

**ORIGINAL**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of General Sessions  
The Honorable Howard P. King, Circuit Court Judge

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Appellate Case No: 2012-213144

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THE STATE,

RESPONDENT,

v.

DOUGLAS J. MAYES,

APPELLANT.

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SUPPLEMENTAL RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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1 them, whatever, that they had found the baggies, and  
2 the scales, and the paperwork, and that you could go  
3 over and see everything. And you did go over and  
4 see everything. So how are you prejudiced?

5 MR. FLOYD: Well, the way I'm prejudiced,  
6 Your Honor, is they're now saying that these drugs  
7 were never, ever misplaced.

8 THE COURT: What difference does it make  
9 whether they were or weren't?

10 MR. FLOYD: Well, I think it goes to the  
11 admissibility of the drugs on the chain of custody.

12 THE COURT: Well, that's a  
13 chain-of-custody issue. And I don't see the  
14 chain-of-custody issue here. The question here is  
15 whether or not the Assistant Solicitor in charge of  
16 the case at that time said what you think she said  
17 and what you think she said as opposed to the other.

18 But I don't see, based upon what has  
19 actually happened from the factual standpoint of the  
20 witness' testimony as to what actually happened to  
21 the drugs, that there's any connection about that.  
22 It's only what you might have been told with regard  
23 to the drugs.

24 MR. FLOYD: The reason I raised this  
25 point, Your Honor, was because, of course, I was

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. ROSS:

4 Q Agent Barnes, you were involved in the  
5 search warrant in this case, is that correct?

6 A That's correct.

7 Q Can you tell me what your role was?

8 A I was the outside perimeter during the  
9 entry, and after that I was the scribe.

10 Q What does that mean, the scribe?

11 A Any evidence that's located inside of the  
12 residence is brought to me. I bag it, I label it,  
13 and I write it on the search warrant for all the  
14 items we remove from the house.

15 Q Okay. So you essentially document  
16 everything that's seized?

17 A That's correct.

18 Q Okay. And what happened when you entered  
19 the house that day on February 17, 2011?

20 A The residence had already been cleared. I  
21 came into the living room, where Agent Kirkland was  
22 with the defendant. I searched the female to make  
23 sure she didn't have any weapons or contraband on  
24 her. And then I set up at the kitchen table.

25 Q Did you find anything on the female?

1           A     Negative.

2           Q     Okay.  And then you moved to the kitchen  
3 table?

4           A     That's correct.

5           Q     All right.  What happened at that point?

6           A     I set up with all my bags and permanent  
7 markers.  And anyone who located any evidence would  
8 bring it to me, and I would document it on the  
9 search warrant as well as also label it and bag it.

10          Q     Okay.  And tell me what was brought to  
11 you.

12          A     Agent Laney brought me numerous bags of  
13 crack cocaine, as well as cocaine.  Agent Tracy  
14 brought to me digital scales.  Agent Hinson brought  
15 to me a rifle, as well as bags.

16          Q     Did you document the serial number on that  
17 rifle?

18          A     I did.

19          Q     What was the serial number?

20          A     If I can refer to --

21          Q     Would that refresh your memory?  What was  
22 the serial number?

23          A     The serial number on the Remington Model  
24 522 was 3193839.

25          Q     Okay.

1 Q Okay.

2 MR. ROSS: Your Honor, at this time I'd  
3 offer State's Number Thirteen into evidence.

4 THE COURT: Any objection, Mr. Floyd?

5 MR. FLOYD: Your Honor, I object to the  
6 relevance at this point, because I don't think until  
7 they can prove to me that it is a working weapon  
8 it's relevant.

9 THE COURT: You object on the basis of  
10 relevance, why?

11 MR. FLOYD: Because they have not yet  
12 proved it's a working weapon. I think the statute  
13 requires that it be a working weapon.

14 THE COURT: All right, we'll withhold  
15 ruling on that pending. Don't publish it or go any  
16 further with it at this point, and we'll talk about  
17 that a little bit later.

18 Q What did you do with the digital scales  
19 that Agent Tracy gave you?

20 A I labeled the bag of where it was located,  
21 who located it, and placed them in another bag.

22 Q Okay. The digital scales were placed in a  
23 bag?

24 A Yes.

25 Q Did you label that bag?

1 Seventeen and Eighteen --

2 THE COURT: Okay.

3 MR. ROSS: -- the bags and the scales.

4 THE COURT: All right.

5 Q You knew they were in the storage room,  
6 right?

7 A Yes.

8 Q So it's just where in the storage room,  
9 that's the issue?

10 A That's correct.

11 Q Okay. And these are the same bags and the  
12 same digital scales that were turned in?

13 A Yes.

14 MR. ROSS: That's all the questions I have  
15 for her, Your Honor.

16 THE COURT: Anything further, Mr. Floyd?

17 RE CROSS EXAMINATION

18 BY MR. FLOYD:

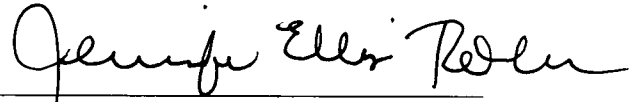
19 Q Did you see any other Best kits in the box  
20 where these were discovered that were liquid?

21 A I didn't see any that were liquid, but my  
22 sergeant is the one that actually went through and  
23 looked.

24 Q Well, have you had any that were liquid  
25 other than this?

CERTIFICATE OF COUNSEL

Counsel for Respondent certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



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