because the identity  
10 of the officer's already been revealed months ago.

11 But I'm also gonna find that the case that's -- that  
12 is up for trial tomorrow, the video from that case was  
13 transmitted back in January. So, the defense has had  
14 ample opportunity to, to review that.

15 So we're gon' go forward tomorrow. I'll be here.  
16 I'm gonna review these files, and, Mr. Farnsworth, these  
17 will be sent you to. So you can go back to your office  
18 and review them.

19 MR. FARNSWORTH: Yes, Your Honor.

20 THE COURT: And if you -- if either side has -- now  
21 as far as the, the entrapment issue, what I'm hearing is  
22 Mr. Farnsworth suspects it might be but doesn't have  
23 evidence to assert that defense at this point.

24 If you decide you're gonna assert that defense, in  
25 the morning, we made need to proffer testimony before we

1 begin the case tomorrow. But I'll reserve that.  
2 Certainly as far as jury charges, I'm gonna wait and hear  
3 the evidence presented in the case before I make a  
4 decision as to jury charges.

5 But send those videos.

6 Mr. Farnsworth, you look at them and then let's gear  
7 up and go to trial tomorrow.

8 MR. FARNSWORTH: Yes, Your Honor.

9 SOLICITOR MORONEY: Thank you.

10 MR. FARNSWORTH: Thank you.

11 SOLICITOR MORONEY: May I make one more final note on  
12 the record?

13 THE COURT: Yes, ma'am.

14 SOLICITOR MORONEY: I just want to make sure that we  
15 have the record clear about what the plea negotiation  
16 status is in this case.

17 THE COURT: Okay.

18 SOLICITOR MORONEY: Mr. Farnsworth asked me for the  
19 18 -- negotiated 18 year offer back. Our office is  
20 offering that, if he pleads to the cases charged, 25  
21 years. We do not go forward on any of the other cases and  
22 he would be without any further, you know -- since he's  
23 seeking or he's facing 25 to 30 on all of the other  
24 charges.

25 THE COURT: Mr. Farnsworth, you need a minute to talk

1 to your client about that?

2 MR. FARNSWORTH: No, I can, I can talk to him this  
3 afternoon about it, Your Honor.

4 I, I think she's say -- telling me basically to plead  
5 to the, to the charge tomorrow and then the others will be  
6 dismissed.

7 The, the problem I have with that, judge, and you  
8 might as well hear the rest of it. I mean you've heard  
9 everything else essentially.

10 I get discovery finally unredacted where I can read  
11 it November 2<sup>nd</sup> and the plea deadline's 13 days later,  
12 November 15<sup>th</sup>, and she wouldn't reduce it, wouldn't,  
13 wouldn't extend it. I can't evaluate a plea offer -- I  
14 think Judge Toal had an order years ago in 2000's, in  
15 early 2000's saying the solicitors aren't suppose to  
16 negotiate criminal cases without having provided full  
17 discovery.

18 well, all of it's blacked out until, until 13 days  
19 before, judge. I've got a few other cases I'm handling,  
20 hundreds of other cases I'm handling. So I don't have  
21 necessarily time to jump on this thing right away and  
22 be---

23 THE COURT: All right. well, look at, look at this  
24 stuff this afternoon, and, Ms. Moroney, is that offer --  
25 so it's eight -- you've made that offer on the record of

1 18 years?

2 SOLICITOR MORONEY: No, the 18 year offer is off the  
3 table at this point. But if -- I think I needed to  
4 clarify that --

5 THE COURT: Oh.

6 SOLICITOR MORONEY: -- prior to the first time we got  
7 called right in -- before Your Honor, Mr. Farnsworth asked  
8 for 10 and I responded that he could, he could plead the  
9 case to 25 on just the one warrant that we're trying---

10 THE COURT: Okay.

11 SOLICITOR MORONEY: ---and the rest---

12 THE COURT: I misunderstood.

13 SOLICITOR MORONEY: ---will go away.

14 THE COURT: I misunderstood.

15 Okay.

16 SOLICITOR MORONEY: So that is, that is where we  
17 stand right now. So --.

18 THE COURT: All right. Well, let him look at the  
19 discovery and I always encourage parties to talk and I  
20 realize this is on the trial docket. So that -- by your  
21 procedure, that limits what you can, you can do as far as  
22 an offer. But if there is some negotiation, just -- I'll  
23 be here a little early in the morning and y'all can let me  
24 know.

25 SOLICITOR MORONEY: Thank you, Your Honor.

1 MR. FARNSWORTH: Yes, Your Honor.

2 THE COURT: And bring me, bring me that file, those  
3 personnel files, as soon as the person gets here.

4 SOLICITOR MORONEY: Okay. Sure.

5 MR. FARNSWORTH: Thank you, judge.

6 SOLICITOR MORONEY: Do you, do you want me to draw up  
7 the protective order or was Your Honor planning on doing  
8 that?

9 THE COURT: Why don't you draft one, send it to Mr.  
10 Farnsworth --

11 SOLICITOR MORONEY: Okay.

12 THE COURT: -- before you submit it to me?

13 SOLICITOR MORONEY: Okay. I will, Your Honor.

14 THE COURT: And y'all collaborate on the wording.

15 It, it doesn't -- it, it, it doesn't prohibit  
16 Mr. Farnsworth from obtaining this same information in  
17 discovery. I'm not making any ruling on discovery in any  
18 future civil case. Just as the ruling adjusted this --  
19 what, what you're giving him now just in this case here.

20 SOLICITOR MORONEY: That's what our initial  
21 stipulation says.

22 MR. FARNSWORTH: That's what I tried to clear up,  
23 judge, and I wasn't -- didn't, didn't get clear, didn't  
24 get confirmed.

25 THE COURT: Okay. Well, y'all, y'all collaborate on

1 the wording.

2 MR. FARNSWORTH: So 9:00AM, Your Honor?

3 THE COURT: Yes, sir.

4 MR. FARNSWORTH: Yes, sir. Thank you.

5

6 (WHEREUPON, Court was in recess for the day.)

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1 Thursday, February 22<sup>nd</sup>, 2024

2  
3 THE COURT: Okay. Okay. Let's go on the record.

4 Just a couple of housekeeping matters before we go  
5 further.

6 Ms. Moroney, did you print that order?

7 Do you have a hard copy of that order?

8 SOLICITOR MORONEY: Your Honor, I just saw that  
9 email. But I can get one from our office.

10 THE COURT: Well, I, I, I saw -- and, Mr. Farnsworth,  
11 you reviewed it yesterday?

12 MR. FARNSWORTH: Yes, Your Honor.

13 THE COURT: Okay. I'll just -- we can do that during  
14 a break.

15 SOLICITOR MORONEY: Sure.

16 THE COURT: I'll just, I'll just sign a hard copy.

17 All right. I reviewed the personnel files that were  
18 submitted. I found no discoverable impeachment evidence  
19 in either file.

20 So, with that, I will note that for the record that,  
21 that those were provided in accordance with the order and  
22 the Court reviewed them in camera and found no  
23 discoverable information in the files.

24 Does either party have voir dire requests that they  
25 would like to make or they've typed up in addition to my

1 standard voir dire questions?

2 SOLICITOR MORONEY: Nothing from the State, Your  
3 Honor.

4 THE COURT: Mr. Farnsworth, do you have anything?

5 MR. FARNSWORTH: We don't, Your Honor. I, I would  
6 ask that your -- that you -- be allowed a few minutes to  
7 discuss with Mr. Padgett what I did see on these other  
8 videos that were released yesterday---

9 THE COURT: Okay.

10 MR. FARNSWORTH: ---whether it would make a  
11 difference to him or not.

12 THE COURT: Well, you're gon' have a minute while  
13 they're bringing the jury up.

14 MR. FARNSWORTH: Okay.

15 THE COURT: So you -- so, is there anything from  
16 either side before we bring the jury?

17 We have the pool downstairs and they're gonna be  
18 brought up here to strike?

19 SOLICITOR MORONEY: I don't think so, Your Honor, as  
20 long as, after he speaks with his client, maybe we can  
21 have that final discussion about the entrapment issue and  
22 make that determination at that time after picking the  
23 jury.

24 THE COURT: Okay. Okay.

25 MR. FARNSWORTH: And, Your Honor---

1 SOLICITOR MORONEY: So we don't have to wait.

2 MR. FARNSWORTH: ---before you bring the jury up, I  
3 want to talk again to Mr. Padgett also about the, the  
4 opportunity to plead with the offer she offered yesterday.  
5 So --.

6 THE COURT: Okay. well, let's, let's do that now --

7 MR. FARNSWORTH: Okay.

8 THE COURT: -- before we the---

9 MR. FARNSWORTH: That's what I was gonna suggest.

10 THE COURT: Before we get the train in motion---

11 MR. FARNSWORTH: Right.

12 THE COURT: ---let's, let's do that now.

13 MR. FARNSWORTH: Yes, sir.

14 THE COURT: Okay. So that I -- let's take about a, a  
15 five minute break so you can talk to him---

16 MR. FARNSWORTH: Okay.

17 THE COURT: ---your client.

18 MR. FARNSWORTH: All right. Thank you.

19 SOLICITOR MORONEY: I'll go get that hard copy for  
20 Your Honor.

21 (WHEREUPON, a short recess was taken at this time.)

22 MR. FARNSWORTH: Judge, Mr. Padgett has decided to  
23 plead to the charge. It's my understanding the  
24 solicitor's office is agreeing, in return for the plea to  
25 25 years, to dismiss the remaining charges as she's

1 mentioned yesterday.

2 THE COURT: Okay.

3 MR. FARNSWORTH: Mr. Padgett has some things he wants  
4 to say about like I think me and my representation and,  
5 and some other things he'd like to say.

6 THE COURT: Okay. All right. Well, let's -- and,  
7 and that's -- Ms. Moroney, is that correct, the State is  
8 recommending a 25 year sentence?

9 SOLICITOR MORONEY: That's correct. It carries 25.  
10 So every other charge---

11 THE COURT: Oh.

12 SOLICITOR MORONEY: ---will be dismissed.

13 THE COURT: And then you -- you're dismissing all the  
14 other charges?

15 SOLICITOR MORONEY: Correct.

16 THE COURT: Okay. All right.

17 All right. Madam Clerk, would you put Mr. --.

18 THE CLERK: Yes.

19 Please raise your right-hand.

20 (WHEREUPON, the defendant was placed under oath at  
21 this time.)

22 THE CLERK: Thank you.

23 THE COURT: All right. Could I, could I get the  
24 sentencing sheets?

25 THE DEFENDANT: well---

1 MR. FARNSWORTH: Well, he -- Your Honor, he wants to  
2 address his -- some concerns with Your Honor before  
3 signing that.

4 THE DEFENDANT: Yeah.

5 Before signing this, I mean I've got a lot of issues.  
6 I, I was hoping to -- for the solicitor to reconsider the  
7 18 due to the fact that, during November the 5<sup>th</sup>, the  
8 15<sup>th</sup> when it, when it came off the table, Mr.  
9 Farnsworth, we were suppose to go to court that day.

10 well, he was sick and he, he told me that he was  
11 gonna be getting it extended. well -- and I kept -- I  
12 called him and, and -- well, I didn't call him but text  
13 messaged him and he said ah, he was gonna get it re, you  
14 know, extended. Obviously he never did and things just  
15 started getting out of hand from there.

16 I mean I was -- I've got text messages of -- from  
17 Michelle, my girlfriend, about him calling. She was  
18 texting him saying, you know, Dave wants to talk to you.  
19 This is all before November 15<sup>th</sup> anyways cause I was  
20 gonna, I was gonna take the deal. I asked him to, to go  
21 to the solicitor and ask her about my house and some  
22 property -- the property and all that and then -- and  
23 another charge on somebody else and I was gonna take the  
24 deal, which I never got a response from until way later.

25 And then there's -- and then, in December, we had --

1 Dan and I had some issues and he came -- we had another  
2 court date on December 15<sup>th</sup> and we missed the court date  
3 again and he was -- his fault, not mine, cause I'm in  
4 jail. And, and I said well, what happened to you and he,  
5 and he came -- finally came down and talked to me at the  
6 jail and he said you're an ungrateful mother fucker, you  
7 know, and, and, and he stormed out.

8 And, you know, I went back up and I, I have -- told  
9 my girl to text him say and well, I wasn't feeling good.  
10 I don't think I said anything very inappropriate about  
11 anything but about him just missing all these times he  
12 says he's gonna come see me.

13 So, he goes well, you're gonna have to -- it went  
14 like three days. I said well, what do I need to do, get  
15 another lawyer. He told me that I had to get another  
16 lawyer. He was gonna quit on me.

17 So it went all in December all the way to January or  
18 right before January. He, he came back and he messaged  
19 Michelle. Not he. He's not -- he did not come to see me.  
20 He's messaging my girlfriend about this saying what's your  
21 new lawyer's name. You know, he starts trial in January.

22 So, I go I don't have the money to do that, you know.  
23 I -- he goes well, take that 25,000 that, that for trial  
24 and bring it to -- use that to -- for -- to retain another  
25 lawyer. well, I couldn't afford that.

1        So, I put in for a public defender and they said that  
2 they couldn't help me at the time because I still had Dan  
3 Farnsworth on the case. But the last -- then he -- and  
4 during the time -- during all that time, he's saying well,  
5 he's got -- in December 5<sup>th</sup> when we had or 15<sup>th</sup> when we  
6 had court, he said he had some serious leverage on the  
7 solicitor or whatever, you know.

8        So, he's all -- he said all along that 18 is too  
9 much. We wanted to try to get to 10 but the 18's too much  
10 and that's how I was being advised. I wasn't being, you  
11 know, properly advised saying well, you need to take this,  
12 you know, and I did have a lawyer come and talk to me  
13 about this and he's like -- and he told me, he goes Dave,  
14 whatever they offer you you take it, you know. You need  
15 to take the deal because what falls behind it is -- could  
16 be a lot worse.

17        And I just feel like I've never got any proper  
18 representation. I mean I've got stacks of, of text  
19 messages from my girlfriend to him to -- to Dan about are  
20 you -- come see me, come see me. I mean he's been on my  
21 case for about seven months, six months, and he's came to  
22 see me at the jail maybe three or four times.

23        You know, he, he made a lot of appointments and then  
24 my appointment -- he canceled the appointments. He never  
25 showed up and I'm like well, what kind of, what kind of

1 representation is this. You know, I paid a lot of money  
2 for him as well and I -- you know, my, my, my dad did but  
3 not me. But --.

4 THE COURT: Well, Mr. Padgett, let me, let me ask you  
5 this. This, this, this is where we are.

6 THE DEFENDANT: Okay.

7 THE COURT: I have a, I have a jury pool downstairs  
8 and---

9 THE DEFENDANT: Right.

10 THE COURT: ---this has been a trial all -- this --  
11 both sides have been -- informed the Court that this is  
12 going to be a trial.

13 THE DEFENDANT: Right.

14 THE COURT: You've entered a plea of not guilty and  
15 so we're prepared to go forward with the jury trial.

16 Now, Mr. Farnsworth indicated to me that, that, and,  
17 and Ms. Moroney did as well, that, that there was still  
18 discussions going on yesterday afternoon and that  
19 culminated in this morning with me just being informed  
20 that you, that you wish to enter a guilty plea.

21 Part of me accepting the guilty plea is me -- is my  
22 approval of the circumstances surrounding the guilty plea.  
23 I have to find that you are freely and voluntarily  
24 pleading guilty.

25 So, do you wish to proceed with a guilty plea at this

1 point?

2 THE DEFENDANT: I would --.

3 THE COURT: Because, if you don't, we gon' call the  
4 jury up and we're gon' go -- we're, we're ready.  
5 Everybody's ready. We're gon' go to trial, which you have  
6 a constitutional right to have a jury trial on this  
7 charge, and, and that's, that's where we are. We're,  
8 we're ready to go.

9 But -- and, and don't feel like the Court's  
10 pressuring you to do one thing or the other. If you say I  
11 want a trial, I'm gonna have the bailiff go get the jury  
12 and we gon' get started.

13 THE DEFENDANT: Well, I mean I would of addressed  
14 this a long -- a couple months ago but I never got back  
15 into a courtroom until it was too late. I mean -- so, how  
16 was I -- I mean I was gonna take the 18 deal. I was  
17 just -- I'm just hoping that they would reconsider and put  
18 the 18 back on the table and I'll sign right now and, and  
19 I --.

20 THE COURT: Okay. Well, it's my understanding the  
21 18's not -- Ms. Moroney, is that correct?

22 The 18's not being offered?

23 SOLICITOR MORONEY: Eighteen has been off the table  
24 since November.

25 THE COURT: Okay. So, that -- that's not available,

1 Mr. Padgett.

2 So, your, your option here is, if, if you wish to go  
3 forward as your attorney told me with a plea, then we're  
4 gonna do that. If you don't, then I'm gonna call the jury  
5 up and we're gon', we're gon' get started and, and, again,  
6 I, I want you to do what you freely and voluntarily wish  
7 to do.

8 THE DEFENDANT: Well, I don't see how he can  
9 represent me when he told me -- when he, when he -- on  
10 these text messages, he said that he could give, he could  
11 give -- he could care less if I spent the rest of my life  
12 in jail. I don't want that man representing me period. I  
13 need a new lawyer and I got all the text messages here if  
14 you want to read them.

15 It's not gonna -- it's, it's just how can I think  
16 that he represented me correctly when he could care --  
17 when he's saying to me he could care less if I spend the  
18 rest of my life in jail?

19 I get what -- I'm gonna get what I got coming to me,  
20 you know, and, and this is -- I mean a lawyer was -- what  
21 lawyer speaks to their client like that?

22 THE COURT: Okay.

23 THE DEFENDANT: It's not -- I mean I don't think he  
24 can represent me properly. He, he -- and he threw a Hail  
25 Mary with the solicitor office and, and, you know, which I

1 think might have some, some pressure of them not giving  
2 me -- cutting any slack because of what he did, which I  
3 had no, no -- I didn't approve that and I didn't know he  
4 was even doing that.

5 I had no recollection that, that he was gonna try to  
6 go after the Solicitor's Office about a drug test. I had  
7 no -- and I was thinking to myself how does this have  
8 anything to do with my case cause it doesn't.

9 So, we got to the point here now with the jury down  
10 there and I don't have -- I don't feel comfortable with  
11 Dan representing me and he told me to take that \$25,000  
12 and get a new lawyer. But yet he called my dad down to  
13 his office with Michelle to go over some pretrial things  
14 and that was just so he could get the extra \$25,000 from  
15 my dad who is, who is disabled. He's early dementia,  
16 dementia and he's 87 years old and it's just a checkbook.

17 So, that's how I feel because he didn't -- he come --  
18 and I think he figured out that maybe he might be in a  
19 little bit of trouble for all the text messages that he  
20 sent to me in December and then he quit on me -- told me  
21 to go get another lawyer. I'm not representing you  
22 anymore. We're done. We are done here.

23 So, for three weeks prior to me even going -- getting  
24 to this point, he never came to see me. He's never -- I'm  
25 in jail. He's never came to see me except on a Sunday at

1 seven o'clock at night. That was before one of the  
2 motions. He hasn't came -- he didn't come last night to  
3 see me. He didn't come before any of this started.

4 I mean I been blindsided on everything, on  
5 everything. This is my life that we're dealing with and I  
6 don't understand why -- I mean what's happened to Dan and  
7 why he did not represent me correctly or why he was like,  
8 you know, saying the things he did. And, you know, I did  
9 talk -- when I talked to the other attorney, he's like --  
10 he read the text messages. He's like yeah, Dan could get  
11 in a lot of trouble over this. A lot. You need to step  
12 up in court and say something.

13 If you don't -- and that lawyer's name was David  
14 Anderson who came and consulted with me, you know. He  
15 wouldn't take my case because he's retired, semi-retired,  
16 cause I was trying to get another lawyer. I was trying to  
17 get my old lawyer back, Jen Byrod, and I been trying to  
18 get a hold of her. But me trying to get a hold of a  
19 lawyer in jail is next to impossible. You know, it's  
20 just -- it takes weeks, weeks, and weeks.

21 So I'm not trying to, to delay this. But I don't  
22 feel comfortable with Dan at all. I don't think it's  
23 right that the Court's gonna make me go to trial with  
24 somebody that told me he didn't have my best interests.  
25 He could care less if I spend the rest of my life in jail.

1           How could someone like that represent me?

2           That's not fair.

3           THE COURT:   Okay.   Well --.

4           THE DEFENDANT:   And I would like a continuance on  
5 this.

6           THE COURT:   Well, Mr. Padgett -- okay.   And I, I have  
7 listened to what, what you've told me and the, the thing  
8 is, firing your lawyer is something you, you have the  
9 ability to do.   But it's not grounds for a continuance.  
10 This case has been on the docket.   This case has been to  
11 court before.

12          THE DEFENDANT:   This was an add on, sir.

13          THE COURT:   This was an add on this week.   But it's  
14 been set before and it's been to court.   This case was  
15 brought before me prior and on, on, on a prior term and it  
16 was brought to court this week.

17          Let me do this.   Let's take, let's take a brief  
18 recess.   Let me speak to counsel.

19          (WHEREUPON, a short recess was taken at this time.)

20          THE COURT:   All right.   Let's go back on the record.  
21 Mr. Farnsworth.

22          MR. FARNSWORTH:   Yes, Your Honor.

23          I discussed some additional things with my client,  
24 some things we discussed in chambers, and he wants --  
25 wishes to address you.

1 THE COURT: Yes, sir.

2 THE DEFENDANT: Okay. It's my understanding that you  
3 want me -- you're gonna relieve him as counselor and then  
4 I would -- and that we would go to trial today and I'm  
5 gonna, I'm gonna have to represent myself.

6 Is that correct?

7 THE COURT: Mr. Padgett, I told the solicitor and  
8 defense attorney that, again, one firing their lawyer is  
9 not a grounds for continuance. Mr. Farnsworth asked me to  
10 continue the case --

11 THE DEFENDANT: Right.

12 THE COURT: -- and I declined that.

13 But if your relationship with Mr. Farnsworth is to  
14 the point where you do not believe that you want him  
15 representing you and you do not believe that he is  
16 protecting your interest as you've expressed to me, I will  
17 allow you to relieve him as -- I will relieve him as  
18 counsel and let you represent yourself. You have a  
19 constitutional right to represent yourself. That's not a,  
20 a strategy that -- that's advised.

21 THE DEFENDANT: Right.

22 THE COURT: But you have a right to do that. But I  
23 would -- and I informed Mr. Farnsworth that I would order  
24 him to stay in the courtroom so that he could be consulted  
25 if you have legal questions.

1 THE DEFENDANT: Okay.

2 THE COURT: But that -- that's how we would, that's  
3 how we would proceed if you---

4 THE DEFENDANT: So---

5 THE COURT: ---seek to represent yourself.

6 THE DEFENDANT: So, for me to represent myself today,  
7 how would I would do that?

8 I wouldn't -- I'm not prepared for nothing. I don't  
9 have anything. I don't have any paperwork. I've never  
10 seen the videos. I've never seen paperwork -- my -- the  
11 unredacted motion of discovery. I've got nothing.

12 So I'm going blind, completely blind here, and I'm  
13 not trying to disrespect the Court in any way, shape, or  
14 form. I'm not trying to postpone anything or anything  
15 like -- I just, I just don't feel -- I shouldn't of let it  
16 get this far.

17 But to tell you truth, the last couple times I came  
18 in here, I was gonna address this but I was scared. I was  
19 scared because -- to, to address -- I was just scared of  
20 the whole courtroom, the whole process.

21 I don't understand what's really going on. I'm not a  
22 lawyer and I don't pretend to be and this is way out of my  
23 league on everything. And I'm just -- I'm not trying to  
24 be -- get over on anything or, or try to smooth or trying  
25 to just -- I don't, I don't know. I, I don't know.

1 I mean, I mean I'm not gonna -- I just want to -- I  
2 don't, I don't know what to do really. I really don't and  
3 you know---

4 THE COURT: And, Mr. Padgett---

5 THE DEFENDANT: ---I know it's---

6 THE COURT: ---I can't give you legal advice. But,  
7 but I will tell you representing yourself is not the  
8 advised strategy. It's an inherently dangerous strategy  
9 because, as you stated, you are not a lawyer---

10 THE DEFENDANT: Correct.

11 THE COURT: ---and you do not know the procedure.  
12 But you're held to the same standard as a lawyer would be  
13 held.

14 THE DEFENDANT: Right.

15 THE COURT: However, this case is set for trial. I  
16 have a jury downstairs ready to come up here. They've  
17 been waiting now for -- I had them come at nine o'clock.  
18 That's -- so that we would have enough time to get this  
19 case done today.

20 THE DEFENDANT: So, if I would of said -- sorry. I  
21 didn't mean to interrupt you.

22 But if I would of said something yesterday, then we  
23 could -- then it could of went -- then it --

24 THE COURT: Well, I---

25 THE DEFENDANT: -- it would of been a different

1 story?

2 THE COURT: It would of been something I could of  
3 considered. I'm not saying that I would of continued it  
4 yesterday cause this is been -- this is the -- I've, I've  
5 had multiple appearances in front of me for this case.  
6 But certainly, at this late hour asking for a continuance  
7 when the jury is here, I'm not gonna grant that.

8 THE DEFENDANT: Okay.

9 THE COURT: So that's, that's, that's where we are.  
10 But if you want me to relieve Mr. Farnsworth, and you want  
11 to represent yourself, I will do so and order him to stay  
12 in the courtroom if you can ask him questions. If you  
13 want Mr. Farnsworth to continue through the trial, I will  
14 order him to continue through the trial.

15 Now I, I -- and I, I informed Mr. Farnsworth of this.  
16 I understand the relationship between the two of you has  
17 deteriorated and that's very apparent from what you've  
18 told me here. But he's your lawyer of record and -- but  
19 we've -- you, you -- you're, you're telling me now that  
20 you do not wish to accept the 25 year---

21 THE DEFENDANT: I---

22 THE COURT: ---offer from the State and it's -- as  
23 such, we, we need to, to get started cause we have a jury  
24 here ready to go.

25 THE DEFENDANT: This is crazy. This ain't right.

1 This ain't right.

2 THE COURT: Okay. Let's, let's get our -- let's get  
3 our jury in.

4 THE DEFENDANT: I'm gonna, I'm gonna sign.

5 THE COURT: Hold, hold on. Hold on.

6 Yes, sir.

7 What, what did you, you --.

8 (Pause.)

9 THE DEFENDANT: Judge, this is -- there's nothing the  
10 Court can do to or ask the Solicitor's Office to bring the  
11 18 back on the table even though I had no, I had no way of  
12 accepting that cause I didn't -- I wasn't in court and I  
13 had no way of getting a hold of whoever -- Dan, I, I tried  
14 texting him and telling him I was gonna take the deal but  
15 he was sick.

16 So how -- I mean --.

17 THE COURT: Mr. Padgett, the Court does not get  
18 involved in the negotiations.

19 THE DEFENDANT: Right. I under -- I, I know that.

20 THE COURT: And I, I---

21 THE DEFENDANT: I know you can't.

22 THE COURT: And I know, I know this is frustrating to  
23 you cause you're asking me questions and I sound like I'm  
24 evading your answers. But the Court can not give you  
25 legal advice. I, I -- that's, that's the, the role of the

1 attorney.

2 The solicitor can't give you legal advice cause  
3 they -- the solicitor represents the other side in, in the  
4 case.

5 So -- but I can tell you what has been put on the  
6 record from the solicitor that the -- that there is no 18  
7 year offer, that the State is proceeding seeking 25 years  
8 in exchange for all the other charges being dismissed.  
9 That's -- that is -- am I stating that correctly?

10 SOLICITOR MORONEY: That's correct, Your Honor.

11 THE COURT: Okay. And that was your understanding,  
12 Mr. Farnsworth?

13 MR. FARNSWORTH: Yes, Your Honor.

14 THE COURT: All right. So that -- that's what's on  
15 the table, Mr. Padgett, and, again, and I want, I want to  
16 reiterate again, Mr. Padgett, my job, in, in a plea  
17 situation, is to make sure that you would do it knowingly  
18 and voluntarily.

19 Do not construe what I'm telling you as the Court  
20 instructing you to plead guilty.

21 THE DEFENDANT: Right. Well---

22 THE COURT: You, you are presumed innocent. The  
23 State would have to prove its case against you beyond a  
24 reasonable doubt and that's why we have a jury here to, to  
25 do that. So, it's entirely up to you whether to enter a

1 plea.

2 So, I'm gon' give you a second. If, if you want to  
3 speak with Mr. Farnsworth again, and then, then make your  
4 final decision because I've got to do something with the  
5 jury.

6 (Pause.)

7 THE DEFENDANT: I'll take the deal.

8 THE COURT: You've decided to plead?

9 THE DEFENDANT: Yeah.

10 THE COURT: Okay. All right.

11 THE CLERK: Your Honor, this is Case Number  
12 2023-GS-23-4000, the State versus David Mitchell Padgett  
13 indicted for trafficking in methamphetamine, pleading to  
14 the same, and it's a true bill.

15 THE COURT: Okay. Would you put Mr. Padgett under  
16 oath please?

17 Is Mr. Padgett under oath?

18 THE CLERK: Yes.

19 THE COURT: Okay. All right. You are David Mitchell  
20 Padgett.

21 Is that correct?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, Mr. Padgett, the charge before the  
24 Court on this indictment is trafficking in methamphetamine  
25 100 grams to 200 grams and that carries a penalty of 25

1 years and a fine of \$50,000.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, you are represented by Mr.  
5 Farnsworth and have indicated to the Court that you wish  
6 to plead guilty.

7 Is that correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So, how do you plead to trafficking in  
10 methamphetamine 100 grams to 200 grams?

11 THE DEFENDANT: Guilty.

12 THE COURT: Are you pleading guilty of your own free  
13 will?

14 THE DEFENDANT: Yes.

15 THE COURT: Are you under the influence of any  
16 alcohol, drugs, or anything that might affect your  
17 judgment today?

18 THE DEFENDANT: No.

19 THE COURT: I need you to speak up, Mr. Padgett.

20 THE DEFENDANT: No.

21 THE COURT: Now, Mr. Padgett, as, as we've already  
22 discussed, when you plead, you give up some rights that  
23 you have. You -- they're, they're a number of rights that  
24 you have.

25 The first of those is a right to a trial by jury.

1 That's -- we have a jury pool here this week and they're  
2 downstairs. A 12 person jury would be selected. That 12  
3 person jury of your peers would hear the evidence in the  
4 case and they would have to be unanimous in finding you  
5 guilty in order for you to be convicted of the charge.

6 Do you understand that right?

7 THE DEFENDANT: Yes.

8 THE COURT: You have the right to call and subpoena  
9 witnesses to testify on your behalf.

10 Do you understand that right?

11 THE DEFENDANT: Yes.

12 THE COURT: You have the right to confront and  
13 cross-examine the State's witnesses. If you went through  
14 the jury trial, your lawyer would have the opportunity to  
15 cross-examine those witnesses.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: You have the right to remain silent.  
19 You, you would not -- you could not be forced to testify  
20 in the trial, and if you exercised that right, I would  
21 instruct the jury that they could not give that any  
22 consideration whatsoever in your -- in their  
23 deliberations.

24 Do you understand that right?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You also would have an opportunity to  
2 present any defenses that you might have to the charge.

3 Do you understand that right?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And as, as I mentioned to you earlier,  
6 you are presumed innocent and the State would have the  
7 burden of proving you guilty beyond a reasonable doubt.

8 Do you understand that right?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. Now you've been represented by  
11 Mr. Farnsworth. You've indicated earlier some problems  
12 that, that, that you have had, the two of you, between  
13 you.

14 Do you -- I, I gave you a, a minute a while ago to go  
15 back and talk to Mr. Farnsworth again about signing the  
16 plea sheet and going forward.

17 Do you have any further questions that you would like  
18 to ask Mr. Farnsworth?

19 THE DEFENDANT: Yeah.

20 THE COURT: All right. I'll let you go off the  
21 record and talk to Mr. Farnsworth.

22 (Pause.)

23 THE COURT: All right. Now, Mr. Padgett, have your  
24 questions been answered?

25 THE DEFENDANT: Yes.

1 THE COURT: Now, Mr. Padgett, trafficking  
2 methamphetamine 100 grams to 200 grams is a violent and  
3 serious offense and it's a drug offense. Drug offenses,  
4 under South Carolina law, are set up to where they're  
5 graduated if you get subsequent convictions.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: And you understand it's a violent and  
9 serious offense?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Okay. Ms. Moroney, tell me the facts of  
12 the case.

13 SOLICITOR MORONEY: Okay, Your Honor.

14 On September 28<sup>th</sup>, 2022, the defendant sold  
15 111.25 grams of methamphetamine to an undercover  
16 investigator with the D.E.U. at 639 Standing Springs Road  
17 in Greenville County.

18 Do you -- you just want those facts or the facts of  
19 the other cases too?

20 THE COURT: I -- just the facts of this, this case.  
21 Since you're dismissing the other cases, you can just  
22 refer then that, that they've been dismissed.

23 And so -- all right. So, Mr. Padgett, do you agree  
24 that those are the facts?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. Mr. Farnsworth, are you  
2 satisfied that Mr. Padgett understands his rights?

3 MR. FARNSWORTH: Yes, Your Honor.

4 THE COURT: And do you have any concerns about his  
5 competency or ability to enter this plea?

6 MR. FARNSWORTH: None about his competency or  
7 ability, Your Honor.

8 THE COURT: Now, as his attorney representing him and  
9 as his attorney who investigated the facts of the case, do  
10 you concur in his decision to plead guilty to this charge?

11 MR. FARNSWORTH: Yes, Your Honor.

12 THE COURT: All right. I find there's a factual  
13 basis for the charge. I find Mr. Padgett pleads guilty  
14 freely, voluntarily, and intelligently. He pleads with  
15 the advice of competent counsel and the Court notes that  
16 there have been some -- been disagreements between the  
17 defendant and counsel. But the defendant indicated that  
18 his questions have been answered. And so I will accept  
19 the plea.

20 How many days time served does he have, Ms. Moroney?

21 SOLICITOR MORONEY: He has 435 days as, as of today.

22 THE COURT: Four hundred and 35, you agree with that,  
23 Mr. Farnsworth?

24 MR. FARNSWORTH: Yes, Your Honor. I believe that's  
25 correct.

1 THE COURT: Okay. All right. Anything else the  
2 State would like to present?

3 SOLICITOR MORONEY: Only that, in 2014, he had a  
4 possession of meth and crack.

5 In 2016, two charges of manufacturing meth.

6 THE COURT: Okay. All right. Thank you.

7 Mr. Farnsworth.

8 MR. FARNSWORTH: Your Honor, I have nothing other  
9 than asking you to join in Mr. Padgett's request for  
10 the -- for you to approve the plea offer that's been  
11 accepted.

12 THE COURT: Okay. Mr., Mr. Padgett, how -- how'd you  
13 get mixed up with methamphetamine?

14 THE DEFENDANT: I been an addict all my life.

15 THE COURT: And it just -- how, how did you get to  
16 where you were selling it to people?

17 THE DEFENDANT: For my habit. Basically I was  
18 selling it for my habit. I mean it was, you know, it's  
19 making poor choices and doing drugs and never got help.  
20 Never got any---

21 THE COURT: Well, that was gonna be my next question.  
22 Have you ever been to any kind of rehab or, or any  
23 type of a program to try to get off of it?

24 THE DEFENDANT: No, I haven't. I've never been  
25 offered it. I've been -- I was on probation. I went to,

1 to a program but it was, you know, it was like a 10 week  
2 program. Nothing serious. And then just spiraled out of  
3 control.

4 I mean I was trying to put in for the Delancey Street  
5 on this to see if I could get diverted to that. I mean  
6 I've never, I've never had help.

7 THE COURT: Okay. What, what kind of work did you  
8 do?

9 THE DEFENDANT: I do construction work. I'm, I'm a  
10 journeyman plumber by trade. I do drywall. I do  
11 everything. I just started getting into flipping houses,  
12 buying a house and turning, flipping it, you know, fixing  
13 it up and I do millwork --

14 THE COURT: Okay.

15 THE DEFENDANT: -- cabinets, all that kind of stuff.

16 THE COURT: Well, I, I see this so much and people  
17 who sit in this courtroom see it. Methamphetamine is a  
18 terrible thing. It, it wrecks people's lives.

19 THE DEFENDANT: It does.

20 THE COURT: I see -- it's, in your case, in talking  
21 to you, now you're obviously an intelligent individual,  
22 and if you're a plumber and can -- I mean you got a, a  
23 marketable skill that you can make a good living at. But  
24 methamphetamine is a terrible thing. It, it destroys,  
25 destroys lives --

1 THE DEFENDANT: It does.

2 THE COURT: -- and that's the reason the, the  
3 Legislature, when they created this statute, put such a  
4 significant penalty on this amount of methamphetamine  
5 cause it's a very dangerous poison that goes into our  
6 community and what I'm hearing is that it's really  
7 affected your life in a negative---

8 THE DEFENDANT: Yes, sir.

9 THE COURT: ---negative way but---

10 THE DEFENDANT: It's --.

11 THE COURT: I'm gonna -- I'm gonna approve the  
12 recommendation of the State. It is the sentence in the  
13 statute. But I am gonna add ATU as a condition.

14 ATU, Mr. Padgett, is Addictions Treatment Unit in the  
15 Department of Corrections. It is a program that they  
16 offer to folks who, who need intervention.

17 Now, I, I -- I'm gonna be up front with you on that.  
18 I, I have folks come out on both ends of it. Some say  
19 that it didn't help them all, that they encountered drugs  
20 in prison. Then I've had others come out and say that it  
21 was a tremendous help to them.

22 So, I, I think what it boils down to is whether you  
23 let it help you or not. But it's, it's, it's a program  
24 the Department of Corrections has and, and I would -- I'm  
25 gonna order that and I would encourage you to make full

1 use of the resources that they have available and  
2 hopefully you can move on from methamphetamine.

3 Good luck to you, sir.

4 THE DEFENDANT: Thank you.

5 SOLICITOR MORONEY: Thank you, Your Honor.

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7 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 21<sup>st</sup> and 22<sup>nd</sup> day of February, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 31<sup>st</sup>, 2024



PAMELA E. GREEN, Court Reporter