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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

REKEEM L. WARE,

APPELLANT

APPELLATE CASE NO. 2023-001309

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
2) EIGHTH JUDICIAL CIRCUIT
3) 2020-GS-24-01476, 01477, 01478
4) and 01479
5 COUNTY OF GREENWOOD)

6 STATE OF SOUTH CAROLINA,)
7)
8 Plaintiff,)
9)
10 vs.) TRANSCRIPT OF RECORD
11 REKEEM L. WARE,)
12)
13 Defendant)

14 July 31 - August 2, 2023
15 Greenwood, South Carolina

16 B E F O R E:

17 HONORABLE FRANK R. ADDY, JUDGE

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

19 C. Yates Brown, Esquire
20 Andrew M. Hodges, Esquire
21 Attorneys for the State

22 Robert Jamison Tinsley, Jr., Esquire
23 Attorney for the Defendant

24 Lisa G. Amick
25 Official Court Reporter

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1 THE COURT: Alright. Very good. Solicitor, at this
2 point in time, if you'll call the next case up for trial this
3 week, please.

4 MR.. BROWN: Thank you, Judge. State calls the case
5 of State versus Rekeem Ladell Ware, indictment for driving
6 under suspension, 2022-GS-24-1476, indictment 2022-GS-24-1477,
7 giving false information to law enforcement, indictment 2020-
8 GS-24-1478, possession with intent to distribute crack cocaine,
9 and 2022-GS-24-1479, trafficking methamphetamine. Judge, State
10 is ready to proceed with the trial of the case.

11 THE COURT: Mr. Tinsley, is Defense ready to proceed
12 as well?

13 MR. TINSLEY: Yes, Your Honor.

14 THE COURT: Very good. Ladies and gentlemen, I've
15 been handed four indictments and these indictments, again,
16 charge Mr. Ware with the offenses of trafficking in
17 methamphetamine, possession with intent to distribute crack,
18 giving false information to the police and driving under
19 suspension. And at the outset, ladies and gentlemen, I will
20 let you know that the fact that Mr. Ware was charged and
21 indicted in this case, of course, is not evidence. These
22 indictments are nothing more than pieces of paper that contain
23 the charges made against Mr. Ware and, of course, in this case.
24 Mr. Ware has pled not guilty to these charges and that plea
25 puts the burden firmly on the State to prove his guilt beyond a

1 reasonable doubt. And if you're selected as jurors in this
2 case, it will be your job to determine whether the State has in
3 fact met that burden. Now, in this case, ladies and gentlemen,
4 the State of South Carolina is being represented by Mr. Hodges
5 and Mr. Brown. Gentlemen, if y'all would care to introduce
6 yourselves to the jury panel.

7 MR. BROWN: Good afternoon, my name is Yates Brown,
8 I'm deputy solicitor here in the Eighth Circuit Solicitor's
9 Office, which is comprised of Abbeville, Greenwood, Laurens,
10 and Newberry. Sitting with me is senior solicitor, Andrew
11 Hodges. And thank you for being here.

12 THE COURT: Thank you, gentlemen. In this case, Mr.
13 Ware is being represented by Jamison Tinsley. Mr. Tinsley,
14 care to introduce yourself and your client to the members of
15 the jury panel, please?

16 MR. TINSLEY: Thank you, Your Honor. My name is
17 Jamison Tinsley, I practice here in Greenwood at the Tinsley
18 and Tinsley Law Firm across the street with my father, Robert
19 Tinsley, a previous public defender here in Greenwood and
20 Abbeville Counties and I am pleased to represent Rekeem Ware in
21 front of you this week. Thank you.

22 THE COURT: Thank you, Mr. Tinsley. I do have
23 several questions that I need to ask that are specific to this
24 case and will involve the same procedures as before. If you
25 need to respond, just stand up and let me know your response.

1 At first, ladies and gentlemen, is there any member of the jury
2 panel who is related by blood or marriage or anyone who has any
3 close business or social relationships with the Defendant in
4 this case, Rekeem Ware? Any member of the jury panel related
5 to Mr. Ware or anyone who has any close business or social
6 relationships? If so, please stand. No one's standing.
7 You've been introduced to the attorneys involved in this case.
8 Is there any member of the jury panel who is currently being
9 represented by any of the lawyers, anyone who has any close
10 business or social relationships with the lawyers or is related
11 to the attorneys involved in this case, either Mr. Brown, Mr.
12 Hodges, or Mr. Tinsley? If so, please stand. No one's
13 standing. I'm going to read a list of potential witnesses in
14 this case and after I read this list, I'm going to ask if
15 there's any member of the jury panel related by blood or
16 marriage or anyone who has any close business or social
17 relationships to these witnesses, okay? Here are the possible
18 witnesses in this case: Gregory Allison with the Greenwood
19 Sheriff's Department; Brittnee, B-r-i-t-t-n-e-e, Looney, L-o-o-
20 n-e-y who works at the State Law Enforcement Division; Ricky
21 Madden with the Sheriff's Department; Michael Mejia?

22 MR. BROWN: Mejia.

23 THE COURT: Mejia, M-e-j-i-a, with the Sheriff's
24 Office; Lauren Holliday, also with SLED; Olivia Cartwright with
25 SLED; Madison Willis with SLED, Ashley Miller, and Shardell, S-

1 h-a-r-d-e-l-l Martin. Is there any member of the jury panel
2 who's related by blood or marriage to any of those witnesses or
3 anybody out there who has any close business or social
4 relationships with any of those people? If so, please stand.
5 Yes, ma'am, your name, please?

6 POTENTIAL JUROR: I went to school with Shardell
7 Martin.

8 THE COURT: With Shardell Martin, okay. And what's
9 your name, please, ma'am?

10 POTENTIAL JUROR: Shenetta Chiles.

11 THE COURT: Ms. Chiles? Okay. And how long ago were
12 you and Ms. Martin in school?

13 MS. CHILES: I graduated in '08, I think she
14 graduated a year after me.

15 THE COURT: '08. Okay. Do you see her regularly or?

16 MS. CHILES: Her and my child's father, they're
17 related somewhere down the line.

18 THE COURT: Okay.

19 MS. CHILES: They staying with his mom, about like,
20 two years ago.

21 THE COURT: Okay. If, but they're not ---

22 MS. CHILES: I don't associate now ---

23 THE COURT: --- in close relation ---

24 MS. CHILES: --- but I do know of her.

25 THE COURT: Okay. If she were to testify

1 in this case, ma'am, would that affect your ability to
2 be fair and impartial to both sides?

3 MS. CHILES: Yes.

4 THE COURT: It would?

5 MS. CHILES: (Nonverbal response).

6 THE COURT: Okay. I'll let you sit this one out
7 then, ma'am. You just have a seat, okay? Anyone else? No
8 one's standing. Solicitor, apparently this incident took place
9 on November the 25th of 2020, what's the location? Was this a
10 traffic stop, I assume, or?

11 MR. BROWN: It is a traffic stop, Judge. And this
12 would just be here in Greenwood County, be over on, the actual
13 road is 2210 Highway 72 East here in town.

14 THE COURT: Alright. Ladies and gentlemen, it's
15 alleged that this incident took place on or about November the
16 25th of 2020 at roughly 2210 Highway 72 East here in Greenwood.
17 Is there any member of the jury panel who thinks that they may
18 know anything about these allegations, they have witnessed
19 these allegations or has formed or expressed any opinion about
20 this incident? If so, please stand.

21 MR. TINSLEY: Judge, rather than the address, it
22 happened at, as you pull into Eaton, that might ---

23 THE COURT: Oh, at Eaton? Okay.

24 MR. TINSLEY: Yeah. The road as you pull into the,
25 not actually the parking lot.

1 THE COURT: Gotcha. Alright. 72 heading to the
2 lake, Eaton is over there to the right, so it took place at the
3 Eaton parking lot. If anybody thinks that they may recall this
4 incident or know anything about it, please stand. Alright. No
5 one's standing. Alright. Is there any member of the jury
6 panel who is a strong advocate for the decriminalization of
7 illegal narcotics? Any member of the jury panel who feels
8 strongly that illegal, that narcotics, even for recreational
9 use should be decriminalized? If so, please stand. No one's
10 standing. Is there any member of the jury panel who's a member
11 of any organization or group which advocates for defunding the
12 police or similar type organizations? If so, please stand. No
13 one's standing. Is there any member of the jury panel who's a
14 member of any organization the primary purpose of which is the
15 advancement of victim's rights, organizations such as Mother's
16 Against Drunk Driving, things such as that, any member of the
17 jury panel who's a member of any such organization? If so,
18 please stand. No one's standing. Is there any member of the
19 jury panel related by blood or marriage or has a close,
20 personal friend or anyone who works at the Eighth Circuit
21 Solicitor's Office? If so, please stand. No one's standing.
22 Is there any member of the jury panel who has had any formal
23 legal training or law enforcement training? The person who
24 works at the McGrady Law Firm does not need to stand up, we
25 already got you, okay? Anybody else, anyone who's had any

1 formal legal or law enforcement training? If so, please stand.

2 Yes, ma'am, your name again, please?

3 POTENTIAL JUROR: Denise Duchene, I work in the legal
4 department, I do legal work for a medical company.

5 THE COURT: Okay. Very good. Thank you for that
6 information, Ms. Duchene, you can have a seat. Anyone else?
7 No one's standing. Alright. Is there any member of the jury
8 panel who would automatically believe the sworn testimony of a
9 law enforcement officer over that of some other witness simply
10 by virtue of the individual being in law enforcement? If so,
11 please stand. No one's standing. Is there any member of the
12 jury panel who has a moral opposition to the possession or
13 recreational use, a strong moral opposition to the possession
14 or recreational use of narcotics such as marijuana, cocaine, or
15 methamphetamine? Any member of the jury panel who has a very
16 strong moral opposition to the recreational use of such
17 substances? If so, please stand. No one's standing. Alright.
18 I'm going to ask this question and then I'm going to give
19 anyone who needs to respond a chance to come forward and speak
20 privately down here with me next to my Court reporter. Is
21 there any member of the jury panel or close family member who's
22 ever been charged with a serious drug offense? I'm not talking
23 about something like simple possession of marijuana, I'm
24 talking about something more substantial. But any member of
25 the jury panel or a close family member who's ever been charged

1 with a serious drug offense or any member of the jury panel who
2 has had a close relative or friend who has struggled with drug
3 addiction? Anyone out there? If so, please stand and come
4 forward. Alright. We have a few people, come on down. What's
5 your name, ma'am?

6 PROSPECTIVE JUROR: Kim Burns. My brother has a
7 continuous drug addiction, he has been charged with some things
8 with that.

9 THE COURT: This case also involves narcotics. Would
10 that affect your ability to be fair to both sides?

11 MS. BURNS: I don't think it would affect it.

12 THE COURT: I appreciate that information, you're
13 fine, you can have a seat.

14 MS. BURNS: Okay. Thank you.

15 THE COURT: Okay. She's fine.

16 BAILIFF: Juror number 12.

17 JUROR 12: I have two daughters, one just got out of
18 jail last week, the other was sent up twice and she ended up
19 dead in a car wreck.

20 THE COURT: You need to sit this one out.

21 JUROR 12: Okay.

22 THE COURT: Juror number 12 will not serve on this
23 case. Just have a seat out there, ma'am, don't leave us,
24 though, okay?

25 BAILIFF: Juror 124.

1 THE COURT: Yes, sir?

2 JUROR 124: I was charged with simple possession a
3 long time ago and then I had possession with intent to
4 distribute which I was, I guess, I pled it out.
5 That's it, just minor type possession, that was years
6 ago.

7 THE COURT: Okay. Good enough. Thank you for that
8 information, sir. He's fine. Next question, ladies and
9 gentlemen, I'll just ask it from down here in case I need to
10 speak privately. Is there any member of the jury panel who
11 currently has any pending criminal charges that will be heard
12 in this Court, is being prosecuted in the Eighth Circuit here
13 in Greenwood? If so, please stand. No one is standing. Is
14 there any member of the jury panel who has any deeply held
15 moral or religious beliefs the penance of which prohibit you
16 from serving on a jury? If so, please stand. No one is
17 standing. Last question, ladies and gentlemen, is there any
18 member of the jury panel who knows of any reason whatsoever why
19 you feel like you just need to sit this case out and you
20 haven't previously told me, okay? Any reason whatsoever why
21 you feel like you just cannot be fair and impartial to both the
22 State and the Defense and judge this case only on the law and
23 the facts, any reason whatsoever? If so, please stand.
24 Alright. I know there are some additional questions that have
25 been requested, I'm going to decline to ask those, I think

1 we've gotten to the crux of what we need, okay? Strikes are 5
2 and 5 or 5 and 10?

3 MR. BROWN: 5 and 5.

4 CLERK: With two alternates?

5 THE COURT: Yeah. We'll go with two, yeah, we should
6 have enough. Okay. Ladies and gentlemen, we're now going to
7 move forward with jury selection and the way this is done is if
8 your name is called, I want you simply to stand up where you
9 are, okay? And at that point in time, the State will have an
10 opportunity to either seat you or to excuse you and the Defense
11 will have a similar opportunity to either let you serve in this
12 case or to excuse you. Ladies and gentlemen, I'm going to tell
13 you what I tell every jury, if for some reason one of the
14 lawyers asks that you not serve in this case, folks, it ain't
15 personal and don't get bent out of shape about it, alright?
16 These are just people trying to do their jobs and it is not
17 personal. So if you are excused, again, don't hold it against
18 anybody, please. Alright. Again, the strikes will be 5 and 5,
19 and madame clerk, if you will give me a jury at your leisure,
20 please. Again, if your name is called, simply stand where you
21 are and wait for further instructions. Madame clerk?

22 CLERK: Okay. Juror number 65, Alyssa Derrick. What
23 says the State?

24 MR. BROWN: Please present Ms. Derrick.

25 CLERK: What says the Defense?

1 MR. TINSLEY: Please swear the juror.

2 THE COURT: Come on down, Ms. Derrick, have a seat
3 down here, please.

4 CLERK: Juror number 35, Julia Cann. What says the
5 State?

6 MR. BROWN: Please present Ms. Cann.

7 CLERK: What says the Defense?

8 MR. TINSLEY: Please excuse the juror from the trial
9 of this case.

10 CLERK: Juror number 115, Ashley Kinard. What says
11 the State?

12 MR. BROWN: Please present Ms. Kinard.

13 CLERK: What says the Defense?

14 MR. TINSLEY: Please swear the juror.

15 CLERK: Juror number 141, Matthew Miller. What says
16 the State?

17 MR. BROWN: Please present Mr. Miller.

18 CLERK: What says the Defense?

19 MR. TINSLEY: Please swear the juror.

20 CLERK: Juror number 55, Morgan Moore. What says the
21 State?

22 MR. BROWN: Please present Ms. Moore.

23 CLERK: What says the Defense?

24 MR. TINSLEY: Please excuse the juror from the trial
25 of this case.

1 CLERK: Juror number 197, Robert Simmonds, III. What
2 says the State?

3 MR. BROWN: Please present Mr. Simmonds.

4 CLERK: What says the Defense?

5 MR. TINSLEY: Please swear the juror.

6 CLERK: Juror number 78, Timothy Fleming. What says
7 the State?

8 MR. BROWN: Please present Mr. Fleming.

9 CLERK: What says the Defense?

10 MR. TINSLEY: Please excuse the juror from the trial
11 of this case.

12 CLERK: Juror number 18, Kathleen Braaten. What says
13 the State?

14 MR. BROWN: Please present Ms. Braaten.

15 CLERK: What says the Defense?

16 MR. TINSLEY: Please excuse the juror from the trial
17 of this case.

18 CLERK: Juror number 80, Sheri Fricks. What says the
19 State?

20 MR. BROWN: Please present Ms. Fricks.

21 CLERK: What says the Defense?

22 MR. TINSLEY: Please swear the juror.

23 CLERK: Juror number 130, Barbara Marullo. What says
24 the State?

25 MR. BROWN: Please present Ms. Marullo.

1 CLERK: What says the Defense?

2 MR. TINSLEY: Please swear the juror.

3 CLERK: Juror number 221, Deamber Tompkins. What
4 says the State?

5 MR. BROWN: Please present Ms. Tompkins.

6 CLERK: What says the Defense?

7 MR. TINSLEY: Please swear the juror.

8 CLERK: Juror number 152, Spencer Nelson. What says
9 the State?

10 MR. BROWN: Please excuse Mr. Nelson from the trial
11 of this case.

12 CLERK: Juror number 104, Shara Holder. What says
13 the State?

14 MR. BROWN: Please present Ms. Holder.

15 CLERK: What says the Defense?

16 MR. TINSLEY: Please swear the juror.

17 CLERK: Juror number 48, Katelyn Cline. What say the
18 State?

19 MR. BROWN: Please present Ms. Cline.

20 CLERK: What says the Defense?

21 MR. TINSLEY: Please swear the juror.

22 CLERK: Juror number 220, Ashley Tollison. What says
23 the State?

24 MR. BROWN: Please present Ms. Tollison.

25 CLERK: What says the Defense?

1 MR. TINSLEY: Please swear the juror.

2 CLERK: Juror number 96, Myshira Hart. What says the
3 State?

4 MR. BROWN: Please present Ms. Hart.

5 CLERK: What says the Defense?

6 MR. TINSLEY: Please swear the juror.

7 CLERK: Juror number 118, Alliso Landeros-Hernandez.
8 What says the State?

9 MR. BROWN: Please present Ms. Landeros-Hernandez.

10 CLERK: What says the Defense?

11 MR. TINSLEY: Please excuse the juror from the trial
12 of this case.

13 CLERK: Juror number 246, Madelyn Wood. What says
14 the State?

15 MR. BROWN: Please present Ms. Wood.

16 CLERK: Any excuse for cause from the Defense?

17 MR. TINSLEY: No, Your Honor, I mean no, ma'am.

18 THE COURT: Alright. We'll take two alternate
19 strikes, there will be one and two on each.

20 CLERK: Alright. Juror number 170, Riley Peterson.
21 What says the State?

22 MR. BROWN: Please excuse Mr. Peterson from the trial
23 of this case.

24 CLERK: Juror number 144, Robert Montag. What says
25 the State? Or any excuse for cause from the State?

1 MR. BROWN: Please present Mr. Montag.

2 CLERK: What says the Defense?

3 MR. TINSLEY: Please swear the juror.

4 CLERK: Juror number 111, Sandy Jaimes. What says
5 the State?

6 MR. BROWN: Please present Ms. Jaimes.

7 CLERK: What says the Defense?

8 MR. TINSLEY: Please swear the juror.

9 THE COURT: No issues concerning composition or
10 selection of the jury from the State?

11 MR. BROWN: Not from the State.

12 THE COURT: From the Defense?

13 MR. TINSLEY: None, Your Honor.

14 THE COURT: Very good. Ladies and gentlemen who were
15 picked on this case, I need you to adjourn in here just very,
16 very briefly, okay? I need to dismiss the rest of the jury
17 panel, give y'all some instructions after they're gone, and
18 then we're going to take a much deserved lunch break, alright?
19 So adjourn back here for just a few moments, there's probably
20 some snacks or crackers back there before your blood pressure
21 drops, grab a little something, alright? Blood sugar, not
22 blood pressure.

23 (Jury exiting the Courtroom.)

24 THE COURT: Solicitor, you want me to have them call
25 back in tonight, tomorrow morning?

1 MR. BROWN: Tonight.

2 THE COURT: Alright. Okay. Ladies and gentlemen who
3 were not selected on this case, I'm going to go ahead and
4 release you for the rest of the day. I need you to call back
5 in tonight, however, after 6:00. And just call that number
6 that's on your juror summons and follow whatever those
7 instructions are. The reason I'm asking you to do this is that
8 sometimes things happen unexpectedly with cases, and I'm about
9 99 percent sure, though, that barring anything unforeseen, I'm
10 99 percent sure that this case will be continuing into
11 tomorrow, but should something happen with this case and I need
12 you back, we still have at least one more case that is on the
13 trial docket for this week that we need to try and knock out,
14 okay? So that's the reason I'm having you call back tonight
15 after 6:00. Follow whatever those instructions are, the
16 instructions could say, hey, we need you to call back Tuesday
17 night after 6:00 or need you to come back in tomorrow at 2:00
18 or something, okay? Whatever the instructions are, just follow
19 those, alright? With that, I'm not going to keep you any
20 longer, but I will let Ms. Renita Coleman know that Kelly says
21 that she needs some pickled salad, okay? She works with my
22 wife in the ER, God love them both. Okay. Y'all have a good
23 afternoon and we'll look forward to some pickled salad later
24 this week from Ms. Coleman.

25 (Non-jurors exiting Courtroom.)

1 THE COURT: Alright. The jury is back and
2 seated. Ladies and gentlemen of the jury, we're going to go
3 ahead and let y'all take a lunchbreak. I have a few more
4 matters that I need to address and then I desperately need to
5 get me something to eat myself. I'm going to ask you to return
6 if you could be back here in the jury room at 3:00, and I
7 anticipate that we'll be in a position to move forward with the
8 trial of this case at that time, okay? Just a few caveats,
9 first, ladies and gentlemen, please understand that part of my
10 instructions to you will be to judge this case based solely on
11 the law and the evidence. That means that, of course, you're
12 not to have any communication with anyone, not friends, family
13 members, not even your fellow jurors until this case is
14 submitted to you, okay? And at that point in time, you can
15 only talk about it in the jury room. So while on break this
16 afternoon or this evening, don't discuss the case with anyone,
17 which should be very simple for you to do because you don't
18 know the first thing about this case. We haven't heard the
19 first witness so it's easy not to talk about it, alright?
20 Second of all, similarly, don't go doing any kind of
21 independent research or any sort of internet googling of
22 anyone's names involved in this as I'm sure you are well aware,
23 a lot of what's online is accurate and a heck of a lot of it
24 isn't accurate at all, okay? And so please don't go doing any
25 kind of independent research. I assure you you'll get the

1 information that you need to judge this case based on what
2 takes place here in the Courtroom, alright? When you come
3 back, if you're a note taker, if you feel like you may want to
4 take notes during the trial, just let the bailiff know and
5 they'll get you some tablets or maybe, let's just put a dozen
6 tablets or so back there, or 14, we'll put 14 tablets back
7 there and if you want one, there will be a tablet available for
8 you with a pen, alright? With that, enjoy your lunchbreak and
9 I will see y'all back at 3:00. Thank you for your patience
10 with us this morning. Take care, see you back at 3:00.

11 (Off the record.)

12 THE COURT: Alright. Mr. Tinsley, your client's
13 been out on bond while this case has been pending, is that
14 correct?

15 MR. TINSLEY: Correct, Your Honor.

16 THE COURT: Mr. Ware, you understand that you've been
17 out on bond and I'm assuming there haven't been any problems
18 with him so far as y'all are aware while he's been out?

19 MR. BROWN: Not that we're aware of.

20 THE COURT: Alright. I'll let you stay out, okay?
21 But understand, Mr. Ware, if you fail to come back to Court
22 when we reconvene, the case will still go forward in your
23 absence and it's going to be much harder for Mr. Tinsley to
24 defend an absent chair, okay?

25 MR. WARE: Yes, sir.

1 THE COURT: Okay. So you promise me you'll be back?

2 MR. WARE: Yes, sir.

3 THE COURT: Very good. I'll see you back at 3:00,
4 Mr. Ware. We'll be at ease until 3:00.

5 (Off the record.)

6 THE COURT: We'll go back on the record, if we may.
7 I conferenced briefly in chambers with the attorneys and after
8 some discussion, apparently there are a few legal matters that
9 the Court needs to address this afternoon, so I'm going to
10 bring the jury out, release them, have them come back tomorrow
11 morning at 9:30. The solicitor indicated that they anticipate
12 the State's case could likely be done perhaps by as early as
13 after lunch, so it shouldn't affect our timetable too badly in
14 terms of what we're looking to accomplish this week. So let's
15 have the jury out, please.

16 (Jury entering Courtroom.)

17 THE COURT: Okay. We've got everyone here and
18 seated. Ladies and gentlemen, don't get too comfortable, let
19 me bring you up to speed. After I took my lunch break or after
20 we took our lunch break, I met with the attorneys in chambers
21 for about 10 or 15 minutes and I'd anticipated a few matters,
22 perhaps pretrial, that the Court was going to need to address.
23 But after further discussion with them, the pretrial issues
24 that we're dealing with might be a little bit more involved and
25 understand that, that I'll explain this to you tomorrow when I

1 give you my opening instructions to you, but the Court's the
2 judge of the law and you people will end up being the judge of
3 the facts in this case. And sometimes it's a little bit more
4 efficient timewise if the Court goes ahead and it gets all the
5 legal rulings out of the way in the case and then we simply
6 move forward with the trial and the witnesses instead of doing
7 it piecemeal, taking some testimony then breaking and dealing
8 with those issues of law because then I'd have y'all back there
9 for maybe 45 minutes to an hour. So in talking to the
10 attorneys, I think the better course of action is to go ahead
11 and release you for the afternoon because, please understand, I
12 respect your time, they respect your time, everybody respects
13 your time and we're not trying to waste your time, okay?. So
14 I'm going to go ahead and release y'all for the afternoon so I
15 can continue working on this case with the attorneys, make the
16 necessary rulings, and that should help expedite the actual
17 trial of this case once we start in earnest tomorrow morning.
18 So you get a lovely afternoon in 96 degree heat and hopefully
19 you will not be working outside and if you are supposed to be
20 working outside, I'm not going to tell your boss if you want to
21 just go home and get in the pool or air conditioned house or
22 wherever it is you live, go to see a movie, it's lovely. They
23 got the Barbie thing happening, it's really good, actually.
24 And you're already dressed appropriately, so y'all enjoy your
25 afternoon. Leave your tablets in your chairs, they'll be

1 collected by the bailiff and be back in here tomorrow morning
2 at 9:30 and we'll start the case in earnest at that time, okay?
3 So thank you for your understanding, and I apologize again for
4 having you come back. If I had realized how involved these
5 motions were going to end up being, I would have simply let you
6 come back tomorrow morning. But you're good for the day, see
7 you tomorrow morning at 9:30, thank you for your understanding.
8 Have a good day.

9 (Jury exiting Courtroom.)

10 THE COURT: They all gone?

11 BAILIFF: Yes, sir.

12 THE COURT: Alright. Okay. If we may, we'll go back
13 on the record in Mr. Ware's case and just a few housekeeping
14 matters before we get into the substance of the chain issue
15 that we need to address this afternoon. The State basically
16 informed me, and I know that they've already spoken to Mr.
17 Tinsley, but apparently there was a typo in the false
18 information law enforcement officer indictment. It referenced
19 subsection A and in fact should have been subsection B. And
20 Mr. Brown indicated that Mr. Tinsley, you don't object to the
21 amendment of the indictment?

22 MR. TINSLEY: I do not, Your Honor. They're both
23 from the same statute, it's a different subsection, both carry
24 30 days.

25 MR. BROWN: And Judge, just to clarify

1 also, the CR code is the same for both, both of
2 those.

3 THE COURT: And that's probably where the error was
4 made ---

5 MR. BROWN: Yes, sir.

6 THE COURT: --- because it was entered in and it just
7 popped up subsection A instead of B.

8 MR. BROWN: That's right.

9 THE COURT: Alright. I know that Mr. Tinsley takes
10 exception to the chain of custody. Before we take any
11 testimony, Mr. Tinsley, you want me to, you want to kind of
12 help me understand the nature of the objection? I understand
13 it's kind of a two-part objection, one dealing with the fact
14 that cocaine was never mentioned in the chain form, and the
15 other related to SLED guidelines or regulations as it relates
16 to the chain.

17 MR. TINSLEY: Correct, Your Honor. If I may put
18 something on the record ---

19 THE COURT: Sure.

20 MR. TINSLEY: --- before going into all that. I've
21 also discussed with my client an issue with the indictments.
22 The testifying officer was Deputy Parker, he had nothing to do
23 with this case. I told him we could make a motion to quash the
24 indictments based off of that manner of presentation. And I
25 explained to him that I felt like even if we were successful,

1 the State could still reindict by having another officer who
2 was involved in the case testify. He is, told me not to make
3 that motion, he's knowingly and voluntarily waiving that, but I
4 just wanted to make everyone aware of that.

5 THE COURT: Very good.

6 MR. TINSLEY: And as it relates to the chain of
7 custody, at first, I would challenge the stop as protectoral, I
8 mean, there's no bad driving, he's going down 72 and,
9 apparently, the officer got behind him and just radioed in the
10 tag which is a Georgia tag to a car that belonged to someone
11 else. And it came back that the tag was suspended and that was
12 the basis for the stop, so I would argue that on the stop. And
13 then as it gets to specifically with the chain, section, and
14 I'll hand this code section up, section 44-53-485 requires that
15 control substances seized pursuant to this article must be
16 inventory, reported, audited, handled, tested, stored,
17 preserved, or destroyed pursuant to the procedures promulgated
18 by the South Carolina Law Enforcement Division. And then if
19 you look at regulation, the SLED regulation 73-80, it requires
20 the seizing officer to make a report of the seized controlled
21 substance as soon as practical after seizure but not more than
22 72 hours, unless there's a few exceptions that I don't think
23 apply here. And the record has to have the seizing officer's
24 name, law enforcement agency's name, the date of the seizure,
25 the name of the person from whom, or specific location from

1 which the controlled substance was seized, state whether the
2 seizure was subject to a warrant, lawful arrest, or otherwise.
3 And then the place where the controlled substance was seized,
4 description of the substance or container alleged to contain a
5 controlled substance using sufficient particularities to
6 distinguish it and the disposition of the controlled substance
7 including the date delivered, name of the person who delivered,
8 law enforcement agency employing the person who it was
9 delivered to, and the signature of the seizing officer. Then
10 there's also an initial custody form and, that has to be as
11 similar requirements, and this initial custody form must
12 accompany the evidence until it is presented to the forensic
13 laboratory for analysis, and I just don't see where they
14 followed those regulations specifically. So under, I would
15 argue under 485 the Court should suppress the drugs in this
16 case.

17 THE COURT: And I am unfamiliar with this particular
18 part of the code of regulations. To your knowledge, in the
19 regulations is there anything that dictates what the effects
20 should be if law enforcement does not follow these guidelines?

21 MR. TINSLEY: I have not seen anything in the
22 regulations that specify what the effect or remedy or
23 consequence of law enforcement not, not following the,
24 following the guidelines which is why, you know, I look back at
25 the statute and it's mandatory language that it must be

1 complied with, so I would argue that suppression is the proper
2 remedy for it.

3 THE COURT: Mr. Brown?

4 MR. BROWN: Judge, I'm not quite understanding what
5 they did not comply with. What we have in the, in our incident
6 report and what we've turned over in discovery has, obviously,
7 the warrants for what he's been charged with. He had bodycams
8 and an in-car camera that the officers on scene list out what
9 they find either on Mr. Ware's person or in his vehicle. They
10 then take it back to the sheriff's department and use a BEST
11 kit that's given a unique number which they have their own case
12 number, and then they give it, they have to pre-log it to get a
13 lab number from SLED. But in their incident report they list
14 off what, what the drugs are they seized, they list off 182
15 green triangular pills, 11 multicolored pills, 8.2 grams which
16 powder tested positive for cocaine. 25.2 grams of plant-like
17 material, another 1.4 grams of green plant-like material, a
18 glass mason jar, a set of black digital or Digits brand digital
19 scales and an opened box of plastic Ziplock bags. Judge, this
20 is all in a, actually in a BEST kit, the drugs are in this BEST
21 kit that I have in my hand. And then also, in State's, what's
22 going to be used as State's 2 are the digital scales, the
23 baggies, and the jar. But documentation is what Mr. Tinsley
24 was stating in 44-53-485 under subsection A, controlled
25 substance seized pursuant to this article must be inventory,

1 reported, audited, handled. Well, it was inventoried,
2 reported, given unique numbers and then it goes on to be
3 processed by South Carolina Law Enforcement Division which it
4 was. The next code, duties of the seizing officer requires a
5 written record of any controlled substance paraphernalia. I
6 believe that night they were able to as Deputy Majia writes the
7 incident report and puts in his property report, which there is
8 actually another property report, part of his incident report
9 that lists off plastic bags containing all the items I've
10 already just mentioned, and specifically, the powder, white
11 powder substance. It also is given the same, put in this bag,
12 too as part of the drug in the BEST kit, so I'm not exactly
13 sure what they failed to follow per the statute. If we need to
14 they're here to say, but it's been documented in their report,
15 it's in the BEST kit, but I'm not sure.

16 THE COURT: Okay. Well, our discussions in chambers
17 seem to contemplate, if nothing else, calling testimony about
18 the nature of the stop.

19 MR. BROWN: Yes, sir.

20 THE COURT: Perhaps it would be better if you went
21 ahead and now that he's raised a challenge to the stop and the
22 manner in which the report was offered, perhaps you could just
23 call the officer who made the stop and go ahead and take some
24 testimony for the record.

25 MR. BROWN: Thank you, Judge. The State calls

1 Deputy Michael Mejia.

2 CLERK: Raise your right hand. Do you swear
3 or affirm the testimony you're about to give this Court is the
4 truth?

5 DEPUTY MEJIA: I do.

6 **DIRECT EXAMINATION**

7 BY MR. BROWN:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Deputy Mejia, where do you work?

11 A I work for the Greenwood County Sheriff's Office.

12 Q And how long have you been there?

13 A I've been there approximately eight years this
14 September.

15 Q And how long have you been patrolling or a certified class
16 1 officer?

17 A About five years.

18 Q And during that process of being a deputy, have you had
19 the, did you go to the Criminal Justice Academy?

20 A I did.

21 Q Been trained in search and seizures?

22 A Correct.

23 Q Specifically narcotics investigations?

24 A Correct.

25 Q Okay. What division are you in now?

1 A I'm currently in the Criminal Investigation Division
2 assigned as a canine handler.

3 Q And what do you do as a canine handler?

4 A Narcotics investigations, a lot of seize and apprehension
5 type stuff, investigating other crimes.

6 Q Okay. Deputy Mejia, back on November 25th, 2020, were you
7 working that night?

8 A I was.

9 Q And do you remember this particular arrest?

10 A I do.

11 Q Tell me what went on.

12 A If I recall correctly, this was about a quarter to 11, if
13 I may refer to my notes. Yeah, a quarter to 11, 11:00 at night
14 on the 25th of November, I was in the area of Highway 72, 221
15 and I believe the correct cross would be Old Sample Road.
16 About the time I observed, it was a silver, green Mercury sedan
17 and it had a Georgia license plate, I believe it was RED4000.
18 The vehicle was the only vehicle on the road at the time that
19 was directly in front of me. Normally what I do for these
20 types of patrols that I was on at the time; I would have been
21 assigned to the crime reduction unit where our primary task is
22 for active patrol. The area of 72, 221, within that little
23 stretch has a couple different locations that are known for
24 drug activity. So to see vehicles on the road at this time of
25 night in that area is just something, in fact, we might run

1 tags, may try and see violations, stop the vehicles, especially
2 if they're coming to and from that hotel or just in that area
3 in general. Like I said, I remember this being the only
4 vehicle on the road, I ran the tag through the in-car terminal
5 that I have that is an NCIC and SCDMV database terminal as well
6 as it will do license plate inquiries in other states. I was,
7 first read a report from my terminal that said that the license
8 plate out of Georgia was suspended. I was attempting to figure
9 out what for, couldn't get an immediate read out on my
10 computer, so I provided the tag to dispatch, dispatch again
11 confirmed that it was suspended at which time I then initiated
12 the traffic stop on the vehicle and we pulled into the
13 driveway.

14 Q Okay. But before you turned on blue lights or siren, you
15 ran it through dispatch that it was suspended out of Georgia?

16 A Correct.

17 Q And that would be your primary cause for pulling this
18 vehicle over?

19 A Correct.

20 Q After you pulled Mr. Ware's car over, what did you do
21 next?

22 A I went to make contact with him, first thing I would do is
23 inform him of the reason I stopped which I quickly did and said
24 the reason I'm stopping you, you have a, or at least the plate
25 comes back suspended out of Georgia, I'm not sure why, I'm

1 going to try to figure that out. Requested the normal
2 documents that I would, a driver's license, proof of insurance
3 for the vehicle, and any registration or other vehicle
4 documents. He provided me, I believe it was with an insurance
5 card and he had some type of vehicle documentation that listed
6 the owner of the vehicle, it was not a Georgia registration, it
7 was some other document from the State of Georgia pertaining to
8 the vehicle. But then he stated that he did not have his
9 license on him, and he provided me with name and date of birth
10 of John Martin, and I believe the date of birth, according to
11 my notes is May 13th, 1964. When he said 1964, just based on
12 looking at him, I didn't think he was that old, I could have
13 been wrong, but what I normally do in cases where I do not have
14 any driver present physical ID, I immediately go back to the
15 terminal that I have in my vehicle, go to the SCDMV database
16 and I attempt to locate the driving record in the database for
17 the purposes of correctly identifying the individual, and to
18 also get their driver's license information, all the things I
19 would need to fill out a citation or a public contact or
20 warning. When I put that information into the DMV database, I
21 immediately am shown a picture of the person who that name and
22 date of birth respond to and that picture from that driver's
23 license photo did not match the person who was currently
24 sitting in the driver's seat of that vehicle.

25 Q And at that point, had you already called backup

1 or another officer?

2 A At the time I saw that the photo did not match
3 is when I asked Lieutenant Madden over the radio if
4 he was in the area and if he could respond to my location to
5 assist me.

6 Q When having a tag that's suspended or it's suspended and
7 then finding out that somebody's potentially given you false
8 information, what were you going to do after that?

9 A I usually like to get a second opinion from another
10 officer, making sure I heard things correctly. Again, doing my
11 due diligence to make sure that I do have the person
12 identified. In that time, I was also taking time to try and
13 confirm what the tag was in fact suspended for. But at the
14 time we determined that he was most likely giving false
15 information, it was now becoming an investigation as to who
16 this person actually was. So we had him step out of the
17 vehicle, I remember doing a pat down search just to make sure
18 that he wasn't armed just for my safety and his safety that I
19 saw a bulge in his right rear pocket that was his wallet. He
20 never went to retrieve his wallet when I initially asked him
21 for his ID, so seeing his wallet in his back pocket kind of
22 raised a red flag. I then asked him if he had his wallet on
23 him that had his ID in it, he stated he didn't have his wallet
24 on him. By this time, suspicion continued to mount and
25 believing that he was giving a false name, I detained him with

1 the intent of then once possibly identifying him and placing
2 him under arrest for providing false information to law
3 enforcement.

4 Q Once you put cuffs on, detain him, did you put
5 cuffs on?

6 A Correct.

7 Q Okay. And once you did that, what did you
8 find?

9 A First I found his wallet and his wallet had his, I believe
10 it was just a South Carolina ID, I don't know if it was a
11 driver's license. But it was an ID that was for Rekeem Ware,
12 but it matched the person that I was out with, so at that point
13 he would have been under arrest. I don't know if I immediately
14 said, you're under arrest, I don't think I did. But then I
15 continued to search his person because he was going to be
16 placed under arrest and I believe it was in his front right
17 pocket, the small little watch pocket of his jeans was a bag
18 containing some, I don't remember the exact color of the pills,
19 but they were pills that commonly look like ecstasy, they
20 didn't have any markings on them that were similar to a
21 prescription medication. And then there was also a bag of
22 white powder substance in it which based on my training and
23 experience I identified as cocaine.

24 Q Okay. After you found those items in his pocket, what did
25 you do next?

1 A I did formally advise him that he was under arrest, and
2 also provided him Miranda warning. Completed a search of his
3 person, found, I believe the scales were in his front left
4 pocket, I don't recall what other paraphernalia we might have
5 found on him, excuse me, directly on his person. But at that
6 point he was then placed in the rear transport seat of my
7 patrol vehicle, and then we executed the search of the
8 vehicle.

9 Q And what did you find in the vehicle?

10 A Lieutenant Madden began to search the driver's side of the
11 vehicle, saw a bag containing green plant material which we
12 believed to be marijuana. He let me know about that, I believe
13 I photographed it before we seized it. Then I believe
14 Lieutenant Madden began to search the back driver's side area
15 at which point I would have continued searching behind him in
16 the front driver's seat area, I remember locating about a quart
17 full bottle of liquor. Then Lieutenant Madden stated to me
18 that he had found something at which point I look over and I
19 see it's a very large bag containing some maroon pills, didn't
20 know what the pills were at the time, left them in place until
21 they were photographed and then we seized them. Looking them
22 over, did not look like prescription medication, bearing no
23 markings, we believed that they were ecstasy and we later field
24 tested them, and they did test positive as such.

25 Q Okay. Alright. Now, after you and Lieutenant Madden

1 retrieved these items out of the car and out of Mr. Ware's
2 pocket, what do you do with the drugs after that?

3 A So I believe I placed everything that was found in his
4 pockets, inside of his hat, and his hat would have been placed
5 in the front passenger's seat of my patrol vehicle. Lieutenant
6 Madden actually took all of the drugs, took them back to his
7 patrol vehicle, secured them in a plastic bag and then handed
8 them to me in the back of my patrol vehicle where they were
9 placed in the rear car door area and then I would have brought
10 them up to the sheriff's office.

11 Q Okay. And when you -- let me show you what's been marked
12 as State's Exhibit Number 3. Take a look at that and tell me
13 what that is.

14 A This is a pre-log entry of drug evidence; this is the
15 certification and proof of chain of physical custody and or
16 control that would have been in the BEST pack. It's one of the
17 forms, or excuse me, behind it is the drug analysis request
18 which is another form that's in the SLED BEST pack that would
19 have been completed and all of the drugs would have been in
20 prior to these being submitted into evidence.

21 Q Is that the original internal chain from the Greenwood
22 County Sheriff's Office?

23 A I believe it is, yes.

24 Q And who completed that chain?

25 A Lieutenant Madden and I would have completed it together.

1 Q Y'all did it in tandem?

2 A Correct.

3 Q Okay. And what drugs are listed on that chain?

4 A .I don't believe we explicitly named them, we just
5 described them, so the first is white powder substance in a
6 clear bag, second is a small bag of 11 multicolored pills.
7 Third item is a hundred and eighty-two green triangle pills in
8 a clear bag and item number four is two bags of green plant-
9 like material. That's listed on the certification proof of
10 physical chain of custody and or control. On the drug analysis
11 request, they would have been, it looks like the exact same,
12 first is white powder substance in clear bag, number two is
13 small bag of 11 multicolored pills, item three is a hundred and
14 eighty-two green triangle pills in a clear bag, number four is
15 two bags of green plant-like material.

16 Q And what is Greenwood County Sheriff's Office case number
17 for this?

18 A I believe it is 20-34177.

19 Q And would that number have gone on the BEST kit?

20 A Yes.

21 Q And what do you do with a BEST kit?

22 A So the BEST kits, all the proper forms are completed, the
23 forms and the substances that we are requesting to be tested by
24 SLED are all to be sealed inside the BEST kit and the BEST kit
25 would be placed into an evidence locker at the sheriff's

1 office. That, prior to placing it into the locker, it would be
2 logged into our evidence system, a label would have been
3 created and either placed with it if not stuck directly onto
4 the BEST pack itself and then, like I said, secured into that
5 locker.

6 Q And did that happen in this case?

7 A Yes, it did.

8 Q Are the items that were seized pursuant to this traffic
9 stop listed on this Greenwood County Internal Chain?

10 A All the narcotics evidence ---

11 Q Yes.

12 A --- that we were requesting to be tested? Yes.

13 Q And also, after you did the Greenwood County Internal
14 Chain or your evidence log, did you also document these same
15 items in your incident property report?

16 A Correct, yes, I did.

17 Q And was this traffic stop and subsequent arrest and search
18 and seizure also documented in your report?

19 A Yes, it was.

20 Q Is that what you were referring to just now on the
21 stand?

22 A Correct.

23 MR. BROWN: Judge, we do have this on video if you
24 want to watch it, but I believe it's going to show you the
25 exact same thing as what he just said.

1 THE COURT: Alright. I don't know that I necessarily
2 need to see it at this point. I'll let you know after Mr.
3 Tinsley asks whatever questions he wants to ask. Were you
4 done? .

5 MR. BROWN: Let me just make sure, one... Judge, just
6 so we don't have to recap this later, I'm going to basically
7 ask --

8 Q -- Deputy Mejia, in your report and on that chain, does it
9 list your name?

10 A It does.

11 Q And then your agency?

12 A It does.

13 Q The date of the seizure?

14 A Yes.

15 Q Name of the person from whom or specific location from
16 which the controlled substance was seized?

17 A Yes.

18 Q The state which the arrest took place?

19 A Yes.

20 Q The place where the controlled substances were
21 /seized?

22 A Yes.

23 Q The container where they were placed in or what they were
24 found in?

25 A Yes.

1 Q I think this next one would be for the other officer, but
2 were you packaging -- what was your intent to have these items
3 packaged in a BEST kit?

4 A Basically to keep them secured and all properly marked and
5 preserve the chain of custody for evidence to be processed,
6 testing, and then ultimately here for Court.

7 MR. BROWN: Judge, I don't think I have any further
8 questions.

9 THE COURT: Mr. Tinsley?

10 MR. TINSLEY: Thank you, Your Honor.

11 **CROSS EXAMINATION**

12 BY MR. TINSLEY:

13 Q The road where the stop occurred would be the Laurens
14 Highway, right?

15 A It'd be Highway 72, 221 East.

16 Q Yeah, which is commonly known as the Laurens Highway?

17 A Sure.

18 Q You would agree with me that's a busy road?

19 A Sure.

20 Q Now, you mentioned coming to or going from that hotel,
21 what hotel are you talking about?

22 A I believe it's the Ideal Motel, it sits kind of
23 cattycorner of the intersection of Spratt and Highway 72, 221.

24 Q Okay. What did that hotel have to do with Mr. Ware that
25 evening?

1 A It's a common place for narcotics activity. Nothing
2 directly corresponding to him, but it's just an area, that
3 stretch of road is an area that we frequently patrol because of
4 the drug activity of that hotel.

5 Q Okay. But you don't have any evidence of Mr. Ware being
6 at that hotel?

7 A No, sir.

8 Q Okay. And you didn't observe any bad driving from
9 Mr. Ware?

10 A No, sir.

11 Q And you talked about finding some marijuana. You found
12 some marijuana in the frontseat?

13 A Yes. I did not initially see it when I asked Mr. Ware to
14 step out of the vehicle, however, after we placed Mr. Ware
15 under arrest, then Lieutenant Madden approached the
16 driver's door, I believe he had even opened the door and
17 saw a bag sitting on the driver's seat that had
18 marijuana.

19 Q Okay. And then the other, you testified about finding
20 the, what you considered cocaine and the 11 pills in his
21 pocket?

22 A Correct.

23 Q And then the other stuff that you found, well,
24 that Lieutenant Madden found was in the backseat,
25 correct?

1 A Correct. I believe it was directly behind the driver's
2 seat.

3 Q I think it was actually, well, you tell me, where, do you
4 know where in the car it was?

5 A It was in the backseat, I don't know if it was directly on
6 the driver's or passenger's side, but it was close to the
7 center console.

8 Q Alright. Was it in the seat or on the floor?

9 A It was on the floor.

10 Q Okay. And that car had a lot of junk in it, right, in the
11 backseat?

12 A I guess.

13 Q Clothing, other items looking like somebody lived out of
14 the car?

15 A I wouldn't say lived in it, but occupied it, sure.

16 Q And didn't keep a very clean car?

17 A Sometimes I don't keep a very clean car.

18 Q But you would agree that that was an accurate description
19 of that car?

20 A Sure.

21 Q Okay. Alright. So this stuff wasn't just sitting out in
22 the open where you look in a window and immediately see it?

23 A No.

24 Q Okay. Lieutenant Madden had to search around for a minute
25 or so before he found it in the backseat?

1 A I don't know what exactly he had to manipulate or what he
2 had to do to see it.

3 Q Okay. So you hadn't looked at his bodycam or reviewed it
4 or anything?

5 A I may have looked at his bodycam that night, but not
6 recently, no.

7 Q Okay. And that's been two and a half years
8 ago?

9 A Correct.

10 Q Okay. So there's two different things of marijuana, one
11 in the frontseat, one in the backseat with those other pills,
12 is that ---

13 A I believe so, yes.

14 Q Okay. I'm going to hand you a document that was produced
15 to me in discovery.

16 MR. TINSLEY: I don't know if we want to mark this as
17 a Defendant's Exhibit or a Court's Exhibit?

18 THE COURT: Just mark it as Defense for ID
19 maybe.

20 MR. TINSLEY: Sure.

21 (Whereupon a document was submitted for Defendant's
22 Exhibit Number 1 for identification only.)

23 Q Alright. This document is entitled chain of custody
24 report. I'm going to have you look at it and see if you're
25 familiar with that document.

1 A I am.

2 Q Okay. Can you tell us how that document comes about being
3 created?

4 A So at this time of the day in the agency, there were two
5 separate systems in which this evidence would need to be
6 entered in, so to speak. So there's the report writing system
7 which would have been, I believe it's just called, Tyler
8 Technologies RMS that was the reporting system. So you would
9 have one set of clerical data, if you will, that would have
10 needed to be entered into that system. And then, I don't
11 remember what the other system was at the time, some evidence
12 safe or safe evidence, something like that. You would
13 essentially have had to reenter all the data that you put in
14 the original system and go back and again put it into this next
15 system just for the purposes of putting it into evidence. So
16 you're essentially doing the same work twice.

17 Q Okay. Which system would produce this report, do you
18 know?

19 A This would be the evidence entry system for the
20 purposes of logging it into evidence at the sheriff's
21 office.

22 Q So that would be the second system?

23 A That would be the second system, the second system that
24 was used by evidence techs and checking in and out of the
25 system.

1 Q Okay. And it lists two different items on there, correct?
2 Item 1 and item 2? I think they're both on the first page, one
3 at the top and one near the bottom.

4 A Yes.

5 Q Okay. Could you tell us what is included in item 2?

6 A It says description, black digit scales, 6-ounce mason
7 jar, box of sandwich bags.

8 Q Okay. And the sandwich bags and the mason jar were found
9 in the back, is that right?

10 A I believe so.

11 Q Okay. Alright. And can you read to us what's included in
12 item 1 in that report?

13 A Description, two bags of green plant-like material, 11
14 multicolored pills, a hundred and eighty-two green triangle
15 shaped pills.

16 Q Okay. And neither one of the items mentions anything
17 about the bag of cocaine?

18 A No.

19 Q And your name's not in that chain that's on that list, it
20 lists Lieutenant Madden on both items as turning them in,
21 correct?

22 A Correct. The way that would have worked is he and I both
23 would have been in the evidence room; I would have had the
24 actual substances in the kit, and he would have been standing
25 at the computer typing it in.

1 Q Okay. Now, he actually, if I understood your testimony
2 correctly, he's the one who actually took the items from the
3 scene to the sheriff's department?

4 A No, sir.

5 Q Okay. I misunderstood that.

6 A He removed them from the vehicle, took them back to his
7 patrol vehicle, placed them all inside of a plastic bag,
8 separate plastic bag, that was then handed to me and then
9 placed in back of my patrol vehicle?

10 Q Okay. And you took it. Did y'all head straight
11 from the scene to the sheriff's department?

12 A Correct.

13 Q Okay. And the pills field tested positive for ecstasy?

14 A It would have been a methamphetamine slash MDMA
15 presumptive test kit. MDMA is commonly active chemical in
16 ecstasy, so that's the test kit that we use, it provided a
17 presumptive positive test on, again, based on the description
18 of the pills, no markings, things like that, they fit the
19 description as ecstasy, that's what we would have listed it as,
20 along with the presumptive test until a formal drug test would
21 have been completed by SLED.

22 Q Okay. Did you test, when you field tested, did you test
23 the pills from the back and from what was found in his pocket,
24 or do you know which ones were actually tested?

25 A I believe we tested both.

1 Q Okay.

2 A I don't exactly remember, but I believe we would have
3 tested both bags.

4 Q Okay. And you would agree that the ones found in his
5 pocket were completely different shapes and colors from the
6 hundred and eighty-two in the back?

7 A Correct.

8 Q Okay. And just to be clear, that night you were
9 patrolling as a road deputy, you weren't working in any
10 criminal investigations that particular night, right?

11 A So the unit that I was assigned to at the time is the
12 crime reduction unit, there's no specific investigative
13 directive of that unit other than to be on proactive patrol.
14 It's not a supplement of the uniform patrol shift, it's not a
15 unit that answers calls, it's a unit that's specifically going
16 out doing traffic enforcement, narcotics investigations,
17 criminal apprehension, warrant service, things of that nature.

18 Q So pretty broad base of activity?

19 A Correct.

20 Q Okay. It's not part of the drug unit?

21 A No, sir.

22 Q And SLED didn't test any of the marijuana that y'all sent
23 down on this case?

24 A I don't know; I have not seen the report from SLED.

25 Q Thank you.

1 MR. TINSLEY: I don't have any further questions.

2 MR. BROWN: Just a few follow-ups.

3 REDIRECT EXAMINATION

4 BY MR. BROWN:

5 Q Deputy Mejia, you said -- did you actually fill out this
6 State's Exhibit 3, is this your handwriting on what was
7 submitted?

8 A Some of it is my handwriting, some of it is Lieutenant
9 Madden's. I would have signed the signature areas and the
10 names where, or excuse me, areas where my name is printed, and
11 then I also, I believe, filled in a couple of the dates and
12 times. The reason for this, like I said, Lieutenant Madden and
13 I would have completed this together, I might have been typing
14 an incident report or doing some other type of testing,
15 packaging of the drugs for submission into evidence while he
16 would have been completing the paperwork.

17 Q Now, at the top, is that your handwriting or is that just
18 your signature?

19 A That is my signature?

20 Q Is that ---

21 A And I believe that's Lieutenant Madden's handwriting doing
22 the listing.

23 Q And does that report have the powder cocaine on
24 it?

25 A It does.

1 Q And would you say if it was left off of the other, the
2 electronic version of that chain, it was just a scrivener's
3 error?

4 A Yes. It would either be that type of error or a simple
5 clerical error.

6 Q Okay. But obviously, is in the bag packed away?

7 A Yes.

8 Q And it's on that handwritten report?

9 A Yes.

10 Q And it's also in your incident report?

11 A Yes.

12 Q And it's also, you charged him with possession with intent
13 to distribute cocaine?

14 A Correct.

15 MR. BROWN: No further questions.

16 THE COURT: As far as the form concerning the
17 seizure, I think the Solicitor when you went down through those
18 earlier, the fifth one talks about there needing to be some
19 sort of notation as to whether the drugs were seized pursuant
20 to a warrant, a lawful arrest or otherwise. Is that noted on
21 that paperwork, too?

22 DEPUTY MEJIA: Yes, Your Honor, it would be noted on
23 the certification of proof of chain of physical custody and or
24 control, right after the part where it says, I seized from, it
25 would have been pursuant to lawful arrest.

1 THE COURT: Alright. Thank you, you can step down.
2 Are y'all intending to call Officer Madden?

3 MR. BROWN: Not unless it's necessary. I think we
4 could just jump into the filling out the form and where they
5 found it, but ---

6 THE COURT: Did you feel like it was necessary to
7 call Officer Madden, or do you desire to?

8 MR. TINSLEY: No, I don't think so at this point,
9 Your Honor.

10 THE COURT: Alright. Anything else on this subject?
11 As far as testimony's concerned.

12 MR. TINSLEY: None from the Defense, Your Honor.

13 THE COURT: Mr. Tinsley, let me hear from you again
14 in light of the testimony. The crux of your argument is
15 essentially that the stop was, of course, not legitimate and
16 that the failure to list the cocaine on the second inventory
17 form is somehow basically fatal to this case.

18 MR. TINSLEY: Thank you, Your Honor. Yeah, I think
19 the testimony about the stop furthers it. He was stopped
20 because of something going on at that hotel is why they radioed
21 it in, a hotel that they have no evidence that he's ever even
22 been to, certainly didn't see him going to there or coming from
23 there. You know, I just think it's a bridge too far when
24 there's no suspicious activity, can just call in on a Georgia
25 tag and pull somebody over on it. That is, strikes me as a

1 general crime suppression thing that's just not, you know,
2 there's got to be some reason to call the tag in and make the
3 stop, that's the whole basis for the stop was that tag. So I
4 would argue that that's, that doesn't pass Constitutional
5 muster. And then on the form, I mean, I get that this form
6 they've come up with now does comply with these things, this is
7 the first time I've seen it. All that's been produced to me in
8 discovery is the form that I made in addition to SLED chain
9 from Greenwood County is the form that I've made a part of the
10 record as Defendant's 1. And it doesn't comply with the
11 regulations, number one, but getting on to the other, on the
12 cocaine, it's nowhere there and, you know, I, I think there
13 was, I should have been provided the document that they're
14 putting into evidence now as part of the discovery process, and
15 that just didn't happen. And the documents that were provided
16 to me certainly I think would be fatal to their case and get
17 these drugs admitted under the chain of custody. Number one
18 for, they didn't produce anything to me showing compliance
19 with the regulations and number two, didn't produce anything
20 to me the first link of the chain on the cocaine. So it's
21 not just a weakness in the chain, I mean, the first, that first
22 link wasn't there in what's been produced to me in
23 discovery.

24 THE COURT: Mr. Brown, did you want to speak to that
25 or address that?

1 MR. BROWN: Judge, I believe everything's been
2 turned, I mean, all this, it says in the incident report what
3 was located, what was found, who handled it, who turned it in.
4 I believe this internal chain, this handwritten one was with
5 the items that were brought over. The ---

6 THE COURT: It was sealed in the BEST bag?

7 MR. BROWN: Yes, sir, it's been in with the evidence.
8 And then ---

9 THE COURT: And that's State's 3 or 1?

10 MR. BROWN: State's 3.

11 THE COURT: Okay. So State's 3 was sealed in a BEST
12 kit?

13 MR. BROWN: It was, I'm not exactly sure if it was in
14 the BEST kit, but it was with this one that was brought over --
15 -

16 THE COURT: Okay.

17 MR. BROWN: --- with law enforcement. All the items
18 are listed on that, has been documented, it's in the report, a
19 powder cocaine that was found on him. It's on the video camera
20 of powder cocaine, this is not a new revelation that there's
21 now powder cocaine that's being presented before this jury for
22 trial. And also, the SLED results also speak of powder
23 cocaine. With regard to the traffic stop, I think that was,
24 from what Deputy Mejia was saying is that he patrols this area
25 which there is known drug activity, but the purpose of this

1 traffic stop was running the tag, and it was suspended. I
2 think those are, he's patrolling an area as officers do and
3 this particular stop was not because of the Ideal Motel, it's
4 because the tag was suspended, and that's the reason for the
5 traffic stop, so I want to make sure that's clear. And so the
6 investigation led to getting a false name, he was able to
7 confirm that which led to further questions and then arrest
8 which then led to the drugs. So I don't want to get that
9 confused about the Ideal Motel, it's just where he was
10 patrolling that night. So with that, Judge, it is our position
11 that the stop, the arrest, the search, the seizure, the
12 documentation, the statute for which the drugs and items have
13 to be logged and submitted were all complied with and that they
14 should be in as evidence in this case.

15 THE COURT: Alright. As it relates to the SLED
16 report that I think was made a Defense exhibit would appear
17 that at most that was merely a scrivener's error and that the
18 cocaine wasn't listed on that report, it was listed on the
19 other report that the officer testified about having to do
20 duplicate reports. And of course, it was also listed on the
21 incident report and on the SLED analysis. So I don't see,
22 assuming that there's no break in the chain, I don't see where,
23 and by break in the chain I mean in terms of who handled it, I
24 don't see where that minor error would warrant suppression of
25 the cocaine. As far as the stop, if someone gets pulled over

1 for a bad tag and, or a tag gets expired, I mean, it's actually
2 happened to my kids before and, you know, and they then
3 promptly blame me for not having renewed the thing, and I guess
4 that was my fault. But if you, normally is shown a good
5 driver's license and say, hey, that was my dad's fault or oops
6 I meant to get around to it and they run the license and you're
7 on your happy way with a warning from the officer to get the
8 tag taken care of. The Solicitor's point is valid that it was
9 a legitimate stop for a bad Georgia tag which was then followed
10 by a false name and date of birth which then heightened, of
11 course, the officer's suspicions and it cascaded from there.
12 So I don't see where under the law as it currently exists that
13 the stop was pretextual and would warrant this case being
14 dismissed. So those will be my rulings on those two issues.
15 Housekeeping wise, Solicitor, I think you indicated in chambers
16 that you did not intend to go forward with the marijuana aspect
17 of this, you were intending to simply remove that from the BEST
18 kit and ---

19 MR. BROWN: Yes, sir. There is marijuana that was
20 found, we are not going forward with that. There were pictures
21 taken or screen shots taken of bodycams, we're not putting
22 those pictures in, however, I don't think it was drawing
23 attention to it, by the bodycam, you're just going to hear that
24 these drugs were found in the back, like where the main pills
25 are. Our contention would be to actually open up the BEST

1 pack, if there's a stipulation to that, so I don't want that to
2 be a question for the analyst because she won't know anything
3 about it until she gets here to remove that marijuana from the
4 BEST pack. The other, as it relates to SLED and their testing,
5 I think Mr. Tinsley is not objecting to under the cases of
6 Hatcher and Brockmire the internal chain of SLED, we would
7 introduce the internal chain as a State's exhibit. And I
8 believe as we go through progression of the chain with Deputy
9 Mejia, Lieutenant Madden, Greg Allison who's our evidence
10 custodian, he gets down to SLED and then Brittnee Looney is the
11 SLED analyst, I think she could be able to identify every
12 person that moved it from shelf to bin to her desk. So I think
13 that would properly satisfy the case law under Hatcher and
14 Brockmire, and we would introduce that internal chain from SLED
15 which we have produced in discovery to be able to help also
16 provide the links in that chain.

17 THE COURT: Alright. Mr. Tinsley, first up on the
18 marijuana, are y'all okay, are you okay, because what I can do
19 is when the SLED agent testifies tomorrow, I could simply, when
20 she says normally it's sealed when it leaves my custody, I
21 could simply explain that for purposes of the hearing today it
22 was necessary to open that and that's the reason it was
23 unsealed, that it was unsealed today and that way it's not
24 looking fishy on behalf of anybody. I assume you'd rather have
25 that than the marijuana also be in that same big bag ---

1 MR. TINSLEY: Yeah, I would agree with that, Your
2 Honor, and I guess the marijuana also needs to be, how we're
3 going to deal with it on the video because ---

4 THE COURT: I'm happy to simply instruct the jury
5 that, you know, he was not charged with anything concerning the
6 marijuana or that, I'm presuming those cases weren't pursued
7 because SLED's just not testing marijuana now, right?

8 MR. BROWN: You've got to specifically ask, you got
9 to say, they usually do the harder drugs, and then if you
10 really want the marijuana, they do the marijuana, but in this
11 case ---

12 THE COURT: You saw no reason because the
13 marijuana is not a substantial quantity compared to the other
14 stuff?

15 MR. BROWN: Yes, sir. Why don't we just say that we
16 didn't go forward and you don't, it's there, just don't
17 consider it, that's another way.

18 MR. TINSLEY: But I mean, they haven't even proved
19 it's marijuana, is kind of the point.

20 MR. BROWN: Green leafy substance.

21 THE COURT: Fair enough, green leafy substance. I
22 mean, I think that's probably the only way to deal with it
23 because you're going to have to open the bag to extract the
24 green leafy substance and then I assume they'll simply put that
25 in a another bag and destroy that at some point, the leafy

1 stuff. And I think that's probably the only way we're going to
2 be able to handle it, especially since we don't want the
3 marijuana being referred to, alleged marijuana being referred
4 to excessively.

5 MR. HODGES: I was going to suggest also, if we're
6 not going to publish the BEST kit to the jury until after the
7 analyst testifies, we might be able to have her remove it after
8 she arrives, that way there's no ---

9 THE COURT: That's not a bad idea, and that way it's
10 sealed overnight. You don't have to, that's a good suggestion
11 and when she gets here we could just have her open it outside
12 the presence of the jury and to the extent that you need to
13 show it, or somebody needs to show it to the jury, just give it
14 the profile that doesn't have, because marijuana allegedly is
15 on one side and then the other stuff is on the other side. So
16 that's a fair way to handle it.

17 MR. TINSLEY: And Judge, I don't want you think I'm
18 arguing with your ruling ---

19 THE COURT: No, no.

20 MR. TINSLEY: --- I just want to make sure my
21 record's clear.

22 THE COURT: Please.

23 MR. TINSLEY: I would just add that that handwritten
24 form, the fact that it wasn't turned over to me in discovery, I
25 think is a rule 5 violation. And on the analogy of the tag

1 being expired, that's something that you could look at a tag
2 and the officer wouldn't have to call anything in, he sees it
3 and there's his probable cause for the stop. Whereas this is a
4 little different, the only way he got that information was
5 through dispatch, so I would make a distinction there.

6 THE COURT: I appreciate you clarifying that. And
7 you make a very fine argument, but my ruling still stands.
8 Housekeeping wise, anything else we need to address? Okay.
9 Hearing nothing ---

10 MR. HODGES: Just to clarify, how are you wanting us
11 to handle the videos?

12 THE COURT: The videos?

13 MR. HODGES: Like, are we needing to redact any
14 mention of anything to do with the marijuana?

15 THE COURT: Do you want the audio to be redacted
16 or anything, Mr. Tinsley, or are we just going to let it
17 roll?

18 MR. HODGES: If the Court wants to issue some sort of
19 stipulation that the State's not pursuing any charges related
20 to whatever, I mean, which is true.

21 MR. TINSLEY: I mean, in a perfect world, I would
22 say, yes, redact anything dealing with the marijuana, but it's,
23 I don't know that it's even feasible given the stuff's all
24 found together is the problem with it. Now, the stuff that's
25 found in the frontseat we might could turn the volume; I'll

1 have to look at the exact timing of that, we could probably
2 turn the audio down on that part.

3 THE COURT: I sometimes worry that a jury may get the
4 impression that somebody's trying to play hide the, you know,
5 hide the ball and it might be better for us just to say
6 forthrightly that the Defendant is not facing any sort of
7 charges with respect to the alleged marijuana, the green plant-
8 like material in this case that that material was not tested
9 and therefore, you're to not hold that against him, not draw
10 any sort adverse inference or anything like that, anything with
11 exact language, I'll simply say he's not charged with that so
12 that does not factor into this case in any way, shape, or form.
13 That might be the cleanest way to deal with it. I really can't
14 blame the police on this one, I mean, you know, in the grand
15 scheme of things marijuana's down there now, it wasn't 30 years
16 ago, now it is. Alright. Anything else we need to deal with?
17 No? Very good. Alright. We'll be at ease until 9:30 tomorrow
18 morning and again, Mr. Ware, I'm going to take you at your word
19 that you're going to be here, okay? I understand that the case
20 will go forward in your absence, and I respect individuals who
21 show up when they're supposed to show up and obviously, you're
22 exercising your right to a jury trial, that's something I
23 respect as well, okay? So please be sure to be here at 9:30,
24 okay, sir? He's nodding yes. We'll be at ease until tomorrow
25 morning, gentlemen, thank you.

1 (Whereupon the hearing ended at 4:21 pm)

2 **DAY TWO OF STATE V. WARE - AUGUST 1, 2023**

3 THE COURT: We'll go on the record in the State
4 versus Mr. Ware, and the record, of course, will reflect the
5 Defendant is present with counsel. I'm told the jury is here.
6 Anything prior to the jury being brought out and beginning the
7 case? Anything from the State?

8 MR. BROWN: No, sir, Judge. I, I just want to make
9 sure before we get going on this, on the bodycams and the
10 officer speaking, just make sure we're all clear on the portion
11 that refers to weed or marijuana. There are three in the
12 bodycams, I went back and looked at them this morning, that's
13 mentioned around the 19 minute, 17 second mark, and 19 minute,
14 35 second mark of Deputy Mejia's bodycam, and then also the 20
15 minute, 55 second mark, and that would correspond with Captain
16 Madden's bodycam, and a 10 minute, 19 mark, 10 minute, 39
17 second mark, and 11:56 mark. I guess it's just navigating
18 through that, if we want to let it play through that and then
19 you give an instruction later on that they're not to consider
20 green leafy substance, or I could possibly just mute it at
21 those time stamps.

22 THE COURT: Mr. Tinsley, do you have a preference?

23 MR. TINSLEY: As long as he can, you brought up a
24 good point yesterday, we don't want to do anything that draws
25 any, any extra attention to it or makes it look like it's being

1 hidden. As long as it can be done on a, I don't know if
2 discreet's the right word, but where it just doesn't stick out
3 like a sore thumb. My preference would be that it not, that it
4 be muted and not come in which I think, I think it can be done
5 to where it's not obvious of what's going on, so as long as
6 that's the case, that would be my preference.

7 THE COURT: Why don't I simply, what we can do is you
8 can mute it and I can simply instruct the jury prior to playing
9 the bodycam that at a certain point you're going to be muting
10 it and it's because what's being said on the audio is simply
11 irrelevant to any issue involved in this case and it's not that
12 anyone's trying to hide anything, it's just that irrelevant
13 evidence is inadmissible, I'll put it like that.

14 MR. BROWN: Yes, sir.

15 MR. TINSLEY: That sounds good to me, Your Honor.

16 THE COURT: Alright. Anything else? No? Very good.
17 Let's have the jury please.

18 (Jury entering Courtroom.)

19 THE COURT: Alright. Ladies and gentlemen, welcome
20 back. Thank you for your attention and for being here on time
21 this morning. The first order of business for the Court is to
22 appoint a foreperson of the jury and Mr. Simmonds, I think I'm
23 going to appoint you, okay, sir? Alright. I'll tell you that,
24 obviously, there's not a lot of effort in being the foreperson,
25 your primary job is once the jury begins its deliberation, make

1 sure everyone has a chance to have their fair say, you're kind
2 of first among equals, okay? Your vote, of course, counts no
3 more, no less than any other juror's vote and you'll write the
4 verdict once it's returned on the sentencing sheet after the
5 deliberations have concluded. When we reconvene, if you would,
6 it's customary that the foreperson sit in the seat occupied by,
7 I guess, it's Ms. Derrick? Okay. So the lady in the gray
8 shirt, if y'all want to switch seats or whatever, that'll be
9 great. If at any point in time, ladies and gentlemen, if you
10 have any difficulty hearing any of the testimony, I want you
11 simply to raise your hand, get our attention, okay? Let us
12 know, and I'll ask the witness to speak up. So at any point in
13 time you have difficulty hearing, hand goes up and I'll ask
14 them to speak up. Similarly, if you need a comfort break for
15 any reason during the course of the trial, just raise your
16 hand, get my attention, or the bailiff's attention, and we'll
17 be happy to take a brief break, okay? Now, ladies and
18 gentlemen, before I administer your oath to you as jurors, I
19 want to let you know that, of course, this case is going to be
20 a lot different from how you see cases depicted on TV or maybe
21 in the movies from what we see in popular culture, and
22 understand, I love, I love watching certain movies about law
23 suits and cases and things like that. Legally Blonde is
24 actually one of my favorites, I'll watch that thing numerous
25 times with my daughter. But you know, what we see in popular

1 culture, we often get the impression that these cases are full
2 of a lot of intrigue and dramatic moments, and certainly,
3 sometimes that's the case, but it's more the rule that these
4 cases are not quite as exciting as what we see depicted on TV
5 or in the movies. And of course, that's because real life is
6 just not as exciting as what Hollywood puts out there.
7 Obviously, this case is very important to all the parties
8 concerned, certainly to Mr. Ware, and so of course not for
9 anyone's entertainment. I want to thank you going forward for
10 your service this week. Understand that if I were to ask for
11 volunteers for jury duty, no one would show up, and so the only
12 mechanism that we have to get people to come in here to help me
13 resolve cases is to bring 14 or bring a whole group of people
14 in and then the lawyers pick 14 individuals to serve as jurors,
15 you hear the case, and then ultimately make a decision, okay?
16 So thank you very much for your willingness to do your civic
17 duty here this week, I sincerely appreciate it. With that, I'm
18 going to ask the clerk to administer your oath to you, if you
19 could, just stand where you are and raise your hand. Madame
20 clerk?

21 CLERK: Good morning. Raise your right hand, please.
22 Do you solemnly swear or affirm that you shall well and truly
23 try the issues before this Court, a true deliverance to make
24 and a true verdict rendered according to the evidence and law
25 presented so help you God, do you?

1 JURORS: I do.

2 CLERK: Thank you, you may be seated.

3 THE COURT: Now, ladies and gentlemen, we're about to
4 start the trial of the case of the State versus Rekeem Ladell
5 Ware. And what I'm intending, what I'm about to say to you, of
6 course, is just intended to serve as an introduction to the
7 trial of this case, and of course, these remarks are not an
8 instruction on the law. I'll instruct you on the law at the
9 conclusion of the trial before you begin your deliberations.
10 Again, this is just an overview of the process that we will use
11 going forward so that you can better understand what to expect.
12 Now, again, ladies and gentlemen, the indictments in this case
13 charge the Defendant, Mr. Ware, with the offenses of
14 trafficking in methamphetamine, possession with intent to
15 distribute crack cocaine, driving under suspension, and giving
16 false information to law enforcement. And again, I'll tell you
17 that these indictments are merely the means by which these
18 cases are brought to Court, and they are not in any sense of
19 the word, proof of any of the allegations contained in the
20 indictments. Again, Mr. Ware has pled not guilty to these
21 charges and that plea puts the burden firmly on the State to
22 prove his guilt beyond a reasonable doubt. It'll be your job
23 to determine whether the State has met this burden. Now, your
24 purpose as jurors is to find and determine the facts in this
25 case. Understand that you are the sole judges of the facts, so

1 if at any time I make any comment concerning the facts, you
2 must disregard any comment that I make because the law does not
3 permit me to have any opinion about the facts in a case, that's
4 the sole providence of the jury. You'll determine the facts
5 from the testimony that you hear and the other evidence which
6 is introduced during the course of the trial. Understand that
7 it's up to you to determine the inferences that you feel can
8 properly be drawn from the evidence presented. It's especially
9 important that you determine the facts diligently and
10 conscientiously because ordinarily, there is no way to correct
11 the erroneous determination of facts by a trial jury. The same
12 law that makes you the judge of the facts makes me the judge of
13 the law. The law as given by the Court is the only law that
14 you can consider, to accept it and apply it even though you may
15 disagree with it. Again, I'm not permitted to tell you what
16 the facts are and you're not allowed to disagree with me of how
17 the law is and the law should be. Your job will be to take the
18 law as I give it to you, apply the facts as you find them to
19 be, and after doing that, you'll render your verdict under the
20 oath that you've just taken. Now, again, until you, until I
21 inform you that you can begin your deliberations, please don't
22 discuss this case with anyone, not friends, not family members,
23 not even your fellow jurors. Once the case is submitted to
24 you, it can be discussed only in the jury room in the presence
25 of all jurors. Understand also that the parties have been told

1 not to have any contact with you while the case is going on, so
2 if you happen to see one of the lawyers or some of the parties
3 coming or going to the Courthouse and they don't even
4 acknowledge you, understand they're not being rude, they're
5 just following my instructions to have nothing to do with you
6 while the case is going on. I'm sure you can understand the
7 reason for this, the reason is very simple, if the other side
8 were to see you having an innocent conversation with the
9 lawyers or a party about the weather or sports or something
10 like that, the other side could easily believe that that's, or
11 think that that's an effort of jury tampering. So the easiest
12 way to keep that issue from coming up is just to say jurors are
13 off limits while the case is going on. Again, as I mentioned
14 yesterday, please don't perform any kind of independent
15 research about this case, don't go Googling any person's names,
16 don't read about it in the papers or on the internet or
17 anything like that. Again, you can consider only the evidence
18 which is presented during the trial, and you can't consider
19 anything that's been said about this case outside of the
20 Courtroom whether it was before or during the trial. Do keep
21 an open mind, don't decide any issue in this case until all the
22 evidence has been presented, you've heard the attorneys'
23 closing argument, and you receive my instruction on the law.
24 Again, it's your solemn job to determine the guilt or the
25 innocence of the Defendant and your verdict has to be based

1 only on the evidence presented, and on the law as I instruct
2 you. In a moment, the attorneys will make their opening
3 statements to you in which they will explain to you what the
4 issues are or what they contend the issues are in this case.
5 Understand that what the lawyers say in their opening and
6 closing is not evidence, it's merely their contention as to
7 what will be proven or what has been proven. Even though it's
8 not evidence, you should of course pay attention to what the
9 lawyers say in their opening and closing because it'll give you
10 kind of an overview of what you can expect while the case is
11 going on. Again, the evidence will be presented through the
12 testimony of sworn witnesses from this witness stand. Now,
13 from time to time during the trial, from time to time during
14 most trials that I do, it's necessary to take brief breaks when
15 there's an issue of law that arises during the course of a
16 trial and usually, the lawyers will say something like, Judge,
17 we have a matter for the Court, or we've got an issue of law
18 for you. And during those times it's necessary for me to ask
19 you to leave the Courtroom so that I can have a candid
20 conversation with the attorneys out here on the record about
21 that particular legal matter that they're bringing to my
22 attention, alright? The reason that I'm asking that you leave
23 the Courtroom is that sometimes in ruling on issues of law,
24 it's necessary for me to comment on what evidence has been
25 presented, what testimony has been presented. And because

1 you're the sole judges of the facts, I don't want anything that
2 I say about the facts to have any influence or affect on what
3 you find those facts to be, that's why I ask that you leave the
4 Courtroom so that I can have a candid discussion out here with
5 the lawyers on the record about that legal issue. Again,
6 please don't speculate about what I'm saying about the facts
7 because the law does not permit me to have any opinion about
8 the facts in this case. In determining what the true facts
9 are, ladies and gentlemen, you'll have to determine whether the
10 testimony is believable or not. Understand that it's my job to
11 rule as a matter of law on whether certain testimony can be
12 admitted. Once it's admitted, however, whether you believe it
13 is solely up to you. In deciding whether to believe a witness,
14 you have a right to consider the interest of any witness, bias
15 of any witness, the prejudice of any witness, the opportunity
16 for the witness to have seen the things about which they
17 testify. You can also consider the way they act or their
18 demeanor while on the witness stand. You can consider anything
19 that's in the record in this case that will help you evaluate
20 the testimony of the witnesses. That means it's your duty to
21 pay close attention to them, listen to them, observe them. If
22 you pay attention to everything's that going on here in the
23 Courtroom, I assure you at the conclusion of the trial, you'll
24 be in as best a position as possible to determine what the
25 facts are, apply the law to those facts and render your verdict

1 under the oath that you have just taken. Now, as far as notes
2 are concerned, you're certainly at liberty to take notes, just
3 a few basic rules. First, notes are kind of for your eyes
4 only, second, don't let the taking of notes distract you
5 unnecessarily from the testimony that's being presented, and
6 finally, when the case is resolved, I'll ask that you simply
7 take any notes that you take, rip them out of the notebook,
8 take them home, toss them in the garbage, or dispose of them,
9 keep them as a souvenir, whatever the case may be, but they are
10 for your eyes only, okay? When we take a lunch break, just
11 leave your tablets in your chair, put your names on the outside
12 of the notebook or something like that, the bailiff will
13 collect those, and secure those during break and will return
14 them to you when we resume, alright? With that, ladies and
15 gentlemen, we will begin with the attorneys' opening
16 statements. And so Mr. Hodges, you may begin, sir.

17 MR. HODGES: You have nothing to fear if you have
18 nothing to hide. I saw that on one of those inspirational
19 posters. You have nothing to fear if you have nothing to hide.
20 You're going to hear that back on November the 25th of 2020,
21 the Defendant in this case, Mr. Ware, was pulled over by the
22 Greenwood County Sheriff's Department. And when he was pulled
23 over, he had cause to be afraid because he had secrets to hide.
24 You will hear that when he was pulled over, Deputy Mejia from
25 the Greenwood County Sheriff's Office approached his car, asked

1 for the typical kind of things that officers ask for during a
2 traffic stop. A driver's license, proof of insurance,
3 registration on the car. And you will hear that the Defendant,
4 Mr. Ware hid his identity, that was the first thing he did.
5 And I would submit to you the reason he hid his identity is
6 because he was afraid that his secrets would be revealed. The
7 first thing that he was afraid of is the officer might figure
8 out that his license was under suspension if he knew his
9 identity. And he was afraid if the officer figured out that
10 his license was under suspension he might be arrested for that
11 charge. And if he were arrested for that charge, the officers
12 might do a search, and if the officers did a search, they would
13 find all of his drug, and that's exactly what happened. You
14 will hear that when the officer approached and asked for his
15 license, Mr. Ware, said I don't have it with me. Okay. Well,
16 tell me your name, tell me your date of birth. And Mr. Ware
17 said my name is John Martin, and he gave him a date of birth of
18 1964. Mr. Ware was 30 years old at the time, and if you do the
19 math, the date of birth of 1964 is somebody's that's going on
20 60 years of age. And so obviously, that raised some alarm
21 bells with the officer. And so he went back to his patrol car,
22 they've got laptops in their cars now, and he's able to access
23 the DMV website. And y'all know when you go you get a driver's
24 license or an ID card, they take your picture, right? And so
25 your picture is with your driving record on the DMV website and

1 he's able to pull up the picture of Mr. Martin with that 1964
2 date of birth, and it's clearly not this guy. The
3 investigation continues, they ultimately get a wallet out of
4 his pocket, it's got his real ID in it, it shows his real
5 identity, they figure out his license is under suspension, they
6 do a search, and they find these drugs. So what do they find?
7 They found cocaine in his pocket, they found methamphetamine in
8 his pocket, found a set of digital scales in his pocket, they
9 found more methamphetamine and some baggies in the car. I want
10 to talk to you a little bit about the law that we're going to
11 be dealing with here. It's not necessarily terribly intuitive,
12 it will be helpful for you, I think, as we go into this case
13 when you're listening to the evidence and the testimony that's
14 coming from this witness stand to kind of know where we're
15 getting at with some of this testimony. So first thing I want
16 to talk to you about is the burden of proof. We as the State
17 have the burden of proving this Defendant guilty of the things
18 that he is charged with. He is charged with giving false
19 information to the police, it's illegal to lie about your
20 identity to law enforcement. He's charged with driving under
21 suspension, if your license or privilege to drive is suspended
22 by the highway department, then you're not supposed to be out
23 driving a car. He's charged with possession with the intent to
24 distribute powder cocaine, and he is charged with trafficking
25 in methamphetamine. And I'm going to explain those to you, the

1 drug charges to you in a moment. But as I said, the burden is
2 on us to prove the Defendant guilty beyond a reasonable doubt.
3 Now, what does that mean? There are very few things in life
4 that we know with absolute certainty. People joke about death
5 and taxes are the two things that you can count on with a
6 hundred percent certainty. The burden is not on us to prove
7 this case beyond any doubt, to 100 percent certainty. It's on
8 us to prove to you beyond a reasonable doubt that he is guilty
9 of these crimes. A reasonable doubt, the best explanation I
10 have heard is if we present evidence that you are firmly
11 convinced the Defendant is guilty of these charges, then it is
12 your duty to find the Defendant guilty. If the evidence firmly
13 convinces you that he is guilty, alright? Now, let me talk to
14 you about these two types of drug charges. There are certain
15 elements that each crime has, for instance, driving under
16 suspension, there's three elements that we have to prove that
17 the person was driving on a road here in the state and that
18 their license was suspended, those two elements are what we
19 have to prove to prove driving under suspension. For
20 possession with the intent to distribute cocaine, we have to
21 prove possession, that the drugs were in his possession, if it
22 is in fact cocaine, and that he intended to distribute it. For
23 trafficking, it's possession, more than a certain weight
24 threshold and it is methamphetamine. So let me break down
25 those elements for you. The first concept to understand is the

1 concept of possession. Y'all know what possession means, to
2 possess something, to have it, you have possessions that you
3 own, right? So it comes from that same word, possess. But
4 there are legal concepts attached to possession, alright? And
5 there are two types of possession under the law. One is not
6 any better or worse than the other, there are really, kind of,
7 two sides to the same coin, okay? You have what's called
8 actual possession, and you have what's called constructive
9 possession. The best way I can explain that to you is, see
10 these keys that are in my pocket, I'm in actual possession of
11 these keys, they're on my person, alright? That under the law
12 is what's called actual possession. If I take these keys and I
13 set them down, I'm no longer in actual possession of those
14 keys, right? Still my keys. Now I'm in constructive
15 possession of those keys. We can take that by extension. This
16 is the key to my vehicle, alright? So I'm in constructive
17 possession of the vehicle parked out there in the parking lot,
18 this gives me access to that vehicle, and it also gives me
19 access to the contents of that vehicle, so I'm in constructive
20 possession of the car and its contents. Same thing with my
21 house key, I'm in constructive possession of my house and the
22 contents inside of my house. Lots of cars out there that I
23 don't have access to because I don't have the key. Lots of
24 houses out there that I don't have access to because I don't
25 have the key, right? Those are not in my possession; those are

1 in somebody else's possession. The key for constructive
2 possession is do you have control; you have dominion and
3 control over those things that are out there in the world that
4 you can have access to. And you're going to hear that the
5 drugs, some of the drugs that we're talking about are in the
6 car that he is driving, that he has dominion and control over
7 it, he's operating it and it's in the car with him, alright?
8 Now, let me talk to you a little bit about the drug charges.
9 Obviously, that possession is one of the elements, whether it
10 be actual possession or constructive possession. And then the
11 drug laws in South Carolina are largely based on weight,
12 alright? I know we're used to dealing in inches and yards and
13 miles and, you know, not the metric system. You go to Canada
14 or Europe, everything's in the metric system, it's centimeters
15 and kilometers and grams and kilograms. Well, our drug law is
16 largely in the metric system, so you're going to hear all the
17 testimony about grams, alright? I'm going to show you some
18 little demonstrative aids here. I want to make it clear; this
19 is not evidence in this case, and these are not drugs, they're
20 going to help me demonstrate to you how the law works. So
21 that's a little bit of baking powder, kind of looks like
22 cocaine, alright? And this was weighed out on a digital scale,
23 and I'll submit to you it's about a tenth of a gram of powder.
24 And you see it's tied up in a little corner of a bag, you may
25 hear this called a quarter of a coke baggie, basically, it's

1 got powder in it in the quarter of the baggie, it's tied off
2 and cut off, right? It's about a tenth of a gram. And if
3 somebody gets arrested having a small amount of cocaine like
4 this, they're going to get charged with possession of cocaine,
5 some people call it simple possession, alright? The next
6 bigger baggie, this is about a gram of powder, alright? About
7 10 times as much as what's in that little corner bag. Under
8 the law, you as the jury can infer from this quantity of powder
9 that the person intended to distribute. On that fact alone,
10 you can infer an intent to distribute. But what is an intent
11 to distribute? Distribute is to dispense, deliver, sale,
12 trade, share, it's transferring from one person to another.
13 And the legislature has basically said, if somebody's got a
14 gram or more, that's more than personal use, there must be an
15 intent to distribute. And you, the jury can decide on that
16 fact alone, that that's enough to prove intent to distribute.
17 Obviously, you can't get into the Defendant's head, we can't
18 prove to you what was in the Defendant's head, what his
19 intentions are, you have to look at the facts and the
20 circumstances surrounding it. And I will tell you that in this
21 case you're going to hear it's a whole lot more than just one
22 gram. There's also other evidence that supports this intent to
23 distribute. I told you that in addition to drugs, they found
24 digital scales in his pocket. Well, he had drugs in one
25 pocket, scales in the other. What's the purpose of that? I

1 told you this was weighed out on a digital scale, right?
2 Packaged up in a little corner kind of a baggie, he's got
3 scales in his pocket, the baggie was in the car and a big lump
4 of cocaine in his pocket. So you can take all of that evidence
5 together and decide if there was an intent to distribute that
6 cocaine. Now, let's move on to the methamphetamine. The
7 methamphetamine comes in different forms, sometimes it's
8 powder, sometimes it's crystal, sometimes it's seen in these
9 pressed pills, that's where there's a colored binder and
10 there's a dye and it's used then to press them into different
11 shaped pills. Sometimes it's pressed into a pill, it might
12 look like ecstasy, sometimes it's pressed into a pill that
13 might look like some sort of opioid pill or like a valium or
14 oxycontin or something like that. And it's really pretty hard
15 to tell what it is until it goes to the state drug lab in
16 Columbia, they have a chemist that actually tests it to tell us
17 what kind of drugs that were in there. And you're going to
18 hear that the pressed pills in this case contain
19 methamphetamine, alright? It's the same type of law with
20 methamphetamine as cocaine in terms of their weights. So
21 again, you have a small amount that would be possession, if you
22 get to a gram, you as a jury can infer, again, possession with
23 intent to distribute, but then if you get to 10 grams or more,
24 that elevates it to a different charge called trafficking. At
25 that point the State would not have to prove any intent to

1 distribute, all we have to prove is that it is methamphetamine,
2 it's in his possession and it's more than 10 grams. And then
3 there's another category above 28 grams. And you will hear in
4 this case we got over 28 grams of methamphetamine. So those
5 are the four charges that we're bringing forward before you
6 today. Giving false information to the police for lying about
7 his identity, driving under suspension for driving on the roads
8 while his license is suspended, possession with the intent to
9 distribute powder cocaine and trafficking methamphetamine.
10 That's what we're going to be hearing about today. Thank you
11 for your attention. When we come back up before you at the end
12 of the trial, we're going to be asking that you find the
13 Defendant guilty of those four charges.

14 THE COURT: Thank you, Mr. Hodges. Mr. Tinsley,
15 you're recognized for your opening, sir.

16 MR. TINSLEY: Thank you, Your Honor, may it please
17 the Court?

18 THE COURT: Yes, sir.

19 MR. TINSLEY: Good morning, ladies and gentlemen of
20 the jury. Let me give you the rest of the story. This car
21 that Mr. Ware was pulled over in didn't belong to him, it
22 wasn't in his name. And these drugs, these pills found in the
23 backseat, they weren't just sitting out there in the open.
24 Whoever's, the lady's car it was, you can see from the bodycam
25 video when you watch the officer's investigation of their

1 search, it looked like she basically lived out of the car there
2 was so much junk in there. These pills weren't out in the
3 open. And so, Mr. Hodges made it sound like it's just clean,
4 that these drugs belonged to and were in possession of my
5 client, Mr. Ware. Not so simple, which is why we have the jury
6 here to look at, that you folks can use your sense and look at
7 these facts presented and make your decision. And let me go
8 back to reasonable doubt which is the State's burden. That is
9 your guideline for how you make your decision. The State is
10 held to the highest burden under our law beyond any and all
11 reasonable doubt. One way to think about reasonable doubt is,
12 we're all familiar with the blind lady justice holding the
13 scales of justice. And if you think about it, if the State, if
14 evidence comes up that helps the State, it tips a little bit in
15 their favor, some comes out that helps Mr. Ware, the Defense or
16 hurts the State, the scales tip the other way. It's not enough
17 that the State get it just a little bit in their direction or
18 even substantially get it in their direction. They have to get
19 it way in their direction to meet that burden of beyond any and
20 all reasonable doubt. Just to give you some other points of
21 reference. If we were in here trying a civil case, the
22 Plaintiff would have the burden of proving their case by a
23 greater weight of the evidence, which would mean that the
24 Plaintiff would only have to tilt the scales ever so slightly
25 in their favor to get a verdict in their favor. That's not

1 what we're here for today, the State has a much higher burden
2 to prove my client guilty. They have to tilt the scales way in
3 their favor. I'll give you another example of a legal
4 standard, clear and convincing evidence. If we were over
5 across the hall in Family Court, and DSS or another party
6 proved that someone was unfit, they could take your children
7 from you based off this clear and convincing standard. The
8 State has an even higher burden than that than when a Family
9 Court Judge can take someone's children from them. If they
10 were to convict my client, they have to tip those scales way in
11 their favor. That's why we have the presumption of innocence
12 in this country is to hold the State to its burden. Another
13 way to look at it is, is that common sense thinking is the
14 benefit of the doubt. My client, Mr. Ware, gets every benefit
15 of every doubt in this case. And it's, reasonable doubt
16 sometimes is thought of as what would make someone hesitate to
17 act, and it doesn't mean in any trivial decision in your life
18 like what you're going to have for lunch. It's thinking about
19 a serious decision, something like moving into a different
20 house, getting another car, changing jobs, or something that
21 will make you say, hmm, in that decision. That's the same type
22 of standard that you need to hold the State to, you go, hmm,
23 something just doesn't fit, then the State hasn't met its
24 burden and you have to find my client not guilty. And in every
25 criminal case, reasonable doubt's important, but when it comes

1 to this trafficking charge, it's especially important because
2 the State's case is strictly circumstantial. As I told you a
3 minute ago, Mr. Ware was driving a, someone else's car, he was
4 pulled over for no bad driving or anything like that, or no
5 suspicious behavior. They, the officer got behind him over on
6 Highway 72 at the Civic Center and ran the tag and found out
7 the tag was suspended in Georgia. It's not one of these
8 situations where you can look at a sticker on the back and just
9 tell, he had to call it in to dispatch to find that out.
10 There's no evidence that Mr. Ware knew anything about that.
11 And then the stop, obviously, if Mr. Ware had it to do over
12 again, he wouldn't have given someone else's name, he would
13 have, you know, he would have taken responsibility for the
14 suspended license, but that doesn't make him guilty of
15 trafficking meth or was hiding meth in the back. Like I said,
16 this case is circumstantial, a circumstantial case, and I'm
17 talking about the trafficking charge. A circumstantial case is
18 the only case where every single person who takes that witness
19 stand could tell the truth, yet, an innocent man can be
20 convicted, hence why the State has this burden of proving their
21 case beyond a reasonable doubt, meaning, if there is a real
22 possibility that these drugs belonged to someone else such as
23 the owner of the car, then you have to find my client not
24 guilty of this trafficking based off these pills. And he
25 mentioned that some were found in my client's pocket. You'll

1 see the evidence, the stuff in his pocket, it doesn't match
2 this bag that was hidden in the backseat floorboard under
3 stuff. Those pills are green and triangular whereas the stuff
4 in his pocket was circular and different colors. So for the
5 trafficking, really hold them to their burden on that. Mr.
6 Hodges gave the analogy of the keys, that he put the keys right
7 here, he said he was still in constructive possession of them.
8 Well, everybody in this Courtroom, you, me, and everyone in
9 here knew those keys were there, it didn't put us in
10 constructive possession of those keys. And here, it's, the
11 State's even asking you to go a step further, it's going to be
12 no proof that my client, Mr. Ware, knew that these pills in the
13 backseat were there, these hidden pills in someone else's car
14 that he was driving. And Mr. Hodges also talked about intent
15 to distribute of the cocaine and based off of, he's strictly
16 basing his intent off of the weight that he had. That's not
17 enough. The State has to prove their case that he intended to
18 distribute cocaine beyond all reasonable doubt, they have that
19 burden, that he had the cocaine in his pocket in one single
20 bag, just based off of the weight, that's not enough to prove
21 their case. They have to prove all the facts that he had the
22 intent to distribute this cocaine. So they, it's not as simple
23 as he made it out to be. They have the burden of proving all
24 elements, the main one at issue on that charge being the intent
25 to distribute cocaine. And so that, those are the main issues

1 as I see it that you're going to have to grapple with in this
2 case, to hold the State to their burden of proving that my
3 client trafficked methamphetamine which would prove that he
4 knew that he had a bunch of meth in the backseat of the
5 floorboard that was hidden in a car that wasn't his. Now, I
6 would submit to you that the State, that the evidence is not
7 going to be there, so on the trafficking, you'll need to find
8 my client not guilty. Then on the intent to distribute
9 cocaine. Assuming that the State can prove that what he had
10 was cocaine, they're not going to be able to prove that he
11 intended to distribute it beyond a reasonable doubt. So as far
12 as the intent to distribute charge, that as well as the
13 trafficking, when you weigh the evidence, I submit to you it
14 will not be enough and you'll have to find my client not guilty
15 on these particular charges. So I just ask you to really take
16 a look at this bodycam that's presented on this TV here shortly
17 and hold the State to every piece of evidence to its burden of
18 proving my client guilty beyond a reasonable doubt. And in
19 particular, on the trafficking and the intent to distribute, I
20 would submit to you that it's just not there, so I would ask
21 you to give not guilty verdicts at that time for my client.
22 Thank you.

23 THE COURT: Thank you, Mr. Tinsley. Alright.
24 Solicitor, you can call your first witness, please.

25 MR. BROWN: The State calls Micheal Mejia.

1 CLERK: Good morning. Do you swear or affirm the
2 testimony you're about to give the Court is the truth, the
3 whole truth, and nothing but the truth so help you God?

4 DEPUTY. MEJIA: Yes, ma'am.

5 CLERK: Thank you.

6 **DIRECT EXAMINATION**

7 BY MR. BROWN:

8 Q Good morning.

9 A Good morning.

10 Q Mr. Mejia, tell me your full name.

11 A Michael Mejia.

12 Q And where do you work?

13 A I work at Greenwood County Sheriff's Office.

14 Q How long have you been employed with the Greenwood County
15 Sheriff's Office?

16 A About eight years now.

17 Q And to become a sheriff's deputy, what kind of training
18 have you gone through?

19 A I've gone through training at the South Carolina Criminal
20 Justice Academy.

21 Q And how long is that training?

22 A At the time it was 12 weeks.

23 Q When you, back in 2020 when this happened, November
24 25th, 2020, what was your position at the sheriff's
25 office?

1 A I was a patrol deputy assigned to the crime reduction
2 unit.

3 Q And today what is your role at the sheriff's office?

4 A I'm a investigator slash canine handler assigned to the
5 criminal investigations division.

6 Q Now back on November 25th, 2020, were you working that
7 day?

8 A I was.

9 Q And what were you doing that night?

10 A I usually patrol, well, at that time in the crime
11 reduction unit, I usually patrol what we would consider high
12 crime or high traffic areas. The directive of that unit that I
13 was on at the time was proactive patrol for traffic and its
14 main goal was to find drugs, people that were engaged in
15 committing violent crimes, people that were wanted on warrants,
16 fugitives, as well as just doing general traffic enforcement as
17 well, so speeding, looking at people's suspended licenses, we
18 also worked quite often with highway patrol, if we
19 encountered a DUI, we'd pass it over to the highway
20 patrol. But that particular night I was patrolling the area
21 of 72, 221 here in Greenwood County, that's between Old Sample
22 and all the way up to, I believe it's Old Brickyard Road. And
23 I also remember this night because it had just rained and so
24 there was not a whole lot of traffic at the time that I
25 encountered the first car which would end up being

1 the Defendant's car, it was the only car on the road, it was
2 directly in front of me.

3 Q And when you do traffic enforcement, what do you look for?
4 Do you look at tag lights, license plates?

5 A I look for any type of violation. Whether it be an
6 equipment violation or an actual moving violation, so speeding,
7 a lane change, something like that, or also what would be a
8 vehicle license violation, an expired tag, a suspended tag.
9 Usually, the way that we find those is either we provide
10 the tag state and number to dispatch or I do have a
11 patrol vehicle that has a computer terminal in it
12 that is linked to DMV databases in not only South Carolina
13 but the other 49 states across the country as well as
14 NCIC.

15 Q Okay. And in this particular case, once you're
16 behind this vehicle, did you run the tag?

17 A I did.

18 Q And what did it tell you?

19 A So first I ran it through the terminal inside my vehicle,
20 and I didn't get a complete readout, but it did alert me that
21 the vehicle license was suspended out the State of Georgia.
22 Then just as double confirmation, I had dispatch run it, they
23 usually have a more robust computer system, and they don't have
24 to focus on driving and typing at the same time. So I provided
25 dispatch with the tag number, they again said it's coming back

1 suspended out of Georgia at which time I initiated a traffic
2 stop for the suspended vehicle license.

3 Q And when you initiate a traffic stop, is that
4 turning on your blue lights?

5 A Correct. It activates the blue lights in my
6 patrol vehicle and also my body worn and in-car
7 camera.

8 Q So in this case, you do have body worn camera and in-car
9 camera?

10 A Correct.

11 Q And I want to show you what's been previously marked
12 as State's Exhibit Number 4. Can you take a look at this
13 and tell me if you recognize what that is?

14 A That is a bodycam and dashcam recording on a disc with my
15 initials.

16 Q And have you had an opportunity to watch this and make
17 sure it is an accurate copy?

18 A Correct, yes, I have.

19 Q And this is a copy of your traffic stop on November
20 25th, 2020?

21 A Yes.

22 MR. BROWN: Judge, at this time I would move State's
23 4 into evidence.

24 THE COURT: Any objection?

25 MR. TINSLEY: None other than the issues

1 we discussed yesterday.

2 THE COURT: Subject to the issues that we were
3 addressing in the pretrial, State's 4 will be in evidence.

4 (Whereupon a disc was submitted as State's Exhibit Number
5 4 for identification and entered into evidence.)

6 Q And before we watch that bodycam and your in-car camera,
7 Deputy Mejia, once you pulled over the vehicle, what type of
8 car was it that Mr. Ware was driving?

9 A It was like a silver green colored Mercury sedan, I don't
10 remember the exact model of what it was.

11 Q Okay. And where did you actually pull this vehicle
12 over?

13 A I believe I initiated the traffic stop right as we went
14 under the train trestle bridge. If you were heading towards
15 the lake on 72, 221 and it would have, he would have pulled
16 over into the driveway of the Eaton Plant right there, I don't
17 know the cross street.

18 Q Okay. But on the right ---

19 A Correct, yeah.

20 Q --- going into Eaton? Once you got out of your vehicle,
21 tell me what happened after you pulled him over.

22 A So I approached the vehicle, and I have the usual routine
23 that I ask for. First, I identified myself, my position, who I
24 was with the sheriff's office, then I informed him of the
25 reason I stopped, that the vehicle license is suspended. And I

1 asked for the three documents that I've always requested on
2 every traffic stop and I've been trained to ask for and that is
3 the license, registration, and proof of insurance. He was able
4 to provide me one document for the vehicle, it was not a
5 registration, it was a Georgia document that had something to
6 do with the vehicle, I think it was something akin to like our
7 tax receipt, the property tax on the vehicle. And he may have
8 been able to provide me with an insurance card, but he said he
9 did not have his license on him, which is not uncommon, I've
10 run into it several times, what I just ask for after that is
11 name, date of birth. He did provide the name, John Martin, I
12 believe the date of birth was 5-13 of 1964. Usually, what I do
13 whenever I've not been provided a driver's license, I will
14 write that information down on my note pad and go back to my
15 patrol vehicle where I can go get back on my laptop. I'd log
16 into the South Carolina DMV database, actually before that,
17 something else I would have asked him is where he was from. He
18 stated he was from McCormick and that would more often than not
19 indicate that he probably does have a South Carolina ID. So I
20 go back to my patrol vehicle, get on the laptop, open up the
21 South Carolina DMV database, I enter the name, date of birth,
22 and the possible city or county that he resides in. There's
23 only one result that came up which was John Martin from
24 McCormick, South Carolina. His DMV or excuse me, his driver's
25 license photo that was taken at the time of the issuance of

1 driver's license comes up and I immediately recognize that that
2 is not him.

3 Q Now, is the person you pulled over that night on November
4 25th, 2020, is he in the Courtroom?

5 A Yes, he is.

6 Q And can you describe what he is wearing?

7 A He's wearing a stripe t-shirt.

8 Q Okay.

9 MR. BROWN: Let the record reflect that he's
10 identified Mr. Ware.

11 THE COURT: The record should also reflect.

12 Q And just before we get going too far, you said
13 you made the stop on 221 and 72 here in, what county is
14 that?

15 A It's Greenwood County.

16 Q And here in Greenwood County, South Carolina?

17 A Yes.

18 Q Alright. Now, after running his license and seeing that
19 picture, did you have any other backup that responds?

20 A Yeah. So at the time that I realized that this is most
21 likely a false name that he's provided me. The unit that I was
22 on is comprised of three team members, myself, at the time,
23 Lieutenant Madden, and another deputy, and I immediately called
24 Lieutenant Madden over the radio to see where he was, I figured
25 he was the closest one to me at that time to have him respond.

1 Q And did he respond?

2 A He did.

3 Q Within a couple minutes?

4 A It was fairly quickly.

5 Q Seconds for that matter. And once Lieutenant Madden
6 arrived, now, he's now Captain Madden, is that correct?

7 A Correct.

8 Q Once he arrived, what did y'all do?

9 A So I give Captain Madden a brief of what I have just so
10 we're both up to speed on, and given the nature of our unit,
11 you generally try to work in at least pairs. So anytime that I
12 believe that somebody may be providing me false information, I
13 like to have another deputy there to see the same things that
14 I'm seeing, somebody else that I can present facts to that they
15 can also take a look at. So I showed Captain Madden the photo
16 of the name and date of birth that has been provided to me and
17 we both go speak to Mr. Ware. I have him step out of the
18 vehicle, do a quick pat down for weapons, bring him back to the
19 front of my patrol vehicle at which point both Captain Madden
20 and I can see that it's very obviously a false name that he's
21 provided to us based on the DMV photo.

22 Q Okay. And does that, giving a false name, does that raise
23 suspicion?

24 A Absolutely.

25 Q After pulling him out, did you place him in handcuffs?

1 A We did, we detained him at that time until we could
2 ascertain his identity. This is done for a number of reasons,
3 in case he flees, in case he, say if he has violent warrants,
4 maybe a violent offender, if he tries to resist us in any way,
5 that's just a safety precaution. Also, usually whenever we do
6 find a correct identity, that person will also be placed under
7 arrest for providing false information to law enforcement.

8 Q Okay. And again, once you detained him, did he ever tell
9 you his real name?

10 A He did not. During the pat down search when I initially
11 got him out of the vehicle, I can see an object that I could
12 reasonably assume was his wallet. I normally carry my wallet
13 in my right rear pocket and it's rectangular shaped, and I saw
14 the exact same thing in his right rear back pocket. In fact, I
15 even asked him, do you have your wallet on you and he said, no,
16 I don't, I actually touched the wallet in his pocket, I said,
17 is this not your wallet, I don't remember what response he gave
18 if any. At that point I retrieved the wallet, and we located
19 his, the correct ID for him inside which was for Rekeem Ladelle
20 Ware.

21 Q Also while searching his pocket, essentially, was he
22 going, after giving false information, was he under arrest at
23 that time?

24 A He was.

25 Q What else did you find in his pocket?

1 A Based on the fact that he was going to be placed under
2 arrest, I continued to search his person and I located a small
3 bag containing multicolored round pills and another small bag
4 containing a white powder substance, it would have been in his
5 front right pocket in the little watch pocket of denim jeans.
6 The pills, based on my experience, things that I've seen
7 before, I could reasonably say that they were ecstasy. The
8 powder I believe was cocaine at the time and they were later
9 field tested.

10 Q Okay. And when you field test them, do y'all have those
11 little packets out there in your car that you use?

12 A We do. I don't believe we tested them on scene, we would
13 have tested them back at the office.

14 Q Okay. Did he have anything else in his other
15 pockets?

16 A Continuing the search, in his front left pocket, there was
17 a set of digital scales.

18 Q I'm going to show you what's been marked State's ID Number
19 2. Do you recognize that?

20 A I do. These are the digital scales that were located in
21 his front pocket.

22 MR. BROWN: The State moves State's Number 2 in as
23 evidence.

24 THE COURT: Exception on all the pretrial rulings,
25 State's 2 will be in evidence.

1 (Whereupon digital scales were submitted as State's
2 Exhibit Number 2 for identification and entered into
3 evidence.)

4 Q And I'll show you this as we go along, State's 1 are the
5 pills located in his pocket and also the white powder located
6 in State's ID 1.

7 A Yes.

8 Q Now, after you found these items in Mr. Ware's pocket,
9 what did you do with Mr. Ware?

10 A So I formally informed him that he was being placed under
11 arrest at minimum for the providing false information to law
12 enforcement. I placed him in the right rear transport seat of
13 my patrol vehicle and then Captain Madden and I completed a
14 search of the vehicle.

15 Q And while you were talking to him right then, did
16 he mention anything about his license being suspended, did he
17 acknowledge that?

18 A I don't remember if it was exactly then or upon initial
19 contact, but I do remember him at one point saying, just
20 suspended when I asked him about his license.

21 Q So he knew it was suspended?

22 A I believe so.

23 Q After he was safely secured in the back of your vehicle,
24 and why do you do that, why do you put somebody in the back of
25 the vehicle?

1 A For a couple of reasons, they're in handcuffs so if they
2 were to trip or fall, something like that, I figure somebody
3 couldn't catch themselves. Two, they're secure inside the
4 vehicle so this way they don't flee, they don't get inside of
5 another car, if something dangerous happens, it's standard
6 protocol.

7 Q Everybody's safety?

8 A Correct.

9 Q Now, after he was safely secure in the back of your car
10 and you and Captain Madden were there, what did y'all do?

11 A So we completed a search of the vehicle. Usually, the way
12 we do that is I'll start on one side and the other officer will
13 start on the other. In this case, Captain Madden started on
14 the driver's side of the vehicle and I started on the
15 passenger's side. I was looking for vehicle documents,
16 anything that I might need to, any reports relevant to the
17 vehicle, and then of course, looking for any type of contraband
18 that might be in the vehicle. Considering he had illegal drugs
19 on his person, we were concerned that there may be illegal
20 drugs and or weapons inside the vehicle.

21 Q And did you find another bag or did Captain Madden find
22 another bag of pills?

23 A So Captain Madden found an additional bag of pills in the
24 backseat, I believe they were on the floorboard close to the
25 center console. I don't remember if they were directly behind

1 the driver's seat or the passenger's seat, but he, rather than
2 seize them right away, called me over to have me take a
3 photograph of them in place prior to securing them.

4 Q I'm going to show you State's 10. Does this show, what
5 does this show?

6 A This is Captain Madden shining his flashlight on the bag
7 of pills which is, like I said, on the floorboard and it would
8 be behind the passenger's seat.

9 MR. BROWN: And Judge, at this time, move State's
10 Exhibit 10 in as State's Evidence 10.

11 THE COURT: No objection?

12 MR. TINSLEY: No, Your Honor.

13 THE COURT: State's 10 is in evidence.

14 (Whereupon a photo was submitted as State's Exhibit Number
15 10 for identification and entered into evidence.)

16 Q And is this what you're looking at?

17 A Correct.

18 Q And also directly behind that bag, what is sitting there
19 next to the drugs?

20 A I believe that is a box of some type of either sandwich
21 bag or something like that.

22 Q I'm going to show you State's ID 12. Is that what y'all
23 found?

24 A Yes.

25 Q And what is that?

1 A It's a box of sandwich bags.

2 MR. BROWN: Judge, at this time, the State moves
3 State's ID 12 in as State's Evidence 12.

4 THE COURT: No objection to State's 12?

5 MR. TINSLEY: No, Your Honor.

6 THE COURT: It's in evidence.

7 (Whereupon sandwich bags were submitted as State's
8 Exhibit Number 12 for identification and entered into
9 evidence.)

10 Q Again, what's your role in the sheriff's office?

11 A Currently, I'm an investigator and a canine handler. At
12 the time of this incident, I was assigned to the crime
13 reduction unit.

14 Q And being a canine handler, what do you normally deal
15 with?

16 A I'm a dual purpose canine handler, so dual purpose
17 simply means that we conduct patrol functions of tracking or
18 searching for suspects. The other side of that is narcotics
19 detection.

20 Q Okay. And dealing with narcotics, how are narcotics
21 packaged?

22 MR. TINSLEY: I'm going to object, Your Honor. He's
23 talking about the training he's had, a unit he's on now after
24 this incident, so I think there's a relevance issue and the
25 probative value.

1 THE COURT: Are you asking how the drugs were
2 packaged in this case or in other cases in which he's
3 investigated?

4 MR. BROWN: Somewhat both.

5 THE COURT: Alright. Why don't you lay a foundation.
6 Ask him how many times he's encountered these kinds of
7 narcotics, find out how they are packaged and things of that
8 nature. I think he can testify just from his common knowledge.

9 MR. BROWN: Yes, sir.

10 Q Deputy Mejia, how long have you been working with the
11 sheriff's office?

12 A Eight years, total, five years as a patrol deputy.

13 Q So you would have been, in 2015 you became certified to --
14 -

15 A 2016 I started at the detention center, 2018 is when I
16 started on the road.

17 Q And then from 2018 to 2020 when this happened, did you
18 have the opportunity to investigate cases and also deal with
19 narcotics investigations?

20 A Yes, several times.

21 Q And also in your training at the South Carolina Criminal
22 Justice Academy, in your continuing education throughout your
23 years as an officer, have you had the opportunity for
24 instruction on drug investigations?

25 A Yes.

1 Q Does that also include what to look for in vehicles or how
2 items are packaged in drug cases?

3 A Yes.

4 Q Have you had the opportunity through your training and
5 experience at the Greenwood County Sheriff's Office to make
6 other arrests in drug cases?

7 A Yes.

8 Q And with this, do you have the common knowledge of how
9 drugs or other narcotics are packaged?

10 A Yes.

11 Q And in this case, how were the drugs packaged?

12 A So the drugs on his person were in clear plastic bags, not
13 necessarily clear in the sense of like crystal clear see
14 through, but pretty common, a corner of the bag that then
15 either torn off, tied off in some way, shape or form to make a
16 smaller bag out of some type of sandwich bag, grocery bag,
17 something like that. The drugs in the vehicle were in a larger
18 bag, I believe actually one of the sandwich bags that was
19 inside that box, pretty common which you see with larger
20 quantities of either pills or powder, other real hard drugs.

21 Q Okay. And again, the pills in the backseat were located
22 right next to these?

23 A Correct.

24 Q And in searching the car, why did you collect
25 these?

1 A They were right next to the illegal drugs, he had scales
2 on his person, these things all sort of go hand in hand with
3 distribution or in this case due to the vast quantity and
4 trafficking amount of illegal drugs.

5 Q After retrieving these items from Mr. Ware's person and in
6 the vehicle he was driving, and one other question, we'll watch
7 the video, but was there anybody else in the vehicle with Mr.
8 Ware?

9 A No, he was the sole occupant.

10 Q Did he have the keys to the car?

11 A He did.

12 Q He was driving the vehicle, right?

13 A Correct.

14 Q After you retrieved these items, and I know you and
15 Captain Madden were working hand in hand, how did y'all safely
16 secure these items?

17 A So Captain Madden seized all the narcotics from the
18 vehicle and then took possession of the things that I located.
19 He went to his patrol vehicle, secured them all into one
20 plastic bag, that would have been our narcotics evidence along
21 with the sandwich bags and scales. And then any of the
22 personal property that I located on Mr. Ware's person was
23 placed in his hat then placed in the front right seat of my
24 patrol vehicle. Captain Madden then would have handed me all
25 of the evidence as far as the narcotics, the scales, the bags,

1 and that would have been placed in the rear cargo area of my
2 patrol vehicle.

3 Q Okay. And during actually the transportation of or moving
4 some of these pills, did one pill actually get dropped?

5 A Yes, it did. If I remember correctly, it was a dark blue
6 triangular shaped pill, it was not in a bag when we located it
7 on him. To this day, we still don't know what it is,
8 obviously, it has not been tested, but it was dropped and lost
9 somewhere there next to our patrol vehicles.

10 Q And then later on towards the end of your vehicle, Captain
11 Madden was able to find it?

12 A Correct.

13 Q Now, what's the importance of securing all these drugs in
14 one space?

15 A So in the same patrol vehicle, I try to keep things
16 separate, strictly for the sake of things that are evidence
17 versus things that are personal property. I was very careful
18 about where I place things inside my patrol vehicle. I had a
19 designated spot that anytime I had evidence pertaining to a
20 case, it would go in that spot and it would stay there until I
21 got up to the sheriff's office and was able to secure it into
22 evidence.

23 Q And once you got, and kind of jumping forward, once
24 you go to the sheriff's office, y'all fill out a chain of
25 custody?

1 A We do. So there's several forms within the BEST kit
2 itself. One is a, your standard sheet of paper that has the
3 chain of custody and I believe it's labeled as such. The other
4 is a, one of those carbon copy type forms that also has some
5 relevant data that needs to be filled out where we would list
6 the items that was seized. One of the forms goes inside the
7 sealed portion of the BEST kit, the other stays in the
8 envelope. We do that in addition to the property sheet on a
9 regular incident report and then we also list out the things
10 that were seized inside the narrative of the report. And then
11 at the time, we were on two separate systems as far as data for
12 evidence and our recording system. So after the report was
13 done and the BEST pack was completed, a separate system would
14 have been accessed in order to actually log these things into
15 evidence.

16 Q And that is a computerized system, right?

17 A Correct.

18 Q But your other chain of custody that y'all actually filled
19 out back at the sheriff's office, you actually handwrote a lot
20 of this, right?

21 A Correct.

22 Q And this would be your signature in addition to Captain
23 Maddens?

24 A Correct. So the way we would have done that, when we get
25 back to the sheriff's office, I probably would have sat down at

1 a computer to type the actual incident report. Lieutenant
2 Madden would have done testing and sealing of any container
3 that the drugs might be in whether it required secondary
4 packaging so this way none of it spilled out, nothing's going
5 to cross contaminate it before putting it into the BEST kit.

6 Q Okay. I'm going to show you State's ID number 3. Is this
7 your chain of custody?

8 A Yes, it is.

9 Q Okay. Is your signature on that?

10 A Yes.

11 Q Okay. And the chain, you actually dated this at actually
12 11-26-2020 at 1:30 in the morning?

13 A Correct.

14 Q So that would have been after midnight once you got
15 back to the sheriff's office? This incident was 11-25 but
16 this is 11-26 once you completed the paperwork, is that
17 correct?

18 A Yes.

19 Q And with the chain, when you fill out the chain of custody
20 and you and Captain Madden were working with the powder cocaine
21 and the pills, what kind of package are those items? They were
22 all found in multiple bags, separate, right?

23 A Correct.

24 Q Were those items placed in one particular bag at that
25 point?

1 A They would have all, ultimately, ended up in one singular
2 bag which is the BEST kit itself. I don't remember exactly how
3 we packaged them, maybe individually. I think we were, we
4 probably would have packaged the cocaine in a smaller bag of
5 pills individually. And like I said, probably vacuum sealed to
6 make sure that they don't spill or cross contaminate or
7 anything like that.

8 Q Okay. And what is a BEST pack?

9 A A BEST pack is a SLED request for drug analysis pack,
10 don't remember what the acronym BEST stands for, but
11 essentially, what you do is whenever you seize narcotics
12 evidence, whether you field test it or not, you still place it
13 in this BEST kit to go down to SLED for analysis. The things
14 that you enter on this BEST kit are the chain of custody,
15 location of the items, where the, the location where the items
16 were seized, what items were seized, their description, who
17 they were seized from, that person's identity information, the
18 place we work, who we are as far as the seizing officer.

19 Q Does it also give, does Greenwood County Sheriff's Office,
20 does it give it a case number?

21 A Yes, it is.

22 Q And in this particular case, what was the case number?

23 A It should be 20-34177.

24 Q And then once the case number is entered into, we
25 have a, or the Greenwood Sheriff's County Office

1 has an evidence custodian, is that right?

2 A Correct.

3 Q And what is his name?

4 A Greg Allison.

5 Q And when Mr. Allison gets it, does it go into or
6 be pre-logged to go to SLED?

7 A Yes, he will take care of submitting it to SLED.

8 And I believe he actually physically transports
9 it.

10 Q Okay. And they have an actual, they have another
11 unique identifying number that corresponds to the Greenwood
12 County Sheriff's Office number?

13 A Yes.

14 Q Okay. And in this case, after you finished with the chain
15 of custody, on who touched these items, put it in the BEST
16 pack, what did you do with that BEST pack?

17 A So that BEST pack would have been taken down to the
18 evidence room. Like I said, it would have been logged into the
19 evidence logging system and then would ultimately be secured in
20 an evidence locker which is locked. And once it's locked in
21 there, it's inaccessible to anyone other than the private
22 custodian, Mr. Allison.

23 Q Okay. And again, you mentioned field testing
24 these items. I want to show you State's ID 8 and 9. What are
25 those pictures?

1 A Those are pictures of field test kits next to the two
2 individual, or two separate bags, I should say, of the pills
3 found on his person and the pills found in the car.

4 Q Those would be the tests kits next to it? .

5 A Correct.

6 Q And field test kits, they test positive for, for what?

7 A So we would have used methamphetamine slash MDMA test
8 kits. Ecstasy MDMA, methamphetamine all share a common active
9 chemical from what I understand, so this is the appropriate
10 test kit to use. In the event it's a positive result for the
11 presence of that chemical or what we would call a positive
12 result for methamphetamine, or MDMA, or ecstasy the field test
13 kit will turn a very dark blue color.

14 MR. BROWN: Judge, I don't believe I did this. State
15 moves State's 8 and 9 into evidence.

16 THE COURT: No objection to 8 and 9?

17 MR. TINSLEY: Other than the objections raised
18 yesterday.

19 THE COURT: Very good. Subject to any objections
20 raised, all objections raised yesterday, 8 and 9 are in
21 evidence.

22 (Whereupon photos were submitted as State's Exhibit
23 Numbers 8 and 9 for identification and entered into evidence.)

24 Q Again, this is State's 8, and this is a picture of the
25 pills and the test kit?

1 A Yes. That bag would have been the bag that was seized
2 from his person.

3 Q Out of his pocket?

4 A Correct.

5 Q And again, that's methamphetamine, MDMA, ecstasy?

6 A Yes.

7 Q Okay. And again, State's 9, the other bag?

8 A Yes. This would have been the bag that was seized from
9 him.

10 MR. BROWN: Judge, we've already mentioned, this
11 actually might be a good time for a break before we play the
12 video.

13 THE COURT: Alright.

14 MR. BROWN: Because that'll be about 46 minutes.

15 THE COURT: Alright. Ladies and gentlemen, we're
16 going to take a brief break at this time just for our own
17 comfort and then to see the video that was shot on scene, the
18 bodycam video of this deputy, so if you would adjourn to the
19 back. Of course, don't discuss the case, maybe you can step
20 outside for a breath of fresh air, cigarette, or something like
21 that, just let the bailiff know and they will take you
22 downstairs, alright? We'll be back on the record in about 5 or
23 10 minutes, alright? Thanks.

24 (Jurors exiting the Courtroom.)

25 THE COURT: We'll be at ease for a few

1 minutes.

2 (Off the record.)

3 THE COURT: We'll go back on the record if we
4 could. And Solicitor, you indicated you have a quick.
5 matter for the Court.

6 MR. BROWN: Yes, sir. Judge, we have an affidavit of
7 authenticity from Rea Waring of the South Carolina Department
8 of Motor Vehicles. It is essentially showing the official
9 notice from 2017 of February 15th of 2017, ending date,
10 indefinite, referring to Mr. Rekeem Ladell Ware, his address in
11 McCormick that he was suspended. Looking through those
12 records, it was never, his license was never valid again after
13 that. So we're using that one, we're only using that form we
14 have taken off another one that was from 2018 for failure to
15 stop that talks about it, so this is just saying it's
16 indefinite. But it does have in there for what it was, the
17 violation was driving under the influence, so that is what we'd
18 be offering under 901 self-authenticating. And then I think
19 just request Your Honor to give instruction of what that means
20 to the jury.

21 THE COURT: Any issue with that?

22 MR. TINSLEY: No, objection. The only page I had an
23 issue with was a prior suspension that he just mentioned that
24 he took out of there.

25 THE COURT: Very good.

1 MR. BROWN: The other thing, Judge, I've already
2 gotten the State's ID Number 3 which is the internal chain from
3 the Greenwood County Sheriff's Office. Before I enter that
4 into evidence, that would come in through Greg Allison. So we
5 still have two more, Captain Madden, and then Greg Allison to
6 go through that. What we would need to do is redact the
7 marijuana portion. And so, just I think at lunchtime we can do
8 that just so that's not sent back to the jury, so I just wanted
9 to put that on the record as well.

10 THE COURT: Alright. Very good. The video we're
11 about to play is not the video that references the alleged
12 marijuana, or it does?

13 MR. BROWN: The first part of it is going to be the
14 actual traffic stop, the in-car camera, I want to, that's in,
15 but I'm only going to play a fraction of that until he gets out
16 of the vehicle, and then I want to revert to Deputy Mejia's
17 bodycam. Again, the time stamps that would be muted. Now, Mr.
18 Tinsley, if he's found another reference to marijuana or weed
19 or green leafy substance, my notes, it looks like it, in the 19
20 minute, 17 second mark of Deputy Mejia's bodycam, there's
21 mention of a bag of weed sitting here in the seat. Roughly 18
22 seconds to 20 seconds later, the 19:35 mark, the bag of weed in
23 the seat. I think that's actually Captain Madden that's saying
24 that and then, but it's captured on his bodycam, on Mejia's
25 bodycam. And then the other reference is you got that at 20

1 minute, 55 second mark, you got that weed already and then the
2 response is it's in the back or something like that. So those
3 three sections will be muted.

4 THE COURT: Alright. And then just moving forward it
5 may be beneficial to have your IT guy prepare a duplicate in
6 the event if the jury wants to review that when the case is
7 submitted to them in the jury room, create a duplicate and just
8 have the audio on that duplicate delete those three references
9 at 19:17, 19:35, and 10:55.

10 MR. BROWN: Yes, sir. And then there will be a
11 couple other duplicates, they'll be the same, essentially, the
12 time spacing on Captain Madden's and we'll get that done as
13 well.

14 THE COURT: Very good.

15 MR. BROWN: His bodycam's not as long as Deputy
16 Mejia's, so...

17 THE COURT: Alright. Very good. Let us have the
18 jury then, please.

19 (Jury entering Courtroom.)

20 THE COURT: The jury is back and seated. Ladies and
21 gentlemen, we're about to play the bodycam video of the deputy
22 that's just been testifying. And just to let you know that
23 certain segments I've instructed the Solicitor to briefly mute
24 the audio because something is basically being played that is
25 totally irrelevant to any of the issues involved in this case

1 and of course the rules of evidence don't permit the admission
2 of irrelevant evidence, so they'll briefly mute a couple of
3 portions of this in just a few seconds for those reasons. I
4 didn't want you guys thinking, though, that he's doing it
5 because anybody's trying to hide anything, it's just because
6 it's irrelevant evidence that is not competent, okay? With
7 that, you can proceed with playing the bodycam footage and if
8 you wish to join them down there since it's going to be a
9 while, okay?

10 MR. BROWN: Judge, before I press play, the State
11 would offer State's Exhibit 6 in as evidence, State's evidence
12 6, and that would be the official notice from the South
13 Carolina Department of Motor Vehicles that Mr. Ware's license
14 was suspended from 2017, February 15th, 2017 and it was an
15 indefinite suspension which would have covered 2020 when he was
16 stopped for this ---

17 THE COURT: Alright. Very good.

18 MR. BROWN: --- driving under suspension and
19 resulting arrest for drugs.

20 THE COURT: That will be in evidence, and I'll offer
21 the jury instructions on that at the conclusion of the
22 trial.

23 MR. BROWN: Thank you, Judge.

24 (Whereupon a DMV notice was submitted as State's Exhibit
25 Number 6 for identification and entered into evidence.)

1 Q Now, Deputy Mejia, beginning of your bodycam, there are
2 two videos, in-car, and bodycam?

3 A Correct.

4 (Playing video.)

5 Q Deputy Mejia, is that the car that you ultimately pulled
6 over?

7 A Yes.

8 Q And while you're behind this vehicle, what are you doing?

9 (Playing video.)

10 A Prior to the lights actually coming on, the time that you
11 see me behind the vehicle, I'm communicating with dispatch and
12 also with trying to figure out the reasons for the license tag
13 suspension.

14 Q Right when you turned the blue lights on, what did his car
15 do?

16 A It appeared to jump to the righthand side of the road,
17 then he managed to maintain control of his vehicle.

18 (Playing video.)

19 Q I want to switch to your bodycam now.

20 (Playing video.)

21 Q Now, Deputy Mejia, when you were searching the vehicle,
22 were there men's clothes in the car?

23 A Yes.

24 Q And again, was there anybody else in the vehicle with him?

25 A No, he was alone.

1 Q The baggies which the pills, the cocaine were packaged,
2 were they Ziplock baggies or were they just fold over
3 baggies?

4 A I think they were the fold over style.

5 Q Same what's been in State's 12?

6 A Yes, yes it would be those.

7 Q Again, those were in the backseat of the car?

8 A Correct.

9 Q And the other baggies of pills were in his pocket?

10 A Correct.

11 Q Watching your video, your interaction with Mr. Ware,
12 you captured a good bit of that, your conversation with
13 him?

14 A It did.

15 Q And when you came to the passenger's side of the window
16 when you made the initial approach to Mr. Ware, was he on the
17 telephone?

18 A I believe he had it in his hand, I don't know if he was
19 talking or texting.

20 Q Okay. But at different times, he did get on the phone?

21 A Yes, he did.

22 Q Do you remember him saying, when he was on the phone, my
23 license, my plate's suspended?

24 A Yes.

25 Q And the word, my?

1 A Yes.

2 Q And then again, when you and Captain Madden had him out of
3 the vehicle, a conversation with Mr. Ware regarding, I believe
4 this is actually Captain Madden asked did he have any warrants
5 or was it just suspended. What did Mr. Ware's response, what
6 was his response?

7 A I believe he said just suspended.

8 Q So he acknowledged that it was suspended?

9 A Correct.

10 Q And on your ride to the detention center that's
11 right behind the Courthouse, what did Mr. Ware ask you to
12 do?

13 A I believe the exact words were, are you going make it
14 light on me, I believe he was referring to not charging him
15 with certain things or charging a, lower offenses.

16 Q And you mentioned about, something about drugs in the
17 backseat?

18 A I basically indicated what we found.

19 MR. TINSLEY: Objection, Your Honor. The video
20 speaks for itself.

21 THE COURT: I'll sustain. The video does speak for
22 itself.

23 Q Okay. There was a little back and forth
24 conversation?

25 A Correct.

1 Q And after, and while you were driving Mr. Ware to the
2 jail, you have the actual items that were located on his
3 person or in the car securely located in the back of your
4 vehicle?

5 A Correct.

6 Q And after you get him with the detention staff, is that
7 when you start working on paperwork and putting in the BEST
8 pack?

9 A Correct.

10 MR. BROWN: No further questions. Please answer
11 anything that Mr. Tinsley has for you.

12 THE COURT: Mr. Tinsley?

13 MR. TINSLEY: Thank you, Your Honor.

14 THE COURT: Let me check first. Does anyone need a
15 quick break or are we okay to proceed with cross?

16 MR. FOREMAN: We're good.

17 THE COURT: Mr. Tinsley?

18 CROSS EXAMINATION

19 BY MR. TINSLEY:

20 Q Deputy Mejia, you didn't observe any bad driving
21 by Mr. Ware?

22 A No, sir.

23 Q Okay. Prior to turning on the blue lights, no suspicious
24 behavior?

25 A No, sir.

1 Q Okay. So you just happened to run his tag, well, the
2 Georgia tag in the car he was in because he was in front of
3 you?

4 A Correct. That's a common tactic often used.

5 Q Okay. So commonly police officers call in tags even if
6 somebody's abiding by all the laws that they can see?

7 A Sometimes there's information that may be relevant that
8 can only be ascertained by calling in or running it through a
9 DMV database such as the plate status or maybe an
10 expiration.

11 Q Even if you have no reason to believe that they're in
12 violation of that law?

13 A The tag's in plain view.

14 Q Okay. But there was nothing wrong with this tag in plain
15 view?

16 A Not that I could see at the moment.

17 Q Okay. And you said he was the only car on the road, but
18 watching that video, there were plenty of cars that came by
19 going the other direction, correct?

20 A Initially, when I first got behind him, like I said, I
21 initially saw him around the intersection of Old Sample Street
22 which was a pretty big distance from where the video cuts on.
23 Just due to the nature of how vehicles move along the road,
24 eventually we would come upon another car, but at the initial
25 time I saw him, he was the only car on the road.

1 Q I gotcha, but on that video we see several cars passing,
2 correct?

3 A Correct.

4 Q And you would agree with me that that's a busy road in
5 Greenwood County?

6 A Yes.

7 Q Alright. And when you detained him and searched him, you
8 found a bag with multicolored pills, correct?

9 A Correct.

10 Q And those pills are a complete different color versus the
11 ones that were found in the back?

12 A Correct.

13 Q Okay. Different shape from the ones found in the
14 back?

15 A Correct.

16 Q Okay. And they were all in one bag, the ones that were in
17 his pocket?

18 A Correct.

19 Q Okay. And the powder that was found in his pocket, it was
20 all in one bag?

21 A Correct.

22 Q Okay. And you would agree with me that the pills found in
23 the backseat were not just out in plain view?

24 A Like I said in a previous hearing, I don't know what
25 Lieutenant Madden had to do to be able to observe the

1 pills.

2 Q Well, he had to search the car?

3 A Correct. But I don't know what items he had to manipulate
4 to see what they were under, if they were sitting on top of
5 anything. I was not the person that initially saw them so I
6 can't testify to that.

7 Q Okay. Okay. But when you went to the car, you didn't see
8 them?

9 A Not initially, no.

10 Q Okay. You didn't see them until Lieutenant Madden alerted
11 you to them after his search?

12 A Correct.

13 Q I'm going to hand you what's previously been marked as
14 Defendant's Exhibit ID which is a chain of custody report. And
15 I believe you have previously stated you're familiar with that
16 document?

17 A Correct.

18 Q Okay. And that's a document that the sheriff's office
19 generates when they, when something's put into evidence,
20 correct?

21 A Correct.

22 Q Alright. And it lists a hundred, a hundred and eighty-two
23 pills ---

24 A Correct.

25 Q --- is that right? Okay. Does it mention anything

1 about any powder cocaine in that document?

2 A Not in this document, no.

3 Q Okay. And that is something that the sheriff's
4 office generates to keep up with what's into evidence,
5 right?

6 A Correct. This would be generated at the time that it was
7 submitted into evidence.

8 Q Okay. And it doesn't mention the cocaine?

9 A No.

10 Q Okay. And the car belonged to someone named Ashley
11 Miller, correct?

12 A I believe that's correct.

13 Q Alright. And the records show that she lives in
14 Washington, Georgia?

15 A I don't remember where exactly she lives, but somewhere in
16 Georgia.

17 Q Okay. If I handed you a document, would that refresh your
18 recollection, potentially?

19 A Alright. Sure. Yes, this lists her as being a residence
20 of Washington, Georgia.

21 Q Okay. You ever talked to Ms. Miller?

22 A I have not.

23 Q And Washington, Georgia's 56 miles from Greenwood, does
24 that sound accurate?

25 A Sure.

1 Q Okay. So you hadn't, and this happened November of 2020,
2 right?

3 A Correct.

4 Q So over two and a half years ago?

5 A Correct.

6 Q And during that time, you haven't driven down to
7 Washington, Georgia to talk to Ms. Miller?

8 A No.

9 Q Okay. So even though drugs were found in a car titled to
10 her name?

11 A No.

12 Q So investigating who the drugs belonged to really
13 wasn't that important to you?

14 A I wouldn't say that.

15 Q Okay. So you just, because they were found in a
16 car that Mr. Ware was driving, you just pinned it on
17 him?

18 A No, sir.

19 Q Okay.

20 A Ms. Miller did not have any custody or control
21 of the vehicle as where Mr. Ware did ---

22 Q Okay.

23 A --- so at the time he's in possession of the
24 vehicle, he's responsible for whatever's in it.

25 Q Okay. So anybody who drives their friend's car

1 is responsible for anything that's in that car?

2 A Any illegal items, yes.

3 Q Okay. So I guess if you want to borrow somebody's car,
4 you better search it before driving it, is that what I'm
5 hearing?

6 A I would ensure that there's nothing in there that would
7 lead me to get into trouble.

8 Q Okay. Did you take any fingerprints off any of these
9 bags?

10 A No.

11 Q Did you take any DNA off any of these bags?

12 A No.

13 Q Okay. One final question. The men's clothing that you
14 found in there, you don't know whose clothing that belonged to?

15 A No.

16 Q You don't even know what size those clothes were, do you?

17 A No.

18 MR. TINSLEY: No further questions.

19 THE COURT: Any redirect?

20 MR. BROWN: Yes, sir, Judge.

21 **REDIRECT EXAMINATION**

22 BY MR. BROWN:

23 Q Deputy Mejia, with regard to the chain of custody, Mr.
24 Tinsley was asking you about Defense Exhibit 1, I believe, and
25 I've previously shown you State's 3, State's Evidence for

1 exhibit purposes 3. State's 3, tell me about that chain of
2 custody? When that one was done.

3 A So this chain of custody would have been done at the time
4 that all items were being placed into the BEST kit, it would
5 have been prior to the evidence submission.

6 Q Is this handwritten?

7 A Correct, it is.

8 Q And is powder cocaine written on that original chain of
9 custody?

10 A It's not listed as cocaine, it's described, basically, as
11 a white powder substance in a clear bag.

12 Q But it's listed on there?

13 A Correct.

14 Q Okay. With the same case number?

15 A Correct.

16 Q And your signature?

17 A Correct.

18 Q You and Captain Madden did this together?

19 A Correct.

20 Q Now, once that's submitted, that chain of custody, does
21 that go with the drugs?

22 A It does.

23 Q Okay. When is this generated?

24 A That is generated at the time that we are actually putting
25 it into an evidence locker to be secured, this way only our

1 evidence custodian can access it. This report would have been
2 generated after that was completed.

3 Q Okay. Is that basically a duplicate where you're typing
4 it into the system?

5 A Essentially, yes. You're taking information from the
6 recording system and reentering it into a redundant system, so
7 to speak, solely for the purposes of logging evidence for
8 evidence custodian's information.

9 Q So as far as the chain's concerned, the drugs were in a
10 safe secure BEST pack, is that right?

11 A Correct. At the time they would have been entered into
12 the BEST kit, all forms pertinent to the BEST kit including the
13 chain of custody were then sealed not only within the plastic
14 bag that all the drugs were in, but also within a larger
15 envelope that contains the BEST kit.

16 Q And the original chain of custody?

17 A Correct.

18 Q So that's just a scrivener's error if it was left off the
19 electronic ---

20 A Yes.

21 Q Now, Mr. Tinsley was asking you about, he mentioned the
22 pills in the pockets were a certain color, is that correct?

23 A They were multicolored and they were round.

24 Q Okay. And then also in his pocket was what?

25 A White powder substance that was believed to be cocaine.

1 Q And what were they all packaged in?

2 A Cornered clear plastic baggies.

3 Q Okay. And then in the left pocket was what?

4 A A set of digital scales.

5 Q And in the bag of, the majority of the methamphetamine was
6 where?

7 A It was in a bag in, a plastic bag in the backseat of the
8 car.

9 Q Behind the passenger, front passenger seat ---

10 A Correct.

11 Q --- floorboard?

12 A Yes.

13 Q And if you're sitting in that car that Mr. Ware was
14 driving, how accessible are those drugs from where he was
15 sitting?

16 A I'd say probably within arm's reach.

17 Q If you're sitting in the driver's seat, could you reach
18 through between those two chairs to reach it?

19 A Yes, I could reach it.

20 Q When pulling Mr. Ware over, did Mr. Ware appear to have
21 pretty good knowledge of where things were in that
22 vehicle?

23 A He didn't know where the vehicle documentation was, but
24 aside from that I'd say, so so.

25 Q Again, he was the only one driving?

1 A Correct.

2 Q And then above those bags or above the majority of the
3 drugs, the meth in the backseat, where was State's 12
4 located?

5 A Right next to that bag.

6 MR. BROWN: No further questions.

7 THE COURT: Any recross?

8 REXCROSS EXAMINATION

9 BY MR. TINSLEY:

10 Q Is it common for clerical errors to happen on these
11 chains of custody produced by the sheriff's office?

12 A I'd say it was about as common as a typo. Sometimes
13 things just don't get transferred over because like I
14 said, at that time we were doing two separate systems,
15 you have a recording system and an evidence system.
16 If it would have been noticed, it would have been
17 corrected.

18 Q But it wasn't noticed and it wasn't corrected?

19 A No, sir. And like I said, it was like a
20 typo.

21 Q Okay. A typo dealing with what's alleged to be powder
22 cocaine?

23 A Correct.

24 Q And you would agree with me that the two chains of custody
25 that you've looked at, the one handed by, to you by Solicitor

1 Brown and the one handed by me are inconsistent with each
2 other?

3 A In regards to the cocaine, sure.

4 Q Okay.

5 MR. TINSLEY: No further questions.

6 THE COURT: Thank you very much, you can step down.
7 Alright. Ladies and gentlemen, we are probably at a good
8 stopping point for a lunchbreak, so we'll go ahead and take a
9 break so that everyone can grab a bite. Again, just leave your
10 tablets in your chair. Feel free to put your name on the front
11 or some marking indicating it's yours. And let's try to
12 reconvene at about a quarter to 2. That should give everybody
13 time to grab something to eat, okay? Don't discuss the case,
14 enjoy your lunch, I'll see you back at 15 of 2. Thank you very
15 much.

16 (Jury exiting Courtroom.)

17 THE COURT: Alright. Jury is out and we'll be off
18 the record.

19 (Off the record.)

20 THE COURT: And we go back on the record in the
21 matter of State versus Ware. Your next witness is here? Are
22 we going to do them out of turn with the SLED agent, the SLED
23 analyst?

24 MR. BROWN: Yes, sir, Judge. She is here. I think
25 as as far as Deputy Mejia's testimony, I think all the chain

1 witnesses have been identified, so we would, after she takes
2 the stand, move that into evidence subject to, you know, any
3 other objections to that chain. But I think the internal chain
4 at SLED has not been objected to. I think Mr. Hodges is going
5 to put the other part on the record about the marijuana ---

6 THE COURT: Oh, yes.

7 MR. BROWN: --- outside of the jury's ---

8 THE COURT: Sure. Have you already had her open the
9 bag yet?

10 MR. HODGES: We have not, Your Honor. We were going
11 to propose that she do that here in open Court and go ahead and
12 take it out and repackage it however she needs to repackage it.

13 THE COURT: Okay. Did you explain to her the
14 situation about the marijuana and the way we're doing all this?

15 MR. HODGES: We did.

16 THE COURT: Alright. Very good. She's got the
17 drugs, go ahead and give her a pair of scissors and she can
18 remove the marijuana and just give it to law enforcement.

19 (SLED agent opening bag.)

20 THE COURT: Alright. She's resealed the bag and
21 everything?

22 MR. BROWN: Yes, Judge. The other thing is just the,
23 this chain of evidence that's in the packet, I'm making sure it
24 does not have, I want to pull this chain out because it says
25 marijuana on it.

1 THE COURT: Okay. Go ahead and pull that chain out
2 that's in the packet and you can, I don't know that that needs
3 to be a part of the record at this point anyway.

4 MR. BROWN: The other part is on the label, it says,
5 two bags of green plant-like material and then dot, dot, dot,
6 dot, dot, dot.

7 THE COURT: Can you redact that with a marker, is it
8 going to work, or a sharpie?

9 MR. BROWN: And Judge, while we're at it, while we're
10 here, State's Exhibit Number 3 which is the original chain of
11 custody, just going to redact that as well. Sheriff's office
12 has a copy of the other, so I'm going to strike out the two
13 bags of green plant-like material. Judge, I believe that is it
14 with those redactions. Over the lunchbreak, Brian King in our
15 office does our IT, he has done redacted videos for Deputy
16 Mejia and Madden's bodycam for those portions, and we've given
17 a copy to Mr. Tinsley. I've not had an opportunity to review
18 those yet, but I think we would call Ricky Madden after
19 Brittnee Looney, so maybe we can go forward with that at that
20 point.

21 THE COURT: Very good. Alright. Let's have the jury
22 in, please.

23 (Jury entering Courtroom.)

24 MR. BROWN: When we have a break, I'll get these
25 marked.

1 THE COURT: Alright. Mr. Foreman, ladies and
2 gentlemen of the jury, welcome back, hope you had a pleasant
3 lunch. We're going to, in discussing the case briefly with the
4 attorneys, we need to take a witness out of order because she's
5 from out of town and trying to get her on her way back. So at
6 this point, Solicitor, if you'll call your next witness.

7 MR. HODGES: The State calls Brittnee
8 Looney.

9 CLERK: Good afternoon, place your left hand on the
10 Bible and raise your right hand. Do you swear or affirm the
11 testimony you're about to give this Court is the truth, the
12 whole truth, and nothing but the truth so help you
13 God?

14 MS. LOONEY: I do.

15 CLERK: Thank you.

16 **DIRECT EXAMINATION**

17 BY MR. HODGES:

18 Q If you would, please introduce yourself to the jury?

19 A I'm Brittnee Looney.

20 Q And where do you work?

21 A I work for the South Carolina Law Enforcement Division,
22 commonly known as SLED.

23 Q What is SLED?

24 A It's the South Carolina Law Enforcement Division, so
25 they're the assisting agency for the state.

1 Q Okay. And what does it mean that you're an assisting
2 agency?

3 A So we are a forensic lab and so we assist the agencies
4 around the state with different types of forensic testing.

5 Q What sorts of forensic testing does SLED do for other
6 agencies around the state?

7 A We have a drug department which is where I'm at. We have
8 a toxicology department, we have DNA, firearms, latent prints,
9 I'm sure I'm forgetting a couple, but...

10 Q Okay. So do agencies across the state then bring evidence
11 to your lab for testing?

12 A That's right.

13 Q Have you got any particular specialized education or
14 training that qualifies you to work in that capacity at SLED?

15 A So I have a Bachelor's of Science degree from Woffard
16 College in math and chemistry. I went through extensive in-
17 house training under one of our senior drug chemists. I
18 attended the basic legal and law training at the South
19 Carolina Criminal Justice Academy, and I attended the forensic
20 chemist seminars, and I'm on the drug enforcement
21 administration.

22 Q And how long have you been working at SLED?

23 A Almost seven and a half years.

24 Q And has that whole time been in the drug lab?

25 A That's correct.

1 Q Alright. And have you been previously qualified as an
2 expert in the State Courts here in South Carolina?

3 A I have.

4 Q Approximately how many times have you been qualified as an
5 expert?

6 A 18 times.

7 Q And were you as recently as this morning qualified as an
8 expert?

9 A I was.

10 Q Where were you testifying this morning?

11 A Chester.

12 Q Alright. And what specifically have you been qualified as
13 an expert in?

14 A Sometimes it's forensic chemistry of drug analysis, it
15 just depends.

16 Q Alright. How many times have you been qualified as an
17 expert in drug analysis, if you know?

18 A I'd say that would be the 18 times, yes, sir.

19 MR. HODGES: Your Honor, the State would offer Agent
20 Looney as an expert in drug identification and analysis.

21 THE COURT: Any objection or qualifications?

22 MR. TINSLEY: No objection, Your Honor.

23 THE COURT: Ladies and gentlemen, the parties agree
24 that Brittnee Looney is an expert in the field of drug
25 identification and analysis. And understand that normally

1 witnesses can only testify about things that they observe with
2 one of their senses, some things they saw or heard or smelled,
3 but an exception to this rule exists for expert witnesses.
4 They can give opinion testimony; they're not simply limited to
5 anything that they sense with their own eyes or ears. So the
6 parties agree that Ms. Looney here is an expert in the field of
7 drug identification and analysis, and she can give opinion
8 evidence in that area or in that field that you can use if you
9 deem it appropriate, alright? Go ahead Solicitor.

10 MR. HODGES: Thank you, Your Honor.

11 Q Agent Looney, you mentioned that other agencies, local law
12 enforcement agencies bring evidence to SLED to be analyzed.
13 Can you explain for us sort of the process that they go through
14 in submitting evidence to SLED for that analysis?

15 A Sure. So we have an evidence control department. And so
16 we have a locker system down there, so sometimes they will
17 submit evidence into those lockers and they're locked up after
18 the fact. And our evidence control employees will have access
19 to those lockers and then pull them out and log in cases.
20 Sometimes it's also a hand to hand transaction when the
21 agencies can hand them the cases, and then our evidence control
22 department will log those cases in.

23 Q Is there any particular way when drugs come to you
24 to be analyzed that they are packaged when they arrive at
25 SLED?

1 A So for the most part, we use something called a BEST kit,
2 and it's just a tamper evident bag, it's just a uniform way for
3 agencies across the state to submit drugs to us. And so that
4 is the most common way that people get drugs.

5 Q And what do you mean when the bag is tamper evident?

6 A Sure. So it's got a swirl pattern down the side so you
7 can tell if somebody pulled at it. It's got a seal at the top
8 where you can tell if it was opened, you could obviously be
9 able to tell that, and then it would tell us whether someone
10 got into it. So it gives us a way to just be able to see that
11 the evidence is sealed when it comes to us.

12 Q When it comes to SLED, is it given any sort of tracking
13 number?

14 A Sure. So our BEST kits actually have their own unique
15 tracking number to them, but then our, when they get logged in,
16 there is a unique SLED lab number that goes with it as well.

17 Q Alright. And how would you identify the BEST kit number?
18 Is there any way to sort of tell what that number is?

19 A So if you look at it, it will be a B number and it will
20 follow with six digits after.

21 Q Alright. And how about the lab number?

22 A Yeah. So it will start with a L and then whatever the
23 year is, so if it was 2020, it would have been a 20 dash, so
24 this should be L 20 dash and then it's five digits after that
25 for the unique lab number.

1 Q And do these numbers help you, basically, keep one set of
2 evidence straight from another set of evidence?

3 A Yes, sir.

4 Q What about when the evidence is actually moving around
5 within SLED, how do y'all keep track of that?

6 A So the lab number will also have a bar code on it, so
7 we'll scan it. So when I go downstairs to pick up evidence
8 from our evidence technician then they will scan, I have a bar
9 code and then the case has a bar code, and so they'll scan it
10 and then scan it to me. And so we have an electronic chain
11 that follows the evidence.

12 Q And is that a, does that produce a computer-generated
13 document that basically shows how that evidence is handled once
14 it's it got to SLED?

15 A Yes, sir. There is a computer-generated document.

16 Q Okay. I'm going to hand you what's been previously marked
17 as State's Exhibit Number 7. Do you recognize what is
18 contained in that document?

19 A Yes, sir.

20 Q And what is that document?

21 A This is a copy of our chain of custody for this case.

22 Q Okay. Can you explain to us, based on that chain of
23 custody, whose hands it went through once it arrived at SLED?

24 A Sure. So it says on the top that it was submitted by Greg
25 Allison into the submission locker, and then our forensic

1 technician, Lauren Holiday, was the one that logged it in.

2 Would you like the dates on this?

3 Q Sure.

4 A Okay. So that would have been March 18th of 2021, and
5 then after that she put it on our drug evidence intake storage
6 so we just have a place in the meantime they're placed until we
7 come in and pick up cases. And then Olivia Cartwright who's
8 another forensic technician, she put it in her custody on
9 October 25th of 2021 and then gave that to me 10 minutes after
10 that.

11 MR. HODGES: Your Honor, I would offer State's
12 Exhibit Number 7 into evidence?

13 THE COURT: Without objection?

14 MR. TINSLEY: Yeah. No objection, other than the
15 issues discussed yesterday.

16 THE COURT: Very good. Alright. State's 7 is in
17 evidence subject to all prior motions.

18 (Whereupon a chain of custody was submitted as State's
19 Exhibit Number 7 for identification and entered into evidence.)

20 Q Now, you mentioned that when evidence comes to you, it
21 comes in these BEST kits that are tamper evident. Do you, when
22 you receive evidence, look at the bag to try to determine if
23 there had been any tampering that occurred with that evidence?

24 A Yes. That would be the first thing I do when I get it for
25 testing. I would look and make sure it was sealed, and if it

1 wasn't, then I would document that on the worksheet as well as
2 on my report.

3 Q Alright. I'm going to hand you what has been previously
4 marked as State's Exhibit Number 1. Do you recognize what is
5 contained in that package?

6 A Yes, sir.

7 Q Okay. And what is that that you're
8 holding?

9 A So this is the BEST kit that I was talking about. It has
10 it's unique tracking number and then this is the bar code with
11 the unique SLED lab number.

12 Q So when you're talking about the BEST kit, are you talking
13 about the blue packaging?

14 A Yes, sir, that would be correct.

15 Q Alright. And if you would, tell us what are the unique
16 tracking codes that you were talking about with regard to this
17 particular package.

18 A Okay. So the unique SLED number is L21-04469, and then
19 the BEST kit number is B322937.

20 Q And are those numbers then reflected on the report that
21 you ultimately generate after you do your analysis?

22 A Yes, sir, they are.

23 Q Alright. And so did that particular BEST kit come into
24 your possession for analysis?

25 A It did.

1 Q And was the bag itself intact when it came in your
2 possession?

3 A Yes, sir, it was.

4 Q So no evidence of any tampering?

5 A No, that would be correct. And you can even see on
6 it it says intact on the date that I cut into it and my
7 initials.

8 Q Okay. So you actually check that and mark ---

9 A Yes, sir.

10 Q --- showing that that's the fact?

11 A Yes, sir.

12 Q Okay. Alright. If you would tell us then the item,
13 the first item on your report indicates item 1.1. What is item
14 1.1?

15 A Sure. So it's a Ziplock bag containing it, so when I
16 first cut into it, I have to separate out what is inside the
17 BEST kit.

18 Q Okay. So that had multiple then other bags of items
19 within it?

20 A That is correct.

21 Q Alright. So let's talk about then item 1.1.3. What is
22 that item?

23 A That was also another Ziplock bag, so it also had some
24 items in it as well.

25 Q Okay. And what did that bag contain?

1 A The inside of that bag was a powdery substance and then a
2 plastic bag that contained one hundred and seventy-six whole
3 triangular multicolored tablets and partial tablets,
4 as well as another plastic bag containing various multicolored
5 tablets.

6 Q Alright. Let's talk about the powder substance
7 first. Tell us, if you would, what sort of testing
8 you performed on that white powder substance.

9 A Sure. So the very first thing I would do is take
10 a net weight, so no packaging involved in that. And
11 then I would take a small sample to do a indicative
12 test, it's a presumptive test, in this case it's a color
13 test. It just gives us an idea of what we're dealing
14 with, and so it helps us pick our extraction solvent.
15 And then from there I would do a confirmatory test
16 on it.

17 Q Alright. So that first test that you do, is that sort of
18 to narrow down what it could be?

19 A Yes, sir. So in this case there's a difference between in
20 how we would run powder cocaine versus, say like, crack
21 cocaine. And so, it gives us an idea of which path to take
22 then for a confirmatory test.

23 Q Okay. And what was the second test that you did?

24 A A confirmatory test.

25 Q Okay. And what does that mean?

1 A So it will tell you what the compound is to the exclusion
2 of all other compounds.

3 Q Alright. In your expert opinion as a drug identification
4 analyst, what is that white powder substance?

5 A It was found to be cocaine.

6 Q And what was the weight of that substance?

7 A 8.24 grams.

8 Q 8.24 grams of powder cocaine?

9 A Yes, sir.

10 Q Okay. Now, you mentioned that you had a second bag that
11 had a hundred and seventy-six pills in there?

12 A Yes, sir.

13 Q Alright. Is that the, so there were two different bags of
14 pills, right? One that was sort of green triangles and the
15 other one that was multicolored?

16 A Yes, sir.

17 Q Which bag are we talking about with regard to the hundred
18 and seventy-six pills?

19 A Those would be the triangular ones that have a Mitsubishi
20 logo on them.

21 Q Okay. Tell us if you would what analysis did you perform
22 on that particular bag?

23 A So on that one as well, I did a net weight on them without
24 the packaging, and then I did an indicative test and then a
25 confirmatory test on that as well.

1 Q Alright. And in your expert opinion, what is the
2 substance of the hundred and seventy-six green
3 pills?

4 A Methamphetamine.

5 Q Okay. And what was the weight of those green pills?

6 A 30.49 grams.

7 Q Alright. And then you mentioned that there was a third
8 bag containing some multicolored pills. Did you also do
9 testing on that?

10 A So for that one I took out one of those tablets and I did
11 a net weight on that one tablet and I did a spot test on it.
12 So I did the presumptive test and I got that that result was
13 the same as the bag with the triangular tablets in there and
14 that weight of the remaining items in that case would not have
15 gotten me over the next threshold for methamphetamine, so I did
16 not confirm that item.

17 Q Okay. What was the result of the spot test?

18 A It matched, it was consistent with item 1.1.3.2, so

19 ---

20 Q Which was the methamphetamine?

21 A That is correct.

22 Q And what was the weight of that bag of multicolored pills?

23 A So the weight on the one I tested was zero point 28 grams,
24 and then I took a gross weight of the remaining tablets in
25 there and it was 2.72 grams.

1 Q Alright. Once you completed your testing on all of those
2 substances, then what did you do with all of them?

3 A Then it would go, I would type up my report and it would
4 go to one of my peers for a peer review. So everything we do
5 is peer reviewed.

6 Q Did you repackage those substances in some form?

7 A Yes, sir. We would make sure that they're not cross
8 contaminated within the bag. So they get repacked if they need
9 to be within the kit and then the kit is sealed up.

10 Q Alright. And then does that get then sent back to the
11 local agency?

12 A Yes, that would go back down to our evidence control
13 department and then they would return it to the agency.

14 Q And did you have an opportunity to examine that before we
15 started back to Court today?

16 A Yes, sir.

17 Q And was that packaged in the same sealed condition today
18 that it was when you sealed it up when you returned it to the
19 agency?

20 A Yes, sir.

21 Q As part of that BEST kit that gets submitted to
22 you, is there any paperwork that goes along with
23 it?

24 A Yes. We have a request form that will go inside of the
25 kit as well.

1 Q Alright. And did that request form include doing analysis
2 on a white powder substance?

3 A The first thing listed, yes, sir, is a white powder
4 substance in a clear bag.

5 Q And obviously, you've already testified that you tested
6 that substance, and it was a little over 8 grams of cocaine, is
7 that right?

8 A That is correct.

9 Q Alright.

10 MR. HODGES: That's all the questions I
11 have. Please answer any questions that Mr. Tinsley may have
12 for you.

13 THE COURT: Mr. Tinsley?

14 MR. TINSLEY: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MR. TINSLEY:

17 Q Agent Looney, a hundred and seventy-six of those green
18 pills is what was turned over to SLED by Greenwood County
19 Sheriff's Office?

20 A It is one hundred and seventy-six whole tablets, and
21 partial tablets, yes, sir.

22 Q Okay. And you just tested one of those hundred and
23 seventy-six, correct?

24 A That is correct.

25 Q Okay. So you're just assuming that the other

1 hundred and seventy-five are consistent with that one?

2 A So we take a representative sample of what we have, so,
3 yes, sir, then they all look the same, so we treat it as one
4 sample or one population, sorry.

5 Q So you don't know what the other hundred and seventy-five
6 would have actually come back on the test?

7 A That's correct.

8 Q Okay. Alright. And the pill that you did test, it's not,
9 and the entire pill isn't just meth, am I right about that?

10 MR. HODGES: Objection, Your Honor, relevance.

11 THE COURT: Overruled. I'll let him go down this,
12 it's on cross.

13 A I could look at my documents. Usually there's cutting
14 agents involved with it as well.

15 Q So you don't know what percentage of that pill is actually
16 meth?

17 A That's correct. We do not quantitate for anything other
18 than THC in our lab.

19 Q And do you know how much each pill weighed,
20 roughly?

21 A Not off the top of my head, no, sir.

22 Q Okay. So that 30.49 grams is that putting the hundred and
23 seventy-six pills onto a scale and just totaling that? Is that
24 where you came up with that number?

25 A Yes, sir. And the partial tablets, yes, sir.

1 Q Okay. Alright. And the way I understood your testimony
2 was the first test is to eliminate or to narrow down what
3 you're dealing with, is that right?

4 A It helps us figure our obstructions on it, yes,,
5 sir.

6 Q Okay. And then the second test eliminates everything
7 except for what you find it to be, correct?

8 A That is correct.

9 Q Alright. Now, you didn't perform that second test on
10 the multi, the pill that you got out of the multicolored
11 pill bag, is that right?

12 A That is correct.

13 Q So you just did that first test?

14 A That is correct.

15 Q So you can't exclude everything else as far as
16 the pill you tested out of the multicolored pill
17 bag?

18 A That's correct, yes, sir. We just make it clear that it's
19 just the indicative testing result consistent and that it was
20 not subjected to confirmatory testing.

21 Q Okay. And you just tested one of those pills as well?

22 A That's correct.

23 Q Okay. And you are the actual scientist who performed the
24 test on these substances, is that correct?

25 A That's correct.

1 Q Okay.

2 MR. TINSLEY: No further questions.

3 THE COURT: No redirect?

4 MR. HODGES: No redirect, Your Honor. And we would
5 ask that Agent Looney be excused.

6 THE COURT: Agent, thank you for coming, you're free
7 to go, have a good day. Solicitor, call your next witness,
8 please.

9 MR. BROWN: The State calls Ricky Madden.

10 CLERK: Do you swear or affirm the testimony you're
11 about to give this Court is the truth, the whole truth, and
12 nothing but the truth so help you God?

13 MR. MADDEN: I do.

14 CLERK: Thank you.

15 **DIRECT EXAMINATION**

16 BY MR. BROWN:

17 Q Good afternoon.

18 A Good afternoon.

19 Q Please state your full name.

20 A Richard Madden, I go by Ricky.

21 Q And where do you work?

22 A I work at Greenwood County Sheriff's Office.

23 Q How long have you been with the Greenwood County Sheriff's
24 Office?

25 A 11 years.

1 Q And prior to working at the Greenwood County Sheriff's
2 Office?

3 A I worked with Abbeville County for 10 years.

4 Q And prior to that, did you work in any other law
5 enforcement, or...

6 A I was a detention officer for a year in Abbeville County.

7 Q Now, how many years did you say you've been in law
8 enforcement? I'm sorry.

9 A 21 total.

10 Q 21 years. And before becoming a law enforcement officer,
11 did you go to the South Carolina Criminal Justice Academy?

12 A I did.

13 Q And being an officer for 21 years, do you have to
14 recertify?

15 A We do.

16 Q Is that, do you have classes you have to attend also?

17 A Mostly it's online classes we can take to get our
18 certification.

19 Q And in your 21 years, have you had the opportunity to be
20 on road patrol?

21 A Yes.

22 Q And investigations?

23 A Yes.

24 Q And on November 25th, 2020, did you have the opportunity
25 or were you working that night?

1 A Yes, I was.

2 Q And what was your position at that time?

3 A I was the lieutenant over the crime reduction unit.

4 Q And being a lieutenant, did Deputy Mejia, was he under
5 your command?

6 A Yes, he was.

7 Q And was that your group that was out patrolling that
8 night?

9 A Yes.

10 Q Tell me your role that night.

11 A My role that night, basically, I'm the supervisor over the
12 crime reduction unit. I worked alongside Deputy Mejia.
13 Basically, I would supervise when they was out on traffic stops
14 and things like that, I would assist them.

15 Q And on this night, Mr. Mejia made a traffic stop on Mr.
16 Ware?

17 A He did.

18 Q And is your call sign, was your number 60?

19 A No, it's 316.

20 Q 316. And on the radio, you can hear him say are you
21 around?

22 A That's correct.

23 Q When you arrived at the entrance of the Eaton Plant off of
24 72, 221, Mr. Mejia had already pulled over Mr. Ware?

25 A That is correct.

1 Q Okay. And during this time, did you have a bodycam on?

2 A I did.

3 Q Okay. And prior to coming in the Courtroom, did you have
4 an opportunity to review it?

5 A I did.

6 Q I'm going to show you what's been marked State's ID 5.

7 A A CD containing my in-car bodycam and my initials at the
8 top.

9 Q So that is your camera?

10 A That is correct.

11 MR. BROWN: Judge, at this time, the State moves
12 State's 5 in as evidence.

13 THE COURT: Subject to all prior pretrial motions,
14 State's 5 is in evidence.

15 (Whereupon a CD was submitted as State's Exhibit Number 5
16 for identification and entered into evidence.)

17 Q Now, once you arrived, Deputy Mejia, he was updating you
18 on what was going on?

19 A Yes, he was.

20 Q Okay. And I'm just going to play your bodycam, does that
21 contain most of your interactions ---

22 A Yes, sir.

23 Q --- that night?

24 (Playing video.)

25 Q Now, Captain Madden, once you arrived and y'all

1 started searching the vehicle, did you have the opportunity
2 to handle a lot of these, the drugs that were in the car, the
3 packaging?

4 A I handled the powder substance that was sticking out of
5 his pocket.

6 Q And the pills?

7 A The pills that were in his pocket.

8 Q Okay. And at one point did you drop one?

9 A Yeah, I dropped one, actually a pretty large, dark angular
10 pill. As I was walking back to my patrol car to get an
11 evidence bag that I was going to put the drugs in, I
12 accidentally dropped it.

13 Q Okay. But later on you did find it?

14 A Yeah.

15 Q And that's captured on your bodycam?

16 A Yes.

17 Q And again, all the drugs were placed in the plastic bags
18 that they were in, but then placed, like, in a brown paper bag?

19 A Yeah. I put them in a Ziplock evidence bag that we carry
20 with us and then handed it back to Deputy Mejia, I think he put
21 it in the paper bag.

22 Q Okay. And when y'all were not around the car, where were
23 these drugs stowed or kept while y'all were searching the
24 vehicle?

25 A In his, the back of his patrol car.

1 Q Okay. And there were several times where you had to ask
2 him to unlock the car, is that correct?

3 A Yes.

4 Q So it was in a locked place?

5 A Yeah.

6 Q After you got back to the sheriff's office, did you and
7 Deputy Mejia work together in preparing the internal chain of
8 custody at the sheriff's office?

9 A We did.

10 Q And then also placing the items in a BEST pack?

11 A That's correct.

12 Q I'm going to show you what's been marked State's Exhibit
13 Number 3. Is that the internal chain?

14 A Yes. That's the initial chain of custody that goes with
15 the SLED BEST kit.

16 Q And is the powder cocaine on that?

17 A Yes, there is.

18 Q In addition to the, all the different pills?

19 A That is correct.

20 Q Okay. And that would have been submitted along with the
21 actual items taken from the car and put in the BEST pack?

22 A Yes.

23 Q I'm going to show you what's been marked State's ID Number
24 1. Do you recognize those items?

25 A Yes, I do.

1 Q Were those items taken either off of Mr. Ware or out of
2 his car?

3 A That is correct.

4 Q When searching in the backseat where you found the large
5 bag of green pills, did you have to move anything to be able to
6 access those?

7 A I think I might have moved a shirt or something that was
8 covering it up and, which the seat was pulled back so it was
9 hard to see, but once I shined my light, I could see the pills
10 in a bag.

11 Q And the box of bags was over there with it?

12 A The box of bags was beside it as well.

13 Q And what part of the car was that in?

14 A Behind the front passenger's seat in the
15 floorboard.

16 Q Would you say that's pretty easy access to the
17 driver?

18 A Yeah, it's in arm's reach.

19 MR. BROWN: No further questions.

20 THE COURT: Mr. Tinsley?

21 MR. TINSLEY: Thank you, Your Honor.

22 **CROSS EXAMINATION**

23 BY MR. TINSLEY:

24 Q Captain Madden, you have a good bit of experience doing
25 road patrol work?

1 A That's correct.

2 Q Is it common to call in a tag for somebody who's not
3 violating any laws?

4 A Yes, it is.

5 Q Okay. So y'all, that's common practice?

6 A Common practice.

7 Q Okay. Even when there's no suspicious
8 behavior?

9 A Yes.

10 Q Okay. You would agree that these pills in the
11 backseat, in the back floorboard were not in plain
12 view?

13 A No, they weren't.

14 Q Okay. It took you moving some stuff and shining the light
15 to see it?

16 A That's correct.

17 Q And for access to it, you or Deputy Mejia actually had to
18 move the front passenger's seat up?

19 A Yes.

20 Q Okay. And you testified, the question was asked, phrased
21 as his car, talking about Mr. Ware's car, but this car was
22 actually titled to someone else, correct?

23 A I believe so, yes.

24 Q Okay. And titled in the State of Georgia?

25 A Yes.

1 Q Okay. And Mr. Ware's a resident of McCormick County here
2 in South Carolina, correct?

3 A I assume so, that's what his license said.

4 Q Okay. Now, would you say that someone's responsible if
5 they drive their friend's car for whatever's in that friend's
6 car?

7 A I'd say whatever's in that vehicle when he's driving, he's
8 responsible for.

9 Q Okay. And that applies to anybody, not just Mr. Ware, is
10 your position?

11 A He's in control of that vehicle, he's responsible.

12 Q So you're saying anybody that's driving a car would be
13 responsible for what's in it?

14 A Yes.

15 Q Okay. And from the time you started searching the
16 backseat, you'd say 45 seconds to a minute before you actually
17 spotted the pills, is that accurate?

18 A Yes, I believe so.

19 Q Thank you.

20 MR. TINSLEY: No further questions.

21 MR. BROWN: No further questions.

22 THE COURT: Alright. Sir, thank you, you can step
23 down. Alright. Ladies and gentlemen, we're going to take a
24 brief break since we've been at it for an hour to take a few
25 moments for our own comfort, and we'll be back on the record

1 here shortly, okay? When you're in the back, don't talk about
2 the case. If you need to step outside even for a breath of
3 fresh air, just let the bailiff know and they'll let you go
4 out, okay? Thank you.

5 (Jury exiting Courtroom.)

6 THE COURT: You've got one more witness?

7 MR. BROWN: Yes, sir, Judge. Just for the record
8 also, before we went back on the, before the jury was brought
9 back out last time, we were getting redactions made on the
10 bodycams to publish in front of them, I've not been able to
11 have the opportunity to review that, so I was muting it in
12 addition to what we believe has been redacted. And also, had
13 written down on Captain Madden's bodycam an additional place I
14 muted while showing the jury. And I stopped, it was around the
15 15 minute, five second mark, he mentions drugs and marijuana.
16 And then the 20 minute, 25 second mark essentially says, paper
17 bag, wanted to put that weed in it. And I was more careful and
18 I kind of blocked off about 8 seconds around each side to
19 kind of redact that. I just wanted to put that on the
20 record.

21 THE COURT: Very good. Whichever version goes back
22 to the jury, just have your IT guy make those additional
23 redactions.

24 MR. BROWN: Yes, sir. And I don't know, is there an
25 opportunity for them to watch it back there?

1 THE COURT: Yeah, we got a TV back there with a video
2 screen of some kind. I sent the proposed instructions to both
3 sides. Mr. Hodges already made a comment that he's working on
4 being my law clerk and trying to find me a case that I thought
5 in the back of my mind ---

6 MR. HODGES: I'm not sure, it was tickling ----

7 THE COURT: It was tickling in the back of my mind,
8 but I can't find it either, it benefits you so you can look at
9 the email exchange. Alright. We'll be at ease for about 10
10 minutes or so guys.

11 (Off the record.)

12 THE COURT: Alright. We ready to proceed?

13 (Nonverbal responses.)

14 THE COURT: Alright. Very good. Let's have the jury
15 please.

16 (Jury entering Courtroom.)

17 THE COURT: Alright. Jury is back and seated.
18 Solicitor, if you will call your next witness, please.

19 MR. HODGES: The State calls Greg Allison.

20 CLERK: Good afternoon.

21 MR. ALLISON: Good afternoon.

22 CLERK: Raise your right hand, please. Do you swear
23 or affirm the testimony you're about to give this Court is the
24 truth, the whole truth, and nothing but the truth so help you
25 God?

1 MR. ALLISON: Yes.

2 CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. HODGES:

5 Q If you would, please introduce yourself to the
6 jury.

7 A My name is Gregory Allison, I work for the
8 Greenwood County Sheriff's Office.

9 Q How long have you been in law enforcement?

10 A 21 years.

11 Q Now, has that whole time been at the sheriff's office,
12 or have you worked somewhere else?

13 A I had a little brief break between 2000 and 2014, or '10,
14 2010.

15 Q But you've got a total of 21 years law enforcement,
16 correct?

17 A That's correct.

18 Q Alright. And did you go through the law enforcement
19 academy?

20 A Yes, sir, I did.

21 Q And do you have any particular specialized duties at the
22 sheriff's office?

23 A I am the evidence custodian.

24 Q And how long have you been the evidence custodian?

25 A Almost 14 years.

1 Q Did you receive any sort of training when you became the
2 evidence custodian?

3 A Yes, sir, I did. I did about 80 hours with the city
4 custodian here at the city PD, and after that I went to an
5 investigation class at the criminal justice academy, and
6 I also went through a forensic class at the University of
7 Tennessee.

8 Q What are your duties as the evidence custodian?

9 A I am the custodian evidence technician. My responsibility
10 is to maintain integrity and the chain of custody for all
11 evidence and processing for further processing.

12 Q Where is your office located?

13 A It's in the basement, which is the lower part of the, the
14 lower part of the sheriff's office.

15 Q Here in the building ---

16 A Yes, sir.

17 Q --- behind the Courthouse? If you would, sort of
18 describe to us what your office complex looks like down
19 there.

20 A Basically, we have an evidence lobby set up basically like
21 the SLED lobby as well. We have lockers inside where they'll
22 submit their evidence, log it in, and then I'll process it from
23 the other side, the evidence department.

24 Q Okay. So the part that the officers can access, what does
25 that look like?

1 A It has the evidence lockers on the left-hand side, we have
2 the processing table with all the necessary equipment supplies
3 and packaging they need.

4 Q Alright. When you say lockers, are these like school
5 lockers?

6 A They're kind of sort of, but they have a punch lock on
7 them, once you turn the handle and you punch that lock it's
8 concealed, and no one can get in it unless I release it to
9 them.

10 Q Alright. So when they come into this part of the evidence
11 room, there are some of the lockers that are opened or
12 unlocked?

13 A Yes. They're open, some are used, and some are not used,
14 the ones that are not used have the vent sticking out to the
15 right-hand side, the ones that are pushed in are already used.

16 Q Okay. So they can basically open one that's not locked --
17 -

18 A That's correct.

19 Q --- put something in it, close it, lock it. And once they
20 do that, can they get stuff back out?

21 A Not without going through me first.

22 Q Alright. And so then what's on the backside of those
23 lockers?

24 A The backside is the evidence department, it's a double
25 door procedure where you walk through the exterior door, it has

1 a double deadbolt lock on it. And then the interior door has a
2 passkey lock on it.

3 Q Okay. So those lockers basically pass through the wall
4 from the outside to the inside?

5 A Yes, sir. Once we get inside, the backside of those
6 lockers are two large doors, I can open them up and it will
7 expose all the lockers to be processed.

8 Q Okay. So basically you can pull evidence out then ---

9 A Yes, sir.

10 Q --- from the backside?

11 A Yes, sir. And release the locks.

12 Q Okay. And does that bring it directly then into the
13 evidence room?

14 A Yes, sir.

15 Q Alright. I'm going to hand you what has been marked as
16 State's Exhibit Number 3. Ask if you recognize this?

17 A Yes, sir, I do.

18 Q And what is that?

19 A The first page is just a mini page for SLED, to take down
20 to SLED and submit it into the SLED lockers as we have to be
21 processed.

22 Q Okay. And what are the other pages?

23 A The other pages is the chain of custody which is a form
24 inside the BEST pack they fill out to send down to SLED for
25 processing.

1 Q Okay. You mentioned that this, the room that the officers
2 have access to that has all this packaging and stuff, does it
3 have the BEST packs and these forms?

4 A Yes, sir, it does. I get those BEST packs when I go down
5 and submit evidence to SLED and when I return, they'll ask me
6 do I have BEST packs and I get them, they issue them.

7 Q So those are actually provided to you by SLED?

8 A By SLED, yes, sir.

9 Q And you keep a supply of those on hand?

10 A Yes, sir, I do, outside for those officers to process.

11 Q Alright. Is this something that then was packaged up and
12 submitted into these lockers to you?

13 A Yes, sir. This would go with the BEST pack as well with
14 all the items that's in that BEST pack, whether it be drugs,
15 marijuana, whatever.

16 Q So was that in a locker in your evidence room that you
17 then retrieved after it was submitted by the arresting
18 officers?

19 A Yes, sir. It was in locker 13.

20 Q Alright. Did you, what do you, like, once you
21 bring evidence into the evidence room, what do you do with
22 it?

23 A Depending on what it is. In this case, where there's
24 drugs, it's a BEST pack, I'll look at the paperwork on it, set
25 the paperwork outside and put a paperclip on it, sign the chain

1 of custody on it if necessary, and then transfer it into the
2 computer from locker 13 on to a shelf called SLED box. SLED
3 box is a shelf that anything that goes to SLED will be on that
4 shelf. In this particular case, it would be on the shelf
5 marked as BEST packs.

6 Q Alright. So you sort of save up a load of stuff to take
7 and then take them all at one time?

8 A We have a maximum of 25 capacity BEST packs that we can
9 take down at one time. I'll wait for 25 unless told otherwise.
10 If I need to send it down earlier, I will be told to, and I'll
11 do it.

12 Q Alright. And where do you have to go to actually take
13 this stuff to be tested?

14 A We go to SLED which is South Carolina Law Enforcement
15 Division.

16 Q Where is that?

17 A It's in Columbia.

18 Q So you got to load up this stuff and carry it to Columbia?

19 A Yes, sir. What'll happen is I'll get 25 BEST packs that
20 I'll prepare them to go to SLED and then I'll sign out and then
21 once they're pre-submitted to SLED, I'll sign them out, I'll
22 drive them down there myself, it's about an hour and 20 minute
23 drive depending on traffic and what time of day it is.

24 Q Alright. And did you take this particular package to
25 SLED?

1 A Yes, I did.

2 MR. HODGES: Your Honor, I would offer State's
3 Exhibit Number 3 into evidence as the chain of custody forms.

4 THE COURT: No objection?

5 MR. TINSLEY: Just the prior pretrial...

6 THE COURT: Very good. Subject to any prior pretrial
7 motions and objections.

8 (Whereupon chain of custody forms were submitted as
9 State's Exhibit Number 3 for identification and entered into
10 evidence.)

11 Q And I'm going to hand you what has been marked as State's
12 Exhibit Number 1. And is that the package that corresponds to
13 the paperwork we were just talking about, State's Exhibit 3?

14 A Yes, sir. The department number case number is correct
15 and also the SLED lab number is correct as well.

16 Q Alright. And is that what you carried to SLED?

17 A This is the package that I carried to SLED and it's also
18 the package that I retrieved from SLED.

19 Q Alright. Tell us what, when you take the packages to
20 SLED, how does that work? What do you do when you get them
21 there?

22 A Once I get there, like I said, there's evidence lockers
23 set up just like the ones we got at the sheriff's office. I'll
24 go to the time clock, I'll clock them in, which you'll see
25 right here, they're clocked, I put them back on the package.

1 And then once I've completed all 25, I'll stick them in a
2 locker and mash the button, I'll turn the handle and we're
3 done.

4 Q And then you said you actually brought that package back
5 from SLED after the analysis?

6 A Yes, sir. What happens is I make an appointment to go to
7 SLED to bring down BEST packs. They'll ask me are you wanting
8 to pick up, which I always do, I say, yes, ma'am. So what will
9 happen is is whatever they have available to be returned to me,
10 I will get those BEST packs as well as the chain of custody and
11 submission form.

12 Q Alright. And then you bring that back to the sheriff's
13 office and ---

14 A Yes, sir.

15 Q --- maintain them in the evidence locker?

16 A I bring it back, log it back in, put it on the designated
17 shelf it goes on and I'll put these on file for future
18 reference.

19 Q Alright. And then State's Exhibit 1, did you
20 maintain it until you brought it here to Court for this
21 trial?

22 A Yeah, I gas up and take care of everything that I
23 need to before I go down. I go straight down and straight
24 back.

25 Q Alright. But the, State's Exhibit 1, did you keep

1 that in the evidence locker and then bring it here to Court for
2 this trial?

3 A Yes, sir, I did.

4 MR. HODGES: Your Honor, I would offer
5 State's Exhibit 1 into evidence.

6 THE COURT: State's 1 will be in evidence
7 subject to all prior objections made by Defense.

8 (Whereupon a package was submitted as State's
9 Exhibit Number 1 for identification and entered into
10 evidence.)

11 MR. HODGES: Alright. Please answer any questions
12 that Mr. Tinsley has.

13 MR. ALLISON: Yes, sir.

14 **CROSS EXAMINATION**

15 BY MR. TINSLEY:

16 Q Mr. Allison, do you still have State's Number 3 or did
17 they...

18 A Yes, sir, I have it right here.

19 Q Okay. Let me take a look. Alright. And on your
20 certifications of proof of the chain of physical custody, on
21 number 3, it says a hundred and eighty-two green triangle pills
22 in a clear bag ---

23 A Okay.

24 Q --- is that right?

25 A I'm not sure. Once those items are placed in that

1 BEST pack, I have no control over it. Once that officer puts
2 that evidence in that BEST pack, it's sealed and it's left up
3 between SLED and that officer, not me.

4 Q But it says a hundred and eighty-two, right?

5 A Yes, sir, it does.

6 Q Okay. And the SLED agent testified earlier that they got
7 a hundred seventy-six green triangle pills?

8 A I'm not sure.

9 Q Okay. Well, if, I guess the question is, do you know what
10 happened to the other six pills?

11 A No, I do not. I just make sure that the package is
12 sealed, and the paperwork is ready to be shipped to SLED and
13 any difference between SLED and the officer is between their
14 discretion, not mine.

15 Q Okay. So you just don't know?

16 A That's correct.

17 Q Okay. And this chain of custody report from the Greenwood
18 County Sheriff's Office, I ask if you're familiar with that
19 document?

20 A Yes, sir.

21 Q Okay. And that's the document produced from your
22 department?

23 A Yes, sir. It's produced, it's generated through the
24 evidence tracking system. And what this thing basically does
25 is it tracks every movement it makes should I move to SLED,

1 should I move from the evidence locker to the shelf or return
2 or I could do a purge, and I have to get it down off the shelf,
3 and I could move it again, but if it's moved, it's on this
4 chain of custody.

5 Q Okay. And that chain of custody doesn't mention anything
6 about any powder cocaine?

7 A No, sir, it doesn't.

8 Q Okay. Do you have any control in the process of what SLED
9 actually tests or you just take it, drop it off and leave it to
10 them? How does that work?

11 A I just drop it off and I do a submission form request for
12 drug analysis, and I check each drug analysis and that's what
13 they test.

14 Q Okay. And then the testing's up to them from thereon?

15 A Yes, sir.

16 Q Okay.

17 MR. TINSLEY: Thank you. No further questions.

18 MR. ALLISON: Yes, sir.

19 MR. HODGES: No redirect, Your Honor.

20 THE COURT: Sir, you can step down, just take that
21 with you.

22 MR. ALLISON: Yes, sir.

23 MR. HODGES: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 MR. BROWN: Judge, at this time, the State rests.

1 THE COURT: Alright. Very good. Ladies and
2 gentlemen, there's a few matters that I need to take up outside
3 your presence. If you would, adjourn to the back for a few
4 moments. Don't talk about the case and hopefully we'll be in a
5 position to continue, okay? So just pop back there and I'll
6 have you back out here as soon as possible.

7 (Jury exiting Courtroom.)

8 THE COURT: Mr. Tinsley, I presume you move for a
9 directed verdict, and of course, you renew all prior motions?

10 MR. TINSLEY: Correct, Your Honor.

11 THE COURT: Very good. As it relates to at least the
12 two drug charges and the DUS, the Court would deny your motion.
13 There seems to be sufficient circumstantial and direct evidence
14 from which a jury can conclude that Mr. Ware's guilty of those
15 charges. I did have one question concerning the false
16 information to law enforcement. I know that the Solicitor
17 amended the section to reference subsection B of that code
18 section, but in the actual body of the indictment, the actual
19 language says that the Defendant, Rekeem Ware, did make a false
20 complaint to a law enforcement officer concerning the alleged
21 commission of a crime by another or gave false information to,
22 and it's amended to say law enforcement or fire department
23 concerning the alleged occurrence of a health emergency or fire
24 on violation of the section, and that's subsection A. That
25 language is from subsection A and that's apparently what the

1 Grand Jury acted on. The subsection B is the part where it's
2 unlawful for a person to misrepresent his identification to a
3 law enforcement officer during a traffic stop or for the
4 purpose of avoiding arrest or criminal charges. I thought it
5 would be wise to go ahead and address that at this juncture.
6 Obviously, Mr. Tinsley, I don't know if you're defense would
7 be, hey, jury, yeah, he's guilty of driving under suspension,
8 and he's guilty of giving false information, so convict him of
9 that but don't convict him of the drugs. But I felt like I
10 needed to bring everyone's attention to the fact that the Grand
11 Jury seemed to have acted on the wrong subsection of the
12 statute. So unless ---

13 MR. BROWN: Judge, I think prior to the jury being
14 sworn and prior to, and I guess I didn't amend the whole thing,
15 but that was part of what was put on the record that it was
16 going to reflect the language of subsection B.

17 THE COURT: Oh, so it was intended that subsection B
18 language be amended to be put into this?

19 MR. BROWN: Yes, sir. And the email we had last
20 Thursday, we had a telephone conversation and then I followed
21 up with an email. In the email: Jamison, I'm just following
22 up on our telephone conversation from a few moments ago
23 concerning the false information to law enforcement indictment.
24 There are two subsections in the statute, the 1617725 CDR code
25 1223, and the indictment lists subsection A. However, you do

1 not object to amending the indictment on the record before the
2 trial begins to reflect subsection B which describes giving
3 false information to law enforcement, these two subsections
4 carry up to 30 days, thank you. And then he responded, that's
5 correct.

6 THE COURT: Okay. I misunderstood then the agreement
7 that y'all had reached. And again, it's only a 30 day offense
8 and I imagine that that would not result in any serious harm to
9 your client in light of the fact that it would be a time served
10 sentence, I assume. Alright. So we're good?

11 MR. TINSLEY: Yes, sir, Your Honor. I understand
12 your ruling, but I want to make sure that my record's clear.

13 THE COURT: Sure.

14 MR. TINSLEY: As far as the, number one, I would move
15 for the directed verdict on all counts based off of the stop
16 which I still would argue is an unconstitutional protectoral
17 stop. And then on the trafficking, they only tested one out of
18 a hundred and seventy-six pills and a hundred and eighty-two
19 were initially apprehended. I don't, you know, I don't see how
20 they can get to the trafficking of meth based off of one pill
21 to get over this 28 grams. And then I would further, you know,
22 the SLED agent specifically testified, she doesn't know what
23 those other hundred and seventy-five were, not to mention the
24 11 that were in my client's pocket that were inconsistent with
25 those in the back. And then I would also say that the State

1 hasn't met its burden of proving that he actually possessed
2 those pills in the bag. So I just want to make sure that my
3 record's clear for my directed verdict all the way around and
4 particularly on the trafficking of meth charge.

5 THE COURT: Alright. Solicitor, did y'all want to
6 speak to the fact that only one pill was tested and obviously,
7 maybe that's a jury issue, but I'll let you ---

8 MR. BROWN: Yes, sir, Judge. I think that's a jury
9 issue. In the light most favorable to the State, we did have
10 Brittnee Looney who was deemed an expert in drug analysis and
11 identification. I believe that's a SLED policy where they try
12 or they test one pill and then look at the other markings and
13 if they're all in the same bag, they weigh it together. And I
14 think the results and her testimony said that the meth, the
15 green meth tablets found in the car was 30.49 grams, and then
16 the other testing done on the other bag that was on Mr. Ware's
17 person, total gross weight was 2.72 grams. SLED expert gave
18 her expert opinion that this was all meth, so therefore I
19 believe it is a fact question for the jury and should be
20 submitted to should that survive a directed verdict to the
21 light most favorable to the State. And to further that
22 argument, I don't see it really any different than if you were
23 testing a bag full of crack and you test one shard or two
24 shards, there's still a lot of shards left that have not been
25 tested, so I think you akin that to the meth tablets or

1 fentanyl tablets or heroine tablets. With the amount of drugs
2 that come into SLED each day from law enforcement around the
3 state, I don't think they are able to or capable of testing
4 every pill in a bag. So therefore, they've adopted a policy
5 testing that one pill and then doing other analysis based off
6 of they're in the same bag and the appearance to go along with
7 that. So light most favorable to the State, I think the
8 directed verdict motion should be denied.

9 THE COURT: Alright. The Court concurs and will deny
10 your, Defendant's motions for directed verdict. Do you intend
11 to offer a case, Mr. Tinsley?

12 MR. TINSLEY: Yes. I believe my client will
13 testify.

14 THE COURT: Alright. Very good. I assume that
15 you've already reviewed with him his right to remain silent and
16 all of that?

17 MR. TINSLEY: I have, Your Honor.

18 THE COURT: Okay. Does he have any crime that y'all
19 would seek to impeach him with?

20 MR. BROWN: Judge, he has a burglary conviction
21 from 2005 where he received a 15 year sentence suspended
22 to 10, 15 years suspended to 10 years active followed by
23 five years probation. He also has a criminal sexual conduct
24 first degree conviction from 2011, received a two year
25 sentence.

1 MR. TINSLEY: Two years time served credit's the way
2 I understand it. Maybe he got two years and he'd already
3 served it, the amount, so it ended right then in 2011 is my
4 understanding of it. .

5 MR. BROWN: I believe those will be the extent
6 of impeachable offenses. He does have some charges
7 down in Georgia, fleeing or attempting to flee police
8 officers, that's a misdemeanor down in Georgia. Then
9 a slew of driving convictions, but none other than
10 that.

11 THE COURT: Mr. Tinsley?

12 MR. TINSLEY: Judge, I don't see those as
13 impeachable. Criminal sexual conduct, like I say, I think that
14 sentence was completed in 2011, so more than 10 years ago, not
15 to mention my understanding of rule, I believe it's 609 is that
16 if the prejudicial effect outweighs the probative, I mean,
17 yeah, let me pull the actual language on this before I
18 misspeak. Evidence of the accused has been convicted of such a
19 crime shall be admitted if the Court determines the probative
20 value of admitting this evidence outweighs its prejudicial
21 effect of the accused. Criminal sexual conduct is so remote,
22 older than 10 years from when the sentence was completed that
23 they haven't put me on notice that they planned on using that
24 to impeach him, so I think that's out under subsection B. And
25 then under subsection A, a burglary from 2005 when this man

1 was, the conviction date's when he had just turned 17 years
2 old, almost 20 years ago, I don't see how that's got any
3 probative value in a drug case. So I don't think they can
4 impeach him with either one of those.

5 THE COURT: I think they did amend rule 609 fairly
6 recently to reflect that it has to be within 10 years, all of
7 it, am I correct? Even if it's a crime of dishonesty?

8 MR. BROWN: It would be the end of your sentence or
9 the conviction?

10 THE COURT: I believe it would be the end of the
11 sentence. So potentially, I mean, depending on when he was
12 released from the burglary charge, that might be fair. But if
13 the conviction was in 2011, I mean, that's more than 10 years
14 from today's date. We're talking of course about the
15 CSC.

16 MR. BROWN: Judge, we're going to try to get
17 probation to see if they can determine when he was released off
18 that. Because he was to serve a 10 years sentence on the
19 burglary second, and then it was five years probation after
20 that. So however, there could have been a PTUP provision that
21 we're not aware of, I'm not sure.

22 THE COURT: Right. Mr. Hodges?

23 MR. HODGES: Your Honor, while we're trying to
24 determine that, we had had some emails about jury instructions
25 and the Court had asked about that permissible inference issue.

1 Based upon what I've looked at, I don't know that there's any
2 case law specific to the PWID permissible inference, but there
3 is a recent case, State versus Brown, it's 438 South Carolina
4 146 --- .

5 THE COURT: Is that the one that came out in November
6 of last year?

7 MR. HODGES: It talks sort of generally about
8 inferences and jury instructions.

9 THE COURT: Yeah, I found that while we were on
10 break. I actually had to do that the hard way just by going
11 back through the headnotes for the judicial website because,
12 unfortunately, I think that in the process of disconnecting my
13 law clerk's West Law, since her last day was yesterday, I think
14 they inadvertently disconnected my app, too.

15 MR. HODGES: Judge, I've got it pulled up, I can
16 print it if need be.

17 THE COURT: I just got to it. Yeah, it's opinion
18 5953 decided November 30th of '22, and it's not directly on
19 point.

20 MR. HODGES: I think that's the case that was sort of
21 tickling my brain.

22 THE COURT: And maybe that's what was tickling mine,
23 too, the inference. In that case, they essentially disapproved
24 of an inference of malice charge arising from essentially a
25 felony murder type role which we don't really have. And they

1 discussed a whole bunch of things which are disapproving of the
2 inference instruction. I ran this by two other Judges and they
3 were of the same opinion, they were not able to find anything
4 specific dealing with the statutory inferences that arise in
5 narcotics cases, so that may well be an opening question. The
6 cite, the case concerning corroboration from the fact there is
7 no need to corroborate the testimony of a witness who testifies
8 as to a sexual assault. Unless of course Cheeks, 2013, and of
9 course, Burdett, the one dealing with the gun, and the
10 inference of malice from use of a deadly weapon, and of course,
11 Steward, which was out of Laurens, that was mine where part of
12 it got reversed and part of it got confirmed, drugs were found
13 on the property under the Defendant's control.

14 MR. BROWN: Judge, while you were looking at that,
15 Clay Moore of our office checked with probation and they
16 instructed Mr. Moore that Mr. Ware got off his probationary
17 case for the burglary that is from 2005, I believe. He got off
18 of that probation case in 2016, however, on our criminal
19 history, we do see that in 2019 out of McCormick, there were
20 some charges that had no disposition to them, a domestic
21 violence and assault on an officer while resisting. It's our
22 understanding that he's on probation currently on those two
23 charges.

24 MR. TINSLEY: Judge, this is the first, I mean, I see
25 some arrests in the criminal record. This is the first I've

1 heard of any conviction on that, so for that reason, I don't
2 think that should be able to be used against him.

3 THE COURT: When was he convicted of that case out of
4 McCormick?

5 MR. BROWN: Judge, actually I see he's got a
6 conviction, another drug conviction from 2021 out of McCormick,
7 8162021, it looks like Judge McLeod, it's a PWID.

8 THE COURT: I was waiting for y'all, were you able to
9 ascertain when he was released from prison on the burglary
10 charge? That would seem to be the key issue in this case
11 because that's what's required under the rule. If he came off
12 probation, assuming he did five years of probation and came off
13 in 2016, then, well, I mean, if he was convicted of criminal
14 sexual conduct first degree in 2011, he had to have been out of
15 prison in 2011 which would mean that it would exceed the 10
16 year provision.

17 MR. BROWN: Judge, the other issue now would be the
18 new convictions that he pled to last year.

19 THE COURT: Right, and the PWID charge, the ---

20 MR. BROWN: That might be too close to bring that up.
21 However, the other charges we could instead of saying the
22 actual charge is a drug charge, say he was convicted of a
23 felony, or multiple felonies, but that might be too much.

24 THE COURT: It might be, well, you would need to
25 specify which dates he was convicted of those felonies.

1 There's case law out there that says the, impeachment with the
2 prior drug conviction that's similar or identical to the one
3 that he's on trial for is something the courts should do only
4 in the most rare circumstances and they're apparently to be
5 avoided. And I think I would have to find that the probative
6 value of the conviction substantially outweighs any prejudice,
7 and Mr. Hodges wants to talk to you, so...

8 MR. BROWN: Judge, can we take about a five minute
9 break?

10 THE COURT: Why don't we take a five minute break.
11 Before we do that, there's also, I don't know when discovery
12 was provided to Mr. Tinsley, but there's also kind of a notice
13 question and if he was convicted of that recently in McCormick,
14 I don't know when Mr. Tinsley got on the case, I don't know
15 what was handed to him by way of discovery or forwarded, but if
16 it, if there's a question of perhaps a rule 5 whether he was
17 notified, but I'll let y'all sort all that out.

18 MR. HODGES: Arguably, the Defendant would know that
19 information more than the State would.

20 MR. TINSLEY: The State's who convicted him, so
21 absolutely not, the State is the State is the State.

22 MR. HODGES: The Defendant is on notice that he was
23 convicted though, is my point.

24 MR. TINSLEY: Well, but the rule 5 requires that a
25 criminal background, a criminal history be provided, and all I

1 was provided, it does mention an arrest, some of these arrests,
2 but it doesn't mention a conviction.

3 THE COURT: Maybe we'll delve into that after our 5
4 minute break that Mr. Brown has requested, alright? We're off
5 the record.

6 (Off the record.)

7 THE COURT: We'll go on the record. After conferring
8 with the attorneys in the back, we've come to the conclusion
9 that perhaps the wisest thing to do at this point is to let the
10 jury go for the evening and then we'll reconvene tomorrow
11 morning and finish the case so that we can sort through some of
12 this that we've been discussing out here. So let's have the
13 jury, please.

14 (Jury entering Courtroom.)

15 THE COURT: The jury is back and seated. Ladies and
16 gentlemen of the jury, what I anticipated was going to take
17 about 10 minutes has actually taken, obviously, more than 10
18 minutes. And based upon the timeframe that's involved here,
19 I'm going to go ahead and let y'all go home for the evening and
20 simply report back here tomorrow morning. I'm going to ask
21 that you report back at 9:30, please, and hopefully we'll be in
22 a position to move forward promptly at that time. We may be a
23 little bit of a delay in getting you back out here because
24 there are likely some things I'll need to put on the record,
25 but one of the things I'm going to discuss this evening with

1 the attorneys is the jury instructions. Y'all probably noticed
2 me working on the computer, my law clerk, her last day was
3 yesterday so I've been having to do double duty in terms of, of
4 course, paying attention or listening to testimony and also
5 working up the instructions on the law for you and I have to
6 have a discussion with the attorneys about that before we can
7 move forward with the closing arguments and the instruction on
8 the law. So we can knock that out tonight and do a few other,
9 address a few other motions that have arisen, a few other legal
10 matters that have arisen, but there's no point in keeping y'all
11 waiting around. So enjoy your evening, don't discuss the case
12 with anyone. I anticipate this case will be to you tomorrow
13 morning sometime for your deliberations, okay? With that, have
14 a good night, leave your tablets where they are and see y'all
15 around 9:30, thank you.

16 (Jurors exiting Courtroom.)

17 THE COURT: The jury is out and, basically, the Court
18 was informed of a number of different things, and I think we,
19 perhaps, got a better understanding of the convictions that Mr.
20 Ware now has on his record. And, apparently, one of those
21 convictions is a PWID charge which, obviously, has the
22 potential to enhance. If he was convicted of that in 2021, it
23 has the potential to enhance these charges that's intertwined
24 with kind of a rule 5 issue. And then the question of the
25 assault charge and the DV charge he got in McCormick. So

1 let's, what was provided to the Defense, and I'm just trying to
2 create a record and then we're going to sort all this out and
3 figure out what the Defendant might be subject to impeachment
4 for. But as far as the rap sheet that was provided to him or
5 to Mr. Tinsley, what does it indicate as it relates to the
6 PWID, the assaulting an officer charge, and the domestic
7 violence?

8 MR. BROWN: Judge, the criminal history, to kind of
9 give even a further story on this, Mr. Ware actually was
10 represented by Townes Jones prior to Mr. Tinsley's
11 representation. And so this has been going on for a while,
12 this case has been pending, obviously, since 2020 in our
13 office. But discovery was turned over to Mr. Jones which would
14 be Mr. Ware and Mr. Tinsley. Now, Mr. Tinsley got on, I
15 believe, the end of January. And the same criminal history was
16 turned over to Mr. Tinsley as Mr. Jones, but on that criminal
17 history, it shows the conviction in 2005 on the burglary that's
18 already been referenced, actually two burglaries. The criminal
19 sexual conduct first degree charge from 2011, it's got other
20 charges that have no disposition, but 2015 he's got another
21 DUS, 2016 a DUI conviction, another DUS or DUI conviction in
22 2017, public disorderly conduct in 2017. But in the 2019 from
23 which these drug charges out of McCormick came about, they're
24 listed on his criminal history, they do not have a disposition
25 to them. I believe at that time there were public disorderly

1 conduct, habitual traffic offender, domestic violence,
2 assaulting an officer while resisting, malicious injury to
3 property. Also have a PWID drugs in 2020, it looks like a
4 proximity may be also on here, carrying a weapon, a CPU charge
5 in 2020, possession of a firearm by a violent felon, another
6 firearms charge, another unlawful sale of alcohol, and it's
7 also got unlawful neglect charges that were in 2019, so they
8 were, they are all on here. In 2020, there are more charges,
9 in addition to those drug charges, habitual traffic offender,
10 DUS, threatening the life of a public official, possession of a
11 firearm, so all of those items are on the criminal history
12 which were provided. Now, they didn't have a disposition to
13 them, but I think before we went off the record, Mr. Tinsley
14 said, the State is the State is the State. If we're going by
15 that, the State represented by the Eleventh Circuit Solicitor's
16 Office in McCormick and the Department of Probation, Pardon,
17 and Parole gave Mr. Ware notice of his conviction back in
18 November when he had pled. So I know we don't share data other
19 than running a new criminal history to find out that
20 conviction, and obviously, that new conviction was not reported
21 back to our office or the clerk's office as part of the bond
22 that Mr. Ware was on of being of good behavior, we were just
23 notifying the Court. But nevertheless, those charges
24 were on the criminal history that were provided, now, they
25 didn't have a disposition to them. And to be candid, we did

1 not know of the conviction until this afternoon when Mr. Ware
2 said he was going to take the stand and we began digging at his
3 history again to find out when he was released for the burglary
4 of 2005.

5 THE COURT: And so, of all those charges it was the
6 domestic violence second that resulted in a conviction, the
7 assaulting an officer that resulted in a conviction, and then
8 the PWID case from 2020 that resulted in a conviction?

9 MR. BROWN: So Judge, the convictions that are now
10 reflecting on the new criminal history is a PWID conviction, I
11 guess he pled guilty or was convicted of that on August 16th of
12 2021. He also has a conviction for a resisting arrest ---

13 THE COURT: Is it simple resisting or the assault
14 charge?

15 MR. BROWN: It says one year suspended and time
16 served.

17 THE COURT: It sounds like simple.

18 MR. BROWN: It sounds like it's simple on that one.
19 Judge, on this criminal history that was run by our office a
20 few moments ago, I've circled the convictions, I can make that
21 a Court's Exhibit if that works for you, but that just shows
22 what the convictions are that have been reported on his NCIC.

23 THE COURT: Okay. Let's go ahead and make that a
24 Court's Exhibit just so that there's a good understanding of
25 the most recent rap sheet that was run today.

1 (Whereupon a criminal history was submitted as Court's
2 Exhibit Number 1 for identification and entered into evidence.)

3 THE COURT: Gentlemen, I'm probably going to need,
4 I'm ultimately going to ask y'all to do some research on this,
5 I've never had this arise before and seeing as the Court Admin
6 shut down my West Law, y'all are going to have to do this for
7 me, okay? See what you can find. Mr. Tinsley, obviously, your
8 position is going to be that Rule 5 is significant and that the
9 criminal history is important because it not only relates to
10 whether a crime is enhanced to a second offense or maybe an
11 LWOP notice is possible or something like that, but that's
12 obviously why the rule exists is to put the Defendant on notice
13 of his prior, put the lawyer on notice of the Defendant's prior
14 record, what he could be impeached with and if possible, also
15 how those prior convictions could interplay with the charges
16 that are at issue. The State's argument, of course, is that,
17 well, you're on notice by virtue of the fact that he was
18 arrested for it, that perhaps he ultimately could have been
19 convicted for that and therefore it's fair to allow the State
20 to impeach him for some of those crimes. At this point, the
21 only thing that I think we would be addressing would be the DV
22 case because it sounds like the assaulting an officer pled to
23 resisting. You can't, I know you can't get to the indictments
24 over in McCormick in the timeframe necessary here, so we'd be
25 talking about the domestic violence and then perhaps referring

1 to the PWID charge from 2020 as a felony conviction as opposed
2 to a PWID because as we discussed off the record, there's a lot
3 of case law out there that says if a person's on trial for a
4 narcotics offense, the last thing the Judge needs to do is to
5 let the State impeach him with a prior narcotics offense, it's
6 essentially the same as what he's on trial for. So Mr.
7 Tinsley, let me hear from you.

8 MR. TINSLEY: Yeah, I think you summed up my position
9 pretty well that Rule 5 requires a criminal history for a
10 reason. It's to put us on notice as to what he could be
11 impeached with, number one. Number two, what can be used to
12 enhance any kind of sentence based off what he's facing, and,
13 you know, this, these arrests, there's several charges that are
14 listed that resulted in, I believe, it sounds like three
15 convictions, but there's no indication of any conviction on
16 what's been provided to me until what was provided to me just,
17 you know, 30, 45 minutes ago. And so, I don't think that
18 that's proper notice, I don't believe that's fair game to
19 impeach him with those things that we didn't know any
20 convictions of until we get right to the point after the
21 State's rested their case and my client has indicated that he
22 would like to testify, that's when I was first put on notice of
23 this stuff. And so I don't think it complies with Rule 5 which
24 specifically does deal with criminal history. So that's my
25 position, Your Honor.

1 MR. BROWN: Judge, just a response. The State
2 did provide a criminal history, however, it was not
3 updated since he pled guilty, but those charges were
4 listed on there as pending. Again, this is a 2020 case,
5 it was sent, the case file which had the criminal history
6 attached was sent to both Mr. Jones and Mr. Tinsley.

7 MR. TINSLEY: And I don't dispute that, it
8 did show that he gave an accurate description of what
9 was on, what I received, and I would just note that Rule
10 5 (c), you know, it specifies a continuing duty to
11 disclose and I'm not suggesting that anybody hid anything, but
12 ---

13 THE COURT: Right. I'm just reading the text of Rule
14 5 here, under the request of the Defendant, the prosecution
15 should furnish to the Defendant such a copy of his prior
16 criminal record if any as is within the possession, custody, or
17 control of the prosecution. The existence of which is known or
18 by the exercise of due diligence may become known to the
19 attorney for the prosecution. Mr. Tinsley, which rule
20 developed the continuing due to disclose?

21 MR. TINSLEY: 5 (c), and it's talking about what it
22 says if prior to or during trial a party discovers additional
23 evidence or material previously requested or ordered which is
24 subject to discovery or inspection. Under this rule we shall
25 promptly notify the other party or his attorney or the Court

1 the existence of the additional evidence or material. And I
2 just would point back to the rule, the part you just read that
3 talks about the exercise of due diligence, it's, you know, just
4 running the criminal background checks is all it takes to come
5 up with this stuff.

6 THE COURT: Right. I mean, and I don't know that
7 we'll, I don't know that (c) is necessarily, obviously, there
8 is a continuing duty to disclose, but there's no suggestion
9 here that the State is saying that he ---

10 MR. TINSLEY: Agreed.

11 THE COURT: And that's really what I think (c) is
12 designed to prevent. Obviously, we had the other question here
13 of enhancement if he were to be convicted of these underlying
14 charges due to the conviction of 2011. Alright. Let me handle
15 it this way. Mr. Ware, I just need, I want to review with you
16 your right to testify just for the record, okay? And
17 understand, Mr. Ware, you can stay seated, but Mr. Tinsley's
18 already told me that you've had some discussions with him about
19 the wisdom of testifying, the wisdom of remaining silent. You
20 need to understand that, of course, under the laws of this
21 State and our County, under the Fifth Amendment, you're not
22 required to be a witness in any case where you are a Defendant,
23 as you well know that, your Fifth Amendment Right against self-
24 incrimination. And if you elected to assert that right, I
25 would instruct the jury that they could not consider your

1 silence in any way determining whether or not you are guilty of
2 these charges, okay? They cannot discuss that in the jury room
3 and they're not to draw any sort of negative inference from the
4 fact that you did not testify. If you do testify, Mr. Ware,
5 you'll be subject to the same rules of cross examination as
6 pretty much any other witness. At this stage because the
7 parties, your lawyer, and the State, haven't really had a
8 chance to research it, I can't say exactly what crimes I would
9 permit them to impeach you on. It's possible I would permit
10 them to impeach you on the domestic violence charge and it's
11 also possible that I would allow them to question you about
12 being convicted of a felony in or on August 16th of 2021, okay?
13 Without specifying that it was a narcotics violation, I may or
14 I may not permit them to ask you about that, okay? So you
15 understand the Fifth Amendment Right is a personal right, it
16 belongs to only you and only you can waive it. The way that I
17 usually leave it is if Mr. Tinsley calls you to the stand, and
18 of course, I'll make a decision tomorrow morning as to whether
19 or not I'll allow the impeachment of those other crimes, but
20 the burglary charge and the CSC charge, those simply, according
21 to my math, do not fall within the 10 year limit under the
22 revised rule. But tomorrow morning, I'll let you know how I
23 decide that issue and if he calls you as a witness, I'll simply
24 assume that you're waiving your Fifth Amendment Right, is that
25 okay?

1 MR. WARE: Yes, sir.

2 THE COURT: Okay. You want to leave it like
3 that?

4 MR. WARE: Yes, sir.

5 THE COURT: Very good. The other issue was with the
6 jury instructions, I have emailed those to you. A suggestion
7 had been made that perhaps there was going to be a request for
8 a lesser included on simple possession on the PWID charge. So
9 far, I've written instructions on basically just what he was
10 indicted on, the trafficking. I anticipate that the testimony
11 may be, okay, well, you know, the drugs in the car were not
12 mine, and if that's the case, there would be no reason to do a
13 lesser included on the trafficking and meth because all those
14 pills were found in the same bag in the backseat. As it
15 relates to the cocaine charge, I think there was some testimony
16 that roughly 2 grams was found in his pocket, the other was
17 found?

18 MR. BROWN: The cocaine?

19 THE COURT: The cocaine, yeah.

20 MR. BROWN: No, the cocaine is 8 point something
21 grams.

22 THE COURT: 8 point something. Okay. But that was
23 kind of on his person, is that right?

24 MR. BROWN: It was in his pocket.

25 MR. TINSLEY: There were 11 pills found in

1 his pocket that they contend was meth as well, so that's where
2 I think the possession of meth could come in.

3 THE COURT: I see.

4 MR. HODGES: He's got 2 point something grams
5 of meth in his pocket.

6 THE COURT: Okay.

7 MR. HODGES: And 8 grams of cocaine.

8 THE COURT: Okay. I wrote that down wrong then. And
9 they took the pills from the pocket and put it in with the
10 other pills, or they did not?

11 MR. TINSLEY: That's, those are the pills that she
12 said they did the first test on one of those pills, but not the
13 second test.

14 THE COURT: Okay.

15 MR. TINSLEY: Not the confirmation test.

16 THE COURT: Okay. Right.

17 MR. HODGES: Just so it's clear, Judge. It's 8.24
18 grams of cocaine, alleged to have been in his pocket, 2.72
19 grams of methamphetamine, alleged to be in his pocket. And
20 then 30.49 grams of methamphetamine in the car.

21 THE COURT: Okay.

22 MR. HODGES: So there could be a dispute as to the
23 weight of the meth.

24 THE COURT: Okay. I'll simply have to see how the
25 testimony goes tomorrow, but at this point in time, I may

1 very well, based on what I've heard so far and the line
2 of questioning, I may go ahead and include lesser includeds
3 on the trafficking and simple possession and ditto on the
4 PWID.

5 MR. HODGES: Judge, there's also some, there's a line
6 of cases that says that basically PWID is a lesser included of
7 trafficking if there is a dispute as to the weight. So if the
8 Court would intend to charge possession on the meth, I think
9 also it would be appropriate to charge PWID as a lesser, if
10 there's a dispute as to if he's in possession, basically, of
11 part of the weight, but not the other part, if that makes
12 sense.

13 THE COURT: I understand your position, but if it, if
14 the argument turns out to be, okay, the pills that were on me
15 were mine, the ones in the backseat were not. Then the ones
16 that ---

17 MR. HODGES: The ones in his pocket are over 2
18 grams.

19 THE COURT: Well, then that could be a PWID.

20 MR. HODGES: Correct.

21 THE COURT: I assume you agree that the lesser
22 included in PWID on meth would be ---

23 MR. TINSLEY: I mean, I would just argue that they
24 haven't met their burden of any intent to distribute, that
25 would be my argument against including PWID.

1 THE COURT: Okay. Well, the inference language in
2 the statute is what I'll be instructing, perhaps, subject to
3 the Defendant's objections to be made at a later point in time,
4 okay. I'll include PWID and I'll include trafficking and then
5 PWID and then possession on the meth, and then PWID and
6 possession on the cocaine. Yes, sir?

7 MR. BROWN: I'm playing it through my head with
8 regard to the meth in the car because I know technically you
9 don't, if it's trafficking weight, you don't get a lesser
10 included on that. So to, I'm trying to think about how you
11 frame that to give a PWID regarding the drugs in his pocket.

12 THE COURT: Well, I may simply need to instruct them
13 separately on the 2.7 grams of meth that's in his pocket. And
14 it would be all or nothing on the PWID in the backseat, or
15 sorry, all or nothing on the meth in the backseat, but would be
16 PWID or possession on the meth that was found in his pocket.
17 And then since all the cocaine was found in his pocket, there
18 would be no need to differentiate the cocaine like we're doing
19 the meth.

20 MR. BROWN: Because cocaine was only one bag and that
21 was one bag found in his pocket.

22 THE COURT: Right. Exactly. That's how I'm going to
23 do it. Alright. Feel free to email me with any research that
24 y'all discover about this sort of thing. I looked at the Rule
25 5 notes that follow the Rule 5 in the back and I saw nothing in

1 South Carolina, so you're probably going to need to look, we
2 took it from the Federal Rules, maybe the Federal Rules
3 Decisions would have something, FRD third or something, I don't
4 know. Good luck with that. Mr. Ware, unfortunately, when they
5 ran your rap sheet, they also found that you have a warrant
6 outstanding, apparently, a Family Court warrant out of
7 McCormick and they're not going to transport you to McCormick
8 tonight, but they do have to take you into custody tonight,
9 okay, sir? So you'll be staying with us this evening. But for
10 that warrant, you've been showing up like you're supposed to
11 and I appreciate that, and but for that warrant, I'd let you
12 stay out tonight, but the law's the law, okay? Very good.
13 We'll be off the record for the evening and let me see y'all in
14 chambers real quick, if I could, please.

15 (Whereupon the hearing ended at 4:50 pm.)

16 **DAY THREE OF STATE V. WARE - AUGUST 2, 2023**

17 THE COURT: Okay. We will go on the record in the
18 State versus Mr. Ware. And I did discuss briefly last night
19 in chambers with the attorneys the fact that I was leaning
20 towards allowing the State to impeach Mr. Ware with the
21 domestic violence second degree charge or conviction and a,
22 they can inquire about a conviction for a felony offense as
23 it relates to the PWID charge without specifying that it was
24 a narcotics charge. And I'm assuming that last night no
25 one was able to locate any definitive law on that

1 last night, no one was able to locate any definitive law on
2 that particular question, am I right?

3 MR. TINSLEY: You are correct, Your Honor. I feel
4 confident saying there's nothing in South Carolina, definitely
5 in State Court, I couldn't find anything in the Federal Courts
6 either, couldn't find anything else but that's probably just an
7 indictment on my legal research abilities.

8 MR. HODGES: I looked as well, Your Honor, I could
9 not find anything in state or out of state.

10 THE COURT: Very good. And it's my understanding
11 from speaking with you this morning, Mr. Tinsley, that Mr. Ware
12 does intend to testify, is that correct?

13 MR. TINSLEY: That is my understanding, Your Honor.

14 THE COURT: Very good.

15 MR. TINSLEY: And I would just make sure that the
16 record's clear that I object to him being impeached on these
17 two prior convictions on a Rule 5 issue as no convictions were
18 disclosed until yesterday afternoon after the State rested,
19 sometime after 4:00. And also, the domestic violence, it's
20 just such a, I just don't see where the probative value
21 outweighs the prejudicial effect, so under Rule 609 A1, I would
22 ask you not to allow it on that ground as well on domestic
23 violence.

24 THE COURT: Alright. I understand your position.
25 The Rule does allow for impeachment, credibility is an issue, a

1 central issue in this case, as I anticipated what your client
2 may very well testify to and I believe that the probative value
3 of the impeachment evidence definitely outweighs any potential
4 prejudice to your client. And again, I've sanitized the
5 convictions in such a way at least with regard to the felony
6 conviction that we referenced, I think it's sanitized in such a
7 way that prejudice is substantially lessened. So your
8 objection, however, is of course noted. Let us have the jury
9 then, please.

10 (Jury entering Courtroom.)

11 THE COURT: Okay. The record should reflect that the
12 jury is back. Ladies and gentlemen of the jury, I trust that
13 y'all had a pleasant evening last night. And of course, we're
14 still involved in the case of the State versus Mr. Ware. So at
15 this time, Mr. Tinsley, your case, sir.

16 MR. TINSLEY: Thank you, Your Honor. I would call
17 Rekeem Ware to the stand.

18 CLERK: Good morning. Place your left hand on the
19 Bible and raise your right hand. Do you swear to tell the
20 truth, the whole truth, and nothing but the truth so help you
21 God?

22 MR. WARE: Yes, ma'am.

23 CLERK: Thank you.

24 **DIRECT EXAMINATION**

25 Q Please introduce yourself to the jury.

- 1 A Rekeem Ware.
- 2 Q Where are you from, Mr. Ware?
- 3 A McCormick.
- 4 Q Okay. And how old are you?
- 5 A 35.
- 6 Q Okay. What's your date of birth?
- 7 A 2-28-88.
- 8 Q Okay. So in November 2020 when this incident occurred,
- 9 you were 32?
- 10 A Yes.
- 11 Q Okay. And what do you do for a living?
- 12 A I'm a certified welder.
- 13 Q Okay. And where do you work?
- 14 A At PacIQ in Anderson, South Carolina.
- 15 Q Okay. And how long have you been there?
- 16 A About six months now.
- 17 Q Okay. And how long have you been a certified
- 18 welder?
- 19 A Three years.
- 20 Q Okay. Were you certified at the time of this incident or
- 21 were you working through your certification?
- 22 A I was still in school.
- 23 Q Okay. So did you finish up sometime shortly after
- 24 this?
- 25 A Yes, sir.

1 Q Okay. Alright. Now, let's go to the date of this
2 incident. I believe it was the day before Thanksgiving, does
3 that seem accurate to you?

4 A Yes, sir.

5 Q Okay. Can you tell me what you did that day?

6 A I was at my uncle house.

7 Q Where does your uncle live?

8 A Washington, Georgia.

9 Q Okay. Go ahead.

10 A I got a call from a friend that said she needed a ride.

11 Q Okay. Who's this friend?

12 A Shardell Martin.

13 Q Okay. And where did Ms. Martin need a ride?

14 A From work at Eaton.

15 Q Eaton here in Greenwood?

16 A Yes, sir.

17 Q Is Ms. Martin the lady we saw on the videos yesterday?

18 A Yes, sir.

19 Q Okay. And what time did you get this call?

20 A I know it was at night.

21 Q Okay. And what did you do when you got the call?

22 A I call my baby mama and ask her if I could have her car.

23 Q Okay. Who is your baby mama?

24 A Ashley Wellen.

25 Q Okay. And where does she live?

1 A Washington, Georgia.

2 Q Okay. And what did she do when you made that call to her?

3 A She let me get the car.

4 Q Okay. And where was the car?

5 A It was at her house when I got there.

6 Q Okay. How did you get there?

7 A I walk.

8 Q Okay. So she lives pretty close to your uncle in
9 Washington?

10 A Yes, sir.

11 Q Alright. And when you walked to her house did you just
12 get the car and leave or what happened there?

13 A Yeah, basically.

14 Q What do you mean basically?

15 A We talked and I left.

16 Q How long did y'all talk for?

17 A A few minutes.

18 Q Okay. So then you left. Did you head straight to
19 Greenwood?

20 A Yes, sir.

21 Q Alright. And how long does it take to get from
22 Washington, Georgia to Greenwood?

23 A Maybe like 50, 60 miles.

24 Q Okay. So what's it take, a little over an
25 hour?

1 A Yes, sir.

2 Q Okay. Alright. Did you make any stops prior to getting
3 pulled over that night?

4 A No, sir.

5 Q Okay. And you told the police on there that your driver's
6 license was suspended?

7 A Yes, sir.

8 Q So why in the world did you drive with a suspended
9 license?

10 A I was high.

11 Q High on what?

12 A Cocaine.

13 Q Okay. Alright. Tell us what you felt when you saw the
14 blue lights and got pulled over right as you got to Eaton.

15 A Nervous.

16 Q Why were you nervous?

17 A High.

18 Q Okay. Alright. And when you got pulled over, you gave
19 them the name of John Martin and the birthdate tied to him, why
20 in the world did you do that?

21 A High.

22 Q Okay. Well, did you know you had a suspended license?

23 A Yes, sir.

24 Q Alright. And you had some items in your pocket?

25 A Yes, sir.

1 Q Okay. Was that cocaine you were high on?

2 A Yes, sir.

3 Q Alright. What was your intension with this, rough, a
4 little over 8 grams of cocaine?

5 A Use it.

6 Q Okay. How long would it take you to do 8 grams of cocaine
7 with your normal pattern, with what you were doing at the time?

8 A About three days.

9 Q Okay. So you're doing somewhere in the neighborhood of
10 three grams a day?

11 A Yes, sir.

12 Q Okay. Now, why, alright, now, what about these 11 pills
13 that were in your pocket, what were they?

14 A Ecstasy.

15 Q Okay. And what, are you doing ecstasy as well or what was
16 the deal with that?

17 A Yes, sir, I was doing it as well.

18 Q Okay. Were you planning on selling any one of these
19 drugs?

20 A No, sir.

21 Q Okay. Now, why did you have scales in your other pocket?

22 A Normally, I'll weigh up what I'm going to do for that day,
23 so I won't overdue it. I have overdosed one time, so I try to
24 conserve it and stretch it out.

25 Q Alright. What did you overdose on?

1 A Cocaine.

2 Q When was that?

3 A 2012.

4 Q Okay. But you obviously survived it?

5 A Yes, sir.

6 Q Alright. Now, what do you have to say about those hundred
7 and eight-two green pills that were in the backseat?

8 A I had no idea they were there.

9 Q Okay. When did you find out they were there?

10 A I got pulled over.

11 Q Okay. When the police found it?

12 A Yes, sir.

13 Q Alright. Did you look around the car when you took
14 possession of it?

15 A I should have, but I didn't.

16 Q Okay. And had you been driving this car other than that
17 night regularly during that time?

18 A No, sir.

19 Q Do you know who had been driving it?

20 A I just saw her cousin had it.

21 Q Okay. And that would be Ms. Miller?

22 A Yes, sir.

23 Q Alright. Now, there was some question about you
24 referring to it on the phone as my car. What's your response
25 to that?

1 A Intoxicated, high.

2 Q Okay. Is that your car?

3 A No, sir.

4 Q Has that ever been your car?

5 A No, sir.

6 Q How about those sandwich bags there in the backseat, what
7 do you know about them?

8 A I had no idea they was there.

9 Q When the officer asked you to produce documents related to
10 the car such as your registration and insurance, how easy was
11 it for you to find documents in that car that belonged to Ms.
12 Miller?

13 A I had no idea, really, of where it was at.

14 Q Okay.

15 MR. TINSLEY: Please answer any questions the
16 Solicitor has for you.

17 THE COURT: Mr. Brown?

18 MR. BROWN: May it please the Court?

19 CROSS EXAMINATION

20 BY MR BROWN:

21 Q Mr. Ware, tell me your full name.

22 A Rekeem Ware, Rekeem Ladell Ware.

23 Q It's not John Martin?

24 A No, sir.

25 Q Is John Martin sitting over there on the second row?

- 1 A Yes, sir.
- 2 Q But you told law enforcement that was your name, right?
- 3 A Yes, sir.
- 4 Q So you lied to the police?
- 5 A I wouldn't say really lie, I mean, I guess, yes, sir.
- 6 Q How old are you?
- 7 A 35.
- 8 Q What's your date of birth?
- 9 A 2-28-88.
- 10 Q You were 32 years old when this happened?
- 11 A Yes, sir.
- 12 Q You told the police you were born in 1964?
- 13 A I think so.
- 14 Q You watched the video earlier, right?
- 15 A I wasn't even, so much...
- 16 Q Would you dispute that you told them your dad's birthdate?
- 17 A No, sir.
- 18 Q Will you lie to the police and sheriff's deputies
- 19 again?
- 20 A What you mean again?
- 21 Q You tell them John Martin's name and then tell them your
- 22 dad's date of birth. You agree you lied to them?
- 23 A I don't really recall that.
- 24 Q Now, Mr. Tinsley asked you did you drive from Washington,
- 25 Georgia to Greenwood County. And your answer's what?

1 A Yes, sir.

2 Q And that's on the video of you driving, correct?

3 A Yes, sir.

4 Q And you admit your license was suspended?

5 A Yes, sir.

6 Q When law enforcement asked you for your license, what did
7 you tell them?

8 A I don't recall.

9 Q If the video showed you telling law enforcement that you
10 didn't have your driver's license, would you dispute that?

11 A I don't recall.

12 Q You want to watch the video again?

13 A We can.

14 (Playing video.)

15 Q When the officer asked, do you have your ID, what did you
16 say?

17 A I was high, drunk, I didn't really, I might could see it
18 now, but, you know, I couldn't say, you know, everybody didn't
19 see that, I won't be able to say nothing, you know. I mean,
20 you know, I was high, I...

21 Q Would you agree you lied to them then about your ID?

22 A Yeah, on the video, it show.

23 Q Right now you don't say you lied to them?

24 A Man...

25 Q Just a little white lie?

1 A (No response).

2 Q We'll move on from that. Did you tell the deputies you
3 didn't have a wallet?

4 A I don't recall.

5 Q Alright. Would you agree if it was shown on the video
6 that you didn't tell the truth to them?

7 A I say I was intoxicated, I was high, I was in school, I
8 didn't want to mess up my career.

9 Q When law enforcement asked you after they found your
10 wallet and your ID in your pocket, Deputy Mejia asked is
11 there anything in the car we should know about, and you
12 responded what?

13 A No.

14 Q You remember that part, though, don't you?

15 A Yes, sir. I knew I ain't had nothing in the car, I knew I
16 was just getting in the car and leaving, I mean, I ain't got
17 enough time to put nothing in the car.

18 Q Then he asked you do you think you have anything in your
19 pocket that I should know about. And you responded
20 what?

21 A No.

22 Q You agree that you told him a lie?

23 A I said I was intoxicated, high, I mean, I made a stupid
24 decision, but I'm not a liar, I mean, I made a dumb decision,
25 wasn't thinking, intoxicated.

1 Q Now, isn't it true that you were convicted of a felony
2 last year?

3 MR. TINSLEY: Objection. Based on prior motions.

4 THE COURT: Subject to the earlier ruling. You can
5 answer, sir.

6 A Yes.

7 Q With both questions Deputy Mejia asked you, or up to this
8 point, do you have a license, your response, no. Do you have a
9 wallet, your response, no. What's your name, your response is
10 your daddy's name and his date of birth. Is there anything in
11 your pocket, your response is no. Is there anything in the
12 car, your response is no. Up to that time, you lied to that
13 officer a lot, didn't you?

14 A I don't recall, but I know I ain't put nothing in the car
15 because I had just got it, so I knew I ain't do that, I know
16 that for sure.

17 Q You told the jury a few moments ago that you didn't
18 frequently drive this car. After watching that video in the
19 trunk of that car, it looks like there's a welder's mask in the
20 back in a box.

21 A Because my dad weld too, that's who trained me.

22 Q Just coincidental?

23 MR. TINSLEY: Objection.

24 THE COURT: Overruled. You can answer.

25 A Yes, I mean, that's how I started welding, from him.

1 Q Now, the baggies in your pocket with the powder cocaine
2 and the methamphetamine, what were they packaged in?

3 MR. TINSLEY: Objection. That's assuming the facts
4 not into evidence, they haven't proved that it was meth based
5 off the SLED agent's testimony that she didn't test it.

6 THE COURT: Alright. Overruled. They were in his
7 possession, he can answer, go ahead, allegedly, you can answer.
8 Can you repeat the question.

9 A Yes, sir.

10 Q How did you package your meth in your pocket and the
11 powder cocaine in your pocket?

12 A I ain't know nothing about no meth. Ecstasy.

13 Q Would you admit you had ecstasy in your pocket?

14 A Yes.

15 Q How did you package it?

16 A I'm not understanding your question.

17 Q What kept those pills together in one place?

18 A Plastic.

19 Q What kind of plastic?

20 A Clear, clear, a clear bag.

21 Q Kind of like this clear bag out of State's 12?

22 A No, the Ziplock bag, the one with the, they was different.

23 Q I'm showing you State's 1, like that plastic bag in there?

24 A I can't see it.

25 Q You see there's a Ziplock on that bag?

1 A Yeah, it tore.

2 Q Later on when you're in the backseat of the patrol car,
3 you asked Deputy Mejia a question. Do you remember what that
4 question was?

5 A Don't recall.

6 Q You remember asking him, you going to take it light on me?

7 A No, sir. But if I did, I mean, you know what I'm saying,
8 like, I needed help, like, you know what I'm saying, I'm kind
9 of better now, but, you know, on drugs, you know what I'm
10 saying, I mean, because like most time, they want to send you
11 to jail, but, you know, I need sometimes rehab, you know, I
12 ain't got to go to jail all the time if you get caught with
13 drugs. I have a problem.

14 Q And then he asked you again or you asked him again about
15 41 minutes into it, can you make it light on me, man? And
16 Deputy Mejia responded to you and says, are you going to tell
17 me what's in the car. Do you know what your response
18 was?

19 A No, sir. You can play the video though.

20 (Playing video.)

21 Q Deputy Mejia didn't ask you what was in your pocket, did
22 he? In that conversation. He asked you about what was in the
23 car.

24 A Yeah. I mean, I ain't even know then, like, I ain't know
25 what all they had found then, like, I ain't know until I got

1 booked in, I ain't, I ain't know. I thought it was referring
2 to the cocaine.

3 Q You weren't booked in yet.

4 A I'm talking about, that what I'm saying, I ain't know what
5 he found in the car, I ain't had know that. I ---

6 Q You knew they were drugs.

7 A (Nonverbal response).

8 Q You said you knew they were drugs.

9 A I'm speaking of what I had on me. I ain't know what they
10 had found in the car until, you know, I got here, I ain't
11 know.

12 Q Now, is that response like the first eight questions law
13 enforcement asked you out there at the car?

14 A I don't recall.

15 Q When you got pulled over, you weren't honest with law
16 enforcement, is that right?

17 A (No response).

18 Q That's a yes or no.

19 A Not that type of person, though.

20 Q Is that a yes?

21 A Intoxicated, high, I'm not like that.

22 Q You weren't being truthful, were you?

23 A Say that again.

24 Q You weren't being truthful that night, were
25 you?s

1 A If I ain't see the video, I couldn't even tell you, I
2 ain't know. I was intoxicated, I was high.

3 MR. BROWN: No further questions.

4 THE COURT: Redirect?

5 **REDIRECT EXAMINATION**

6 BY MR. TINSLEY:

7 Q Are plastic bags, sandwich bags, are they pretty
8 common?

9 A Yes, sir.

10 Q Okay.

11 MR. TINSLEY: No further questions.

12 THE COURT: Alright. Sir, you can step down, thank
13 you. Do you have any additional witnesses?

14 MR. TINSLEY: No, Your Honor. The Defense rests.

15 THE COURT: Very good. Does the State intend to call
16 anything in reply?

17 MR. BROWN: No, sir.

18 THE COURT: Alright. Ladies and gentlemen of the
19 jury, I'm going to let y'all take a brief break so that I can
20 finalize the jury instructions with the attorneys. I emailed
21 them to them last night around 9:00 and got responses back as
22 late as 12:30 when I was sleeping, but apparently they were
23 not. So I've already incorporated some of that into the
24 instructions this morning, but I want to just review that with
25 them briefly and then we'll proceed with closing argument and

1 the Court's instructions to you on the law. So if you would,
2 just adjourn to the back for just a few moments, don't talk
3 about the case, of course, and I'll have you back out here as
4 soon as possible, thank you.

5 (Jury exiting Courtroom.)

6 THE COURT: The jury is out. I emailed a few moments
7 ago the last instructions based on y'all's feedback and of
8 course, did get Mr. Hodges' email requesting an instruction
9 possibly on voluntary intoxication. And I added pretty much
10 and made the corrections that Mr. Hodges found, the typos and
11 such. You, with the exception of one, you said under page 13
12 under simple possession you said that I need to add trafficking
13 and meth, PWID meth or PWID cocaine? Is that, are you talking
14 about the caption or?

15 MR. HODGES: No. Starting on page 13, it says with
16 regard to cocaine found on the Defendant's person, if you find
17 the Defendant is not guilty of trafficking in methamphetamine.
18 That's a little confusing.

19 THE COURT: Okay.

20 MR. HODGES: And then if you find he's not guilty of
21 trafficking or PWID cocaine, you may consider possession. So
22 that first part's confusing, I think, but then it needs to say,
23 not guilty of trafficking in methamphetamine, or possession
24 with intent to distribute methamphetamine, or possession with
25 intent to distribute cocaine. It's basically skipping

1 trafficking down to possession without the consideration of the
2 PWID lesser, if that makes sense. Plus, that first part.

3 THE COURT: Oh, okay, I think I see what you're
4 getting at.

5 MR. HODGES: It's just kind of confusing. It's
6 talking about the cocaine on his person and then talking about
7 the trafficking in meth.

8 THE COURT: So I need to eliminate the trafficking
9 part. Oh, wait, okay.

10 MR. HODGES: It's sort of two separate issues. It'd
11 basically be if they find him not guilty of PWID cocaine, they
12 can consider possession of cocaine. If they find him not
13 guilty of trafficking, they can consider PWID and if they find
14 him not guilty of PWID, they can consider possession.

15 THE COURT: Okay. I've got that. Okay. I think
16 I've got it now. I made that correction. Mr. Tinsley, your
17 request under the circumstantial evidence charge is that the
18 State must disprove all reasonable explanations given for
19 guilt to meet its burden of proof beyond a reasonable
20 doubt?

21 MR. TINSLEY: Other than guilt is what it's supposed
22 to say.

23 THE COURT: Right. That kind of heartens back to the
24 old Edward's charge that you have to, to prove guilt to the
25 exclusion of any reasonable hypothesis.

1 MR. BROWN: Judge, I think the way, what he emailed
2 earlier, that's not what the law says. I think your reasonable
3 doubt charge covers everything he's asking for, he's just
4 rewording proof beyond a reasonable doubt. And then I think
5 that the charge you provided, which you provided, what causes a
6 reasonable person to hesitate to act, I think that is what the
7 charge normally is. And I think that that charge is given
8 throughout this state, and I don't think, I'm not, never seen
9 that written the way Mr. Tinsley, I think he's just rewording
10 it, so I don't think it's necessary. And I also don't think
11 it's the law.

12 THE COURT: The instruction that I put in there is
13 the most recent Logan charge. Mr. Tinsley, I feel like the
14 instruction as written correctly states the law, and quite
15 honestly, with the last 30 years and the tortured history of
16 the circumstantial evidence charge, I'm hesitant to monkey with
17 it any further or mess with it any further. But I do know that
18 the instruction that you want is that the State must disprove
19 all reasonable explanations other than guilt to me is burden of
20 proof beyond a reasonable doubt, I am correctly stating
21 that?

22 MR. TINSLEY: Correct, Your Honor.

23 THE COURT: Alright. Very good. I'm not going to
24 instruct that. You indicated you wanted, or you had something
25 else, Mr. Tinsley?

1 MR. TINSLEY: Oh, I don't know if now is the time. I
2 was just going to object to the inference charge. I think
3 that's, I think it's burden shifting, I think it's relieving
4 the State of its burden beyond a reasonable doubt. I would
5 also point out I think it's a comment on the facts which
6 violates the State Constitution, so I would ask that that
7 charge not be given.

8 THE COURT: Right.

9 MR. HODGES: I did email last night late with
10 the suggestion on the Brown case to add a sentence to
11 eliminate that issue about the burden shifting, I haven't
12 had a chance to look and see if you added that or
13 not.

14 THE COURT: I did add that sentence, and it was
15 taken, I think, almost verbatim from Brown, and of course,
16 Brown is the opinion that came out in November the 30th of '22,
17 opinion number 5953, I don't have a West Law cite or I would
18 have gone over it yesterday, but I did add that language. It
19 should be on page 14, and I instruct the jury at the very
20 conclusion of that paragraph, you are free to accept or reject
21 this inference depending upon your review of the evidence,
22 that's how I have it written.

23 MR. HODGES: And then you're correct with regard to
24 voluntary intoxication. I actually emailed everybody during
25 the Defendant's testimony, I think it would be appropriate for

1 an instruction that indicates that voluntary intoxication is
2 not a defense to a crime, criminal act. I got that from
3 ---

4 THE COURT: I don't know that it's being raised
5 really as a defense, he's, the Defendant testified that the
6 reason he reportedly panicked and told the police that, gave
7 them the, another name and another number was, and another date
8 of birth was that he was high at the time and obviously,
9 whether they believe that or not is within providence of the
10 jury. I'm sure y'all are going to argue that he had enough
11 presence of mind to be able to remember a date of birth and a
12 name of somebody else and of course, his demeanor on the scene,
13 the jury can judge that for themselves. I don't see where the
14 Defense is really raising that as voluntary intoxication being
15 a defense. I'm not going to charge that.

16 MR. HODGES: Thank you.

17 MR. TINSLEY: Judge, I don't know, I'm just still
18 racking my brain around this possession with intent to
19 distribute meth. I don't think they can go to the jury on that
20 since they just indicted him for trafficking, they didn't
21 indict him separately for possession of intent to distribute
22 based off what was in his pocket, so I would, I would make that
23 argument.

24 THE COURT: I understand your position. Based on the
25 testimony, I think I have the obligation to charge the correct

1 law, and if the jury believes your client and concludes that he
2 was not the owner or the possessor of the drugs found in the
3 back of the car, they're entitled to consider whether the drugs
4 found in his pocket were his. Whether he intended to
5 distribute them, there's evidence that he was in possession of
6 digital scales, they're free to accept or reject his
7 explanation as far as why he had those scales on his person. I
8 presume they're free to compare the pills in his pocket against
9 the pills that were found in the backseat and see if they look
10 the same or they have the same markings. There was some
11 notation, I think, from the analyst yesterday about a
12 Mitsubishi marking, I haven't looked at the pills to see if
13 that's uniform between the ones in his pocket and the ones
14 that were in the backseat. I understand your position,
15 Mr. Tinsley, I'm going to give the instruction and if
16 they believe it's for personal use, they'll find him guilty
17 of simple possession.

18 MR. TINSLEY: Okay. And I would just point out, I
19 don't think the scales, they'd be relevant to the cocaine but
20 not the pills considering they're in pill form, but they're not
21 weighing that, so...

22 THE COURT: The argument to be made that one who
23 deals in cocaine might also be dealing in meth, I don't know.
24 But I understand your position.

25 MR. HODGES: And there is plenty of case law

1 that basically says that if the weight is in dispute, then PWID
2 is a lesser offense.

3 THE COURT: Alright. I'm going to email y'all one
4 final copy of the instructions. The only change I've made was
5 what we've discussed here since we took a break and we'll take
6 a few moments for ourselves and I assume the State's going to
7 open on the law?

8 MR. BROWN: Yes, sir. I will open in full and then -
9 --

10 THE COURT: Right.

11 MR. BROWN: And Judge, just a housekeeping, yesterday
12 we did have redactions that were taken out of these discs so I
13 would just, so nothing is confused when sent back to the jury
14 which it should not be, I would want to put the original disc,
15 the unredacted disc, make those a Court's Exhibit 2 and 3. And
16 then replace State's 4 and 5 with the redacted version. So
17 State's 4 is Deputy Mejia's bodycam redacted, and then State's
18 5 will be Captain Madden's bodycam redacted. And then I
19 believe we do have a Court's 1 already, and that would be,
20 Court's 1 is the criminal history of Mr. Ware. So Court's 2
21 would be Mejia's unredacted bodycam and in-car, and 3 would be
22 Captain Madden's. Just so the record's clear and we don't have
23 any mess ups.

24 THE COURT: Very good. We'll send back
25 State's 4 and State's 5 with the jury and keep the other,

1 the unredacted ones out.

2 (Whereupon unredacted bodycams and in-cars of Mejia and
3 Madden were submitted as Court's Exhibit Numbers 2 and 3 for
4 identification and entered into evidence.)

5 (Whereupon redacted bodycams and in-cars of Mejia and
6 Madden were submitted as Court's Exhibit Number 4 and 5 for
7 identification and entered into evidence.)

8 THE COURT: We'll take a few moments for ourselves.
9 Who's going to close for the State?

10 MR. BROWN: (Nonverbal response).

11 THE COURT: Okay. We'll be at ease for about 5, 10
12 minutes and then we can go back on the record, okay?

13 (Off the record.)

14 THE COURT: We ready to proceed everyone?

15 MR. BROWN: Yes, sir.

16 THE COURT: Okay. Let's have the jury.

17 (Jury entering Courtroom.)

18 MR. TINSLEY: Judge, I think I need to renew my
19 motion, I forgot about that.

20 THE COURT: Oh, yes. All motions for the record are
21 renewed, same as before, and all objections are, again, noted.

22 MR. TINSLEY: Thank you, Your Honor.

23 THE COURT: And you are protected. Alright. The
24 record shall reflect that the jury is back and seated. Ladies
25 and gentlemen of the jury, after we finish with the closing

1 arguments and of course the instruction, I'm going to have the
2 clerk go back there and take your lunch orders. We typically
3 just get Chick-fil-A, it's simple and it's affordable and
4 everybody likes Chick-fil-A, I don't think there's a person who
5 doesn't. If you have any special needs like a salad or
6 something like that, we can probably accommodate that as well,
7 alright? We've reached that portion in the trial, ladies and
8 gentlemen where you have received all the evidence and all the
9 testimony that is going to be introduced in this case and it's
10 now, now we're at the point in the trial where the lawyers will
11 have an opportunity to give you their closing argument. And
12 the way that we'll proceed is that Mr. Brown will go first on
13 behalf of the State to be followed by Mr. Tinsley and then Mr.
14 Brown will have a chance to respond or reply to anything that
15 Mr. Tinsley may have said in his closing. I'll remind you
16 that, of course, what the lawyers say in their closing is not
17 evidence, you have to judge the case based on the evidence from
18 the stand and the exhibits which were introduced. It's normal
19 for the lawyers to reference testimony and what witnesses have
20 said during the course of the trial, but of course, if anything
21 that the lawyers say about the testimony or the evidence
22 differs from your recollection of the testimony or the
23 evidence, you have to go with your recollection because you
24 are, of course, the judges of the facts, not the lawyers, okay?
25 With that, Mr. Brown, you're recognized for your closing.

1 MR. BROWN: May it please the Court?

2 THE COURT: Yes, sir.

3 MR. BROWN: Good morning. Yesterday Mr. Hodges came
4 before you and said if you have nothing to fear, you have
5 nothing to hide. Obviously, there was a lot that Mr. Ware had
6 to hide. That's clearly seen on the video. We appreciate you
7 being here, we appreciate you listening and watching videos and
8 listening to testimony from this stand. One thing I want to do
9 is I want to go over the law with you before I get into the
10 facts of what you heard. As you heard from the Judge, going
11 forward is trafficking in methamphetamine, so it's trafficking
12 methamphetamine possession with intent to distribute cocaine,
13 driving under suspension and also giving false information to
14 law enforcement, those are the four charges. What you're going
15 to also hear is that there's potential for you to hear other
16 charges, possession with intent to distribute methamphetamine
17 and possession of meth. So we'll go through it all and I'll
18 explain it to you. And the Judge, if I say anything that
19 contradicts what the Judge says, he's the judge of the law, so
20 you go with what he tells you. But I'll try to make sense of
21 it to you, okay? So again, as Mr. Hodges said when we first
22 began, the State that Mr. Hodges and I represent, we have the
23 burden of proof. We have the burden to prove to you beyond a
24 reasonable doubt that Mr. Ware committed these offenses.
25 Trafficking, PWID cocaine, driving under suspension and then

1 giving false information to law enforcement. Now, clearly
2 admitted by him and on video and up here, false info to law
3 enforcement, I think we can all check that one off without
4 going into much detail. The driving under suspension, we can
5 check that one off, he was driving on the roads in South
6 Carolina with a suspended license, check those off. So those
7 are done, you know where those stand. The pills in his pocket,
8 the meth pills, the cocaine in his pocket, you have that and
9 then trafficking in the car. And the methamphetamine,
10 trafficking methamphetamine includes in the car and in his
11 pocket, that's what he was indicted on. So let's go through
12 that. The Judge is going to say, again, proof beyond a
13 reasonable doubt's proof that leaves you firmly convinced. And
14 not everything in life is, very few things in life is 100
15 percent and we don't have to prove that, we have to prove
16 beyond a reasonable doubt, firmly convinced. So after the
17 trial and after what you've seen on the video and on the stand,
18 are you firmly convinced that Mr. Ware was in possession of
19 these drugs. Did he have control and dominion over these
20 drugs. You see him say he had them in his pocket, right? The
21 car also. So we go through that. What's trafficking? So
22 trafficking, the definition of this, and I'm going to read it
23 so I don't mess it up. To either knowingly sold, manufacture,
24 deliver, purchase, brought into this state, from Georgia to
25 South Carolina, provided financial assistance to or otherwise

1 aided, abetted, attempted to conspire to sell, manufacture,
2 purchase, delivery, or bring in the state, or was in knowingly
3 and actual or constructive possession. Mr. Hodges explained
4 actual and constructive possessions to you the other day;
5 actual, in your pocket, in your hand, in your backpack on your
6 back if it's on you, and then constructive, you have dominion
7 or control, okay? It's in your house, dominion and control
8 over it. It's in your car, dominion and control over it, so
9 you have the keys, so that's the trafficking. What trafficking
10 also is is if it's over 10 grams, so that's the key word there,
11 10 grams is the number, that's trafficking. We're in another
12 threshold, 28 grams to a hundred. As Brittnee Looney from SLED
13 testified yesterday, the green pills, the State's 1, over 30
14 grams, over 30 grams. So that's 28 grams to 100 is trafficking
15 meth, so that's the threshold. So if you believe Mr. Ware was
16 in actual possession or constructive possession of the drugs in
17 the car, then he's guilty of trafficking. Trafficking all the
18 meth. Now, where it's going to kind of get a little confusing,
19 for some reason you don't believe that the drugs in the car are
20 his or he didn't know anything about it, then you can consider
21 what's in his pocket. There's also possession with intent to
22 distribute methamphetamine. This is where it gets a little
23 tricky, but again, after watching all this and listening to the
24 witnesses on the stand and if you believe that, you know, he
25 had it all, this is all his, actual, constructive, then it's

1 all trafficking. The possession with intent to distribute
2 methamphetamine would be what's just in his pocket and that is
3 if there is a permissive inference over 1 gram up to the less
4 than 10 grams, that weight is a permissive inference that
5 possession with intent to distribute. But you can also look at
6 other facts, what did he have with him. He had the scales; he
7 had the baggies. You can take those things into account by
8 showing the conduct of possession with intent to distribute,
9 possess to give it to somebody, to move it around. Same thing
10 with the cocaine. Now, the cocaine is, again, 1 gram up to
11 less than 10 grams is possession with intent to distribute
12 cocaine, it's permissive evidence on that. Anything over 1
13 gram, and this was 8, a little over 8 grams that was in that
14 bag. Again, look at the baggies, look at the scales, you can
15 look at all of these items together in the big picture and say
16 what was he planning to do with that. So those are the
17 charges. And then the Judge is also going to instruct you on
18 possession for both the cocaine and also the meth in his
19 pocket. If you believe it was just for personal use, then you
20 can also consider possession, and that, again, is actual or
21 constructive, it's in his pocket, that would be an actual. So
22 let's go through each one of these items again, and what we
23 have to prove. So we've gone over proof beyond a reasonable
24 doubt and essentially the elements of the crimes. But what did
25 you hear? What is the Judge also going to instruct you on?

1 He's going to instruct you that you the jury get to decide the
2 credibility of the witnesses and what they say, the
3 believability. If you want to take what they say all, you
4 know, as all being truthful or discount it, whatever, how much
5 you want to discount to. Or either believe that they're not
6 telling you the truth, y'all have that burden. So as you saw
7 in the video, Deputy Mejia ran his tag, simple as that, ran his
8 tag, pulled him over, and from the get go, Mr. Ware was lying
9 to him. He says I don't have a license, which is not true. He
10 gives a name that was not his name, he was not truthful, gave a
11 date of birth that was not his, which was not true. He's then
12 asked the question, do you have anything in the car that I need
13 to know about, no. Do you have anything in your pocket that I
14 need to know about, no, again, not true. Those are all
15 credibility issues. I would submit to you that you can't trust
16 anything that comes out of his mouth. He wouldn't even say on
17 the stand that he was telling a white lie. As you go through,
18 you can clearly see that where these items were located, where
19 the drugs were located. And in the picture in the bodycam, you
20 see in State's 10 where the big bag of pills were. This is the
21 driver's seat, and they are right between the front passenger's
22 seat and the driver's seat. You've got men's clothes in there,
23 you've got him driving, you got him on the phone with his daddy
24 at the very beginning of that video and says they're saying my
25 license is suspended, they're saying my tag is suspended. Low

1 and behold what does he have in the back of the trunk, a
2 welding mask. This is all a coincidence to him, those aren't
3 mine, I got all this stuff in my pocket, those in the car are
4 not mine. Folks, one thing you do, you don't check your common
5 sense at the door, you bring that with you, use your common
6 sense. He even tells you at the end, in the car saying, you
7 going to take it light on me, why's he asking that question,
8 because he knows what's in the car. Deputy Mejia didn't put
9 words in his mouth. He said, well, you going to tell me what's
10 in the car. He didn't say you want to tell me what's in your
11 pants pocket, he said are you going to tell me what's in the
12 car. And what was his response, I do drugs. He knew what was
13 in the car. He didn't tell his name, he didn't tell his date
14 of birth, he didn't tell he has a license, why, because he
15 didn't want it to come back to him, you know, ultimately it
16 did. Ladies and gentlemen, this is not a very complicated case
17 at all. I'm not going to play the video for you again because
18 you can see it, you can take it, you'll have it with you, and
19 you can take and watch the in-car, watch the bodycam of Deputy
20 Mejia or Captain Madden, you can listen to it, hear it for
21 yourself. Folks, I submit to you the weight in the car and in
22 his pants pocket, once you get to that part about the
23 trafficking question, you know the answer to it. It clearly
24 shows it's his. Also ask yourself this question, he got
25 trafficking weight pills in the backseat of the car, it's

1 essentially cash, who leaves a bunch of cash in the car and let
2 him or actually your baby mama is going to let you borrow her
3 car to go pick up another random woman over in Greenwood, and
4 I'm going to leave my drugs in the car. No, he drove that car,
5 he had dominion and control over that car, they're his drugs in
6 that car and his drugs in his pocket. That's what it comes
7 down to, it's easy. You can clearly see it on the video. So
8 ladies and gentlemen, I ask you to find him guilty for what
9 he's charged with, trafficking methamphetamine for what's in
10 the bag and what's in the pocket, PWID cocaine is also in his
11 pocket, giving false information to law enforcement, and the
12 driving under suspension. Again, we appreciate you being here,
13 appreciate your time and attention, look forward to talking to
14 you in a few minutes.

15 THE COURT: Mr. Tinsley, you're acknowledged for your
16 closing, sir.

17 MR. TINSLEY: Thank you, Your Honor, may it please
18 the Court?

19 THE COURT: Yes, sir.

20 MR. TINSLEY: Good morning, ladies and gentlemen of
21 the jury. Let's look at everything that we've gone over the
22 past day and a half. Let's start with this stop. This man's
23 pulled over on the Laurens Highway, one of the busiest highways
24 in Greenwood County over here at the Civic Center. They call
25 in even though he's not driving poorly, not breaking any laws,

1 not acting suspiciously at all. So they call in the night
2 before Thanksgiving on this young man just checking his tag
3 which is apparently common operating procedure around here,
4 just, whether you're law abiding or not, they're running our
5 tags. So that's the first thing I want you to really think
6 about is the propriety of this stop. And then he's pulled over
7 and he lied, he lied to the police, there's no doubt about
8 that, he gave them a false name and he did admit, yeah, my
9 license is suspended, and let's see why he lied. Obviously, he
10 shouldn't have done that, it made the situation worse, but he
11 knew he had a suspended license, and he knew he had a sack of
12 cocaine in his pocket. You know, that's not up for dispute.
13 So he panicked, he made a bad decision, but that doesn't make
14 him a drug dealer or drug trafficker like they're painting him
15 out to be. So I will submit the State has met their burden on
16 the charges of DUS and giving the false information to police,
17 you should find him guilty of those charges. Now, let's look
18 at the other charges. We'll start with the trafficking charge,
19 and I want you, when you go back there, write in your tablet
20 presumed innocent, that's your starting point for your
21 deliberation. My client, the Judge will instruct you, this
22 presumption of innocence, it covers him like a robe protecting
23 him and the State has to meet its burden to rip this robe off
24 and convict him. They have to tilt lady justice, find lady
25 justice and the scales of justice way in their favor, not just

1 a little bit, not just a substantial amount, a lot, beyond all
2 reasonable doubt. You have to give my client the benefit of
3 any doubt. So back to the trafficking charge. It's based
4 purely off this, I'm not sure if it's a hundred and eighty-two
5 pills or a hundred and seventy-six pills, you heard the
6 testimony. Greenwood County took in a hundred and eighty-two
7 pills, SLED got a hundred and seventy-six pills, nobody can
8 tell us what happened to the other six. And the Solicitor's
9 argument is it's just right there within reach, out in the
10 open, that's not what the facts show. The facts show it took
11 the officers, they come to the car, I think, three or four
12 times already and hadn't seen these pills in the back until
13 Captain Madden actually went back there, got in there, dug
14 around, moved stuff around and actually saw them. So I'll
15 submit to you that the State hasn't met its burden to prove
16 that he knew those pills were back there because furthermore,
17 they had to move up the passenger's seat just to get access to
18 these pills in the floorboard. The seat was that far back, all
19 the way back and leaned all the way back, so it's not just out
20 here in the open as the State is arguing. And the State,
21 Solicitor Brown made the argument that he's in control of the
22 car so they're his drugs, basically, and the two officers
23 testify that if you drive a friend's car, you're responsible
24 for everything that's in there. That's not the law. Number
25 one, that's a scary thought that if you want to borrow

1 somebody's car, you better inspect every inch of it, otherwise,
2 if they got something in there that shouldn't be in there,
3 you're automatically responsible for it. That's not the law.
4 Judge is going to instruct you that the law is that the State
5 must prove that my client, Mr. Ware, knew these pills were back
6 there for him to be responsible for it. Not that he should
7 have known, not that he could have known, not that if he was
8 searched that he would have known, that he knew. They haven't
9 proved that, they're relying on a comment that he made that he
10 was on drugs when asked about what's in the car, of course he
11 was asking take it light on him, he'd gotten found with a sack
12 of cocaine in his pocket, that's serious business. That's what
13 they had you, why we're trying this case on possession with
14 intent to distribute cocaine, which we'll get to those facts
15 here in a minute on that charge, but his actions there, he
16 didn't admit to knowing anything was in the back of that car.
17 And the State also has three, Mr. Brown went over the weights,
18 10 grams of meth to get to trafficking, and then 28 grams for
19 another level, they're relying on this, like I say, I don't
20 know if it was a hundred and seventy-six that weighed out, I
21 guess it was a hundred and seventy-six that weighed out, just
22 over 30 grams down to SLED. She tested one pill, one pill, one
23 of these green pills and the hundred and seventy-five other
24 pills, she testified, Agent Looney testified she didn't know
25 what's in them, she didn't know whether they were meth or not,

1 she didn't test them, they didn't test enough to get to these
2 thresholds. So they're just wanting, they're wanting you to
3 take a leap for something they haven't proved. They have not
4 proved that this man, number one, that he knew anything about
5 the drugs, number two, that all these pills were meth which is
6 what they're wanting you to find. And as far as, you know,
7 it's, to me it's a big difference, the pills in the back, green
8 triangles, the pills in his pocket, there's, it looks like
9 white, blue, and reddish-orange circles and then a couple
10 things that look like shoes. No triangles, nothing green.
11 Pills in the pocket don't match the pills in the back. And I'd
12 just submit to you the State has not met its burden for proving
13 that my client is guilty of the crime of trafficking meth which
14 is based off these pills in the back and they can only tell you
15 what one of the pills are. So then, I would ask you to find on
16 that question of trafficking meth, not guilty, the State hasn't
17 met its burden. The next charge that you have to grapple with
18 is the possession with intent to distribute meth which they're
19 basing off of the 11 pills in his pocket. So that puts those
20 way down at, I believe it's at 2 grams, they can't even say
21 they tested one of those pills, they did the, she testified
22 about having to do two tests, the first test basically narrows
23 it down and let's them know what they're looking for and the
24 second test confirms that that's what it is. They didn't
25 perform the second test on any of those pills in his pocket.

1 So they can't prove a single one of those was meth which is
2 what they have him charged with and want you to consider that
3 he was intending to distribute meth. A couple points on that,
4 you know, he didn't have to testify, he got up there and said,
5 yeah, I had pills and I had ecstasy in my pocket, ecstasy
6 pills, the police thought it was ecstasy pills, that's all they
7 talked about on the video and they ran a test, their field test
8 that told them it was ecstasy, it's what they were under the
9 belief of. So his testimony is very consistent with the
10 evidence on those 11 ecstasy pills. Plus, Mr. Brown said, you
11 don't leave your common sense at the door. You've got 11
12 pills, if he's out there selling these pills, 11 pills, that's,
13 that's nothing, that's very consistent with a person who uses
14 that he testified to. Which brings me to the next charge that
15 you'll have to consider, I would ask that you find him not
16 guilty for those reasons of possession with intent to
17 distribute meth. The State hasn't proved, number one, that it
18 was meth, and number two, that he intended to distribute 11
19 pills in one bag, that's no indication of wanting to sell drugs
20 which is what they're accusing him of on that. So then you
21 look at possession of meth. And I would agree that he
22 possessed 11 pills, however, once again, I would ask you to
23 find him not guilty of that charge because the State hasn't
24 proved that it was meth. They did one half test that basically
25 didn't exclude meth, they didn't even bother to confirm it on

1 that one pill much less enough to get over a gram to where
2 they're going with their, what they're saying basically weighed
3 to somebody selling drugs which is what which we'll touch back
4 on that here in a minute. So I would ask you to find him not
5 guilty of possession of meth for those reasons. Alright. The
6 next charge we have to look at is possession with intent to
7 distribute cocaine. And it's not disputed, they found one sack
8 of 8 and some odd grams of cocaine in his pocket and that,
9 that's cocaine, that's not up for dispute. So the question you
10 really have to answer on that is whether he intended to
11 distribute this cocaine. They are relying on it weighing more
12 than a gram for some inference. Let me be clear, that's not an
13 automatic you have to find him guilty, you have to hold the
14 State to its burden looking at all of these facts of whether
15 they have proved beyond a reasonable doubt that he intended to
16 distribute this cocaine. They, it's in one sack, it's 8 grams,
17 you know, it'll allow that weight to inference. Let me give
18 you an analogy, think about this, say I go to a place that
19 advertises, a gold dealer, we've crossed some of these kind of
20 places where they sell gold, I don't, you know, I'm a little
21 hesitant about markets and banks, so I want to invest in a
22 little, you know, good, hard gold for, basically for insurance.
23 And I go in and I say, alright, mister gold dealer, I want to
24 buy some gold, I want to put some money up to you in exchange
25 for gold. Gold's going about \$63.00 per gram right now, so I

1 say, bring all you got, he brings me just over 8 grams, that's
2 going to be just over \$500.00 worth of gold. I'm going to
3 laugh at him and walk out the door and say, you're not a gold
4 dealer if that's all you got. And that's all they have on this
5 man is that he had 8 grams of cocaine in one bag and they're
6 calling him a cocaine dealer, that's what they're basically
7 doing by charging him with possession with intent to distribute
8 cocaine. So once again, you don't leave your common sense at
9 the door, you hold the State to their burden, they just haven't
10 met it here. He had scales in his pocket and they're going to
11 make a big deal about that, he doesn't have anything
12 individually packaged. He told you why he had the scales,
13 because he didn't want to overdose again, I mean, obviously, he
14 shouldn't be riding around with cocaine, so I think, you know,
15 the State has met its burden proving that he possessed cocaine,
16 so you should probably find him guilty of that. But intending
17 to distribute it, absolutely not, the State has not met that
18 burden. And so, I would ask you on possession with intent to
19 distribute, once again, to find him not guilty. And if you see
20 fit, I do think the State has proved that he possessed cocaine,
21 so you can, you know, convict him of that as a fair resolution.
22 So as I've told you in opening, circumstantial case, now I'm
23 back to the trafficking of meth, circumstantial case is the
24 only type of case in criminal law where an innocent man can be
25 convicted despite every single person going up there and

1 telling the truth, it's because you have to make these
2 inferences. And I'm not suggesting that we've heard that law
3 enforcement told lies up there, I'm not suggesting that at all,
4 but I am just telling you that to prove my client, Rekeem Ware,
5 guilty beyond a reasonable doubt, the State needs to exclude
6 and disprove all other reasonable explanations for these drugs.
7 Meaning, if you think it's reasonable, possible that Ms.
8 Miller, she or her cousin or somebody else she had in that car
9 left these drugs in there then you must find my client not
10 guilty. They have to exclude all reasonable possibilities
11 except his guilt, and I think it's very reasonable that these
12 drugs belonged to Ms. Miller, or somebody associated with her.
13 The State, she lives in Washington, Georgia, 56 miles down the
14 road, two and a half years later, the State's never bothered to
15 go and talk to her about this, which shows you, I mean, their
16 investigation consisted of oh, we found drugs in the car,
17 you're in the car, you're going to jail, case closed. That's
18 not good enough, that's not, that doesn't meet their burden of
19 beyond all reasonable doubt. And you know, you throw in the
20 fact that six pills have just vanished, no explanation for
21 that. They only tested one pill, it's just, there's just too
22 many unanswered questions, and too many other possibilities for
23 you to convict my client. So they have not met their burden on
24 this trafficking charge and they didn't, no DNA, no finger,
25 they didn't even fingerprint the bags to see if my client's

1 fingerprints were on there. They just don't have anything,
2 they're just relying on him being in that car, and it wasn't
3 out in the open, it took them searching 45 seconds to a minute
4 which is a decent chunk of time to find these pills. So I know
5 there's a, y'all have listened to a lot, and once again, just
6 start with that presumption of innocence, write it down when
7 you start and that's your takeoff point. And I would submit to
8 you that the State has failed to meet the burden on trafficking
9 or any intent to distribute anything. Thank you.

10 THE COURT: Thank you, Mr. Tinsley. Mr. Brown,
11 you're acknowledged for your reply.

12 MR. BROWN: Thank you, Judge. Ladies and gentlemen,
13 you know, as the, as I stated earlier, the Judge will tell you
14 the law, and you're not going to hear that charge that the
15 State has to disprove every argument or every possibility,
16 that's not the law, and you're going to hear that from the
17 Judge. So again, listen to what he tells you during the
18 charge. One thing Mr. Tinsley's bringing up, the hundred and
19 seventy-six pills compared to the one hundred and eighty-two
20 that were listed with the sheriff's office on their chain of
21 custody. Now, you heard Ms. Looney, Brittnee Looney, who was
22 qualified as an expert up here, she says a hundred and seventy-
23 six pills plus the partial ones. Deputy Mejia was up there, he
24 counted all of them to the hundred and eighty-two, there's no
25 discrepancies in this. It's just one counted the partials

1 which would make 182, and the other counted, as she said, 176
2 plus the partial breakage. So there you're going to have your
3 discrepancy, a hundred and seventy-six pills, full, plus the
4 broken ones. Don't let that throw you off, that was explained
5 up there when Brittnee Looney said that. With regards to the
6 testing, when Mr. Hodges was asking Brittnee Looney, again, who
7 works for SLED, their policy, they give bags, as you can see
8 here all the green testing are all the same package. When they
9 test, they pulled out, they tested, and it came back
10 methamphetamine. So one thing is, SLED, they can't go in and
11 test every single one of these pills. They just don't have the
12 time in the day to go through and test all those pills for
13 every case that's coming in. So they take a sample which is a
14 sample out of that and you randomly select out of a hundred and
15 seventy-six pills and some shards, and you pick the very one
16 that's just meth, and all those others you're not. It's like
17 me winning the lottery or something like that. That's pretty
18 good happenstance, is that a coincidence, no, it's all there.
19 They want to throw y'all off on that. The methamphetamine in
20 his pocket, they did do a test on it, it came back, again,
21 methamphetamine, and so, with the weight they already had with
22 the green and the other is already over the 28 gram threshold
23 and so, they did test it and they did get it as
24 methamphetamine, and she said that also. However, when she did
25 test the other in his pocket, it did it again, it came up as

1 meth. And also the field test came up as meth, and actually,
2 that's the same kind of thing, it either tests, that's one
3 packet test for meth, and so it's that same test, it's
4 methamphetamine. One thing Mr. Tinsley was talking about,
5 again, is he said it took so long to find these drugs in the
6 car. Go back and watch the video if you like, but you see
7 where Deputy Mejia began searching in the frontseat. Captain
8 Madden started in the frontseat and then he started in the back
9 passenger, in the back driver's seat in that area with the
10 jacket. It wasn't until he then changed his line of sight and
11 his attention and right off the rip, he saw those bags down
12 there. The only reason why they moved those chairs up because
13 Deputy Mejia was taking pictures where you could see exactly
14 where it was. These items were not buried, they were concealed
15 easily enough if you get pulled over, you pull a shirt over it,
16 that way the officer doesn't see it. Again, you get to judge
17 his credibility. A guy that lied time, and time, and time, and
18 time, and time again on the video that night, he definitely
19 doesn't want to be caught with all those drugs. He wants to
20 pull the wool over your eyes as well. What he tried to do that
21 night, he's trying to do it today. Y'all can see through it.
22 Find him guilty as charged.

23 THE COURT: Thank you. Alright. Now, ladies and
24 gentlemen, it now becomes my obligation to instruct you on the
25 law that applies in this case. And I'll let you know that when

1 I started practicing law 30 years ago, the way that judges
2 traditionally did this is they would sit up here and basically
3 read you roughly 18, 19 pages of law taken from the various law
4 books, and the jury was supposed to get it and understand it
5 first go around. And I always thought that was a little bit
6 unreasonable, okay? Because like most people, it took me three
7 years to get through law school, and it took me three years to
8 learn what I'm about to tell you in 15 minutes. So what I'm
9 saying, ladies and gentlemen, is I'm going to give you a copy
10 of these instructions in written form that you can refer to
11 during your deliberations. Again, I think that the main reason
12 that the tradition has been to give oral instruction to the
13 jury is that back in the day, a lot of people couldn't read, so
14 the judge just had to instruct the jury orally, now, pretty
15 much everybody can read. So you'll have a copy of these
16 instructions that you can refer to during your deliberations.
17 Of course, please pay attention to the instructions as a whole
18 and don't simply pay attention to one portion of them to the
19 exclusion of some other part. If you have any questions about
20 the law that applies in this case, ladies and gentlemen, Mr.
21 Foreman, just send me a note, let me know what it is you're
22 struggling with legally. Understand, though, if you have a
23 factual question, I probably won't be able to help you.
24 Because at this point in time, it's not possible to reopen the
25 record and it's not possible for me to make any comment to you

1 on the factual issues. So legal questions I can help you with,
2 factual ones, probably not. Now, again, ladies and gentlemen,
3 as I explained yesterday, the indictments in this case charge
4 the Defendant with the offenses of trafficking in
5 methamphetamine, possession with intent to distribute cocaine,
6 driving under suspension, and giving false information to law
7 enforcement. I'll remind you that the fact that Mr. Ware was
8 arrested and charged and indicted in this case is not evidence
9 and cannot be considered by you as evidence of guilt, nor do
10 the indictments create any presumption or inference of guilt.
11 Again, these documents are simply the formal instruments
12 containing the charges made against Mr. Ware, they're the
13 formal documents by which the case was brought to Court. In
14 this case, the Defendant has pled not guilty to these
15 indictments and that puts the burden on the State to prove his
16 guilt. I instruct you that a person charged with committing a
17 criminal offense is never required to prove himself innocent.
18 It's an important rule of law that the Defendant in a criminal
19 trial, no matter what the seriousness of the charge may be will
20 always be presumed to be innocent of the crime for which the
21 indictment was issued unless guilt has been proven by evidence
22 satisfying you of that guilt beyond a reasonable doubt. This
23 presumption of innocence does not end when you begin your
24 deliberations, rather, it accompanies the Defendant throughout
25 the trial until you reach a verdict of guilt based on evidence

1 satisfying you of his guilt beyond a reasonable doubt. The
2 presumption of innocence is often described as being like a
3 robe of righteousness that's placed about the Defendant's
4 shoulders and remains with him until it has been stripped from
5 him by evidence satisfying you of his guilt beyond a reasonable
6 doubt. The presumption of innocence is not merely a legal
7 theory, not just a legal phrase, it's a substantial right to
8 which everyone's entitled unless you the jury are satisfied
9 from the evidence of his guilt beyond a reasonable doubt. But
10 what is a reasonable doubt in the law. A reasonable doubt is
11 the kind of doubt that would cause a reasonable person to
12 hesitate to act. I instruct you that the State has the burden
13 of proving the Defendant guilty beyond a reasonable doubt,
14 which some of you may have served as jurors in civil cases
15 where you were told that it's only necessary to prove that
16 facts were likely true than not true such as by the greater
17 weight or preponderance of the evidence. In criminal cases,
18 the State's proof must be more powerful than that, it must be
19 proof beyond a reasonable doubt. Proof beyond a reasonable
20 doubt is proof that leaves you firmly convinced of the
21 Defendant's guilt. Now, there are very few things that we know
22 in this world with absolute certainty, and in criminal cases,
23 the law does not require proof that overcomes every possible
24 doubt. If, based on your consideration of the evidence, you're
25 firmly convinced that the Defendant is guilty of the crimes

1 charged, you should find him guilty. If, on the other hand,
2 you think there's a real possibility that the Defendant is not
3 guilty, you should give him the benefit of the doubt and find
4 him not guilty. Now, ladies and gentlemen, I'll remind you
5 that during this trial, you and I have certain duties to
6 perform. As the Judge, it's been my responsibility to rule on
7 the admissibility of evidence offered during the trial, and
8 understand, you're to consider only the competent evidence
9 before you. So any testimony that was stricken from the
10 record, you have to disregard that testimony. Again, you're to
11 consider only the testimony that has been presented from the
12 witness stand as well as any exhibits which have been made a
13 part of the record in this case. I have the additional duty to
14 instruct you on the law and as the presiding Judge, I'm the
15 sole judge of the law. It's your duty to accept and apply the
16 law as I state it to you now. So if you already have some idea
17 as to what the law is or what the law should be, and this idea
18 does not agree with what I now tell you, you have to abandon
19 that idea because you are sworn to accept and apply the law
20 exactly as I state it to you now. Now, in every case tried in
21 this court before a jury, the jury becomes the sole, exclusive
22 judge of the facts in the case. A trial Judge cannot intimate,
23 state, comment on or make any statement to a trial jury about
24 the facts in the case because you, the jury, are the sole
25 judges of the facts, you're not to infer from what I've said

1 during the progress of this trial ruling upon the admissibility
2 of evidence or otherwise or anything that I say to you now
3 during the course of these instructions that I have any opinion
4 about the facts in this case. Ladies and gentlemen, the law
5 does not permit me to have an opinion about the facts, this is
6 a matter solely for you, the jury, to determine. As jurors,
7 it's your duty to determine the effect, value, weight, and
8 truth of the evidence presented during the trial. Ladies and
9 gentlemen, there are two types of evidence which are presented,
10 generally, during a trial, direct evidence and circumstantial
11 evidence. Direct evidence directly proves the existence of a
12 fact and does not require deduction such as testimony by an
13 eyewitness. Circumstantial evidence is proof of a chain of
14 facts and circumstances indicating the existence of a fact. I
15 instruct you that crimes may be proven by circumstantial
16 evidence and the law makes no distinction between the weight or
17 value to be given to either direct or circumstantial evidence.
18 However, to the extent the State relies upon circumstantial
19 evidence, all the circumstances must be consistent with each
20 other and when taken together point conclusively to the guilt
21 of the accused beyond a reasonable doubt. If the circumstances
22 merely portray that the Defendant's behavior is suspicious,
23 then the proof has failed. Again, the State has the burden of
24 proving the Defendant guilty beyond a reasonable doubt and this
25 burden rests with the State regardless of whether the State

1 relies on direct evidence or circumstantial evidence or some
2 combination of the two. Now, necessarily, ladies and
3 gentlemen, you must determine the credibility of witnesses who
4 have testified in this case, and credibility simply means
5 believability. It becomes your duty as jurors to analyze and
6 evaluate the evidence and determine which evidence convinces
7 you of this truth. In determining the believability of
8 witnesses who testify, you may believe one witness over several
9 or several witnesses over one. You may believe a part of the
10 testimony of a witness and reject the remaining part of the
11 testimony of that same witness. You may believe the testimony
12 of a witness in its entirety or reject it in its entirety. You
13 may consider whether any witness has exhibited to you any
14 interest, bias, prejudice, or other motive in this case, you
15 may also consider the appearance and manner of the witness
16 while they are on the witness stand. You have heard evidence
17 in this case that the Defendant was convicted of a crime other
18 than the one for which he is now on trial. This evidence may
19 be considered by you if you conclude it's true only in deciding
20 whether the Defendant's testimony is believable and for no
21 other purpose. You must not consider the Defendant's prior
22 record as any evidence of the Defendant's guilt on the charge
23 that we are trying today. Now, with respect to the charge of
24 trafficking in methamphetamine, concerning the methamphetamine
25 found in the backseat of the car, again, the Defendant is

1 charged with the offense of trafficking in methamphetamine. To
2 prove that, the State must prove beyond a reasonable doubt the
3 Defendant knowingly sold, manufactured, delivered, purchased,
4 brought into the state, provided financial assistance or
5 otherwise aided and abetted, attempted or conspired to sell,
6 manufacture, deliver, purchase, or bring into the state, or was
7 knowingly in actual or constructive possession of the meth.
8 The State must also prove beyond a reasonable doubt the amount
9 of the methamphetamine was 28 grams or more but less than a
10 hundred grams. Methamphetamine includes any mixture or
11 compound containing amphetamine or methamphetamine. The weight
12 of any controlled substance alleged to be in the possession of
13 the Defendant is the weight of that substance in pure form or
14 in any compound or mixture thereof. Should you find that the
15 State has failed to prove beyond a reasonable doubt the
16 Defendant is guilty of trafficking in meth with regard to the
17 meth found in the back of the car, you may consider whether the
18 State has proven beyond a reasonable doubt that the offense of
19 possession with intent to distribute methamphetamine with
20 regard to the meth allegedly found on the Defendant's person.
21 Now, the elements of this charge are identical to the elements
22 listed below for possession with intent to distribute cocaine
23 except that the drug involved must be meth. So I'll proceed to
24 explain to you the charge of possession with intent to
25 distribute cocaine, and just understand, of course, these same

1 elements, this same definition applies with equal force to the
2 possession with intent to distribute meth charge, okay? Now,
3 the Defendant in this case is charged with possession with
4 intent to distribute cocaine. To prove that, the State must
5 prove beyond a reasonable doubt that the Defendant possessed
6 cocaine with the intent to distribute it. The State must also
7 prove beyond a reasonable doubt that the Defendant intended to
8 distribute cocaine. Distribute means to deliver other than by
9 administering or dispensing the drug. Intent may be shown by
10 acts and conduct of the Defendant and other circumstances which
11 you may naturally and reasonably infer intent. In determining
12 whether the Defendant had the intent to distribute the cocaine,
13 you may consider the circumstances surrounding the Defendant's
14 alleged possession, you may consider the amount of the
15 substance alleged to have been possessed, the manner in which
16 it was allegedly possessed, the place where it was allegedly
17 possessed and other factors which you consider to be important.
18 You must find that the Defendant did not intend to have the
19 cocaine solely for his own use. Possession of 1 gram or more
20 of cocaine creates an inference that the Defendant possessed
21 the cocaine with the intent to distribute it. This inference
22 does not relieve the State from proving beyond a reasonable
23 doubt that the Defendant had the intent to distribute, it is
24 simply an evidentiary fact to be taken into consideration by
25 you along with the other evidence in this case and to be given

1 the weight you decide it should have. You are free to accept
2 or reject this inference depending upon your view of the
3 evidence. Now, with regard to the meth and cocaine found on
4 the Defendant's person, if you find that the Defendant is not
5 guilty of trafficking in meth, not guilty of possession with
6 intent to distribute meth or possession with intent to
7 distribute cocaine, you may consider whether the State has
8 proven beyond a reasonable doubt that the Defendant is guilty
9 of the offense of simple possession of cocaine and
10 methamphetamine. Simple possession of cocaine and meth means
11 that the Defendant intended personal use of the drugs. To
12 prove possession of the narcotic, ladies and gentlemen, the
13 State must prove beyond a reasonable doubt that the Defendant
14 had both the power and the intent to control the disposition or
15 use of the drugs. Possession may be either actual or
16 constructive. Actual possession means that the drugs were in
17 the actual physical custody of the Defendant. Constructive
18 possession means that the Defendant had dominion and control or
19 the right to exercise dominion or control of the drugs and that
20 the Defendant had knowledge of the drugs and the intended
21 control, the disposition, and the use of the drugs. Therefore,
22 a person that's in possession of the drugs when he has both the
23 power, meaning actual or constructive control over the drugs
24 and the intent to control the drugs' disposition or use.
25 However, mere presence at the scene where drugs are found is

1 not enough to prove possession. Concerning the charge of
2 driving under suspension, in order to prove that offense, the
3 State must prove the Defendant drove a motor vehicle on a
4 public highway of this state when his license was cancelled,
5 suspended or revoked by the South Carolina Department of Motor
6 Vehicles. The State may prove notification of the suspension
7 to a person by introducing a certified record of that notice.
8 In order to convict the Defendant on the charge of giving false
9 information to law enforcement, the State must prove that the
10 Defendant misrepresented his identification to a law
11 enforcement officer during a traffic stop or for the purposes
12 of avoiding arrest on criminal charges. Mr. Foreman, ladies
13 and gentlemen of the jury, there are a variety of possible
14 verdicts that you can find in this case, and I've worked up
15 this verdict form to help guide your deliberations. Okay, Mr.
16 Foreman, I think you'll be able to understand this perfectly
17 well, but I am still going to explain it to you because the law
18 makes me, okay? And once you see this, you'll probably
19 understand it better. The first statement on the verdict form
20 is basically, we the jury unanimously find Rekeem L. Ware on
21 the charge of trafficking meth with regard to the meth found in
22 the backseat, and then there are two mutually exclusive
23 options, either guilty or not guilty. If you find the State
24 has met its burden of proving he's guilty beyond a reasonable
25 doubt and all 12 of you agree then you would initial next to

1 guilty and then proceed down to question number 2, okay?

2 Question number 2 relates to possession with intent to

3 distribute cocaine. If you find the State has failed to meet

4 its burden on that charge, however, and all 12 of you agree,

5 you would then go to the next question, 1A, the next statement

6 1A where it talks about the charge of possession with the

7 intent to distribute meth. The meth allegedly found on his

8 person, okay? If you find him guilty of that, you would then

9 skip down to question number 2, not guilty, proceed to question

10 1B which asks the same question about the simple possession of

11 methamphetamine. Get to question 2, it talks about the

12 possession with intent to distribute cocaine concerning the

13 drugs found on, allegedly on the Defendant's person. If you

14 find him guilty then you go to question number 3 that relates

15 to the DUS charge and then 4, find him not guilty then you

16 would then go to question 2A which asks whether the State has

17 proven his guilt beyond a reasonable doubt with regard to the

18 simple possession of cocaine charge, okay? Again, you will

19 understand this completely fine when you see it, but if you've

20 got any questions about it, let me know. Ladies and gentlemen,

21 your verdict in this case has to be unanimous, that means all

22 12 jurors have to agree with the outcome with respect to each

23 and every charge. We do not have majority verdicts in this

24 state, states who have majority verdicts are simply doing it

25 wrong. So all 12 of you have to agree on the outcome in this

1 case. I'll remind you that you've been selected as 12 fair and
2 impartial individuals, well, 14 fair and impartial individuals,
3 but 12 will decide this case. What that means is that you have
4 no friends to reward, you have no enemies to punish. Your
5 obligation is simply to find the facts as you find them to be,
6 apply the law to those facts and render your verdict, okay?
7 Now, if, again, Mr. Foreman, you have any questions about the
8 law, simply let me know by way of a note. However, at no time
9 am I interested in any kind of numerical division of the jury,
10 so if you're like leaning 11 to 1 for guilty or not guilty,
11 whatever the case may be, understand that I don't need that
12 information, so never let me know if there's any kind of
13 numerical division. If you do, you don't have to communicate
14 with me, okay? I'm going to ask that you return to your jury
15 room for a few moments, take your notes with you, but don't
16 begin your deliberations yet, okay? I'm going to have the
17 clerk go back there and go ahead and pass out your lunch orders
18 so that we can get those orders placed and your queue to begin
19 your deliberations, Mr. Foreman, will be receipt of these
20 instructions, the verdict form, as well as the evidence which
21 has been introduced in this case and my asking the two
22 alternates to step out. So when that happens, that's when you
23 can start deliberating on the case. There are two DVDs which
24 have been introduced into the record, they're the same ones
25 that were played for you, you should have the capacity to play

1 those back there. If you have trouble playing those back there
2 with the TV that's back there -- it's still back there, right?

3 CLERK: (Nonverbal response).

4 THE COURT: Alright. It's still back there. If you
5 have trouble with it, let us know, we'll try and get somebody
6 in there to make that run for you. I feel stupid having to ask
7 you this, but, you know, experience is sometimes a good
8 teacher, please don't remove the drugs from the plastic that
9 they're wrapped in, okay? I won't tell you the circumstances
10 that gave rise to me having to give that instruction, but
11 again, I've been doing this a while, and sometimes really
12 stupid stuff happens. So please don't handle the drugs, but
13 you're welcome to look at them through the plastic, okay? With
14 that, adjourn to the back. You know your queue to begin
15 deliberations, and the clerk will go back with your lunch
16 orders, okay? Thanks. As relates to the two alternates, if
17 y'all want her to order you lunch, I'm happy to buy you a free
18 lunch, but it'll probably take 45 minutes to an hour before it
19 could get here, so you may want to just go home. But whatever
20 your choice is it's perfectly fine, okay?

21 (Jurors exiting Courtroom.)

22 THE COURT: Okay. With the exception of the requests
23 made by the State which I declined to charge, any other
24 exceptions or objections?

25 MR. HODGES: No exceptions from the State.

1 MR. TINSLEY: No, sir.

2 THE COURT: And with the exception of the objections
3 that you've already put on the record, Mr. Tinsley, with regard
4 to the inference instruction and the other requests regarding
5 your quasi-Edwards charge, any other objections, no other ---

6 MR. TINSLEY: You're talking about the circumstantial
7 evidence ---

8 THE COURT: Correct.

9 MR. TINSLEY: --- charge I requested? Nothing other
10 than those two, Your Honor.

11 THE COURT: Alright. Very good. Let's make sure
12 that we're sending back only what should go back, and we will
13 be off the record.

14 (Off the record.)

15 THE COURT: Okay. We'll go on the record. They're
16 simply requesting to watch the dashcam of the first officer and
17 the bodycam where Mr. Ware is searched. So ---

18 CLERK: They have to come out here.

19 THE COURT: They got it, but they can't, there are
20 not enough outlets there and so we would have to sacrifice the
21 fan or the refrigerator and because the refrigerator tends to
22 blow up, we opted, so ---

23 MR. BROWN: The dashcam?

24 THE COURT: Yeah. That's a, so that's pretty brief,
25 the dashcam is pretty brief.

1 MR. BROWN: Unless you watch the whole thing?

2 MR. HODGES: We didn't play the whole thing during
3 trial.

4 THE COURT: I assume they just want you to play, go
5 ahead and grab the two discs and we'll get them queued up. But
6 yeah, the bodycam where he is searched. Alright. Go ahead and
7 bring them in.

8 (Jurors entering Courtroom.)

9 THE COURT: Alright. The jury is back. Mr. Foreman,
10 I got your note, I'm sorry I misinformed you about the
11 situation, but they're doing ductwork repair in the Probate
12 Court, so that's why the air is very limited and it's actually
13 pretty nonexistent in the back, so we need that fan to keep
14 going and we have to keep the fridge going because the clerk
15 tells me it has a tendency to explode or something if we turn
16 it off, so we don't have enough outlets out there to drive the
17 TV. The Solicitor has gone ahead and queued up the dashcam and
18 he's simply going to show you again that entire video, I don't
19 think it's very long, what you've seen before, and then he'll
20 find the bodycam video and that part where Mr. Ware is
21 searched, okay? So yes ma'am?

22 JUROR: Can I possibly move seats?

23 THE COURT: Yeah, by all means, you can sit wherever
24 you need to in order to see better if y'all need to, okay?

25

1 MR. BROWN: Judge, this dashcam is 47 minutes, if
2 they only want to watch a certain portion they need to let Your
3 Honor know.

4 THE COURT: Alright. Which portion of the dashcam do
5 you want to see?

6 MR. FOREMAN: When he's initially pulled over.

7 THE COURT: Okay. Can you queue up to where he's
8 initially pulled over?

9 (Playing video.)

10 THE COURT: You want to stop there? They're good.

11 MR. BROWN: Just to be clear, where he's searched?

12 MR. FOREMAN: Yeah, where he's being personally
13 searched.

14 (Playing video.)

15 THE COURT: Alright. Return to the jury room,
16 continue your deliberations and hopefully, your lunch will be
17 here shortly.

18 (Jury exiting Courtroom.)

19 THE COURT: We'll remain at ease.

20 (Off the record.)

21 THE COURT: Alright. We will go back on the record.
22 I am told that the jury has reached a verdict. Anything prior
23 to receiving the jury from the State?

24 MR. BROWN: Nothing from the State.

25 THE COURT: From the Defense?

1 MR. TINSLEY: Nothing, Your Honor.

2 THE COURT: Very good. Let's have the jury,
3 please.

4 (Jury entering Courtroom.)

5 THE COURT: Alright. The jury is back and seated.
6 Mr. Foreman, I'm told the jury has reached a verdict, is that
7 correct?

8 MR. FOREMAN: We have, Your Honor.

9 THE COURT: And all 12 jurors have agreed to each
10 sentence?

11 MR. FOREMAN: Yes, sir, we have.

12 THE COURT: Alright. Very good. Hand the verdict
13 form to the bailiff please for me. And madame clerk, if you
14 will publish, please.

15 CLERK: Yes, sir. State of South Carolina, County of
16 Greenwood. State of South Carolina versus Rekeem Ladell Ware,
17 indictment numbers 2022-GS-24-1476, 1477, 1478, and 1479, we
18 the jury unanimously find Rekeem L. Ware on the charge of
19 trafficking in methamphetamine with regard to the meth found in
20 the backseat, guilty. We the jury unanimously find Rekeem L.
21 Ware on the charge of possession with the intent to distribute
22 cocaine concerning the cocaine allegedly found on the
23 Defendant's person, not guilty. With regard to the charge of
24 simple possession of cocaine regarding the cocaine allegedly
25 found on the Defendant's person, we the jury unanimously find

1 the Defendant guilty. We the jury unanimously find Rekeem L.
2 Ware on the charge of driving under suspension, guilty. We the
3 jury unanimously find Rekeem L. Ware on the charge of giving
4 false information to law enforcement, guilty.

5 THE COURT: Alright. Ladies and gentlemen of the
6 jury, if this is your verdict, please indicate by raising your
7 right hand. Alright. The record will reflect all 12 hands
8 went up. Anything prior to discharge of the jury from the
9 State?

10 MR. BROWN: Not from the State.

11 THE COURT: From the Defense?

12 MR. TINSLEY: No, Your Honor.

13 THE COURT: Alright. Ladies and gentlemen of the
14 jury, I want to thank you for your service here this week, you
15 are done for the week, okay? And I hope you have an
16 appreciation for maybe how court runs and things go in this
17 Courtroom. You know, you often see, and I'm not picking on the
18 media or the fourth estate by any stretch of the imagination,
19 but obviously, now that you've served on a jury, maybe you can
20 appreciate a little bit better when you hear somebody talking
21 about some outrageous verdict or some outrageous outcome
22 because now you've had a chance to actually sit as 12 judges of
23 the facts and make a decision in this case. And I will tell
24 you again, I've been doing this 30 years, I graduated law
25 school in '93, and in all the cases that I have tried, I have

1 yet to find any reason to disagree with the outcome that has
2 been pronounced from a jury. So in 30 years in all the cases
3 that I tried as an attorney, whether it's in private practice
4 or a solicitor or a public defender, whatever the case may be,
5 if I won them, if I lost them, it doesn't matter, I can
6 understand where a jury was coming from, okay? So now y'all
7 have that background that you can draw upon if maybe other
8 people are critical of something that 12 people have decided is
9 the right outcome. Your debit card should be uploaded Friday -
10 - it's \$20.00 a day?

11 CLERK: Yes, sir.

12 THE COURT: 20 bucks a day, so times 3, \$60.00, woo
13 who, sorry it's not more, but understand I, you know, accept it
14 not as payment because obviously that's not enough to
15 compensate you for your inconvenience and for your work here,
16 but accept it as maybe a property tax, partial property tax
17 refund and an expression of gratitude because in my mind, you
18 know, there's only three things that our government can force
19 us to do against our will, they can make you show up in April
20 and pay your taxes, if we go to war, they can draft you and put
21 a gun in your hand, and they can make you serve on a jury,
22 alright? So pretty good country that we live in if those are
23 the only three things that the government can make us do that
24 we don't want to do. And of course, jury service is a public
25 service, it's part of being a citizen, so again, I don't know

1 that you really should be getting paid for it, it's just part
2 of the obligation of living in a great country. The bailiff
3 will give you letters, I'm going to save whatever the cost of a
4 first class stamp is, I'm going to save that and have him give
5 these letters to you today. If there's anything you liked
6 about jury service, the letters are to thank you, okay? But
7 it's also to solicit feedback, so if there's anything you
8 liked, let me know, if there's anything you didn't like,
9 definitely let me know. I've changed the way court runs
10 actually based on feedback from people who have served as
11 jurors on my cases. At this point in time, ladies and
12 gentlemen, you're going to be free to go in a few moments, if
13 you wish to stick around for sentencing, what I'll ask is that
14 you simply, when you leave the Courtroom through that door over
15 there, just come back in that door right there and you can have
16 a seat somewhere over in this area, and that's just for court
17 security reasons, okay? So if you want to stick around for
18 sentencing, that's perfectly fine, if you've decided you've
19 heard enough from me and everybody else then, by all means,
20 have a great day and a wonderful week, alright? Again, the
21 bailiff will give you those letters when you exit the doors,
22 and thank you again for your service and your work in this
23 case, alright? Take care. And Mr. Foreman, I'm going to need
24 your signature on the actual indictments, so stick around just
25 a few minutes if you could.

1 (Off the record.)

2 THE COURT: Alright. For the record, Mr. Tinsley, I
3 presume that of course you do renew all prior objections, all
4 prior motions, and you'd move for a new trial?

5 MR. TINSLEY: Correct, Your Honor.

6 THE COURT: Same ruling as before with respect to all
7 matters of law that were brought to the Court's attention by
8 the Defense and with regard to the motion for a new trial, the
9 motion's denied. The Court does find that there is sufficient
10 direct and circumstantial evidence to warrant a conviction on
11 all accounts. Alright. Do you have the sentencing sheets, Mr.
12 Brown?

13 MR. BROWN: Yes, sir, Judge. As for the DUS, the
14 trafficking reduced down on the sentencing sheet to possession
15 cocaine and also giving false information to law enforcement.
16 On the sentencing sheet, I did change out from section A to
17 section B, so it should be reflected that it's all under the
18 same statute and CDR code for giving false information to law
19 enforcement.

20 THE COURT: And that is on indictment 1477?

21 MR. BROWN: That's correct.

22 THE COURT: Alright. Before I hear mitigation, would
23 you, I know from pretrial matters, you gave me an overview of
24 some of his prior record, but can you go ahead and just let me
25 know Mr. Ware's criminal history?

1 MR. HODGES: I'm prepared to do that, Your Honor.
2 Judge, he's got two convictions for burglary second degree
3 nonviolent in 2005, received a 15 year sentence suspended on
4 the service of 10 years followed by 5 years of probation, 2011,
5 criminal sexual conduct in the first degree, 2015, driving
6 under suspension, 2017, driving under suspension and DUI, 2018,
7 public disorderly conduct, 2021, out of the County of McCormick
8 is a possession with the intent to distribute marijuana, and
9 resisting arrest, and it appears he's currently on probation
10 out of McCormick on those charges. He has also got a Georgia
11 record, 2017, driving under the influence, driving under
12 suspension, and fleeing or alluding the police, and a 2022
13 driving under suspension, driving under the influence, and a
14 violation of probation.

15 THE COURT: Thank you. Before I turn to the Defense,
16 Mr. Brown, anything else that you or the State or anybody want
17 to say?

18 MR. BROWN: No, sir, Judge. Just that you've heard
19 the facts of this case, you've heard from all the witnesses in
20 this case. Now, with his criminal history, we trust you to
21 make an appropriate sentence in this case.

22 THE COURT: Alright. I am correct in the sentencing
23 range for the trafficking is 7 to 25?

24 MR. BROWN: It is, 7 to 25. The possession of
25 cocaine would be zero to 3 and the other ones are misdemeanors.

1 THE COURT: Very good. Alright. Mr. Tinsley, let me
2 hear from you, please.

3 MR. TINSLEY: Thank you, Your Honor. As you know, I
4 represent Rekeem Ware. He is 35 years old, the serious stuff
5 on his record is old. The burglary's nonviolent, 2005, he was
6 17 years old when he was sentenced, 16 when these incidents
7 happened, so he got quite the stiff sentence on that for a
8 young person, I don't, obviously, don't know the details of all
9 that. And the CSC is from an incident that happened while he
10 was incarcerated, the plea occurred after he was released. The
11 other stuff is misdemeanor stuff, it's, these DUIs and DUSs
12 which are results of DUIs for the most part, they dove tail
13 with what he testified to, that he has a long addiction
14 history. He has three young children, 7, two girls that are 10
15 and 7, and a boy that is 4 that he's the primary, primarily
16 raising. He's working, he's, as a welder, up in Anderson.
17 He's, you know, obviously, he had a rough go of things in late
18 2020 which is when this incident happened as well as the
19 marijuana that he pled to in McCormick in 2021, they were
20 within three months of each other. And since then, he's, you
21 know, he's stayed out of trouble, and I would just point out to
22 the Court, this isn't your standard drug case where it's
23 somebody that's on their radar and they search them or they
24 send in confidential informants, anything like that. You heard
25 all the, you know, you saw all the evidence, this was a stop

1 where there's a bag of pills in the back of the car. While we,
2 you know, we respect the jury's verdict, I mean, you saw these
3 facts, so it's not your standard drug case. It's not the type
4 case where giving this man a max or close to max sentence, I
5 don't think that would be the fair, just resolution on this
6 case. I would ask for something much milder under, given his
7 circumstances and given that he's not, this is not your typical
8 drug dealer, menace to the community case, it's just not that
9 type, that case. And so, we would ask you to consider that and
10 give him something on the lower end of the sentencing range.
11 And his family, I don't know, he's supported by his father and
12 stepmother here, I don't know if they had to go somewhere and
13 just didn't make it back in time, otherwise, I'm sure they
14 might say a word in support of him.

15 THE COURT: And I have noticed that they've been
16 here the entire time the case has been going on, his support
17 from his dad and stepmom is something I do acknowledge. Mr.
18 Brown?

19 MR. BROWN: Judge, just a brief response. I would
20 argue actually this is the typical trafficking. Most drugs
21 that are brought in are undetected by law enforcement and there
22 are very few of the ones that are detected. So I think that
23 is, you know, there's a lot of clandestine meth or fentanyl or
24 whatever that comes in. And here, law enforcement was able to
25 sniff that out and get a hundred and seventy-six

1 methamphetamine tablets off the street. So I think that is a
2 typical trafficker for our area and the state.

3 THE COURT: And I do appreciate both perspectives, I
4 do. Mr. Ware, was there anything that you would like to say,
5 sir?

6 MR. WARE: I want to say I made a bad choice, I mean,
7 I'm not no drug dealer, I wouldn't even be driving without no
8 insurance with drugs in the car, you know, I mean, wrong place,
9 wrong time. I apologize.

10 THE COURT: Thank you, sir. And Mr. Tinsley, how
11 much time did he serve in jail before he made bond?

12 MR. TINSLEY: Two days, I guess if you give him
13 credit for last night, then that would be three.

14 THE COURT: Alright. Mr. Ware, I am aware that this
15 is a trafficking charge, of course, it is a violent and serious
16 offense and it's an 85 percent offense, and understand that
17 part of my job is to take into account your prior record. And
18 a lot of what Mr. Tinsley says it true, it seems like of late,
19 the worst trouble that you got into was a five year marijuana
20 charge out of McCormick and that resisting arrest that, and of
21 course, the Court also has to take into account the convictions
22 from 2005 and 2011, those are very concerning crimes, Mr. Ware.
23 And more to the point, sir, understand if I felt like you were
24 not a drug trafficker, I'd be giving you a new trial, alright,
25 Mr. Ware? And maybe you're not actively dealing, but you're

1 certainly in my opinion likely of what they term to be the
2 mule, bringing this stuff into this county. Obviously, you
3 were not on law enforcement's radar, it's not a situation where
4 they were staking out your place or bugging your phone or
5 anything like that, but at the same time I come in here on a
6 daily basis and I see how this stuff destroys lives. And as a
7 father of a 4 year old, a 7 year old, and a 10 year old, I
8 think that you can appreciate how as a parent, parents are
9 always concerned about the kind of influences that their kids
10 might fall under and the kind of things that they may do. And
11 I see people dying from this stuff, I see lives being ruined on
12 a daily basis because it is being brought in this county and
13 this state. So that deserves some measure of acknowledgement
14 by the Court. And what I've done, Mr. Ware, is I've tried to
15 take everything into account, as well as the fact that this is
16 really your first hard drug conviction. I've given you a
17 straight 15 years on the trafficking charge, you will get
18 credit for 3 days in jail. On the cocaine charge, the sentence
19 is 3 years, credit 3 days in jail. The other two charges, the
20 DUS and the false information, 3 days credit, 3 days served.
21 So you have 15 years to do 85 percent, Mr. Ware. When you get
22 out, sir, I'm sincerely hopeful that you're able to not violate
23 a law anymore and perhaps be a father to your kids, but you've
24 got a good piece of time to do, to pay for the poison that you
25 were trading in. I do wish you luck, Mr. Ware, and understand

1 you've got 10 days to file any notice of intent to appeal. Mr.
2 Tinsley will be happy to file that on your behalf, and it can
3 be perfected at a later point in time. You have one year from
4 the conclusion of any appeal, or if no appeal is taken, you
5 have one year from today's date to file any action or post-
6 conviction relief. Good luck, Mr. Ware.

7 MR. TINSLEY: Judge, I take it that, if I understand
8 correctly, the three years is running concurrent ---

9 THE COURT: That is correct, yes, it is marked that
10 way. Alright. Very good. The record's closed in this case.

11 (Whereupon the hearing ended at 2:09 pm.)
12
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25

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)
4)
5 COUNTY OF GREENWOOD)
6
7

8 I, the undersigned Lisa G. Amick, Official Court Reporter
9 for the Eighth Judicial Circuit of the State of South Carolina,
10 do hereby certify that the foregoing is a true, accurate, and
11 complete transcript of record of all proceedings had and
12 evidence introduced in the trial of the captioned case,
13 relative to appeal, in the County of Greenwood, South Carolina,
14 on the 31st day of July through 2nd day of August 2023.

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

17 January 8, 2023

18
19 Lisa G. Amick

20 Lisa G. Amick

21 Court Reporter
22

23 My commission expires: June 30th, 2025
24
25

WITNESSES

Pamela Parker
Greenwood County Sheriff's Department

WARRANT NUMBER

20201120004459

TRUE BILL

Kevin Martin
Foreman of the Grand Jury

Date: 10-7-2022

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

October Term, 2022

Indictment # 2022GS24-1476

THE STATE

vs.

REKEEM LADELL WARE

INDICTMENT FOR

DRIVING UNDER SUSPENSION

SC Code: § 56-01-0460(A)(2)(c)

CDR: 0956

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

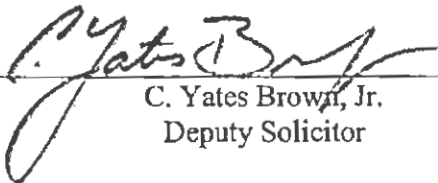
INDICTMENT FOR

DRIVING UNDER SUSPENSION
§56-01-0460(A)(2)(c)

At a Court of General Sessions, convened on the 7th day of October, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Rekeem Ladell Ware, did on or about November 25, 2020, in Greenwood County, South Carolina, drive a motor vehicle on a public highway of this State when his license was canceled, suspended, or revoked pursuant to the sections of 56-5-2990 or 56-5-2945. This was the defendant's second or subsequent conviction, all in violation of 56-01-0460(A)(2)(c), South Carolina Code of Laws (1976, as amended).

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


C. Yates Brown, Jr.
Deputy Solicitor

WITNESSES

Patrick Paulson
Greenwood County Sheriff's Department

WARRANT NUMBER

20201120004462

TRUE BILL

Kevin Martin

Foreman of the Grand Jury

Date: 10-7-2022

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

October Term, 2022

Indictment # 2022GS24-1477

THE STATE

vs.

REKEEM LADELL WARE

INDICTMENT FOR

GIVING FALSE INFORMATION TO LAW
ENFORCEMENT, FIRE DEPARTMENT OR
RESCUE

SC Code: § 16-17-0725(A)

CDR: 1223

I hereby waive presentment to the Grand
Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

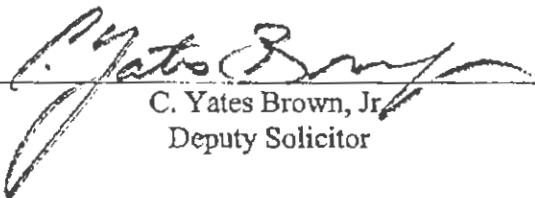
INDICTMENT FOR

GIVING FALSE INFORMATION TO LAW
ENFORCEMENT, FIRE DEPARTMENT OR
RESCUE
§16-17-0725(A)

At a Court of General Sessions, convened on the 7th day of October, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Rekeem Ladell Ware did on or about November 25, 2020, in Greenwood County, South Carolina, make a false complaint to a law enforcement officer concerning the alleged commission of a crime by another or did give false information to a rescue squad or fire department concerning the alleged occurrence of a health emergency or fire, all in violation of 16-17-0725(A), Code of Laws of South Carolina, (1976, as amended).

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



C. Yates Brown, Jr.
Deputy Solicitor

WITNESSES

Pamela Parker
Greenwood County Sheriff's Department

WARRANT NUMBER

2020A2410201445

TRUE BILL

Kevin Martin
Foreman of the Grand Jury
Date: 10-7-2022

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

October Term, 2022
Indictment # 2022GS24-1478

THE STATE

vs.
REKEEM LADELL WARE

INDICTMENT FOR

POSSESSION WITH INTENT TO DISTRIBUTE
COCAINE
SC Code: § 44-53-370

CDR: 0183

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

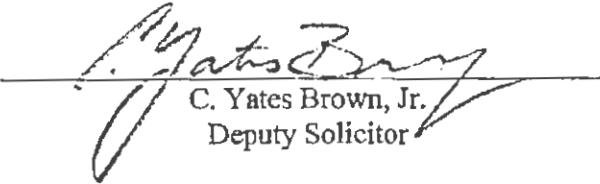
INDICTMENT FOR

POSSESSION WITH INTENT TO DISTRIBUTE
COCAINE
§44-53-370

At a Court of General Sessions, convened on the 7th day of October, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Rekeem Ladell Ware, did on or about November 25, 2020, in Greenwood County, South Carolina, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase cocaine, a schedule II controlled substance narcotic, all in violation of Section 44-53-370, Code of Laws South Carolina (1976, as amended).

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



C. Yates Brown, Jr.
Deputy Solicitor

WITNESSES

Pamela Parker
Greenwood County Sheriff's Department

WARRANT NUMBER

DIRECT INDICTMENT

TRUE BILL

Kevin Martin
Foreman of the Grand Jury

Date: 10.7.2022

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

October Term, 2022

Indictment # 2022GS24-1479

THE STATE

vs.

REKEEM LADELL WARE

INDICTMENT FOR

TRAFFICKING METHAMPHETAMINE

SC Code: § 44-53-375(C)

CDR: 0392

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

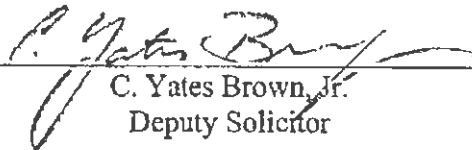
INDICTMENT FOR

TRAFFICKING METHAMPHETAMINE
§44-53-375(C)

At a Court of General Sessions, convened on the 7th day of October, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Rekeem Ladell Ware, did on or about November 25, 2020, in Greenwood County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of twenty-eight (28) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

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


C. Yates Brown, Jr.
Deputy Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

STATE

VS.

REKEEM LADELL WARE

AKA: REKEEM LADELL WARE

Race: Black Sex: M Age: 35DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] RoadCity, State, Zip: Mc Cormick, SC 29835DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022GS24-1476A/W#: 20201120004459Date of Offense: 11/25/2020S.C. Code §: 56-01-0460(A)(2)(c)CDR Code #: 0956

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Driving Under SuspensionIn violation of § 56-01-0460(A)(2)(c) of the S.C. Code of Laws, bearing CDR Code # 0956☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 78607
C. Yates Brown, Jr., Deputy SC Bar # Defendant
Solicitor79903
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☒ County Detention Center,for a determinate term of 3 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.3 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$25
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$3.75

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

\$500	\$ _____
TBD	\$ _____
TOTAL	\$128.75

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Chastity Copeland
Lisa Amick

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

February 2, 2023
2159
August 2, 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

STATE

VS.

INDICTMENT/CASE#: 2022GS24-1477REKEEM LADELL WAREAKA: REKEEM LADELL WARERace: Black Sex: M Age: 35DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] RoadCity, State, Zip: McCormick, SC 29835DL#* [REDACTED] SID# [REDACTED]A/W#: 20201120004462Date of Offense: 11/25/2020S.C. Code §: 16-17-0725(A)CDR Code #: 1223

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Giving False Information To Law Enforcement, Fire Department Or RescueIn violation of § 16-17-0725(B) of the S.C. Code of Laws, bearing CDR Code # 1223☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

<u>C. Yates Brown, Jr.</u>	<u>78607</u>	<u>[REDACTED]</u>	<u>79903</u>
C. Yates Brown, Jr., Deputy	SC Bar #	Defendant	Attorney for Defendant
Solicitor			SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☒ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.30 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

	\$	\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 178.75

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Chavez
USA Amick

Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

2159
August 2, 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

STATE

VS.

INDICTMENT/CASE#: 2022GS24-1478

REKEEM LADELL WARE

AKA: REKEEM LADELL WARE

Race: Black Sex: M Age: 35

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED] Road

City, State, Zip: Mc Cormick, SC 29835

DL#* [REDACTED] SID# [REDACTED]

A/W#: 2020A2410201445Date of Offense: 11/25/2020S.C. Code §: 44-53-370CDR Code #: 0183

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Possession of Cocaine 1st Offense NMT 3 YEARS &/OR \$5,000In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 3011
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

	78607		79903
C. Yates Brown, Jr., Deputy Solicitor	SC Bar #	Defendant	Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 3 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.3 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning. _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$100
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ _____
§56-5-2995 (DUI Assessment)		\$12	\$ _____
§56-1-286 (DUI Breath Test)		\$25	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$25
§14-1-213 (Drug Court Surcharge)		\$150	\$150
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$8.25

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundClerk of Court/Deputy Clerk: _____
Court Reporter: _____

Chasity Cape
Lisa Amick

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____TOTAL \$ 283.25

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

STATE

VS.

INDICTMENT/CASE#: 2022GS24-1479

REKEEM LADELL WARE

A/W#: DIRECT INDICTMENT

AKA: REKEEM LADELL WARE

Date of Offense: 11/25/2020Race: Black Sex: M Age: 35S.C. Code §: 44-53-375(C)DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0392Address: [REDACTED] RoadCity, State, Zip: McCormick, SC 29835

SENTENCE SHEET

DL#* [REDACTED] SID# [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Trafficking Methamphetamine 28g or more 1st Offense NLT 7 YEARS TO 25 YEARS & \$50,000In violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0392
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted. ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

	78607		79903
C. Yates Brown, Jr. Deputy Solicitor	SC Bar #	Defendant	Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 (fifteen) days/months/years/Time Served☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.3 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS.

REKEEM LADELL WARE

INDICTMENT/CASE#:

2022GS24-1479

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling☐ Completion of GED☐ Random Drug/Alcohol Testing☐ Attend Voc. Rehab. Or Job Corp☐ No Contact with Victim☐ Domestic Violence Intervention Program☐ Mental Health Counseling☐ May serve W/E
beginning: _____☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430☐ Public Service Employment

_____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☒ Other:

ATU

☐ RESTITUTION☐

Deferred

☐

Def. Waives Hearing

☐

Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of

\$

Beginning

\$

§14-1-206 (Assessments 107.5%)

\$

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$100

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$

§56-5-2995 (DUI Assessment)

\$12

\$

§56-1-286 (DUI Breath Test)

\$25

\$

§14-1-212 (Law Enforce. Funding)

\$25

\$25

§14-1-213 (Drug Court Surcharge)

\$150

\$150

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$41

\$

§50-21-114 (BUI Breath Test Fee)

\$50

\$

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

TBD

\$8.25

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

\$500

\$

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TBD

\$

TOTAL

\$ 283.25

Clerk of Court/Deputy Clerk:

Chasey Copart
USA Amick

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

2159

August 2, 2023

CERTIFICATE OF COUNSEL FOR APPELLANT

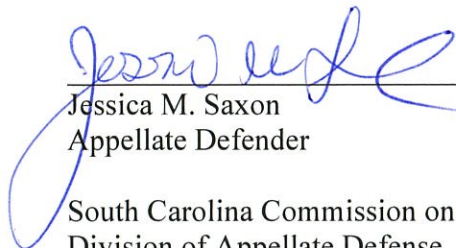
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Jul 12 2024

SC Court of Appeals



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of July, 2024.

RECEIVED

Jul 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

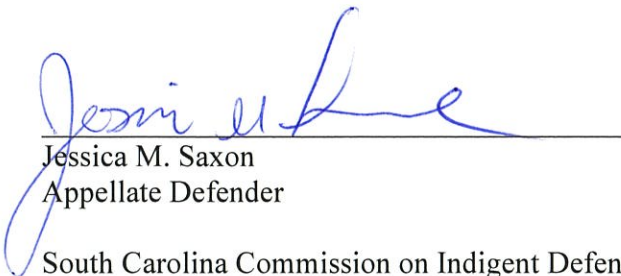
REKEEM L. WARE,

APPELLANT

APPELLATE CASE NO. 2023-001309

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 12th day of July, 2024.



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT