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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDAN LAMONT RICHARDSON,

APPELLANT

APPELLATE CASE NO. 2024-000092

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JANUARY 8-11, 2024	1
<i>EX PARTE</i> DEFENSE MOTION TO RELIEVE COUNSEL BY MR. JOHNSON.....	6
COLLOQUY WITH DEFENDANT REGARDING MOTION TO RELIEVE COUNSEL	9
CLARIFICATION OF PROCEDURAL POSTURE OF THE CASE BY MR. JOHNSON ...	9
CONTINUED COLLOQUY WITH DEFENDANT ON MOTION TO RELIEVE	10
FURTHER CLARIFICATION OF PROCEDURAL POSTURE BY MR. JOHNSON	12
CONTINUED COLLOQUY WITH DEFENDANT ON MOTION TO RELIEVE.....	12
STATEMENT REGARDING PRIOR EXPERIENCE WITH JEREMY JIVERS AND FURTHER CLAIRIFICATION OF PROCEDURAL POSTURE BY MR. JOHNSON.....	15
CONTINUED COLLOQUY WITH DEFENDANT ON MOTION TO RELIEVE.....	17
CLARIFICATION OF PROCEDURAL POSTURE OF THE CASE BY MR. COX.....	19
CONTINUED COLLOQUY WITH DEFENDANT ON MOTION TO RELIEVE	20
FURTHER CLARIFICATION OF PROCEDURAL POSTURE BY MR. COX.....	21
COURT’S RULING DENYING DEFENSE MOTION TO RELIEVE COUNSEL	23
PRETRIAL MATTERS.....	55
TESTIMONY	
GARRETT CARTER	
Direct Examination <i>in-camera</i> by Mr. Cox	56
Cross-Examination <i>in-camera</i> by Mr. Johnson	76
JOHN GIETZ	
Direct Examination <i>in-camera</i> Mr. Norton	78
Cross-Examination <i>in-camera</i> by Mr. Johnson	83
Redirect Examination <i>in-camera</i> by Mr. Norton.....	87
ARCADEUS DUBARD	
Direct Examination <i>in-camera</i> by Mr. Cox	89

Cross-Examination <i>in-camera</i> by Mr. Johnson	112
Redirect Examination <i>in-camera</i> by Mr. Cox.....	121
STATE’S ARGUMENT FOR INCLUSION OF BODY-WORN CAMERA FOOTAGE BY MR. COX.....	122
COURT DEFERS RULING ON ADMISSIBILITY OF BODY-WORN CAMERA FOOTAGE.....	124
STATE’S ARGUMENT FOR INCLUSION OF THE CUSTODIAL STATEMENT OF THE DEFENDANT BY MR. COX	125
DEFENSE MOTION TO SUPPRESS CUSTODIAL STATEMENT OF THE DEFENDANT BY MR JOHNSON.....	125
RESPONSE BY MR. COX	127
COURT’S RULING FINDING CUSTODIAL STATEMENT OF THE DEFENDANT ADMISSIBLE AND DENYING THE DEFENSE MOTION TO SUPPRESS.....	128
STATE’S ARGUMENT FOR INCLUSION OF CELL PHONE EVIDENCE BY MR. NORTON.....	128
COURT DEFERS RULING ON ADMISSIBILITY OF THE CELL PHONE EVIDENCE ..	130
TESTIMONY	
HANNAH JOSLIN	
Direct Examination <i>in-camera</i> by Mr. Norton	130
Voir Dire Examination by Mr. Johnson.....	134
DEFENSE OBJECTION TO ADMITTING WITNESS JOSLIN AS AN EXPERT IN THE FIELD OF DIGITAL FORENSICS AND CELL PHONE EXTRACTIONS.....	133
RESPONSE BY MR. NORTON	135
COURT’S RULING ADMITTING WITNESS JOSLIN AS AN EXPERT IN THE FIELD OF DIGITAL FORENSICS AND CELLPHONE EXTRACTIONS FOR THE PURPOSES OF THE EVIDENTIARY HEARING.....	135
TESTIMONY	
HANNAH JOSLIN	
Continued Direct Examination <i>in-camera</i> by Mr. Norton.....	136
Cross-Examination <i>in-camera</i> by Mr. Johnson	145
Redirect Examination <i>in-camera</i> By Mr. Norton	146

DEFENSE OBJECTION TO COURT’S EXHIBIT NO. 7 (CELL PHONE EXTRACTION SUMMARY) AND MOTION TO EXCLUDE REFERENCES TO “GANGLAND” AND “BLOOD”	150
RESPONSE BY MR. COX	151
COURT’S RULING GRANTING MOTION TO EXCLUDE REFERENCES TO “GANGLAND” AND “BLOOD”	125
DEFENSE MOTION TO EXCLUDE REFERENCES MARIJUANA	152
DEFENSE MOTION TO EXCLUDE REFERENCES TO GANG AFFILIATION	153
DEFENSE MOTIONS TO SUPPRESS CELL PHONE AND DRUG EVIDENCE	153
COURT DEFERS RULING ON DEFENSE MOTION TO EXCLUDE REFERENCES TO MARIJUANA	155
CONTINUED ARGUMENT FOR INCLUSION OF CELL PHONE AND DRUG EVIDENCE AND REFERENCES TO MARIJUANA BY MR. COX.....	156
CONTINUED DEFENSE MOTION TO SUPPRESS DRUG EVIDENCE	160
RESPONSE BY MR. COX	162
COURT’S RULING FINDING DRUG EVIDENCE PHOTOS ADMISSIBLE	168
COURT’S RULING FINDING REFERENCES TO MARIJUANA ADMISSIBLE	170
CONTINUED DEFENSE MOTION TO SUPPRESS BODY-WORN CAMERA FOOTAGE	174
COURT DEFERS RULING ON MOTION TO SUPPRESS BODY-WORN CAMERA FOOTAGE	174
CONTINUED DEFENSE MOTION TO SUPPRESS DRUG EVIDENCE, REFERENCES TO MARIJUANA, AND CELL PHONE EVIDENCE	175
RESPONSE OBJECTING TO EXCLUSION OF DRUG EVIDENCE, REFERENCES TO MARIJUANA, AND BODY-WORN CAMERA FOOTAGE BY MR. COX	182
COURT’S RULING FINDING DRUG EVIDENCE ADMISSIBLE AND DENYING DEFENSE MOTION TO SUPPRESS.....	185
COURT’S RULING GIVING LIMITING INSTRUCTION REGARDING REFERENCES TO MARIJUANA	187

COURT’S RULING FINDING CELL PHONE EVIDENCE ADMISSIBLE.....	187
COURT’S RULING DENYING MOTION TO EXCLUDE VIDEO OF DEFENDANT IN JAIL ATTIRE	188
CONTINUED DEFENSE MOTION TO SUPPRESS DRUG EVIDENCE AND REFERNCES TO MARIJUANA.....	190
COURT RENEWS PRIOR RULINGS	192
OPENING STATEMENT BY MR. NORTON.....	201
OPENING STATEMENT BY MR. JOHNSON	205
TESTIMONY	
GARRETT CARTER	
Direct Examination by Mr. Cox.....	207
Cross-Examination by Mr. Johnson.....	224
Redirect Examination by Mr. Cox.....	228
JOHN GIETZ	
Direct Examination by Mr. Norton.....	230
DEFENSE MOTION FOR MISTRIAL	239
RESPONSE BY MR. NORTON	239
COURT’S RULING DENYING DEFENSE MOTION FOR MISTRIAL	239
TESTIMONY	
JOHN GIETZ	
Continued Direct Examination by Mr. Norton	241
Cross-Examination by Mr. Johnson.....	257
Redirect Examination by Mr. Norton	259
ARCADEUS DUBARD	
Direct Examination by Mr. Cox.....	262
Cross-Examination by Mr. Johnson.....	288
Redirect Examination by Mr. Cox	290
Recross-Examination by Mr. Johnson	293
HANNAH JOSLIN	
Direct Examination by Mr. Cox.....	296
<i>Voir Dire</i> Examination by Mr. Johnson.....	302

DEFENSE OBJECTION TO QUALIFYING WITNESS JOSLIN AS AN EXPERT IN THE FIELD OF DIGITAL FORENSICS AND CELLPHONE ANALYSIS.....	303

COURT’S RULING QUALIFYING WITNESS JOSLIN AS AN EXPERT IN THE FIELD OF DIGITAL FORENSICS AND CELLPHONE ANALYSIS OVER DEFENSE OBJECTION.....	303

TESTIMONY

HANNAH JOSLIN

Continued Direct Examination by Mr. Cox.....	304
Cross-Examination by Mr. Johnson.....	321

JOHN GEITZ

Direct Examination by Mr. Norton.....	325
<i>Voir Dire</i> Examination by Mr. Johnson.....	326
Continued Direct Examination by Mr. Norton	327
Cross-Examination by Mr. Johnson.....	331

MARGARET WALKER

Direct Examination by Mr. Norton.....	332
Cross-Examination by Mr. Johnson.....	352

STATE RESTS	354

DEFENSE MOTION FOR A DIRECTED VERDICT	354

RESPONSE BY MR. COX	355

COURT’S RULING DENYING MOTION FOR DIRECTED VERDICT	355

TESTIMONY COLLOQUY WITH DEFENDANT	356

TESTIMONY

BRANDAN RICHARDSON

Direct Examination <i>in-camera</i> by Mr. Cox	361

CONTINUED TESTIMONY COLLOQUY WITH DEFENDANT.....	373

TESTIMONY

BRANDAN RICHARDSON

Direct Examination by Mr. Johnson	374
Cross-Examination by Mr. Cox	379
Redirect Examination by Mr. Johnson.....	387

DEFENSE RESTS	389
DEFENSE RENEWAL OF ALL PREVIOUS MOTIONS AND OBJECTIONS	389
COURT RENEWS ALL PRIOR RULINGS.....	389
DEFENSE RENEWAL OF MOTION FOR DIRECTED VERDICT	389
COURT RENEWS DENIAL OF MOTION FOR DIRECTED VERDICT.....	390
CLOSING ARGUMENT BY MR. COX	392
CLOSING ARGUMENT BY MR. JOHNSON.....	399
CLOSING ARGUMENT IN REPLY BY MR. COX	405
CHARGE ON THE LAW	409
JURY NOTE.....	428
VERDICT	430
DEFENSE MOTION FOR A NEW TRIAL AND RENEWAL OF ALL PREVIOUS MOTIONS AND OBJECTIONS.....	432
COURT’S RULING DENYING MOTION FOR A NEW TRIAL AND RENEWING ALL PREVIOUS RULINGS.....	432
SENTENCING	434
COURT’S EXHIBIT NO. 7 (CELL PHONE EXTRACTION SUMMARY)	437
COURT’S EXHIBIT NO. 9 (FACEBOOK MESSAGES).....	440
COURT’S EXHIBIT NO. 10 (TEXT/INSTANT MESSAGES).....	445
STATE’S EXHIBIT NO. 21 (EXTRACTION REPORT)	448
STATE’S EXHIBIT NO. 22 (FACEBOOK MESSAGES).....	450
STATE’S EXHIBIT NO. 23 (TEXT MESSAGES).....	454
INDICTMENTS	457
SENTENCE SHEET.....	463

CERTIFICATE OF COUNSEL	469

**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
COURT'S EXHIBIT NO. 8 (THREE PHOTOGRAPHS)]**

1 State of South Carolina) Court of General Sessions
 2 County of Lexington) Eleventh Judicial Circuit

3

4 State of South Carolina,) Transcript of Record
)
 5 vs.) 2023-GS-32-04179
) 2023-GS-32-04180
 6 Brandan Lamont Richardson,) 2023-GS-32-04181
)
 7 Defendant.)

8

9 January 8th-11th, 2024
 10 Lexington, South Carolina

11 B E F O R E:

12 The Honorable Walton J. McLeod, Judge; and a Jury

13

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

15 Jordan A. Cox, Esquire
 16 Bruce H. Norton, II, Esquire
 On behalf of the State of South Carolina

17 Ola A. Johnson, Esquire
 18 On behalf of the Defendant

19
 20 Stacy S. Johnson, RPR
 Circuit Court Reporter

21

22

23

24

25

I N D E X

	<u>WITNESS</u>	<u>PAGE</u>
1	Motion to Relieve Counsel	6
2	Jury Selection	24
3	Pre-Trial Matters	52
4	Jackson v. Denno	55
5	Garrett Carter	
6	Direct Examination by Mr. Cox (In-Camera)	56
7	Cross-Examination by Mr. Johnson (In-Camera)	76
8	John Gietz	
9	Direct Examination by Mr. Norton (In-Camera)	78
10	Cross-Examination by Mr. Johnson (In-Camera)	83
11	Redirect Examination by Mr. Norton (In-Camera)	87
12	Arcadeus Dubard	
13	Direct Examination by Mr. Cox (In-Camera)	89
14	Cross-Examination by Mr. Johnson (In-Camera)	112
15	Redirect Examination by Mr. Cox (In-Camera)	121
16	Motion to Suppress	128
17	Hannah Joslin	
18	Direct Examination by Mr. Norton (In-Camera)	130
19	Voir Dire Examination by Mr. Johnson (In-Camera)	134
20	Continued Direct Examination by Mr. Norton (In-Camera)	136
21	Cross-Examination by Mr. Johnson (In-Camera)	145
22	Redirect Examination by Mr. Norton (In-Camera)	146
23	Opening Statement	
24	By Mr. Norton	201
25	By Mr. Johnson	205
	Garrett Carter	
	Direct Examination by Mr. Cox	207
	Cross-Examination by Mr. Johnson	224
	Redirect Examination by Mr. Cox	228
	John Gietz	
	Direct Examination by Mr. Norton	230
	Cross-Examination by Mr. Johnson	257
	Redirect Examination by Mr. Norton	259

1	Arcadeus Dubard	
	Direct Examination by Mr. Cox	262
2	Cross-Examination by Mr. Johnson	288
	Redirect Examination by Mr. Cox	290
3	Recross Examination by Mr. Johnson	293
4	Hannah Joslin	
	Direct Examination by Mr. Cox	296
5	Voir Dire Examination by Mr. Johnson	302
	Continued Direct Examination by Mr. Cox	304
6	Cross-Examination by Mr. Johnson	321
7	John Gietz	
	Direct Examination by Mr. Norton	325
8	Voir Dire Examination by Mr. Johnson	326
	Continued Direct Examination by Mr. Norton	327
9	Cross-Examination by Mr. Johnson	331
10	Margaret Walker	
	Direct Examination by Mr. Norton	332
11	Cross-Examination by Mr. Johnson	352
12	Motions/Motions Renewed	354
13	Brandan Richardson	
	Examination by Mr. Johnson (In-Camera)	361
14	Continued Examination by Mr. Johnson (In-Camera)	368
15	Brandan Richardson	
	Direct Examination by Mr. Johnson	374
16	Cross-Examination by Mr. Cox	379
	Redirect Examination by Mr. Johnson	387
17	Motions/Objections Renewed	389
18	Closing Argument	
19	By Mr. Cox	392
	By Mr. Johnson	399
20	By Mr. Cox	405
21	Charge of the Court	409
22	Verdict of the Jury	430
23	Post-Trial Motions	432
24	Sentence of the Court	436
25	Certificate of Reporter	438

E X H I B I T S				
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	C-1	Foreperson Selection	49	
4	C-2	Photograph	59	60
5	C-3	Body-worn Camera Recording	74	76
6	C-4	Recorded Interview	103	104
7	C-5	Samsung cell phone	108	110
8	C-6	Photograph	117	121
9	C-7	Cell Phone Extraction Summary	136	138
10	C-8	Three photographs	136	140
11	C-9	Facebook Messages	136	142
12	C-10	Text/Instant Messages	136	143
13	C-11	Jury Charge	426	
14	C-12	Jury Note	428	
15	C-13	Response to Jury Note	429	
16	C-14	Certified Conviction 2017	435	
17	C-15	Certified Conviction 2020	435	
18	S-1	Body-worn Camera Footage	193	212
19	S-2	Photograph	193	235
20	S-3	Photograph	193	236
21	S-4	Photograph	193	236
22	S-5	Photograph	193	236
23	S-6	Photograph	193	236
24	S-7	Photograph	193	236
25	S-8	Photograph	193	244

1	S-9	Photograph	193	244
2	S-10	Photograph	193	244
3	S-11	Photograph	193	244
4	S-12	Photograph	193	244
5	S-13	Photograph	193	244
6	S-14	Photograph	193	244
7	S-15	Photograph	193	244
8	S-16	BEST Kit	193	339
9	S-17	Cell Phone	241	306
10	S-18	Digital Scale	254	255
11	S-19	Plastic Baggies	255	257
12	S-20	Recorded Interview	278	279
13	S-21	Extraction Report	304	308
14	S-22	Facebook Messages	304	308
15	S-23	Text Messages	304	308
16	S-24	Drug Analysis Report	336	343
17				
18				
19				
20				
21				
22				
23				
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25				

1 (The following proceedings were held January 8,
2 2024, beginning at 1:57 PM.)

3 THE COURT: All right. State versus Richardson
4 is the case that's our number one trial now in light of
5 the plea in the Hall matter this morning.

6 Mr. Johnson, you're here on behalf of Mr. Richardson?

7 MR. JOHNSON: Yes, sir.

8 THE COURT: Okay. And you filed a motion in this
9 matter. I don't have the filed copy, but come on up.

10 Yes, sir. Come on up.

11 Mr. Johnson, what is your basis for your -- I believe
12 a motion to be relieved?

13 MR. JOHNSON: This is a motion to relieve counsel
14 requested by my client, Your Honor. This is a motion
15 that I've asked to be heard outside of the presence of
16 the prosecution. So we'd ask the Court to remove everyone
17 not essential.

18 THE COURT: Okay. That's the motion to relieve.

19 Any other things that have to be heard?

20 MR. JOHNSON: No, sir. At this time that's the
21 motion.

22 THE COURT: Okay. I may get some input from the
23 State after that, but --

24 MR. COX: We understand, Judge.

25 THE COURT: Okay.

1 All right. Folks, I apologize, but I've got to hear
2 an ex parte matter with the attorney and his client, so I
3 have to ask everyone to step out of the courtroom.

4 (Whereupon, the following proceedings were held
5 ex parte.)

6 THE COURT: All right. Everyone remaining in the
7 courtroom is the clerk's office or sheriff's department
8 or the court reporter, myself and my law clerk.

9 Just for everyone's benefit, we're having an ex parte
10 hearing. This isn't to repeated outside of this room.
11 It's just to allow the defendant the opportunity to tell
12 me what he wants to tell me outside of the presence of the
13 State or anyone else, so.

14 Mr. Johnson.

15 MR. JOHNSON: Thank you, Your Honor.

16 I filed this motion at the request of my client,
17 Mr. Brandan Richardson. I was appointed to represent
18 Mr. Richardson on this case several months ago. It's
19 my understanding the basis for this, he's got -- well,
20 he's got some discussion he wants to go into, I'm not
21 sure all the details, about a previous bond hearing we
22 had and motions that I filed and the State's offer.

23 I will say that Mr. Richardson always -- he also
24 feels like there's a conflict situation based on a
25 previous client that I represented named Jeremy Jivers

1 who was at the scene in this case, but was not charged.

2 And I can go into the details of that at this time
3 if you want me to.

4 THE COURT: Just for the purpose of ex parte, you
5 know, I want to -- the purpose of us meeting ex parte
6 is for you to tell me stuff that you wouldn't be able
7 to tell me in front of everyone else.

8 MR. JOHNSON: Yes, sir.

9 THE COURT: So stuff about if there were plea offers
10 made in open court, that's one thing, but if there were
11 discussions that were or were not made, then that's for
12 here.

13 MR. JOHNSON: Yes, sir.

14 THE COURT: I don't want to have -- all I want to
15 have is just as little as possible being ex parte.

16 MR. JOHNSON: Yes, sir. I'll just say I don't
17 believe based on my previous representation that I have
18 any knowledge of anything that would create a conflict
19 that would be contained within attorney/client
20 communications even though I previously represented
21 Mr. Jivers, and I'll say that currently my client has
22 indicated he wanted to express some things that may touch
23 upon evidence in the case. I'm not really sure, but I'll
24 let him go forward with that at this time.

25 THE COURT: Okay. Mr. Richardson, good afternoon.

1 THE DEFENDANT: Good afternoon, sir.

2 THE COURT: I'll be happy to hear from you.

3 THE DEFENDANT: Since Mr. Johnson's been representing
4 me, prior to the last week or so I haven't seen him.
5 I've been -- I've been in the county for eleven months.
6 He was issued as my representation three months prior to
7 me being here, so within the last eight months I've only
8 really had a real conversation with him Friday and that
9 Monday. That's the only time that I've ever talked to
10 him and -- but the first time we had any contact with
11 each other was well, what's gonna be our defense.

12 And not only just that, I went to my bond hearing.
13 I had a bond hearing here months back. He -- I wanted to
14 express to him the situation because they denied my motion
15 for a fast and speedy. So once they denied it, I asked
16 could I talk to him. He said I'm gonna come talk to you
17 at the county. I never seen him since then.

18 THE COURT: Well --

19 THE DEFENDANT: The only time I seen --

20 THE COURT: I don't -- you said they denied a motion
21 for a speedy trial? I thought that was granted. We're
22 here.

23 THE DEFENDANT: No, they denied it.

24 MR. JOHNSON: Judge, just to clarify. We had a
25 motion regarding bond and that was heard and denied by

1 Judge Keesley, I believe, and so then I served a motion
2 for speedy trial and that one's pending.

3 THE COURT: Well, I mean -- okay. But a formal
4 motion on a speedy trial was not heard?

5 MR. JOHNSON: That's correct. I believe I served
6 it after we were denied bond.

7 THE COURT: Okay. Well, this case is less than a
8 year old though; is it not?

9 MR. JOHNSON: That's correct.

10 THE DEFENDANT: Eleven months.

11 THE COURT: Okay. Well, fair enough. What else can
12 you tell me?

13 THE DEFENDANT: It's just we -- we have no
14 communication. My life is on the line right now and I
15 just feel like he's not a fit for my -- for me to go to
16 trial with. I don't feel like I can fight it with --
17 with him as my representation. It's just a lack of
18 communication. It's impossible for me to be fighting
19 for my life.

20 And the times that I've met with you is like you're
21 looking at your phone, you're not present with what I've
22 got to talk about, you know what I'm saying, and then you
23 -- you're lying to me on several occasions.

24 I went to my preliminary hearing a month ago. He
25 was not there. I had to represent myself there. He was

1 not there. He say that they did not inform him of this,
2 but I had to represent myself and I didn't know what to
3 do. I'm in there talking about stuff that didn't even
4 have nothing to do with it. The judge had to tell me
5 hold, sir, don't talk about your situation.

6 But the moral of the story is you're not there when
7 I've needed you in any key situations and now you're here
8 when I've got to go to trial.

9 And I knew nothing of this. I knew nothing of no
10 trial. I knew nothing of no plea. He told me they came
11 in with a ten to fifteen plea. I don't remember nothing
12 about this. You never came to me and told me this. I
13 don't know what's going on. The only thing I know is he
14 came to me two, three weeks ago and said your trial is on
15 the 8th. That's all I ever heard from Mr. Ola since I've
16 known him --

17 THE COURT: Okay.

18 THE DEFENDANT: And now I'm here today dressed, and
19 no disrespect, he couldn't even get my size right.

20 THE COURT: Okay.

21 THE DEFENDANT: I mean, you know, my life is on
22 the line. That's the only thing I'm saying. Like I'm
23 fighting for my life. I'm thirty-five --

24 THE COURT: I understand.

25 THE DEFENDANT: -- and I just don't feel the

1 communication.

2 THE COURT: Okay. Well, let me ask Mr. Johnson.

3 Now --

4 MR. JOHNSON: There was a preliminary hearing related
5 to another matter. It's not related to this case because
6 he has been indicted. He did not have a preliminary
7 hearing.

8 THE COURT: Okay. Well, just to be clear, was it a
9 -- he mentioned he didn't know about the plea offer. Was
10 this not an offer that was communicated in court?

11 MR. JOHNSON: That's an offer that I discussed with
12 my client. He's saying I did not discuss it with him,
13 but we discussed the plea offer. To my memory and to my
14 notes, that's what we did. He rejected it. He indicated
15 he wanted a bond motion.

16 THE COURT: Was this rejection done in court or --

17 MR. JOHNSON: It was done in court I believe on the
18 record with the solicitor who recited to the judge that
19 they made an offer.

20 THE COURT: And to be clear, I can ask the State
21 about that, too. Anything that was done in court was not
22 ex parte.

23 MR. JOHNSON: Right.

24 THE COURT: But you -- you don't feel like Mr. Ola
25 has been --

1 THE DEFENDANT: I know he's not, sir. I know this.

2 THE COURT: Okay. Well, he hasn't been as attentive
3 as you would like. I guess that's --

4 THE DEFENDANT: I mean, I've been in this situation
5 before and it just -- I feel defeated already like and
6 his energy doesn't make it any -- it doesn't make it any
7 better. Like we're here to debate about something. I
8 mean, I'm not gonna look you in your face and lie. I
9 never had no plea. Nobody never came to me with no plea.
10 Ever. Ever.

11 THE COURT: Okay.

12 THE DEFENDANT: When I came to court -- first of all,
13 he made a mistake. He told me I was coming to court for
14 my preliminary hearing. Once I made it here, he came
15 into courtroom on the third floor, walked in the room,
16 and didn't even know I was his client. I said Mr. Ola,
17 this is me. He said oh. He turned back around, he
18 talked to me. He said you're going in front of the
19 judge. I said why am I going in front of the judge, this
20 is my preliminary, he said no, this is a bond reduction.

21 So he told me I was coming here for my preliminary
22 hearing, then I get a bond reduction. So when we go
23 in he said well, I went to the judge and I went to the
24 solicitor with a motion for a fast and speedy, but they
25 denied it. They denied your motions he said, but this

1 is what I'm gonna do. When we go in the courtroom, I'm
2 gonna get it put on the record for whatever that may mean.

3 THE COURT: Right.

4 THE DEFENDANT: So when he went in front of the
5 judge, he told him the three motions. I've got the three
6 motions with me. It was three motions that he placed that
7 day. The judge specifically said out of his mouth I will
8 not hear them. I deny. I will not hear them. So to me
9 -- so after that -- after that hearing I said Mr. Ola,
10 can I talk to you. He said shush, be quiet. He said
11 I'll be back there to talk to you. I didn't see Mr. Ola
12 for four months.

13 So this is what I'm trying to get at. If you went
14 in there and they denied it, in my mind I'm not aware, so
15 where's this trial coming from? I don't understand this.
16 I don't know nothing about none of this. The only time I
17 talked to him is when he came and said we've got a trial
18 in three weeks.

19 THE COURT: Okay. Well, a speedy trial motion was
20 filed.

21 THE DEFENDANT: How was it though? I mean, I never
22 gave any consent.

23 THE COURT: Okay. What is the issue with the
24 conflict or the alleged conflict?

25 THE DEFENDANT: Jeremy Jivers is -- may I speak?

1 MR. JOHNSON: Yeah.

2 THE DEFENDANT: Okay. Well, technically they
3 arrested me and -- they arrested everybody in the room,
4 but they let him go. The dope was his dope, but I'm
5 being charged with it. And he just brought to my
6 attention a couple of weeks ago that he represented him
7 and they sent him a letter letting him know about the
8 situation. So that don't even make sense you representing
9 the person whose drugs it was.

10 THE COURT: Well -- okay.

11 Mr. Johnson, do you want to respond to that?

12 MR. JOHNSON: I previously represented Jeremy Jivers.
13 He was present during this incident. He was not charged
14 from this incident. I represented him on another case and
15 that was pending when this arrest and this -- this search
16 warrant was served and this incident took place. His case
17 was pending. About five days afterwards I pled him here
18 in Lexington and now that resolved my representation of
19 Mr. Jivers. So he's --

20 THE COURT: You never represented Mr. Jivers on
21 anything to do with this -- the incident that
22 Mr. Richardson is here on?

23 MR. JOHNSON: No. I represented him on a case
24 totally unrelated.

25 THE COURT: And Mr. Jivers, was he -- was there a

1 warrant for his arrest pending at the time?

2 MR. JOHNSON: Probation took him in, but I was not
3 appointed on the probation violation. I was appointed on
4 some charges that were pending when he entered a guilty
5 plea. That violated his probation. So probation and
6 parole was there initially on the scene and they took him
7 into custody.

8 THE COURT: And those were charges from a different
9 time and place?

10 MR. JOHNSON: Yes.

11 THE COURT: Have you -- this bond hearing that was
12 denied, it was a motion to reduce bond or modify bond?

13 MR. JOHNSON: Right. That was a motion -- he
14 couldn't make out -- we were trying to get a motion for
15 bond set and they denied it. We -- what they did was
16 the judge ruled that he wasn't gonna hear the other
17 motions, the motion to dismiss and a motion for speedy
18 trial because I had just filed them, and I walked in and
19 I handed them to the solicitor and we were denied bond
20 and that's why those were not heard is because I had just
21 filed them I believe.

22 THE COURT: Okay. And the speedy trial motion was
23 filed for the purpose of --

24 MR. JOHNSON: At the request of my client and that's
25 why I filed them. I know my client disagrees with that,

1 but I filed these motions at his request.

2 THE COURT: Okay. Did you file any pre-trial motions
3 for the case that's currently on the trial roster?

4 MR. JOHNSON: Yes, sir. I sent those out and we've
5 got motions on file.

6 THE COURT: And those were motions to suppress if
7 I'm not mistaken?

8 MR. JOHNSON: A motion to suppress regarding
9 defendant's statements that was filed, this motion to
10 be relieved requested by the defendant, a motion to
11 suppress based on suppressing all the items seized
12 pursuant to search warrant at the hotel room and the
13 cell phone search and then a Denno motion as well as a
14 request to charge for later on if necessary and the voir
15 dire questions that I've shared with the solicitor.

16 THE COURT: Okay.

17 All right. Does that essentially tell us everything
18 we need to know outside the presence of everyone else?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: I mean, that's the basis of why you
21 believe there's a conflict and if I understand your
22 belief I think your concern is because Mr. Johnson
23 previously represented someone who was in the hotel room
24 when you got arrested, right?

25 THE DEFENDANT: Yes.

1 THE COURT: But Mr. Johnson has communicated to me
2 that that person, Mr. Jivers, Mr. Johnson represented him
3 on separate charges unrelated to those.

4 And if I'm correct, you're telling me, Mr. Johnson,
5 that none of your representation of Mr. Jivers had
6 anything to do with your representation of Mr. Richardson.
7 There's no crossover of any information.

8 MR. JOHNSON: That's correct, Your Honor.

9 THE COURT: All right. I want to get the State back
10 in here just so I can ask about the plea hearing.

11 THE DEPUTY: Judge, can I let my intern come back
12 in?

13 THE COURT: Yes. In fact, at this point I think
14 everyone can come back in.

15 (The following proceedings were held in open court.)

16 THE DEPUTY: All right. Folks, you can come back in
17 the courtroom.

18 THE COURT: Mr. Cox, I would like some clarification,
19 if you could provide it, on just some of the procedural
20 history.

21 MR. JOHNSON: Judge, can I put one more thing on the
22 record? I'm sorry.

23 THE COURT: Sure.

24 MR. JOHNSON: I forgot to ask -- I ask the Court to
25 seal the record of that hearing that we just had. To seal

1 it so it can't be accessed by others.

2 THE COURT: All right. Without court approval.

3 MR. JOHNSON: Yes, Judge.

4 THE COURT: All right. So noted.

5 Mr. Cox, the case of State versus Mr. Richardson,
6 what are the pending charges?

7 MR. COX: Your Honor, this arrest happened on
8 February 9th of 2023. He has three pending charges from
9 that arrest. A trafficking in methamphetamine 100 grams
10 to 200 grams, possession with intent to distribute
11 fentanyl, and possession with intent to distribute crack
12 cocaine. The two PWID charges have been indicted as
13 third or subsequent offenses, Your Honor.

14 THE COURT: Okay. And did the State ever communicate
15 a plea offer in that case?

16 MR. COX: We did, Your Honor. And here's -- part of
17 it may have --

18 THE COURT: Well, let me ask it this way. Was there
19 any sort of formal discussions in court about it?

20 MR. COX: Yes, Your Honor. On September 7, 2023,
21 myself and Mr. Johnson and defendant appeared before, I
22 believe -- I'm very confident that that was Judge Keesley
23 we appeared before. That day was for a motion to reduce
24 bond. We had that hearing. During that hearing I was
25 also given a motion for speedy trial from Mr. Johnson

1 and a motion for failure to prosecute, which are still
2 pending in this case. Mr. Johnson was provided the drug
3 analysis in the case and I told Mr. Johnson at that point
4 that the offer on this case is ten to fifteen years, but
5 if we are preceding on a speedy trial motion and the
6 motion for failure to prosecute, what that signals to me
7 and to the State is that there will not be a plea and
8 so I did revoke that offer. It was -- it was a quick
9 turnaround, Judge, but Mr. Johnson and Mr. Richardson,
10 when we were there in court, they confirmed that we were
11 going forward with the trial and a speedy trial motion
12 was filed.

13 THE DEFENDANT: He didn't ever tell me that.

14 THE COURT: My -- my only concern is you're telling
15 me the record will reflect that?

16 MR. COX: Yes, Your Honor.

17 THE DEFENDANT: You never told me that. You ain't
18 ever said that was --

19 THE COURT: What the solicitor -- Mr. Cox is telling
20 me is that this discussion was had in open court, so there
21 is a record of the discussion.

22 THE DEFENDANT: So then it will be on the record.
23 Yeah. And I'm telling you -- I promise you there will
24 not be nothing on the record of them talking about
25 no time.

1 THE COURT: Okay. Let's see here.

2 Anything else, Mr. Johnson?

3 MR. JOHNSON: No, sir.

4 THE COURT: Anything else from the State?

5 MR. COX: Not on this matter. No, Your Honor.

6 THE COURT: Let me ask you -- let me ask you a quick
7 question, Mr. Cox, Mr. Johnson.

8 (Proceedings held at the bench; not reported.)

9 THE COURT: Mr. Cox, just in an abundance of
10 caution, you know, Mr. Johnson --

11 MR. COX: I'm listening, Your Honor.

12 What I'm gonna do is -- I know what you're about to
13 ask me and I'm gonna try and get an exact date when that
14 representation would have ended.

15 THE COURT: Yes, sir.

16 MR. COX: Your Honor, while we're getting the exact
17 date, I believe what the Court is wanting to get from us
18 is that there's another individual, Jeremy Jivers, who
19 back in February of 2023 did have pending charges in our
20 office unrelated to this incident. This was prior to
21 the incident we have before the Court. He was also at
22 that point actively on probation. Mr. Johnson was
23 representing Mr. Jivers on the pending charges in
24 Lexington County and as we're still attempting -- Your
25 Honor, it was a possession of narcotics charge and an

1 identity fraud charge. Mr. Johnson was representing him.
2 This incident took place February 9th. From the public
3 index, that was not -- I did not have the charge, Your
4 Honor, it was in our office, but the resolution -- the
5 guilty plea to the pending charge prior, as well as the
6 violation of probation for Mr. Jivers, was resolved on
7 February 13th, so four days after this incident. That
8 was the resolution to my knowledge of all pending charges
9 in Lexington County for Mr. Jivers and effectively the
10 end of Mr. Johnson's representation of Mr. Jivers at that
11 point.

12 For Mr. Johnson representing Mr. Richardson, he may
13 have a better more exact date, but it was some months
14 after this incident date when he was formally appointed
15 to Mr. Richardson's case.

16 THE COURT: Okay.

17 MR. COX: So there was no concurrent representation
18 by Mr. Ola Johnson of his previous client Jeremy Jivers
19 and the defendant before you today.

20 MR. JOHNSON: That's true, Your Honor. I can get
21 you that date. I don't have that letter in front of me,
22 but I was appointed months later to Mr. Richardson.

23 THE COURT: Okay. But the bottom line is your
24 representation today has nothing to do with any of the
25 factual allegations involving Mr. Jivers and they were

1 completely separate events?

2 MR. JOHNSON: Correct.

3 THE COURT: And there's no crossover witnesses or
4 potential testimony?

5 MR. JOHNSON: That's my position.

6 THE COURT: Okay. Well, I think that's our
7 understanding as well.

8 MR. COX: Your Honor, if I can put on the record
9 just -- just to be as clear as we can while we're here,
10 we received the notice of representation from the public
11 defender's office originally and that was Circuit Public
12 Defender Ms. Mauldin, on March 7, 2023. So even a half a
13 month after Mr. Johnson was done representing Mr. Jivers,
14 Mr. Richardson received his first appointed counsel. A
15 conflict arose between the public defender's office and
16 Mr. Richardson and even after that point it then went to
17 Mr. Johnson. So it was at least beyond March 7th before
18 that happened.

19 THE COURT: All right. Anything else for the record?

20 MR. JOHNSON: I was just gonna pass up my voir dire
21 if we're going to go forward to with jury selection.

22 THE COURT: All right. Well, as this case is on
23 the trial roster, it's number one for trial, I've heard
24 from all the parties, I've had an ex parte hearing. I'll
25 deny the motion to be relieved and we'll pick a jury this

1 afternoon to close the day, all right?

2 MR. COX: Thank you, Your Honor.

3 MR. JOHNSON: Thank you, Your Honor.

4 (Recess taken at 2:23 PM.)

5 (Back on the record at 4:34 PM.)

6 BAILIFF: All rise. The Honorable Walton J. McLeod
7 presiding.

8 THE COURT: All right. Good afternoon. Please be
9 seated, ladies and gentlemen. And I mean good afternoon.
10 It's late in the afternoon and I recognize that. Folks,
11 this hasn't been a normal Monday. I know I've had you
12 waiting for a while outside, but I had to finish up
13 matters from a completely different case. It went a
14 little longer than I expected.

15 I know it's 4:30. I know you-all have got places to
16 go. We're gonna proceed with selecting a jury for our
17 next trial, so just bear with me. We will push through
18 this as efficiently as possible, okay, but just to be
19 clear, none of this delay had anything to do with the
20 current case or any of the people involved in it just so
21 you know.

22 BAILIFF: One is missing.

23 THE COURT: We're fine. We're gonna go.

24 All right. Is the State ready to call this case?

25 MR. COX: We are, Your Honor.

1 THE COURT: You may proceed to call the case.

2 MR. COX: Your Honor, the State calls Indictment
3 Number 2023-GS-32-04179. This is State versus Brandan
4 Lamont Richardson for trafficking methamphetamine.
5 Indictment Number 2023-GS-32-04180. The State versus
6 Brandan Lamont Richardson, possession with intent to
7 distribute fentanyl. And Indictment 2023-GS-32-04181.
8 The State versus Brandan Lamont Richardson, possession
9 with intent to distribute cocaine base.

10 THE COURT: All right. If you'd bring up the
11 indictments, please.

12 Now I know you-all have been in and out of the
13 courtroom. If you could turn your phones off and put
14 them on silent, I'd appreciate it.

15 All right. Ladies and gentlemen, the indictments
16 provide as following. The indictment for trafficking
17 methamphetamine; that the defendant, Brandan Lamont
18 Richardson, did in Lexington County on February 9, 2023,
19 knowingly and intentionally, willfully and unlawfully
20 sell, manufacture, deliver, purchase or bring into this
21 state, in actual or constructive possession thereof,
22 possession of methamphetamine, a controlled substance
23 under South Carolina law, in violation of South Carolina
24 law.

25 The indictment for possession with intent to

1 distribute cocaine base states that on February 9, 2023,
2 that the defendant did knowingly and intentionally
3 manufacture, distribute, dispense, deliver, purchase or
4 otherwise conspire to or possess with intent to distribute
5 crack cocaine, a controlled substance under South Carolina
6 law, in violation of the law.

7 And, finally, the third indictment, possession with
8 intent to distribute fentanyl, states that on or about
9 February 9, 2023, the defendant did knowingly and
10 intentionally or possess with intent to distribute a
11 controlled substance, fentanyl, in violation of South
12 Carolina law.

13 Now the indictments charge the defendant with
14 trafficking methamphetamine, possession with intent to
15 distribute cocaine, and possession with intent to
16 distribute fentanyl. I remind you the fact that the
17 defendant was arrested, charged and indicted in this case
18 is not evidence in this case and cannot be considered by
19 you as evidence of guilt in this case, nor does it create
20 any presumption or inference of guilt. This document is
21 simply the formal written instrument which contains
22 the charges made against the defendant. It is the
23 formal document by which this case is brought into this
24 courtroom.

25 The defendant has pled not guilty to these

1 indictments and that plea puts the burden on the State
2 to prove the defendant guilty. A person charged with
3 committing a criminal offense in South Carolina is never
4 required to prove them self innocent. No matter what
5 the seriousness of the charge may be, the defendant will
6 always be presumed to be innocent of the crime for which
7 the indictment was issued unless guilt has been proven
8 by evidence satisfying of you of that guilt beyond a
9 reasonable doubt.

10 Now I have several questions I want to ask you here,
11 folks, as part of the jury selection process, but before
12 I do I'd like to allow the attorneys just to stand up and
13 introduce themselves at this time.

14 MR. COX: Thank you, Your Honor.

15 Good afternoon, everyone. My name is Jordan Cox.
16 Beside me is Mr. Bruce Norton. We are assistant
17 solicitors here in the Eleventh Circuit Solicitor's
18 Office. We have the pleasure of serving under your
19 elected Solicitor, Rick Hubbard. Our office covers
20 Lexington, McCormick, Edgefield and Saluda counties.
21 We are the two attorneys you'll be hearing from in this
22 case. You'll see other folks here with us throughout
23 the week. They are here in support of our office and in
24 support of this case.

25 We thank you all for being here.

1 MR. JOHNSON: Good afternoon. My name is Ola
2 Johnson. I practice here in Lexington, South Carolina.
3 This is my client, Brandan Richardson.

4 Thank you.

5 THE COURT: All right. Ladies and gentlemen, now
6 I'm gonna call out some questions. If one of these
7 questions applies to you, just stand up, tell me your
8 juror number and answer the question. There are no wrong
9 answers, so hopefully it will be self-explanatory as we
10 go along.

11 But first, is anyone on this jury panel related by
12 blood or marriage or have a close personal, social or
13 business relationship with the defendant here, Mr. Brandan
14 Richardson? If so, please stand.

15 All right. Now the following is list of possible
16 witnesses in this case. Investigator Arcadeus Dubard,
17 Lexington County Sheriff's Department. Investigator
18 John Gietz, Lexington County Sheriff's Department.
19 Investigators Mike Burke and Cody Weyandt. I may have
20 mispronounced that. Investigator Austol Youmans of the
21 Lexington County Sheriff's Department and the Cayce
22 Department of Public Safety. Also Sandra Black and Candy
23 Kyzer of the Lexington County Sheriff's Department.
24 Margaret Holliman of the sheriff's department. Margaret
25 Walker of the sheriff's department. Hannah Joslin of the

1 sheriff's department. Agent Daniel McBride of the South
2 Carolina Pardon, Parole and Probation. Also, the same --
3 Triple P as we call it. Also with Triple P, Agent Garrett
4 Carter and Agent Brianna Grant.

5 Now is anyone related by blood or marriage or have a
6 close personal, social or business relationship with any
7 of the potential witnesses I've just called off? If so,
8 please stand.

9 All right. Anyone on the jury panel ever been
10 represented by or have any -- or has a close personal,
11 business or social acquaintance with any of the attorneys
12 involved in this case who introduced themselves a few
13 minutes ago?

14 All right. Ladies and gentlemen, have you or any
15 member of your family or any close personal friend ever
16 been the victim or accused of a crime? If so, please
17 stand.

18 (Potential jurors stand.)

19 THE COURT: All right. And I'll just say what were
20 those circumstances and I'll start with you up front.

21 Yes, ma'am. What is your juror number?

22 POTENTIAL JUROR: 147.

23 THE COURT: Okay. And were you the victim of a
24 crime?

25 POTENTIAL JUROR: A family member was. I don't know

1 if I heard the question correctly.

2 THE COURT: Okay. Well, have you or a close personal
3 friend or a family member ever been the victim of a crime
4 or accused of a crime?

5 POTENTIAL JUROR: My son was accused of a crime.

6 THE COURT: Your son was accused of a crime?

7 POTENTIAL JUROR: Yes.

8 THE COURT: Okay. And the fact that your son was
9 accused of a crime, do you think that would affect your
10 ability to be a fair and impartial juror?

11 POTENTIAL JUROR: No.

12 THE COURT: Okay. Is that a pending crime or is
13 there a pending charge or just something in the past?

14 POTENTIAL JUROR: It's done.

15 THE COURT: Okay. 147?

16 POTENTIAL JUROR: Yes.

17 THE COURT: All right. Thank you. You can sit down.
18 Yes, ma'am.

19 POTENTIAL JUROR: Juror 31.

20 THE COURT: Yes.

21 POTENTIAL JUROR: A cousin accused of a crime in the
22 past.

23 THE COURT: Okay. Is that still pending?

24 POTENTIAL JUROR: No, sir.

25 THE COURT: Okay. And the fact that your cousin was

1 accused of a crime, do you think that would affect your
2 ability to be fair and impartial?

3 POTENTIAL JUROR: No, sir.

4 THE COURT: All right. Yes, ma'am.

5 POTENTIAL JUROR: Juror Number 56. My son was
6 accused -- well, convicted of a crime.

7 THE COURT: Okay. So your son was accused and
8 convicted of a crime. Would that affect your ability to
9 be fair and impartial?

10 POTENTIAL JUROR: I'll be fair.

11 THE COURT: Ma'am?

12 POTENTIAL JUROR: I'll be fair.

13 THE COURT: Okay. Thank you.

14 Yes, ma'am.

15 POTENTIAL JUROR: Juror 167. My son was convicted
16 of a crime.

17 THE COURT: Okay. The fact that your son was
18 convicted of a crime, would that affect your ability to
19 be a fair and impartial juror?

20 POTENTIAL JUROR: No.

21 THE COURT: Okay.

22 Yes.

23 POTENTIAL JUROR: Juror Number 7. I had my apartment
24 broken into a few months ago.

25 THE COURT: The fact that you were a victim of a

1 crime, would that affect your ability to be fair and
2 impartial being a juror here in this case?

3 POTENTIAL JUROR: No. I don't think so.

4 THE COURT: Okay.

5 Yes, sir.

6 POTENTIAL JUROR: Juror Number 269. My daughter was
7 a victim.

8 THE COURT: Okay. Is this pending or in the past?

9 POTENTIAL JUROR: Past.

10 THE COURT: Okay. The fact that your daughter was
11 a victim of a crime, do you think that would affect your
12 ability to be fair and impartial?

13 POTENTIAL JUROR: Yes.

14 THE COURT: What was your number?

15 POTENTIAL JUROR: 269.

16 THE COURT: All right. Thank you.

17 Sir, your number?

18 POTENTIAL JUROR: 25. My nephew was convicted of
19 a crime.

20 THE COURT: I'm sorry, sir. Tell me that again.

21 POTENTIAL JUROR: 25. My nephew was convicted of a
22 crime.

23 THE COURT: The fact that your nephew has a criminal
24 conviction, will that affect your ability to be a fair and
25 impartial juror?

1 POTENTIAL JUROR: No.

2 THE COURT: Okay. Back corner.

3 POTENTIAL JUROR: 205. My home was broken into about
4 six years ago.

5 THE COURT: Okay. Would that affect your ability to
6 be fair and impartial?

7 POTENTIAL JUROR: I don't think so.

8 THE COURT: Very well.

9 POTENTIAL JUROR: Number 238. My father was shot
10 during a robbery.

11 THE COURT: Okay. The fact that your father was a
12 victim of that crime, do you think that would affect your
13 ability to be fair and impartial?

14 POTENTIAL JUROR: No, sir.

15 THE COURT: All right.

16 All right. Have you or a member of your family or
17 a close personal friend been affected by drugs or drug
18 abuse? If so, please stand.

19 You or a member of your family or any close personal
20 friend ever been affected by drugs or drug abuse?

21 (Potential jurors stand.)

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

23 POTENTIAL JUROR: 261.

24 THE COURT: Okay.

25 POTENTIAL JUROR: My ex-husband was and still is a

1 drug addict.

2 THE COURT: Okay. The fact -- would that affect your
3 ability to be fair and impartial?

4 POTENTIAL JUROR: Maybe so. I have a low tolerance
5 for anything in relation --

6 THE COURT: Okay. Thank you.

7 Yes, ma'am.

8 POTENTIAL JUROR: 167. My son was a drug addict.

9 THE COURT: Okay. The fact that your son had that
10 exposure to drugs, would that affect your ability to be a
11 fair and impartial juror?

12 POTENTIAL JUROR: No.

13 THE COURT: Okay.

14 Yes, ma'am.

15 POTENTIAL JUROR: Juror Number 56. My son has a
16 serious drug issue.

17 THE COURT: Okay. The fact that your son currently
18 has a drug issue, would that affect your ability to be a
19 fair and impartial juror?

20 POTENTIAL JUROR: (Shakes head.) No.

21 THE COURT: Okay.

22 Okay. In the back. Yes.

23 POTENTIAL JUROR: 238. My father, having been shot,
24 after recovery, that sent him down the road into drug
25 abuse and convicted of drugs.

1 THE COURT: Would that affect your ability to be a
2 fair and impartial juror in this case?

3 POTENTIAL JUROR: No, sir.

4 THE COURT: Is any member of this jury panel so
5 morally opposed to drugs or drug use such that they could
6 not render a fair and impartial decision in this matter?

7 (Potential jurors stand.)

8 THE COURT: Okay. Your Juror Number? I think that
9 you're standing up answers the question for me. What's
10 your number?

11 POTENTIAL JUROR: 261.

12 THE COURT: Okay.

13 POTENTIAL JUROR: 269.

14 POTENTIAL JUROR: 257.

15 THE COURT: Is any member of this jury panel
16 presently or in the past a member of or a financial
17 supporter or otherwise involved or connected with any
18 organization that demands stricter enforcement of the
19 laws such as Mothers Against Drunk Driving, Students
20 Against Drunk Driving, Citizens Against Violent Crime or
21 any such other organizations? If so, please stand.

22 Are you or any member of your family or any close
23 personal friend currently a law enforcement officer or
24 ever have been a law enforcement officer or otherwise had
25 the power of arrest? So is anyone currently -- anyone or

1 their family member or close personal friend currently a
2 law enforcement officer or formerly a law enforcement
3 officer?

4 (Potential jurors stand.)

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

6 POTENTIAL JUROR: 31.

7 THE COURT: And what was that connection?

8 POTENTIAL JUROR: He's a deputy for Irmo Police
9 Department.

10 THE COURT: Who's that? Who? A friend? Family?

11 POTENTIAL JUROR: A soccer dad that we hang out with.

12 THE COURT: Okay. A friend?

13 POTENTIAL JUROR: Yeah, a friend.

14 THE COURT: Okay. The fact that you know someone in
15 law enforcement, will that affect your ability to be fair
16 and impartial?

17 POTENTIAL JUROR: No, sir.

18 THE COURT: All right. Yes, sir.

19 POTENTIAL JUROR: Number 26.

20 THE COURT: Yes, sir.

21 POTENTIAL JUROR: A family member's a police officer.

22 THE COURT: Where?

23 POTENTIAL JUROR: Conway.

24 THE COURT: Okay. The fact that you've got a family
25 member who's in Conway law enforcement, will that affect

1 your ability to be fair and impartial here?

2 POTENTIAL JUROR: No, sir.

3 THE COURT: Yes, sir.

4 POTENTIAL JUROR: Number 78.

5 THE COURT: 78?

6 POTENTIAL JUROR: 78.

7 THE COURT: Okay.

8 POTENTIAL JUROR: Reserve deputy. Just got hired.

9 No issue.

10 THE COURT: All right. Very well.

11 Yes, sir.

12 POTENTIAL JUROR: 211. My next door neighbor of
13 twenty years is chief -- chief of police in Lexington
14 County.

15 THE COURT: Okay. Will that affect your ability to
16 be fair and impartial being a juror here?

17 POTENTIAL JUROR: It might.

18 THE COURT: Okay. What's your number?

19 POTENTIAL JUROR: 211.

20 THE COURT: Okay. Yes, sir.

21 POTENTIAL JUROR: 103.

22 THE COURT: Yes, sir.

23 POTENTIAL JUROR: My father was a chief in the bureau
24 of narcotics.

25 THE COURT: Okay. Would that affect your ability to

1 be fair and impartial?

2 POTENTIAL JUROR: I don't believe so.

3 THE COURT: Okay.

4 Yes, sir.

5 POTENTIAL JUROR: Number 284. My brother is a
6 retired law enforcement officer in Lee County.

7 THE COURT: Okay. Would that affect your ability to
8 be a fair and impartial juror?

9 POTENTIAL JUROR: No, sir.

10 THE COURT: All right. Yes, sir.

11 POTENTIAL JUROR: 152. My sister, north Charleston
12 Police Department; a cousin in Orangeburg County.

13 THE COURT: The fact that -- would that affect your
14 ability to be a fair and impartial juror here?

15 POTENTIAL JUROR: No, sir.

16 THE COURT: All right. Yes, sir.

17 POTENTIAL JUROR: Your Honor, Juror Number 218.

18 THE COURT: 218?

19 POTENTIAL JUROR: 218. Just retired September 25th
20 as deputy chief of Rio Rancho Police Department and a
21 former commander of criminal investigations.

22 THE COURT: Where?

23 POTENTIAL JUROR: Rio Rancho, New Mexico.

24 THE COURT: Oh, welcome.

25 All right. The fact that you were former law

1 enforcement, would that affect your ability to be fair
2 and impartial?

3 POTENTIAL JUROR: No, Your Honor.

4 THE COURT: All right. Thank you.

5 Yes, sir.

6 POTENTIAL JUROR: Juror 257. Former South Carolina
7 state trooper and SLED agent.

8 THE COURT: Okay. Thank you.

9 Does any member of this jury panel know of any reason
10 whatsoever why he or she should not serve as a juror in
11 this case with particular emphasis being placed on your
12 ability to be fair and impartial to both the State and to
13 the defendant?

14 Okay. Counsel, any other voir dire?

15 MR. COX: Nothing from the State, Your Honor.

16 MR. JOHNSON: Nothing further, Your Honor.

17 THE COURT: You-all come up real quick.

18 (The following proceedings held out of the hearing
19 of the jury panel.)

20 THE COURT: Just so we're -- over here. Of the ones
21 that I thought did not give a good enough response were
22 269, 261, 257, 211. And I'm gonna take 78 out because he
23 just started working for the sheriff's department.

24 So those will be the five that I'll keep off from my
25 end, okay?

1 Otherwise, are you-all ready to go?

2 MR. COX: Yeah.

3 MR. JOHNSON: Yeah.

4 Counsel, we're going to do two alternates out of an
5 abundance of caution.

6 MR. JOHNSON: Yes, Your Honor.

7 (The following proceedings were held in open court.)

8 THE COURT: All right, ladies and gentlemen. That
9 concludes the questions. We're gonna begin calling up
10 names momentarily once we come up with a shuffled list of
11 names and we'll proceed with selection. If you will bear
12 with us.

13 (Pause in proceedings.)

14 THE CLERK: When I call your juror number, if you
15 would please bring all of your belongings up to the front
16 to the podium right here and turn back around and face
17 out to the audience. If I tell you to have a seat in the
18 jury box, you're to come sit over here; otherwise, I'll
19 tell you to please return back to your seat and then you
20 can wait for further instruction.

21 Thank you.

22 Juror Number 253.

23 (Whereupon, Juror Number 253, a white male, was
24 called forward.)

25 THE CLERK: What say you for the State?

1 MR. COX: Please excuse Mr. Southerland.

2 THE CLERK: Please return back to your seat.

3 Juror Number 280.

4 (Whereupon, Juror Number 280, a black male, was
5 called forward.)

6 THE CLERK: What say you for the State?

7 MR. COX: Please present Mr. Walton.

8 THE CLERK: For the defense?

9 MR. JOHNSON: Please seat the juror.

10 THE CLERK: Please have a seat in the jury box.
11 Juror Number 7.

12 (Whereupon, Juror Number 7, a Hispanic male, was
13 called forward.)

14 THE CLERK: What say you for the State?

15 MR. COX: Please excuse Mr. Alvarado.

16 THE CLERK: Please return back to your seat.
17 Juror Number 91.

18 (Whereupon, Juror Number 91, a white female, was
19 called forward.)

20 THE CLERK: What say you for the State?

21 MR. COX: Please present Ms. Evans.

22 THE CLERK: For the defense?

23 MR. JOHNSON: Please excuse the juror.

24 THE CLERK: Please return back to your seat.
25 Juror Number 67.

1 (Whereupon, Juror Number 67, a white male, was
2 called forward.)

3 THE CLERK: What say you for the State?

4 MR. COX: Please present Mr. Cristinzio.

5 THE CLERK: For the defense?

6 MR. JOHNSON: Please seat the juror.

7 THE CLERK: Please have a seat in the jury box.
8 Juror Number 284.

9 (Whereupon, Juror Number 284, a white male, was
10 called forward.)

11 THE CLERK: What say you for the State?

12 MR. COX: Please present the juror.

13 THE CLERK: For the defense?

14 MR. JOHNSON: Please seat the juror.

15 THE CLERK: Please have a seat in the jury box.
16 Juror Number 195.

17 (Whereupon, Juror Number 195, a white male, was
18 called forward.)

19 THE CLERK: What say you for the State?

20 MR. COX: Please excuse Mr. Morris.

21 THE CLERK: Please return back to your seat.
22 Juror Number 290.

23 (Whereupon, Juror Number 290, a white female, was
24 called forward.)

25 THE CLERK: What say you for the State?

1 MR. COX: Please present Ms. Whitt.

2 THE CLERK: For the defense?

3 MR. JOHNSON: Please seat the juror.

4 THE CLERK: Please have a seat in the jury box.

5 Juror Number 167.

6 (Whereupon, Juror Number 167, a white female, was
7 called forward.)

8 THE CLERK: What say you for the State?

9 MR. COX: Please excuse Ms. Lavoie.

10 THE CLERK: Please return back to your seat.

11 Juror Number 161.

12 (Whereupon, Juror Number 161, a white female, was
13 called forward.)

14 THE CLERK: What say you for the State?

15 MR. COX: Please present Ms. Kincaid.

16 THE CLERK: For the defense?

17 MR. JOHNSON: Please seat the juror.

18 THE CLERK: Please have a seat in the jury box.

19 Juror Number 159.

20 (Whereupon, Juror Number 159, a white male, was
21 called forward.)

22 THE CLERK: What say you for the State?

23 MR. COX: Please present Mr. Kellis.

24 THE CLERK: For the defense?

25 MR. JOHNSON: Please seat the juror.

1 THE CLERK: Please have a seat in the jury box.

2 Juror Number 205.

3 (Whereupon, Juror Number 205, a white male, was
4 called forward.)

5 THE CLERK: What say you for the State?

6 MR. COX: Please present Mr. Othersen.

7 THE CLERK: For the defense?

8 MR. JOHNSON: Please seat the juror.

9 THE CLERK: Please have a seat in the jury box.
10 Juror Number 220.

11 (Whereupon, Juror Number 220, a white male, was
12 called forward.)

13 THE CLERK: What say you for the State?

14 MR. COX: Please present Mr. Renehan.

15 THE CLERK: For the defense?

16 MR. JOHNSON: Please seat the juror.

17 THE CLERK: Please have a seat in the jury box.
18 Juror Number 107.

19 (Whereupon, Juror Number 107, a white male, was
20 called forward.)

21 THE CLERK: What say you for the State?

22 MR. COX: Please present Mr. Gault.

23 THE CLERK: For the defense?

24 MR. JOHNSON: Please seat the juror.

25 THE CLERK: Please have a seat in the jury box.

1 Juror Number 41.

2 (Whereupon, Juror Number 41, a white male, was
3 called forward.)

4 THE CLERK: What say you for the State?

5 MR. COX: Please present Mr. Brown.

6 THE CLERK: For the defense?

7 MR. JOHNSON: Please seat the juror.

8 THE CLERK: Please have a seat in the jury box.
9 Juror Number 86.

10 (Whereupon, Juror Number 86, a white female, was
11 called forward.)

12 THE CLERK: What say you for the State?

13 MR. COX: Please present Ms. Ellison.

14 THE CLERK: For the defense?

15 MR. JOHNSON: Please seat the juror.

16 THE CLERK: Please have a seat in the jury box.
17 Juror Number 71.

18 (Whereupon, Juror Number 71, a white female, was
19 called forward.)

20 THE CLERK: What say you for the State?

21 MR. COX: Please present Ms. Davis.

22 THE CLERK: For the defense?

23 MR. JOHNSON: Please excuse the juror.

24 THE CLERK: Please return back to your seat.
25 Juror Number 286.

1 (Whereupon, Juror Number 286, a white male, was
2 called forward.)

3 THE CLERK: What say you for the State?

4 MR. COX: Please present Mr. Wenzell.

5 THE CLERK: For the defense?

6 MR. JOHNSON: Please excuse the juror.

7 THE CLERK: Please return back to your seat.

8 Juror Number 25.

9 (Whereupon, Juror Number 25, a white male, was
10 called forward.)

11 THE CLERK: What say you for the State?

12 MR. COX: Please excuse Mr. Boone.

13 THE CLERK: Please return back to your seat.

14 Juror Number 178.

15 (Whereupon, Juror Number 178, a black male, was
16 called forward.)

17 THE CLERK: What say you for the State?

18 MR. COX: Please present Mr. Maddox.

19 THE CLERK: For the defense?

20 MR. JOHNSON: Please seat the juror.

21 THE CLERK: Please have a seat in the jury box.

22 THE COURT: First alternate.

23 THE CLERK: That's your twelve?

24 THE COURT: Yeah. First alternate now.

25 THE CLERK: Juror Number 133.

1 (Whereupon, Juror Number 133, a white male, was
2 called forward.)

3 What say you for the State?

4 MR. COX: Please present Mr. Henderson.

5 THE CLERK: For the defense?

6 MR. JOHNSON: Please seat the juror.

7 THE CLERK: Please have a seat in the jury box.

8 Juror Number 31.

9 (Whereupon, Juror Number 31, a black female, was
10 called forward.)

11 THE CLERK: What say you for the State?

12 MR. COX: Please present Ms. Bradshaw.

13 THE CLERK: For the defense?

14 MR. JOHNSON: Please excuse the juror.

15 THE CLERK: Please return back to your seat.

16 Juror Number 115.

17 (Whereupon, Juror Number 115, a white male, was
18 called forward.)

19 THE CLERK: What say you for the State?

20 MR. COX: Please present Mr. Grice.

21 THE CLERK: For the defense?

22 MR. JOHNSON: Please seat the juror.

23 THE CLERK: Please have a seat in the jury box.

24 THE COURT: All right. Any issues with voir dire
25 or jury selection?

1 MR. COX: Nothing from the State.

2 MR. JOHNSON: Nothing from the defense.

3 THE COURT: You-all approach real quick.

4 (Proceedings held at the bench; not reported.)

5 THE COURT: All right. Ladies and gentlemen, you've
6 been chosen to serve on the jury here. I recognize that
7 the hour is late in the day. What I'm gonna do now is
8 actually send you back to the jury room very briefly.
9 I just want you-all to go in the room and choose a
10 foreperson. Let the bailiff know as soon as you've done
11 so.

12 Please don't discuss the case. You haven't heard
13 any evidence about the case. You won't hear any evidence
14 today. When it's time for you to hear evidence, you'll
15 hear it from the witness stand.

16 So just head on back to the jury room, choose a
17 foreperson, let the bailiff know you've done it, and
18 we'll get you back in here for further instructions.

19 Thank you. Please don't discuss the case.

20 (Whereupon, the jury retires to the jury room at
21 5:13 PM.)

22 THE COURT: Okay.

23 All right, folks. Thank you for your patience.
24 You've had a long day up here. I recognize it's not a
25 normal Monday in Lexington, okay? I've never picked a

1 jury this late in the day on a Monday, but a lot of
2 things were going on. You were not chosen for a jury.
3 That said, there are other cases that could potentially
4 go forward this week. What I'm gonna ask is that you
5 call back tomorrow night, Tuesday, after 6:00 PM. The
6 clerk will put instructions on that call-in number. I
7 don't anticipate we're gonna need further service, but
8 I'm not gonna dismiss you yet. So just plan to call back
9 Tuesday night after six.

10 Again, thank you for your patience today. I
11 appreciate it. You're free to go.

12 (Whereupon, the jury panel exits the courtroom at
13 5:14 PM.)

14 (Pause in proceedings.)

15 THE COURT: Our foreman is Juror Number 67, David
16 Cristinzio.

17 (Court's Exhibit Number 1 was marked for
18 identification.)

19 THE COURT: I'm gonna bring them back in and let
20 them go and tell them what our schedule is for the next
21 two days.

22 (Discussion off the record.)

23 (Whereupon, the jury return to the courtroom at
24 5:18 PM.)

25 THE COURT: Okay. Mr. Foreman -- you-all can be

1 seated real quick -- thank you for agreeing to serve as
2 foreman.

3 So obviously it's been a long day. You-all are about
4 to get out of here. We have some pretty severe weather
5 planned -- well, not planned, forecasted for tomorrow.
6 Nobody planned it. You may be affected by it. There's
7 several people in this courthouse that are gonna be
8 affected by it. All the school districts have closed
9 down. Well, I think most of them have closed down for
10 tomorrow. Long story short, I intend to start this case
11 first thing Wednesday morning, okay? So you don't need
12 to come in tomorrow. I'd like you in your jury room by
13 9:00 on Wednesday. We'll look to start between 9:15 and
14 9:30. If for some reason you have traffic issues, make
15 sure you give us a call on your way in if you can. We
16 may not finish the trial Wednesday. I suspect we'll
17 finish by Thursday though, okay, and go from there.

18 But just as I was sort of alluding to earlier, you
19 don't need to do any independent research about this case
20 or the law or any of the people involved. Please don't
21 search out the Internet for any names you've heard or
22 social media or any of that. This is the witness stand.
23 All of the evidence will come from the witness stand.
24 That's the only evidence you're gonna be able to rely on
25 in your duty certainly as jurors, okay? So just relax.

1 Don't think about the case for the next 36 to 40 hours
2 and we'll see you here Wednesday morning bright and early.

3 Anything else?

4 All right. You-all have a good evening.

5 FOREPERSON: This same courtroom?

6 THE COURT: Yes, we'll be in this courtroom and we'll
7 start first thing Wednesday morning.

8 Thank you-all for your patience today. Not a typical
9 Monday.

10 All right. Thank you-all.

11 (Whereupon, the jury was excused until Wednesday,
12 January 10, 2024.)

13 THE COURT: All right. So pivoting to -- so
14 basically we'll see you-all tomorrow morning. Let's just
15 -- it's gonna be a weird -- why don't we just say 10 AM
16 tomorrow.

17 MR. COX: I was gonna suggest 10 AM, Judge.

18 MR. JOHNSON: Thank you, Judge.

19 (Whereupon, the proceedings were concluded for
20 January 8, 2024, at 5:21 PM.)

21 (The following proceedings were held January 9,
22 2024, beginning at 1:24 PM.)

23 BAILIFF: All rise. The Honorable Walton J. McLeod
24 presiding.

25 THE COURT: All right. Good afternoon. Please be

1 seated.

2 MR. COX: Good afternoon, Judge.

3 THE COURT: All right. We're here today back on
4 the record in the matter of the State versus Brandan
5 Richardson. We selected our jury yesterday and we'll
6 get through pre-trial motions today and the jury should
7 be back tomorrow morning so we can get started.

8 Mr. Cox, if you can just kind of let me know what
9 you-all have planned for the hearing today.

10 MR. COX: So, Your Honor, we've reviewed
11 Mr. Johnson's pre-trial motions and kind of determined
12 what we believe we would need to present from the State's
13 side. We certainly have multiple statements that we need
14 to present pursuant to Jackson v. Denno. Mr. Johnson has
15 filed a few different suppression motions that I believe
16 can all be taken care of at least for testimony purposes
17 all at the same time. We have -- we're gonna ask you to
18 make a pre-trial ruling on the admissibility of certain
19 cell phone evidence that we intend on not only laying
20 the proper foundation at trial, but also mentioning in
21 opening statements. So they would obviously be admitted
22 for evidence at pre-trial, but we believe we can present
23 testimony that covers that basis.

24 THE COURT: Okay. Is that all?

25 MR. COX: Your Honor, the last one, I did talk to

1 Mr. Johnson about it. I'm not sure if Your Honor's
2 familiar or has handled this in trial before. We don't
3 need to make a ruling now, but we anticipate part of the
4 defense is going to be pointing the finger at another
5 particular individual in the room at the time of this
6 incident, Mr. Jeremy Jivers.

7 We just want to put the Court on notice and
8 Mr. Johnson that this falls -- we believe this is gonna
9 fall right under third-party guilt pursuant to -- sorry,
10 Judge -- State v. Gregory. The holding in that case is
11 that evidence of third-party guilt is inadmissible and
12 improper if it's not inconsistent with the defendant's
13 own guilt.

14 So at that point, especially when we get to the
15 argument phase of this case I will bring this back to
16 the Court's attention to try and head off any potential
17 argument from the defense if we don't believe that enough
18 evidence has been presented.

19 THE COURT: Your concern is just in closing
20 arguments?

21 MR. COX: That's correct, Your Honor, but we wanted
22 to go ahead and put that out there so we didn't drop
23 that --

24 THE COURT: I'll start looking into third-party
25 guilt.

1 MR. COX: And what I'll do, Your Honor, I've actually
2 -- I've drafted a pre-trial brief on that kind of thing
3 before in a different case. I will put together one for
4 this case as well trying to lay similar facts as I believe
5 they're gonna be put forth so Mr. Johnson and the Court
6 can have ahead of time.

7 THE COURT: Okay. Mr. Johnson.

8 MR. JOHNSON: Thank you, Your Honor.

9 And just to include -- I'm not sure the solicitor
10 mentioned it, there's photographs they want to introduce
11 and obviously I have objections to those regarding content,
12 and in addition to the search warrant, challenging the
13 admissibility of it based on that, so I assume we're gonna
14 cover that today and the photographs and messaging that
15 was pulled off the cell phone.

16 So instead of just the search -- the motion to
17 suppress, we're gonna get into -- beyond those issues
18 with the search warrants, we're getting into the actual
19 images and some of the -- the reason I'm objecting to
20 that.

21 But I wanted to start out and the solicitor, we
22 discussed that earlier, about sequestration of witnesses
23 for pre-trial and trial, and I don't believe they're
24 gonna object to it, and that's what I'm requesting.

25 MR. COX: That's right, Your Honor. We're fine with

1 -- the only one I will note is that Investigator Dubard
2 with the sheriff's department as the lead investigator
3 in this case, we ask that he be allowed to stay in the
4 courtroom without being sequestered.

5 THE COURT: I don't think he would be subject to a
6 sequestration order, so that's fine.

7 MR. COX: Thank you, Your Honor.

8 THE COURT: All right. Well, are you-all ready to
9 call your first witness for Denno?

10 MR. COX: Yes, Your Honor.

11 THE COURT: Okay.

12 MR. NORTON: Judge, just so the Court's familiar
13 with what we're doing, we intend to call the probation
14 witnesses first so that the Court has a better frame of
15 reference of how this situation came to unfold just
16 procedurally.

17 THE COURT: Okay.

18 MR. COX: Your Honor, while that witness is coming,
19 for Denno we do intend on introducing testimony from
20 an investigator as far as reading Miranda warnings and
21 getting a statement from the defendant on-scene, not
22 a recording, so he will give testimony as to those
23 statements himself.

24 The other statements that we intend on introducing
25 were captured via recorded interview at the Lexington

1 County Detention Center. We do have a copy of that video.
2 We'll get live testimony obviously from the investigator
3 who conducted the interview, but we do not plan on playing
4 the entire video in whole for this hearing, but we will
5 cover at least the portions relevant to the motion.

6 THE COURT: Okay. And obviously you'll cover
7 everything you intend to introduce at trial?

8 MR. COX: Yes, Your Honor.

9 THE COURT: All right. Come on up.

10 THE CLERK: Please raise your right hand and place
11 your left on the Bible.

12 (Whereupon, Garrett Carter was duly sworn by the
13 Clerk of Court.)

14 THE CLERK: Would you please have a seat in the
15 witness box. State your full name and spell your last
16 for the record.

17 THE WITNESS: Garrett Carter. C-A-R-T-E-R.

18 MR. COX: May it please the Court?

19 THE COURT: Yes, sir.

20 GARRETT CARTER,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION (In-Camera)

23 BY MR. COX:

24 Q. Mr. Carter, if you could just tell us your current
25 title and where you work.

1 A. I'm the sex offender agent for Lexington County
2 probation.

3 Q. Okay. How long have you been with the Department of
4 Probation?

5 A. It will be eight years in February.

6 Q. Okay. And were you with -- you were obviously with
7 this department last February?

8 A. Yes, sir.

9 Q. Okay. Do you have any law enforcement experience
10 prior to joining the Department of Probation?

11 A. A Non-C1. I worked at DJJ for about five months.

12 Q. But as far as -- I guess you call it C1, but since
13 your time at DJJ you've been only with the Department of
14 Probation?

15 A. That's correct.

16 Q. Okay. Are you familiar with the incident we're here
17 for today?

18 A. I am.

19 Q. Okay. If you could, kind of start us off. What were
20 you in your role with the Department of Probation doing on
21 February 9, 2023?

22 A. I was advised by one of our supervisor, Agent Lugos,
23 that there was -- we had gotten information about a wanted
24 individual that we had been looking for that was possibly
25 at the Masters Inn and he was getting a team together to go

1 out and try to locate this individual.

2 Q. Okay. Is that a common practice to gather a team like
3 that to go find a wanted person?

4 A. Yes.

5 Q. All right. And when you say a wanted person, what was
6 the warrant for -- to the best of your knowledge for this
7 individual?

8 A. Just an active probation warrant.

9 Q. Okay. And that is a common reason for you guys to go
10 out and try to serve these warrants?

11 A. Yes.

12 Q. This team, how many members of the team were there?

13 A. It was myself, Agent Lugos, Agent Grant and Agent
14 McBride, so four of us.

15 Q. Okay. What was the name of the individual that
16 you-all were going to serve this warrant on?

17 A. Ashley Hagains.

18 Q. Okay. Was Ashley Hagains someone that you yourself
19 were supervising?

20 A. No.

21 Q. Okay. Any member of your team, were you guys
22 supervising Ashley Hagains at this time?

23 A. Not that I'm aware of, no.

24 Q. Okay. But it is common for your agency and your
25 agents to serve active warrants on individuals that you

1 yourselves are not supervising?

2 A. Yes.

3 Q. Okay. Where -- let me show you this.

4 MR. COX: Your Honor, may I approach the witness?

5 THE COURT: Yes.

6 (Court's Exhibit Number 2 was marked for
7 identification.)

8 BY MR. COX:

9 Q. Agent McBride {sic}, before going on with your team to
10 serve this arrest warrant, did you review any information
11 on Ashley Hagains?

12 A. Briefly.

13 Q. Okay. Since you guys were not supervising her as
14 a part of your team, did you review any photos, any
15 information for her prior to going out?

16 A. Yes.

17 Q. Okay. Would you recognize a photo of Ms. Ashley
18 Hagains?

19 A. Yes.

20 MR. COX: Your Honor, I'm showing the witness what's
21 been marked as Court's Exhibit 2.

22 BY MR. COX:

23 Q. Agent McBride --

24 A. Carter.

25 Q. -- do you recognize what I've put in front of you?

1 A. Agent Carter.

2 Q. Agent Carter. I'm sorry. Agent Carter, do you
3 recognize what I've put in front of you?

4 A. Yes, I do.

5 Q. Okay. What does that appear to be?

6 A. That's Ashley Hagains.

7 Q. And is that a photo of Ms. Hagains?

8 A. Yes.

9 Q. Okay. Is that a photo -- a similar photo to the one
10 you reviewed prior to going out and serving her warrant?

11 A. Yes.

12 MR. COX: Your Honor, we do offer this photo of
13 Ashley Hagains as Court's Exhibit Number 2 for purposes
14 of this hearing.

15 THE COURT: For purposes of this hearing without
16 objection?

17 MR. JOHNSON: No objection, Your Honor. I just want
18 to clarify Court's Exhibit 1.

19 THE COURT REPORTER: The foreperson selection from
20 yesterday.

21 MR. JOHNSON: Thank you.

22 (Court's Exhibit Number 2, a photograph, was admitted
23 into evidence for pre-trial purposes at this time.)

24 BY MR. COX:

25 Q. All right. So, Agent Carter, before going out to

1 try and serve this warrant, you had information of where
2 Ms. Hagains would be?

3 A. (Nods head.)

4 Q. And what she looked like?

5 A. Yes.

6 Q. How did -- what information were you given as to where
7 Ms. Hagains would be?

8 A. Agent Lugos had received information and relayed it
9 to us that she was possibly at the Masters Inn and that we
10 would be going to the front clerk's desk at the office to
11 verify if she was or was not there.

12 Q. Okay. So just so I'm clear, you and your team did not
13 leave the probation office and immediately go and start
14 knocking on the hotel door?

15 A. No.

16 Q. Okay. Where did you go when you arrived -- let me
17 back up. What was the name of the location where you were
18 going to find Ms. Hagains?

19 A. It was the Masters Inn.

20 Q. And where is the Masters Inn?

21 A. It's 2125 Commerce Drive over in -- I think it's
22 Cayce.

23 Q. And do you know what county that's in?

24 A. Lexington County.

25 Q. Okay. And when you arrived at the Masters Inn, was

1 your full team all in one vehicle?

2 A. No, we had -- I was in my vehicle and I believe
3 Agent Lugos had his vehicle and McBride and Grant were in
4 McBride's vehicle.

5 Q. Okay. When you arrived, where did you go?

6 A. I parked my car just in the parking lot beside the
7 main building.

8 Q. Okay. And where did Agent Lugos go?

9 A. He went to the front desk -- the front office.

10 Q. Okay. And are you aware that Agent Lugos went to the
11 front desk?

12 A. Yes.

13 Q. Okay. Following that, is it fair to say that Agent
14 Lugos at this point was kind of the lead agent on this
15 case?

16 A. Yes.

17 Q. Okay. Did you receive any instructions from Lead
18 Agent Lugos after you-all arrived at Masters Inn?

19 A. I did.

20 Q. What were the instructions you were given?

21 A. He had spoken with the front office and they had
22 informed him that Ms. Hagains may be hiding in Room 208
23 and he instructed us to go to that -- to that room.

24 Q. Okay. And did you go to Room 208?

25 A. I did.

1 Q. All right. And when you arrived at Room 208, were you
2 equipped with any recording equipment?

3 A. My body camera.

4 Q. Okay. Is that typical for the agents to wear?

5 A. Yes.

6 Q. Okay. Was your body-worn camera active during this
7 incident?

8 A. Yes.

9 Q. Okay. When you arrived at Room 208, were your other
10 agents with you?

11 A. I was by myself and then the other agents were
12 trailing behind, but they hadn't parked their cars yet.

13 Q. All right. Did you immediately go into the room?

14 A. No.

15 Q. Okay. Did the other agents arrive prior to you
16 attempting to make contact with Room 208?

17 A. Say it one more time. I'm sorry.

18 Q. Did you guys gather together before you went and tried
19 to go in Room 208?

20 A. Yes. Yes.

21 Q. Okay. When you arrived at the door, kind of walk us
22 through how you made contact with the room and what you
23 observed immediately following.

24 A. As I was approaching the -- Room 208, there was a
25 female -- there were two females. One female was leaving

1 the room and one re-entered the room and closed the door.
2 When I approached the door, I began knocking and as I was
3 knocking on the door a female answered or opened the door
4 that I had recognized whenever I first got there and then
5 I noticed other individuals in the room.

6 Q. Okay. Before we talk about the room, you said there
7 was a female that left the room prior to you knocking on
8 the door?

9 A. Yes, sir.

10 Q. Did you get a good look at her?

11 A. Yes.

12 Q. Did she appear to match in any way Ashley Hagains?

13 A. No.

14 Q. Did you make contact with her at all?

15 A. No.

16 Q. Okay. At this point your investigation was still
17 primarily to serve an arrest warrant for Ashley Hagains?

18 A. Yes.

19 Q. Okay. So now the door's open, you see multiple
20 individuals inside. Did you find Ashley Hagains when you
21 opened the door?

22 A. No.

23 Q. Okay. Did you find anyone inside that lead you and
24 your other agents to believe you needed to further
25 investigate?

1 A. Yes.

2 Q. Okay. What did you find?

3 A. Whenever the door was opened, I noticed a female that
4 resembled or possibly resembled the -- Ms. Hagains, who we
5 were looking for, and she was moving toward the back of the
6 hotel room.

7 Q. So the individual that -- upon you looking in the
8 door?

9 A. Yes.

10 Q. She was not standing in the doorway?

11 A. No.

12 Q. She was away from where you were standing?

13 A. Yes.

14 Q. Had you yourself entered the door at this point?

15 A. No.

16 Q. Okay. And you said this individual was moving away
17 from the door?

18 A. Yes.

19 Q. But she could be this Ashley Hagains individual?

20 A. Yes.

21 Q. All right. And you said -- I think you mentioned the
22 female that opened the door?

23 A. Uh-huh. Yes, sir.

24 Q. And then was there a male in the room?

25 A. Yes.

1 Q. Did you get a good look at the male?

2 A. Yes.

3 Q. All right. Do you see that person here today?

4 A. I do.

5 Q. And if you could point him out in the courtroom and
6 tell us what he's wearing.

7 A. He's wearing an orange jumpsuit.

8 MR. COX: Your Honor, for purposes of this hearing
9 Agent Carter has identified the defendant.

10 THE COURT: Very well.

11 BY MR. COX:

12 Q. Okay. At this point you have an individual who you
13 believe may be the subject of your arrest warrant?

14 A. Yes.

15 Q. Do you immediately enter the room and grab that person
16 or kind of walk us through what you and your other agents'
17 procedure is now that you may have found your individual.

18 A. When I noticed the individual that -- that I thought
19 may could be Ms. Hagains, I asked her to stop and asked
20 what her name was. That's whenever Agent Lugos also
21 arrived at the door and upon believing that we had found
22 Ms. Hagains this is when we entered the room --

23 Q. Okay.

24 A. -- and began speaking with the other individuals.

25 Q. Did you get the names of the other individuals?

1 A. They were provided to Agent Lugos.

2 Q. Okay. Were any of those names Ashley Hagains?

3 A. No.

4 Q. Okay. Is it common practice for Triple P just to take
5 their word for who they are?

6 A. No.

7 Q. Okay. Did you and your other agents continue to
8 investigate to try and identify if this was Ashley Hagains?

9 A. Yes.

10 Q. Okay. Upon entering the room, did you learn of any
11 other individuals in the room?

12 A. They had mentioned that there was someone in the
13 bathroom and they said his name was Jeremy and that was it.
14 At that point Agent Lugos had gone to try to identify that
15 individual.

16 Q. Let me ask you, you were informed by an individual in
17 the room that there was a Jeremy in the bathroom?

18 A. Yes.

19 Q. Was that door closed?

20 A. Yes.

21 Q. Were you given any other information of who that
22 individual might be other than a first name?

23 A. No.

24 Q. Okay. At that point would it have been -- is it your
25 practice or procedure for Triple P, again, just to take

1 their word for who that person in the room might be?

2 A. No.

3 Q. Did you further -- you and your other agents further
4 investigate who was in that bathroom?

5 A. Yes.

6 Q. Okay. Kind of walk us through getting to the bathroom
7 and what you found.

8 A. Agent Lugos went to the bathroom, asked the individual
9 to open the door, once they opened the door he noticed that
10 it was a black male. He was able to get that individual's
11 name and then went to run his information and the other
12 names through the -- through our department to see if
13 anybody was wanted or -- that if anybody was wanted.

14 Q. Okay. So at this point you have gotten names and
15 information for four individuals?

16 A. Yes.

17 Q. None of which identified themselves as Ashley Hagains?

18 A. Correct.

19 Q. But it is your practice and your agency's practice to
20 further investigate who these individuals are?

21 A. Correct.

22 Q. Okay. Did you form any information about the
23 individual in the bathroom?

24 A. Yes. Agent Lugos advised after he had his name run
25 that he had an active probation warrant with our department

1 and he advised me to take him into custody.

2 Q. Okay. And let me ask you, this started out as an
3 investigation to try to serve an arrest warrant on an
4 Ashley Hagains?

5 A. Yes.

6 Q. Is it common practice for yourself or any other
7 Triple P agents to ignore other existing arrest warrants
8 for your agency?

9 A. No.

10 Q. Okay. Is it fair to say your investigation evolved?

11 A. Yes.

12 Q. Okay. Where were you positioned when you learned the
13 information that this is -- Jeremy Jivers was his name?

14 A. Yes.

15 Q. Where were you positioned when Jeremy Jivers -- when
16 you received the information he had an active arrest
17 warrant?

18 A. I was standing with -- or I'm sorry. I was standing
19 at the bathroom door. Mr. Jivers was still sitting on the
20 toilet and whenever I was advised that he had a warrant I
21 was standing beside him and asked him to stand up so I
22 could place him into custody.

23 Q. And did you place him into custody?

24 A. I did.

25 Q. Okay. At that point where you were positioned, did

1 you notice or find anything else in the room in your
2 immediate view?

3 A. I did.

4 Q. Okay. What did you find?

5 A. I noticed two marijuana cigars that had been partially
6 smoked that were sitting on top of a microwave.

7 Q. Let me kind of touch on this a little bit. You're not
8 a chemist with the Department of Probation, correct?

9 A. No.

10 Q. You did not test these items?

11 A. No.

12 Q. But in your -- in the course of your time with
13 Triple P and your training, have you come across or
14 investigated narcotics or other drug violations with your
15 probationers?

16 A. Yes.

17 Q. Are you familiar with what would appear to be
18 marijuana in cases like this?

19 A. Yes.

20 Q. Okay. Did you immediately notify anyone else, any of
21 the other agents on what you found?

22 A. I notified Agent Lugos that there were -- of what I
23 had found.

24 Q. Okay. And this would -- were these items covered up,
25 in a bag or hidden anywhere in the room?

1 A. No.

2 Q. You said they were sitting on top of what exactly?

3 A. They were in plain view on top of a microwave that was
4 located inside the motel room.

5 Q. So while you were standing in close proximity to the
6 bathroom and Jeremy Jivers you were immediately able to see
7 what this was?

8 A. Yes.

9 Q. Okay. Did you or your other agents find anything else
10 in the room?

11 A. There was some empty small baggies that were on, I
12 believe, a cabinet. I think -- I believe it was on top of
13 a cabinet right by the bathroom.

14 Q. So right where you walked into the room towards where
15 Mr. Jivers was?

16 A. Correct.

17 Q. Okay. Let me ask you, Agent Carter, have you ever
18 conducted a search of a home as a part of -- like for your
19 probationers? Have you ever conducted a search?

20 A. Yes. Yes.

21 Q. Okay. Did you arrive at this hotel -- were you and
22 your other agents conducting a search of this hotel room at
23 this point?

24 A. No.

25 Q. Okay. After finding what you believed to be marijuana

1 in the loose baggies on the counter, what were the steps
2 taken by yourself or your fellow Triple P agents?

3 A. At the time Agent Lugos advised me to go ahead and
4 remove Mr. Jivers from the room and go ahead and place him
5 in my vehicle. At that point the other agents were holding
6 the scene and I believe Mr. Lugos at that time contacted
7 the narcotics unit at Lexington County.

8 Q. And so you removed Jeremy -- you removed Mr. Jivers
9 from the hotel room because of his active warrant?

10 A. Correct.

11 Q. He was in custody. He was going to the detention
12 center?

13 A. Correct.

14 Q. All right. And you and your fellow agents contacted
15 the Lexington County NET Team?

16 A. Yes.

17 Q. And that's the common practice when you and your
18 fellow agents find narcotics as a part of your duties?

19 A. Yes.

20 Q. Okay. Did the Lexington County NET Team arrive?

21 A. They did.

22 Q. Okay. Did the Lexington County NET Team take over the
23 scene at that point?

24 A. Yes, they did.

25 Q. Did you or any of your fellow Triple P agents

1 participate in any search of that room after the NET Team
2 arrived on-scene?

3 A. No.

4 Q. Okay. In fact, where were you positioned for your
5 remainder of time on-scene?

6 A. I was standing at my vehicle watching over Mr. Jivers,
7 who was in custody in the backseat of my vehicle.

8 Q. Okay. So outside of your time in that hotel room
9 when you took Mr. Jivers into custody, did you have any
10 interactions with the defendant?

11 A. No.

12 Q. Let me ask you from the time that you -- since you
13 approached to the door -- from the time you got to the door
14 to knock on the door other than the female we discussed
15 that left, did you see anyone enter the hotel room while
16 you and your fellow Triple P agents were there?

17 A. No.

18 Q. Did you see anyone exit the room while you -- while
19 your team was there?

20 A. No.

21 Q. Okay. Other than the four people that were in the
22 room when you arrived?

23 A. Correct.

24 MR. COX: Your Honor, if I could have one moment.

25 THE COURT: Yes.

1 BY MR. COX:

2 Q. Agent Carter, after finding the potential narcotics in
3 the room and Mr. Jivers's arrest warrant, was anyone else
4 in the room detained at this point prior to the NET Team
5 arriving?

6 A. No, not that I'm aware of.

7 Q. But you and your fellow agents were holding that room
8 waiting on the NET Team to arrive?

9 A. Correct.

10 Q. Okay. So it's fair to say the people in that room
11 were not free to go?

12 A. No, they were not.

13 MR. COX: Your Honor, what I'll do at this point
14 is -- not for purposes of Denno, but while we've we have
15 them on the stand I believe I've laid enough foundation
16 for his body-worn camera. I can place this -- or I can
17 make it a Court's Exhibit now and then when we get to the
18 suppression portion of Mr. Johnson's pre-trial motions,
19 we can play the portions that we intend on introducing.

20 THE COURT: Okay.

21 (Court's Exhibit Number 3 was marked for
22 identification.)

23 BY MR. COX:

24 Q. Agent Carter, I'm gonna be handing you what's marked
25 Court's Exhibit Number 3. Do you recognize it?

1 A. Yes.

2 Q. Okay. What is it?

3 A. This is a disk that contains my body cam recording
4 from this incident.

5 Q. Okay. Have you reviewed that -- what I've handed you
6 prior to today?

7 A. Yes.

8 Q. Okay. And did it appear when you reviewed it to be
9 altered in any significant way?

10 A. No.

11 Q. Okay. It appears to be -- it appears to be the
12 recording that you recall from your time on February 9th?

13 A. Yes, sir.

14 Q. Okay. And how do you recognize that item as what you
15 reviewed for this case?

16 A. I placed my initials and dated it on the front of the
17 disk.

18 Q. Okay.

19 MR. COX: Your Honor, at this time we'd offer
20 Court's Exhibit Number 3 as a recording of the body-worn
21 camera for Agent Carter.

22 THE COURT: Very well.

23 MR. COX: Okay. Well, obviously pursuant to any
24 objections for suppression, but --

25 MR. JOHNSON: And just to make it clear, Your Honor.

1 THE COURT: Just for purposes of this hearing only?

2 MR. COX: Correct.

3 MR. JOHNSON: For purposes of this hearing only.

4 THE COURT: Correct. Not admitted in the trial in
5 any way.

6 MR. COX: Thank you, Your Honor.

7 (Court's Exhibit Number 3, a Body-worn Camera
8 Recording, was admitted into evidence for pre-trial
9 purposes only.)

10 MR. COX: Your Honor, that's all we have for Agent
11 Carter.

12 THE COURT: All right. Cross-examination.

13 MR. JOHNSON: Thank you, Your Honor.

14 CROSS-EXAMINATION (In-Camera)

15 BY MR. JOHNSON:

16 Q. Agent, did you question Mr. Richardson at that time?

17 A. No.

18 Q. Did you witness anyone else questioning
19 Mr. Richardson?

20 A. No.

21 Q. Were you armed?

22 A. Yes.

23 Q. Were all of the agents armed?

24 A. Yes.

25 Q. Did you witness anyone question Mr. Jivers?

1 A. No.

2 Q. And just to be clear, Mr. Jivers was located in the
3 bathroom. Was that nearby the shelf where the dog food
4 bag was located with drugs in it up on the shelf to your
5 recollection?

6 A. I'm not aware of that. I know he was located in the
7 bathroom.

8 Q. Okay. You're not aware of the location of drugs in
9 the room?

10 A. No, I'm not.

11 Q. All right. And did you have any other written --
12 recordings or audio/video recordings of interviews of
13 anyone in the room?

14 A. No.

15 Q. So neither one of the females were recorded by law
16 enforcement other than body camera?

17 A. As far as I know. Nothing on mine. I'm not aware of.

18 Q. Okay. And you didn't read anybody Miranda rights at
19 that time?

20 A. I did not, no.

21 Q. Or at any time?

22 A. No, I did not.

23 Q. Okay.

24 MR. JOHNSON: No more questions, Your Honor.

25 THE COURT: Any redirect?

1 MR. COX: No, Your Honor.

2 THE COURT: All right. The witness may step down.
3 Thank you.

4 (Witness excused.)

5 MR. COX: Your Honor, for our next witness we'd call
6 Investigator John Gietz.

7 THE COURT: Very well.

8 THE CLERK: Would you please raise your right hand
9 and place your left hand on the Bible.

10 (Whereupon, John Gietz was duly sworn by the Clerk
11 of Court.)

12 THE CLERK: Than you. Would you please have a seat
13 in the witness box. State your full name and spell your
14 last for the record.

15 THE WITNESS: John Gietz. G-I-E-T-Z.

16 JOHN GIETZ,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION (In-Camera)

19 BY MR. NORTON:

20 Q. Good afternoon, Agent Gietz. Can you tell the Court
21 where you're currently employed?

22 A. The Lexington County Sheriff's Department.

23 Q. What is your current role?

24 A. A senior investigator with the narcotics unit.

25 Q. Okay. And as a part of that role are you regularly

1 involved in the execution of search warrants?

2 A. Yes, sir.

3 Q. Okay. Were you on duty with the sheriff's department
4 on February 9th of 2023?

5 A. I was.

6 Q. Okay. And what do you recall from that day?

7 A. We responded to a call from probation where they had
8 found narcotics, responded and obtained a search warrant
9 for the room based off probable cause and located other
10 drugs inside the room.

11 Q. Okay. I want to stop you right there. Where did you
12 respond to?

13 A. 2125 Commerce Drive, the Masters Inn, in Cayce, which
14 is in Lexington County, South Carolina.

15 Q. Okay. And did you respond to a specific room number?

16 A. Yes. 208.

17 Q. Okay. What do you recall observing when you arrived
18 to that room?

19 A. There were marked units out there and then there were
20 also probation agents. I went to the threshold of the
21 door, I could smell the odor of marijuana emanating
22 specifically from the bedroom -- the inside of the bedroom.
23 I noted that probation agents had three subjects detained.
24 From inside the room I could see marijuana in plain view.
25 I had the subjects exit the room and then a search warrant

1 was obtained for the room.

2 Q. Okay. And did you conduct a search of that room based
3 on that search warrant?

4 A. Yes, sir.

5 Q. Okay. And to your recollection what do you recall
6 finding?

7 A. Various drugs to include methamphetamine, fentanyl
8 pills, marijuana.

9 Q. Okay. Did you speak to any of the individuals who
10 were in that room or detained on-scene?

11 A. I did. I read the defendant Brandan Richardson his
12 Miranda advisement, as well as another subject, Amanda
13 Nettles -- or a Nettles subject. I read her Miranda as
14 well.

15 Q. Okay. How did you go about doing that?

16 A. I read it from a card that was provided to me by the
17 Lexington County Sheriff's Department.

18 Q. And did they agree to speak with you after you read
19 them their Miranda warnings?

20 A. Yes, they did.

21 Q. To your recollection, what did Mr. Richardson, the
22 defendant, say to you?

23 A. That he had been staying in Room 209, but going from
24 room to room throughout that hotel. He said that there
25 was a dog on-scene that belonged to him and that he had

1 clothing and other items stored inside the room at 209 --
2 or 208. Excuse me. I apologize.

3 Q. Just to clarify, 208 is the room he referred to?

4 A. 208. Yes.

5 Q. And that was the room you were searching?

6 A. That's correct. 208.

7 Q. Okay. So he confirmed that he had been staying there
8 you said?

9 A. Yes.

10 Q. And that he had clothes in the room?

11 A. Correct.

12 Q. Okay. And he also identified a dog on-scene as being
13 his?

14 A. That is correct.

15 Q. Okay. Were you able to observe that dog?

16 A. Yes, I did.

17 Q. Okay. Who all was involved in your interview with the
18 defendant besides you and him?

19 A. I'm not sure. I know that I was there. I'm not sure
20 who else was present for the interview.

21 Q. Let me rephrase. When you were speaking to him
22 on-scene after you read him Miranda, was anyone else
23 involved in your conversation?

24 A. I'm not sure.

25 Q. Okay. Were you armed?

1 A. Yes.

2 Q. Were you wearing -- what were you wearing?

3 A. I had a badge that hung from my chest for --
4 essentially a necklace.

5 Q. Okay. How would you describe your conversation with
6 Mr. Richardson?

7 A. Well, I identified myself as law enforcement.

8 Q. Sure.

9 A. I do at the beginning of all my interviews. It's part
10 of my Miranda card. I explain who I am and who I work for.

11 Q. Did he appear to be under the influence of any alcohol
12 or drugs?

13 A. No, he did not.

14 Q. Okay. Did he appear to have any problem answering
15 your questions?

16 A. None whatsoever.

17 Q. Did he appear to be -- how would you describe his
18 emotional state during your conversation?

19 A. It was fine. I mean, he was detained, but I don't
20 think he was happy about that.

21 Q. He didn't appear to be under any undue stress?

22 A. None.

23 Q. Okay. And his responses to you based on your
24 perception were free and voluntary?

25 A. Yes.

1 MR. NORTON: I beg the Court's indulgence.

2 BY MR. NORTON:

3 Q. Were you this day equipped with any sort of recording
4 devices, body-worn camera, anything else?

5 A. I wasn't. Per policy I'm not required to wear one.

6 Q. Sure. And is that standard practice as a part of
7 your duties with the Narcotics Enforcement Team to not be
8 equipped with a body-worn camera?

9 A. That is correct. It would cause undue risk for
10 certain people.

11 Q. So this was standard practice for you?

12 A. Correct.

13 MR. NORTON: Okay. Judge, I don't think I have
14 anything further at this time.

15 THE COURT: All right. Cross-examination.

16 MR. JOHNSON: Just briefly, Your Honor.

17 CROSS-EXAMINATION (In-Camera)

18 BY MR. JOHNSON:

19 Q. So at that time was Mr. Richardson free to leave?

20 A. No, he was detained.

21 Q. And in the search warrant you obtained, do you recall
22 the information that was provided indicating that probation
23 had a warrant for a person in the room?

24 A. No.

25 Q. But the search warrant was based on that?

1 A. No, it was not.

2 Q. What was the search warrant based on?

3 A. The odor of -- or marijuana.

4 Q. So the search warrant you retrieved doesn't have any
5 mention of going into the room based on agents advising
6 that they were on-scene to locate a wanted person believed
7 to be in Room 208 based on Masters Inn information. Was
8 that -- was that the original information provided by
9 probation and parole when they're approaching the room
10 initially?

11 A. Yes, that sounds accurate.

12 Q. Okay. Did you receive any more specific information
13 about why they conducted that search?

14 A. (Shakes head.)

15 Q. Who at the Masters Inn provided the information?

16 A. No, I didn't -- I didn't type the search warrant.

17 Q. Okay. But you had no idea who the person at the
18 Masters Inn might be or whoever provided probation and
19 parole this information?

20 A. (Shakes head.)

21 Q. Okay. And I just want to make sure. You said --

22 A. That's a no.

23 Q. That's a no. Okay. And you were armed?

24 A. Correct.

25 Q. Okay. And you had a Miranda card that you used?

1 A. That's correct.

2 Q. Do you recall -- and if you have the card and you want
3 to read it?

4 A. I can.

5 Q. Do you recall what you said?

6 A. Yes.

7 Q. Okay. Feel free to read from it. I won't object to
8 it.

9 A. Okay. I start all the interviews introducing myself.
10 I say I'm Investigator Gietz with Lexington County
11 Sheriff's Department and then I say it is my duty to advise
12 you that you are under investigation by the Lexington
13 County Sheriff's Department and that you have the right
14 to remain silent. Anything you say will be used against
15 you --

16 THE COURT REPORTER: Okay. Slow down.

17 You have a right to...

18 THE WITNESS: Remain silent. Anything you say will
19 be used against you in court. You have a right to have
20 a lawyer and consult with your lawyer before and while
21 answering any questions and -- too fast?

22 THE COURT REPORTER: No.

23 THE WITNESS: Okay. And if you cannot afford a
24 lawyer, one will be provided to you without cost to you.
25 Do you understand your rights as explained to you? Are

1 you willing to talk with us without a lawyer present?

2 BY MR. JOHNSON:

3 Q. Okay. And that's it?

4 A. (Nods head.)

5 Q. Okay. Do you remember the response from my client?

6 A. Yeah, he -- he said he was willing to talk to me. He
7 was willing to speak to me.

8 Q. Okay. Are those the exact words he said?

9 A. I don't know the exact words that he said.

10 Q. Okay. It is possible he may have said maybe?

11 A. I don't think so. He said -- I would have to review
12 my incident report, but...

13 Q. Okay. If it will refresh your memory, why don't you
14 go ahead.

15 A. Certainly.

16 MR. COX: Ola, do you have a copy of it?

17 MR. JOHNSON: Do you have a copy of your report?

18 MR. COX: Do you have a copy up there with you?

19 THE WITNESS: No.

20 Brandan advised that he was willing to speak to me.

21 I don't know the exact verbiage, but he did not give a
22 specific --

23 BY MR. JOHNSON:

24 Q. Okay. You don't remember the exact words?

25 A. No, but he did not say maybe.

1 Q. Okay. Could he have said possibly?

2 A. I can't -- I don't operate in could he haves.

3 Q. Well, you said you don't remember exactly what he
4 said?

5 A. Correct.

6 Q. Okay. So he could have said something other than yes,
7 I'll speak to you. He could have said a variant of I'm
8 thinking about it or that sounds cool. He could have said
9 that?

10 A. No. He could have said a variant of yes, I'm willing
11 to speak with you. I would not have proceeded if there was
12 any kind of hem-hawing about whether or not he was willing
13 to speak with me.

14 Q. Okay. Were there any other witnesses to this
15 conversation you had with the defendant?

16 A. Not that I know of.

17 MR. JOHNSON: Okay. No more questions, Your Honor.

18 THE COURT: Redirect?

19 MR. NORTON: Briefly, Your Honor.

20 REDIRECT EXAMINATION (In-Camera)

21 BY MR. NORTON:

22 Q. So, Agent Gietz, just to clean that up, you have no
23 doubt in your mind that Mr. Richardson was willing with
24 speak with you after you read him his Miranda rights?

25 A. That's correct.

1 Q. And at no point during your conversation did he
2 indicate that he did not want to speak with you anymore?

3 A. That is correct.

4 Q. And to go to back to your earlier testimony, you were
5 not the lead agent on this case?

6 A. That's correct.

7 Q. Okay. You did not draft the search warrant in this
8 case?

9 A. That's correct.

10 Q. Okay. Your role as I understood your testimony was
11 to search the premises based on the search warrant that
12 was obtained by whom?

13 A. I'm not sure who obtained the search warrant. I know
14 that a search warrant was obtained and then executed.

15 Q. But it wasn't you?

16 A. Correct.

17 Q. Okay. And one final question. You indicated on
18 your testimony earlier that you did find different types
19 of narcotics or suspected narcotics in this room?

20 A. That's correct.

21 Q. To your general recollection, what were the quantities
22 of these narcotics based on your perception of them?

23 A. A couple ounces, two to three ounces of
24 methamphetamine, a quantity of Fentanyl, a baggy of pills
25 containing anywhere from twenty-five to fifty pills give

1 or take, some marijuana.

2 Q. Okay.

3 MR. NORTON: Judge, I have no further questions.

4 THE COURT: All right. Any recross?

5 MR. JOHNSON: Nothing further, Your Honor.

6 THE COURT: Very well.

7 (Witness excused.)

8 MR. COX: Your Honor, we'd call at this point
9 Investigator Dubard.

10 THE COURT: Okay.

11 THE CLERK: Please raise your right hand and place
12 your left on the Bible.

13 (Whereupon, Arcadeus Dubard was duly sworn by the
14 Clerk of Court.)

15 THE CLERK: Would you please have a seat in the
16 witness box. State your full name for the record and
17 spell your last for the record, please.

18 THE WITNESS: Arcadeus Dubard. Last name spelling
19 is D-U-B-A-R-D.

20 ARCADEUS DUBARD,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION (In-Camera)

23 BY MR. COX:

24 Q. Investigator Dubard, if you could just briefly tell us
25 where you work and your current role with that department.

1 A. Investigator Dubard. I am investigator with the
2 Lexington County Multiagency Narcotics Enforcement Team,
3 also known as NET. I work mostly narcotics enforcement.

4 Q. Okay. And how long have you been with the NET Team?

5 A. I've been with the NET Team since 2021, I believe.

6 Q. Okay. You haven't -- have you had any other law
7 enforcement roles prior to joining the NET Team?

8 A. Yes. I -- I was a patrol deputy. I've been a patrol
9 supervisor. I've worked domestic violence investigations.
10 I've worked major crimes investigations. I was a patrol
11 sergeant for a while and now narcotics enforcement.

12 Q. As a part of your role with the NET Team, do
13 you typically assist other agencies with narcotics
14 investigations?

15 A. Yes, sir.

16 Q. Would one of those agencies be the Department of
17 Probation, Parole and -- Triple P?

18 A. Yes, sir. The Department of Probation, Pardon and
19 Parole.

20 Q. And was it in this role that you arrived at the
21 Masters Inn on February 9, 2023?

22 A. Yes, sir.

23 Q. Okay. Is it -- would it be fair to say you were the
24 lead investigator on this case?

25 A. Yes, sir.

1 Q. All right. Did you arrive -- let me ask at what stage
2 of this incident did you arrive at the Masters Inn?

3 A. So we had already gotten a call from -- we refer to
4 them as Triple P, that they wanted our assistance, so by
5 the time we got there the Triple P agents were already
6 on-scene, they already had a few subjects detained, and
7 they had already removed a Jivers subject that they had
8 warrants on.

9 Q. So when you arrived, Jeremy Jivers was no longer in
10 the room?

11 A. Yes, sir.

12 Q. Okay. When you arrived, did it appear that the hotel
13 room had been secured?

14 A. Yes, sir.

15 Q. Okay. And, again, what county is the Masters Inn
16 located in?

17 A. It's in the Cayce area of Lexington County.

18 Q. Okay. And what room number was this that you arrived
19 at?

20 A. 208.

21 Q. Kind of walk us through when you and -- you and the
22 rest of the NET agents had arrived, what were your first
23 steps upon arriving on-scene?

24 A. All right. So being the lead investigator, I
25 initially made contact with Agent Lugos, who was the

1 supervisor on-scene. He kind of gave me a brief about what
2 was going on and why they were there. I then -- while
3 walking up, I made contact with him. We kind of talked
4 about the things there, confirmed some things, and then I
5 started drafting a search warrant for the room location.

6 Q. Okay. I want to talk a little bit about that. What
7 was the information pertaining to a possible narcotics
8 investigation that you were provided from Agent Lugos?

9 A. Agent Lugos advised that while on-scene they observed
10 some narcotics or narcotic paraphernalia in plain view
11 within the room along with the observance of the smell of
12 marijuana. So in talking to him, we did approach the room
13 slightly. We didn't walk all the way up to the door, but I
14 could observe the smell of marijuana coming from the room
15 as well, and so used that information to go ahead and start
16 drafting the search warrant.

17 Q. Okay. So prior to drafting the search warrant it
18 would be fair to say that you did not just take Agent
19 Lugos's word for what he observed?

20 A. No, sir. I try to confirm. Not saying that they're
21 not doing their jobs, but, you know, me typing it, it's
22 kind of good to know what I'm typing.

23 Q. Okay. So you were the one that prepared the search
24 warrant in this case?

25 A. Yes, sir.

1 Q. All right. And did you prepare the affidavit attached
2 to the search warrant?

3 A. Yes, sir.

4 Q. Who presented this search warrant to a magistrate?

5 A. I did, sir.

6 Q. Okay. Do you know what magistrate judge that was?

7 A. I do not remember at this time.

8 Q. Okay. But was it a local magistrate here in Lexington
9 County?

10 A. Yes, sir.

11 Q. Okay. Did you present -- to your recollection, did
12 you present any additional information than what you would
13 have included in your affidavit to the judge?

14 A. No, sir.

15 Q. Okay. Were you able to obtain a signature from the
16 magistrate judge for the search warrant?

17 A. Yes, sir.

18 Q. All right. And when you obtained this search warrant,
19 did you follow the typical steps and procedures you do in
20 your role as an investigator to obtain this search warrant?

21 A. Yes, sir.

22 Q. All right. Once you had the search warrant in hand,
23 if you could take us -- do you arrive back on-scene?

24 A. Yes, sir.

25 Q. All right. And what do you and your team do once you

1 arrive on the scene?

2 A. So just like in any other case, once we arrive back
3 on-scene with a signed search warrant we take what we call
4 preliminary photos. So those usually start with outside or
5 around the perimeter of the location. With this being a
6 hotel, we usually just start outside the door and then we
7 take pictures of the room and -- and basically the scene as
8 it lays or as it is before any searching starts. After
9 those photos are taken, then begin the search of the area
10 documenting any items that are located within.

11 Q. Okay. Let me ask you since you were the lead
12 investigator on this case, did you yourself search through
13 any areas or items inside the room?

14 A. No, sir.

15 Q. Okay.

16 A. With the size of the room, we had multiple agents
17 there, so I kind of was doing more of an overview or
18 observing and I'll say go back and observing the items that
19 they located and documenting them and kind of things like
20 that.

21 Q. Okay. And could you identify who -- the other NET
22 Team investigators that were on-scene to assist with the
23 investigation?

24 A. Yes. We had Sergeant Burke, who is our supervisor
25 with NET -- with our particular NET Team. We had Agent

1 Youmans and Agent Gietz were on-scene.

2 Q. Okay. And did Agent -- Agent Gietz, did he
3 participate in the search?

4 A. Yes.

5 Q. Okay. Were you brought any items or anything located
6 during the search as the lead investigator?

7 A. Yes. So what we normally do is if an item is found
8 during a search, we leave it where it is, we photograph it,
9 I'll be called over to say hey, this is what I found, this
10 is where I find it. Once it is photographed, I then move
11 it to another location or it's -- you know, we move it to
12 a central location so that we can number it and photograph
13 all the items together before leaving that location.

14 Q. Okay. And were you brought -- was it brought to your
15 attention that any possible drugs or other narcotics were
16 found on the scene?

17 A. Yes, sir.

18 Q. Okay. What did it appear you guys found on-scene this
19 day?

20 A. Yes, we found multiple narcotics that were located
21 within the room. Crystal-like substances consistent with
22 methamphetamines, some powder substances, some pills were
23 located, and some marijuana was also located.

24 Q. Okay. I want to talk just a little bit briefly about
25 those items. Were they located throughout the room or were

1 they centrally located? Kind of where were these found?

2 A. So we did have smaller amounts of items located in two
3 different -- or three different places within the room, but
4 the majority of the narcotics were located in one place
5 within the room.

6 Q. And where was that one place?

7 A. It was inside a dog food bag that was further in the
8 room up on a shelf.

9 Q. Okay. Was -- how many -- how many dog food bags were
10 found in the room?

11 A. Two dog food bags.

12 Q. Okay. You said one was up on a shelf?

13 A. Yes, sir.

14 Q. Do you recall where the other one was?

15 A. I do not recall exactly where it was.

16 Q. Okay. Were there any narcotics found in the second
17 dog food bag?

18 A. No, sir.

19 Q. Okay. And when you say the drugs were found in the
20 dog food bag on the shelf, were they -- I guess in what
21 condition were they found? Were they separate? Were they
22 packaged separately? Were they all together?

23 A. No, they were all packaged within -- I think it was
24 actually a glove or some type of rubber glove and then tied
25 up into that was -- then it was within plastic baggies

1 within that rubber glove.

2 Q. Okay. And, again, this was in a dog food bag on top
3 of a shelf near the bathroom?

4 A. Yes, sir.

5 Q. Okay. Once those items were located and photographed,
6 they were -- you took possession of these items?

7 A. Yes, sir.

8 Q. Okay. Walk us through kind of your steps of when you
9 take possession of possible narcotics.

10 A. All right. So after we complete a search warrant, I
11 would take those items and we will bag them for evidence
12 with -- it depends on what you're bagging or what type of
13 evidence it is, but specifically with narcotics that we
14 plan on testing we put inside what we call a BEST kit so
15 that those items can be sent to our lab for testing or
16 whatever lab we need to use for those particular drugs.

17 Q. Okay. And did you do that in this case?

18 A. Yes, sir.

19 Q. Okay. Did you transport these items to the evidence
20 lab?

21 A. Yes, sir.

22 Q. You yourself did that?

23 A. Yes, sir.

24 Q. From the time you were notified that the drugs were
25 found to when you dropped them --

1 THE COURT: Tornado warning.

2 MR. COX: Are we okay, Judge?

3 THE COURT: Sheriff? We're gonna keep going until
4 you-all tell me we've got to leave the courtroom.

5 THE DEPUTY: We're good right now.

6 THE COURT: All right. Proceed.

7 The record will reflect that everybody's phones just
8 went off with a loud audible alarm and tells us that the
9 National Weather Services says tornado in the area -- or
10 tornado warning, excuse me, until 2:45 PM, so we'll stay
11 on top of it.

12 Okay.

13 MR. COX: Your Honor, I will try to pick up the pace.

14 BY MR. COX:

15 Q. Investigator Dubard, did you drop these items off at
16 the evidence lab?

17 A. Yes, sir.

18 Q. Okay. Did anyone else on your team or anyone else
19 with law enforcement or anyone else period come in contact
20 with these items once you placed them in the BEST kit bag?

21 A. Well, once they're placed in the BEST kit bag other
22 than the evidence custodian and the actual investigator or
23 I'll say personnel with the department who is actually
24 testing them, no.

25 Q. Okay. So from the time you became aware of those

1 possible drugs to when you dropped them off at evidence,
2 no one else had any control or custody over those drugs?

3 A. No, sir.

4 Q. Okay. And that's the typical procedure, dropping
5 those -- a BEST kit off with possible drugs in the evidence
6 locker at the sheriff's department?

7 A. Yes, sir.

8 Q. Okay. So you don't always hand that over to --
9 physically hand that over to someone in the sheriff's
10 department?

11 A. No, sir.

12 Q. Okay. Did you document or did you have any kind of
13 documentation notating exactly when you dropped these items
14 off?

15 A. Yes, sir. We have to complete an evidence voucher
16 within our system and we also fill out forms that are
17 within that BEST kit to say that we dropped them off.

18 Q. Okay. And did you do that in this case?

19 A. Yes, sir.

20 Q. All right. Were there any other items that were --
21 well, were there any other items seized in this case that
22 you attributed to the Fentanyl?

23 A. Yes, a cell phone and I think some U.S. currency.

24 Q. Okay. Could you describe that cell phone for us?

25 A. It's a black I believe Samsung cell phone.

1 Q. Okay. And are you aware of where that item was
2 located?

3 A. I was advised that it was located in the defendant's
4 back pocket.

5 Q. When you say you were advised of it, who advised -- or
6 who found the cell phone?

7 A. I was advised it was originally found by Triple P
8 agents when, I guess, they did a pat-down or something
9 during their initial contact.

10 Q. And was that then turned over to another investigator
11 with the NET Team?

12 A. Yes.

13 Q. Okay. Did you take possession of that cell phone?

14 A. Yes.

15 Q. All right. Did you -- did you do anything with that
16 cell phone at the point it was handed to you while you
17 seized it into evidence?

18 A. Did I do anything? Excuse me.

19 Q. Did you turn it off, did you put it on airplane mode?
20 Did you do anything of that sort?

21 A. Typically we will put them on airplane mode. We
22 wouldn't usually do anything else to them.

23 Q. All right. You're not aware of anything like --
24 anything other than that happening in this case?

25 A. No, sir.

1 Q. All right. Upon seizing the cell phone, did you take
2 any other steps to further investigate this device?

3 A. Yes.

4 Q. Okay. What did you do?

5 A. We later obtained a search warrant for that cell phone
6 to do what we call a phone dump or an investigation into
7 the materials within that cell phone digitally.

8 Q. Okay. Did you submit that cell phone for testing
9 along with that search warrant?

10 A. Yes, sir.

11 Q. Okay. And are you aware of testing if or an
12 extraction done on that device?

13 A. Yes, sir.

14 Q. Okay. Were you able to review that extraction?

15 A. Yes, sir.

16 Q. Okay. And other than the evidence -- did you find any
17 other evidence in this case?

18 A. Within the cell phone extraction?

19 Q. No, from the scene. I'm moving onto the scene now,
20 but after finding the drugs, you said the currency and the
21 cell phone, did you find anything else on the scene that
22 was seized as part of this case?

23 A. I'm not sure. I think there may have been a couple of
24 other items that we seized in relation to the case, but I'm
25 not sure.

1 Q. Okay. Did -- let me ask you this. As a part of your
2 investigation in this case, did it stop once the defendant
3 was placed in custody?

4 A. No, sir.

5 Q. Okay. Did you have a chance to speak with the
6 defendant?

7 A. Yes, sir.

8 Q. Okay. When? When did that occur?

9 A. I believe it was a couple of days later we went and
10 made contact with him at the Lexington County Detention
11 Center and requested if he wanted to speak with us and he
12 said he did, so we took him over to one of the interview
13 rooms within the Lexington County Sheriff's Department,
14 which is right next door, and conducted an interview.

15 Q. And is that a common practice for an agent with the
16 NET Team to conduct an interview with a defendant?

17 A. Yes.

18 Q. Okay. And just so we're clear, you requested from the
19 defendant if he was willing to speak with you prior to him
20 being transported to the interview room?

21 A. Yes.

22 Q. Okay. When you arrived at the interview room,
23 obviously the defendant was in custody?

24 A. Yes, sir.

25 Q. Were you alone when this happened?

1 A. No, sir.

2 Q. Okay. Who else was in the room?

3 A. Agent Weyandt.

4 Q. Okay. And was it just the two of you and the
5 defendant?

6 A. Yes, sir.

7 Q. All right. And these types of interviews, are they
8 recorded?

9 A. Yes, sir.

10 Q. Okay. Was there anyone else in the room -- were you
11 able to review the recording in this case?

12 A. Yes, sir.

13 Q. Okay. Anyone else in the room during this interview?

14 A. No, just the three of us.

15 Q. Okay.

16 MR. COX: Your Honor, I'm gonna hand up what we're
17 gonna be marking as Court's Exhibit 4 to the witness.

18 THE COURT: Okay.

19 (Court's Exhibit Number 4 was marked for
20 identification.)

21 BY MR. COX:

22 Q. Investigator Dubard, I'm handing you what we've marked
23 as Court's Exhibit Number 4. Do you recognize what I'm
24 handing you?

25 A. Yes, sir.

1 Q. What does it appear to be?

2 A. It appears to be a recording of the interview
3 conducted with the defendant.

4 Q. Okay. And how do you know -- or were you able to
5 review that recording in full?

6 A. Yes, sir.

7 Q. Okay. Does it appear to be altered in any significant
8 way?

9 A. No, sir.

10 Q. Okay. And how do you know what I've handed you is the
11 item that you reviewed?

12 A. It is initialled with my initials.

13 Q. Okay.

14 MR. COX: Your Honor, at this time we're offering
15 Court's Exhibit Number 4 as an exhibit for purpose of the
16 pre-trial hearings.

17 THE COURT: Very well. For the purpose of this
18 hearing only?

19 MR. JOHNSON: For this hearing only.

20 THE COURT: Okay.

21 (Court's Exhibit Number 4, a recorded interview,
22 was admitted into evidence for pre-trial purposes only.)

23 BY MR. COX:

24 Q. Investigator Dubard, while --

25 MR. COX: Your Honor, I'm gonna publish a short

1 portion of this video for us for this hearing.

2 THE COURT: Very well.

3 MR. COX: I just have a few more questions I'll ask
4 while I'm trying to get this loaded.

5 BY MR. COX:

6 Q. Investigator Dubard, did you read any -- did you
7 advise Mr. Richardson of his Miranda warnings prior to
8 interviewing him?

9 A. Yes, sir.

10 Q. Is that a typical practice when you're interviewing a
11 defendant in custody?

12 A. Yes, sir.

13 Q. Okay. Do you use anything -- any kind of items or
14 cards or anything to assist you in reading those warnings?

15 A. Yes, sir. I have a Miranda card that I read from.

16 Q. And you used that in this case?

17 A. Yes, sir.

18 Q. All right. Did the defendant appear to understand his
19 Miranda warnings as you read them to him?

20 A. Yes, sir.

21 Q. At any point during this interview did he indicate to
22 you he wished to stop the interview?

23 A. No, sir.

24 Q. At any point did he indicate to you that he wanted an
25 attorney?

1 A. No, sir.

2 Q. At any point during this interview did he indicate
3 that he wasn't sure what you guys were talking about, that
4 he wasn't sure of what he wanted to do any further? Did he
5 indicate he wanted to stop?

6 A. No, sir.

7 Q. Okay. About how long is this interview? Ball park.

8 A. Don't quote me incorrectly, I think it's about
9 30 minutes long maybe.

10 MR. COX: And, Your Honor, at this time I'm gonna
11 publish a short portion of Court's Exhibit Number 4.

12 THE COURT: Okay.

13 (Court's Exhibit Number 4 playing.)

14 BY MR. COX:

15 Q. Investigator Dubard, who is that individual with the
16 black hat on this video?

17 A. That is Agent Weyandt.

18 Q. Okay. And who is the individual sitting at the table?

19 A. That's the defendant.

20 (Court's Exhibit Number 4 continued playing.)

21 MR. COX: Your Honor, if we could step off the
22 record for a second?

23 THE COURT: Okay.

24 (Discussion off the record.)

25 THE COURT: Let's get back on the record.

1 MR. COX: Okay.

2 BY MR. COX:

3 Q. Investigator Dubard, we just witnessed in this video
4 you reading from your Miranda card to Mr. Richardson?

5 A. Yes, sir.

6 Q. And did he appear -- again, did he appear to
7 understand his rights as you read them to him?

8 A. Yes, sir.

9 Q. And did he agree to speak with you after he heard
10 those warnings?

11 A. Yes, sir.

12 Q. At any point did he in any way request that the
13 interview stop?

14 A. No, sir.

15 Q. If he had, would you have continued to question him?

16 A. No, sir. Not at all.

17 Q. Investigator Dubard, during your interview with the
18 defendant, did you -- were you told anything from the
19 defendant relating to him being in the room at the Masters
20 Inn?

21 A. Ask the question again. I'm sorry.

22 Q. Yeah. What information did you learn from the
23 defendant pertaining to Room 208 at the Masters Inn?

24 A. He told me that he had been staying there for a
25 couple of days. He said it wasn't his room, but he had

1 been staying there.

2 Q. Okay. Did he indicate he had any items or belongings
3 of any kind in that room?

4 A. Yes, he confirmed some clothing that was folded up in
5 the room on a table was his and that some shoes that were
6 kind of neatly placed in a shoebox were his as well.

7 Q. Okay. Did he indicate -- did he indicate he had any
8 pets in the room?

9 A. Yes, sir. He did indicate that the puppy that was
10 on-scene did belong to him.

11 Q. So you and your team did find a dog, a puppy,
12 on-scene?

13 A. Yes.

14 Q. Okay.

15 MR. COX: Your Honor, I'm gonna approach the witness
16 with one more exhibit.

17 THE COURT: All right.

18 MR. COX: And we'll be offering this one as Court's
19 Exhibit 5.

20 (Court's Exhibit Number 5 was marked for
21 identification.)

22 BY MR. COX:

23 Q. Investigator Dubard, I'm showing you what's been
24 marked as Court's Exhibit 5. It's in an envelope. If
25 you could open that up and let me know when you're done

1 reviewing it.

2 A. (Witness complies.)

3 Q. Do you recognize what I've handed you?

4 A. Yes, sir.

5 Q. Okay. What is it?

6 A. This is the cell phone that we collected from him
7 on-scene.

8 Q. Okay. And when you say from him on-scene, you're
9 referring to collected from the defendant?

10 A. Yes.

11 Q. Okay. And are there any -- are there any markers or
12 numbers of any kind either on the device itself or on the
13 collection paperwork indicating what phone it is?

14 A. Yes. So on the bag you have the case number and a
15 brief description of the phone, which is a black Samsung,
16 and it has its IMEI number.

17 Q. Okay. And that IMEI number, could you read it -- or
18 could you identify the last four digits of that number?

19 A. Yes, sir. 7905.

20 Q. This is the item that you submitted for forensic
21 testing in this case?

22 A. Yes, sir.

23 Q. And this is the item that to your knowledge was
24 successfully -- the data was extracted from this item?

25 A. Yes, sir.

1 MR. COX: Your Honor, we offer this item as -- right
2 now for the purpose of this hearing -- Court's Exhibit 5.

3 THE COURT: Do you want to look at it?

4 MR. JOHNSON: Just real quick.

5 No objection for the purpose of this hearing, Your
6 Honor.

7 THE COURT: Very well.

8 (Court's Exhibit Number 5, a cell phone, was
9 admitted for pre-trial purposes only.)

10 BY MR. COX:

11 Q. Investigator Dubard, you submitted this cell phone for
12 testing with a search warrant, correct?

13 A. Yes, sir.

14 Q. Okay. Did you follow similar procedures to obtaining
15 that search warrant for the phone as you did for the hotel
16 room?

17 A. Yes, sir.

18 Q. Okay. So you typed up a search warrant and an
19 affidavit in support of this?

20 A. Yes.

21 Q. Were you able to obtain a signature from a magistrate
22 judge on that search warrant?

23 A. Yes, sir.

24 Q. Okay. And is that the same search warrant that you
25 executed -- or that you submitted with the cell phone for

1 testing?

2 A. Yes, sir.

3 Q. Okay. Are you aware of the identity of the member of
4 law enforcement who analyzed this phone?

5 A. Yes. To my knowledge CSI Joslin did the -- what we
6 call an extraction on that particular cell phone.

7 Q. Okay. But this item, it was submitted to the evidence
8 lab?

9 A. Yes.

10 Q. Okay. The same sort of procedures as when you
11 submitted the BEST kit?

12 A. Yes.

13 Q. From the time that you seized this item and it was
14 placed into evidence, did anyone else take control or
15 custody of this cell phone?

16 A. No, sir.

17 Q. Okay. During your interview with the defendant, did
18 you obtain any -- or did he make any statements related to
19 the cell phone?

20 A. Yes, sir. During the interview I advised him that we
21 had collected that cell phone and asked if he wouldn't mind
22 providing the password to that cell phone.

23 Q. Did he provide that passcode to the phone?

24 A. Yes, he did.

25 Q. And did you -- that was after you read him his Miranda

1 rights?

2 A. Yes, sir.

3 Q. Was it towards the beginning or the end of your
4 interview?

5 A. I think it was very -- very close to the end of that
6 interview.

7 Q. Okay. And did you provide that passcode to anyone
8 else in law enforcement?

9 A. Yes. That information was passed along to the
10 forensic personnel for the extraction to be completed.

11 MR. COX: Your Honor, that's all I have for
12 Investigator Dubard at this time.

13 THE COURT: All right. Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. JOHNSON:

16 Q. Investigator, did you interview Jivers, the other man
17 in the room?

18 A. I did not, sir.

19 Q. To your knowledge did anybody interview Jivers?

20 A. I don't know if anybody on-scene. One of the other
21 investigators or agents may have spoken with him.

22 Q. Okay. And did you get -- oh, just to start out, there
23 was no marijuana charges brought against the defendant,
24 correct?

25 A. No, sir.

1 Q. Okay. And regarding the search warrant, you got the
2 search warrant that was used to search the room?

3 A. Yes, sir.

4 Q. Okay. And referencing that search warrant, do you
5 have a copy of your search warrant?

6 A. I do not have one here with me.

7 Q. Okay. Well, I'm gonna ask you a question and if you
8 need your memory refreshed, I'll be happy to show you a
9 copy.

10 A. Thank you, sir.

11 Q. Do you recall under the title description of premises,
12 person or thing to be searched, do you recall what was --
13 the content of that, did that include cell phone?

14 A. As a place to be searched?

15 Q. Yeah. Under description of premises, person or thing
16 to be searched. Under that heading.

17 A. So that -- that would have been a separate search
18 warrant for the cell phone. So in that particular instance
19 when we get a search warrant for the premises, there's
20 gonna be a search warrant for that premises and physical
21 items from within that premises and then if we need to get
22 anything, say, out of a cell phone to do an extraction, we
23 get a separate search warrant for that extraction. So, no,
24 it would not have been in that, the first search warrant.

25 Q. And you didn't get a second search warrant for a cell

1 phone?

2 A. We did get a second search warrant for a cell phone
3 specifically.

4 Q. You did?

5 A. Yes.

6 Q. Okay. And on that search warrant, that search
7 warrant relied upon information that originally started
8 with probation and parole, correct?

9 A. Yes. I mean, the whole case would have been based
10 upon that, so, yes, sir.

11 Q. Right. And discussing that, did you ever receive any
12 specific information from probation and parole about who
13 supplied them with the information that their fugitive was
14 located in the room?

15 A. No, sir.

16 Q. Okay. Did you provide any additional testimony to
17 the magistrate when you obtained the search warrants
18 regarding that information, oral testimony in addition
19 to anything in writing? Did you provide anything
20 additionally?

21 A. I didn't, no, sir.

22 Q. Okay. On your search warrant, do you recall it
23 stating that probation and parole believed a fugitive was
24 present in the room based on, quote, room information that
25 was provided?

1 A. Yes, sir. I'm gonna assume that what you're reading
2 is correct, but that would have been room information
3 provided to them, yes, sir.

4 Q. Okay. But to your knowledge you have no idea what
5 room information was provided to probation and parole?

6 A. No, sir.

7 Q. Okay. And to your knowledge they didn't provide any
8 additional information to the magistrate signing the search
9 warrant, you did all of that?

10 A. Yes, sir.

11 Q. Okay. Did you use a Miranda form when you had Miranda
12 read to the defendant in the interview room? Did you get
13 him to sign a Miranda form?

14 A. No, sir.

15 Q. But you have those available to you?

16 A. We don't typically use Miranda forms, no, sir.

17 Q. You don't? The sheriff's department doesn't Miranda
18 forms?

19 A. As to any of my investigations, I have never used a
20 Miranda form.

21 Q. But you could get one if you needed one?

22 A. I'm not sure, sir. I know we have statement forms
23 that have Miranda on the top of them, but I don't know if
24 we have specific Miranda forms.

25 Q. You didn't use a statement form with Miranda on the

1 top?

2 A. No. He did not write a statement at all.

3 Q. Okay. During your discussions do you recall going
4 into discussions of drug distributions at other times with
5 other people?

6 A. He did give us information about other distributors of
7 narcotics.

8 Q. And you talked to him about his personal drug use?

9 A. I don't recall talking to him about his drug use. He
10 told me that he did use drugs.

11 Q. Okay. Do you recall talking to the defendant about
12 him being on probation or just being released from SCDC,
13 those topics?

14 A. He said that he had just been released. It wasn't
15 much of a conversation into it.

16 Q. Okay. But it was mentioned on the recording?

17 A. It was mentioned. He mentioned it.

18 Q. Okay. And you said there was two dog food bags?

19 A. Yes, sir.

20 Q. Now do you recall his dog? Was it a dog or a puppy?

21 A. It was a smaller dog. I'm assuming it was a puppy.
22 I don't know.

23 Q. Okay. Do you recall the dog food bag that didn't have
24 any drugs in it, do you recall what it said on there?

25 A. I don't.

1 MR. JOHNSON: Okay. Did you-all already pull out
2 the picture?

3 MR. COX: You can show it.

4 MR. JOHNSON: I'll just have this marked.

5 (Court's Exhibit Number 6 was marked for
6 identification.)

7 BY MR. JOHNSON:

8 Q. And I'll show you what's been marked Court's
9 Exhibit 6. Do you recognize that?

10 A. Yes, sir.

11 Q. And what is that?

12 A. It is a Diamond dog food bag I'm assuming.

13 Q. Okay. And did that have drugs in it?

14 A. No, sir.

15 Q. And what does it say on that bag about what kind of
16 dog it is?

17 A. If you're referring to the puppy, it does say puppy on
18 it.

19 Q. It does say puppy?

20 A. (Nods head.)

21 Q. Okay. Were you armed during your interrogation of the
22 defendant?

23 A. Yes, sir.

24 Q. Okay. And the other officer in the room, he was armed
25 as well?

1 A. Yes, sir.

2 Q. Okay. Did you conduct any other interviews of the
3 defendant?

4 A. I conducted -- I spoke with them briefly on the scene
5 and that interview that was recorded and that was it.

6 Q. Okay. When you spoke to him on-scene, is there
7 anything from that that you can recall or anything
8 relevant?

9 A. Those interviews were pretty well consistent. They
10 both pretty much spoke about the same things.

11 Q. You spoke about -- you spoke about drugs?

12 A. We talked about his knowledge of drugs, we talked
13 about the room. Pretty much the same things we talked
14 about in the recorded interview.

15 Q. Okay. And you did that at the scene at the hotel?

16 A. Yes, just as an initial interview.

17 Q. Did you Mirandize him before that conversation?

18 A. Yes, he was Mirandized both times we spoke with him.

19 Q. Okay. Did you use the same card that you used on the
20 video?

21 A. Yes.

22 Q. Where did that take place at the motel?

23 A. When I spoke with him, we were standing I think in
24 front of the hotel room or just to the side of the hotel
25 room.

1 Q. Okay. Did you record that in your incident report?

2 A. That I spoke with him on-scene?

3 Q. Yes.

4 A. I believe that is recorded in my statement -- or
5 supplement.

6 Q. Did you record it on any kind of body camera?

7 A. We don't wear body cameras, sir.

8 Q. Okay. And you didn't offer him a statement form of
9 Miranda at that point either?

10 A. No, sir.

11 Q. Okay. What was the purpose of not interviewing
12 Mr. Jivers?

13 A. I don't think there was a purpose behind it. Triple P
14 already had him in custody in the back of a vehicle and
15 preparing to transport him, so I think it was more-so
16 timing than purpose.

17 Q. Well, this -- was this a drug investigation?

18 A. Yes, it was.

19 Q. Mr. Jivers came out of that room?

20 A. Yes, sir.

21 Q. So I'm just curious what was the purpose of just
22 interviewing my client and not Mr. Jivers?

23 A. I interviewed everybody that was on-scene once we got
24 the search warrant.

25 Q. Well, you said you didn't interview Jivers?

1 A. He was no longer there once the search warrant was
2 signed.

3 Q. Well, he was taken down to the Lexington jail, wasn't
4 he?

5 A. Yes, sir.

6 Q. So you could have interviewed him?

7 A. Possibly.

8 Q. And Mr. Brandan Richardson, he was not free to leave
9 during this time that you talked to him at the hotel?

10 A. No, sir.

11 Q. Or when you were talking to him down at the county
12 jail?

13 A. He was in custody at the jail already, so, no, he
14 couldn't leave.

15 Q. Couldn't leave.

16 MR. JOHNSON: No more questions, Your Honor.

17 MR. NORTON: I don't think you offered Court's
18 Exhibit 6 into evidence.

19 THE COURT: He mentioned it, but I don't think --

20 MR. JOHNSON: Well, Your Honor, I'll make that part
21 of the record for purposes of this hearing.

22 MR. NORTON: No objection.

23 THE COURT: All right. That will be Court's
24 Exhibit 6.

25 (Court's Exhibit Number 6, a photograph, was

1 admitted into evidence for pre-trial purposes only.)

2 THE COURT: Any redirect?

3 MR. COX: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. COX:

6 Q. Investigator Dubard, where -- on these charges, where
7 was the defendant arrested?

8 A. Where was he arrested?

9 Q. Uh-huh.

10 A. At 2125 Commerce Drive, the Cayce area of Lexington
11 County.

12 Q. For this incident he was arrested on-scene?

13 A. Yes.

14 Q. Okay. And the cell phone in this case to your
15 knowledge was taken from his person?

16 A. Yes.

17 Q. Okay.

18 MR. COX: Your Honor, those are all the questions
19 I have.

20 THE COURT: All right. Any recross?

21 MR. JOHNSON: No, sir.

22 THE COURT: All right. The witness is excused.
23 You may step down.

24 (Witness excused.)

25 MR. NORTON: Judge, for the purpose of Jackson v.

1 Denno, those would be the extent of the statements we'd
2 intend to offer both from the scene and the interview
3 with Investigator Dubard, as well as the ones that were
4 referenced by the other witnesses.

5 We're prepared to call Investigator Hannah Joslin
6 as to the State's motion regarding the admissibility of
7 the cell phone evidence taken in this case.

8 THE COURT: Any argument on Denno?

9 MR. JOHNSON: Well, Your Honor, I'd make the argument
10 at this time, if you'd like. I would --

11 THE COURT: Do you want to put it all together at the
12 end?

13 MR. JOHNSON: We can, but I would also just -- and
14 I'm sure the solicitor is gonna cover this, if they're
15 going to offer that probation body camera in and any more
16 of this video, I just want to make it clear, I'm not --
17 it's not been made clear to me what that is because I
18 don't have a redacted version of either one in my
19 possession. So for purposes of Denno, I just have to
20 make that clear.

21 THE COURT: Okay. Any response?

22 MR. COX: Yes, Your Honor.

23 So for the purposes of Jackson v. Denno we would
24 argue there are no -- pertaining to the body-worn camera
25 of the Triple P agent, there's nothing on the portions

1 of the video we intend to publish that we feel would be
2 covered in Jackson v. Denno. There's no statements that
3 the defendant made while in any kind of custodial
4 relationship with law enforcement that we would publish
5 or introduce in this trial. We don't believe that would
6 be necessary for the purposes of Jackson v. Denno.

7 Now the body camera footage itself is three and a
8 half hours long. I'm happy to play --

9 THE COURT: Well, you just told me -- so you're gonna
10 publish -- you don't intend to publish Agent Carter's body
11 cam?

12 MR. COX: We do, but only a 10-minute --

13 THE COURT: Ten minutes.

14 MR. COX: Really it's a 10-minute portion at the
15 beginning.

16 THE COURT: Is that when he shows up at the room?

17 MR. COX: That's when Triple P shows up at the
18 room, goes in the room, finds Jeremy Jivers, finds the
19 narcotics in plain view that they testified to, and we
20 end the video. Shortly after that the NET Team arrives.
21 We do not intend on publishing any part of that video
22 beyond that.

23 THE COURT: Do you intend to publish the audio?

24 MR. COX: We do, Your Honor.

25 THE COURT: But there's no conversations with the

1 defendant?

2 MR. COX: There's a -- there's a moment when he
3 introduces -- or he names himself as Brandan Richardson,
4 but as far as him being questioned by the other law
5 enforcement agents, no, Your Honor, that portion of the
6 video is not.

7 Now there is a portion shortly -- kind of, I think
8 -- well into the video that we do not plan on publishing,
9 there's mention of Mr. Richardson's current status with
10 probation and prior -- that can go into prior convictions
11 or arrests that we do not intend on introducing to the
12 jury or publishing to the jury when we put the video in,
13 if that makes sense. I think that's kind of what we're
14 trying to --

15 THE COURT: Does it make sense to Mr. Johnson?

16 MR. JOHNSON: Judge, just to -- I would argue before
17 Your Honor rules on this, tomorrow morning --

18 THE COURT: Fair enough.

19 MR. JOHNSON: -- we need to know what that section
20 is.

21 THE COURT: And we talked out in the hall right
22 before we started about the need for you to be able to
23 review sort of the final product that the State wants to
24 introduce because -- just to make sure there's no quirky
25 statement that escaped both of your review.

1 MR. JOHNSON: Yes, sir.

2 THE COURT: And just to be clear, I did indicate to
3 the State that I asked that the appropriate person who
4 can edit those videos to try to be in early tomorrow.

5 MR. JOHNSON: Yes, sir. So I'll reserve my argument
6 until that time.

7 THE COURT: All right. Generally speaking -- well,
8 all right. We'll just keep going. I've got good notes.
9 I can do it all at once.

10 MR. COX: Okay. And as far as what we presented on
11 the interview, we believe Miranda was clearly made -- or
12 read to Mr. Richardson, acknowledged in testimony from
13 Investigator Dubard as far as statements on-scene and in
14 that interview we believe are well covered in the Jackson
15 v. Denno and appropriately would be admissible at trial
16 for those purposes, as well as the statements from
17 Investigator Gietz based on his testimony to clearly
18 providing Mr. Richardson his Miranda warnings certainly
19 after he was detained, not free to leave, but clearly
20 given his Miranda warnings which were waived.

21 THE COURT: Okay. Any response?

22 MR. JOHNSON: Well, I -- just so I don't forget it,
23 and we're gonna talk about it more in the morning, I will
24 respond by saying that -- I think I'm saying that right,
25 Investigator Gietz I think is how you say it -- he did

1 make an admission about not being able to remember the
2 exact wording of the response when Miranda was given. I
3 will point out to the Court there is case law, of course,
4 that says -- I believe the response was found by the
5 Supreme Court to say well, that's cool when somebody asks
6 for consent or they went through and read Miranda and
7 someone would have a variance of what an officer might
8 consider consent and certain statements like "that's cool"
9 might not work as far as being a proper waiver of one's
10 rights. And this was Miranda, but there's case law on
11 that and I can certainly bring that in the morning, but I
12 would argue that he did say he did not get exact of what
13 the statement was in response when he asked if my client
14 understood his rights and wanted to waive them and talk
15 to him, and I believe he tried his best to remember, but
16 it just wasn't recorded by him and so he said he was not
17 able to remember the exact words.

18 THE COURT: Okay.

19 MR. JOHNSON: And with Investigator Dubard I will
20 say that we talked about the fact that he could have
21 given a Miranda form with a statement form, he did not do
22 that, and pointed out the fact, of course, at all these
23 times these officers were armed as well as the fact that
24 my client was not free to leave. We also went into some
25 other related matters to the search warrant, but I would

1 argue that all that would be -- that would be my Denno
2 argument at this time.

3 THE COURT: Response or any reply to him?

4 MR. COX: Your Honor, really probably just to
5 touch on Investigator Gietz, there was some questions
6 from Mr. Johnson on what was the exact verbiage from
7 Mr. Johnson, but I believe Investigator Gietz covered
8 that in his reply to the cross-examination is he was --
9 or Investigator Gietz was sure that he got an affirmative
10 answer from the defendant that he was willing to speak
11 with him as I believe what Mr. Johnson was asking him was
12 whether he was sure that the defendant was -- at that
13 point was he wavering, was he understanding the questions,
14 I believe Agent Gietz made it clear no, it was -- it was
15 -- it was a yes, he was willing to speak to him, but he
16 was just not on the stand willing to say it was just that
17 one three letter word of "yes".

18 THE COURT: I kind of heard it as it certainly
19 wasn't an affirmative no and he didn't -- he certainly
20 never formally invokes his right to remain silent and he
21 continued to converse with the investigating officer,
22 Investigator Gietz.

23 And as far as Dubard, is there any response on that
24 for you-all?

25 MR. COX: No, Your Honor. I believe that's pretty

1 well covered in what we saw on the video.

2 THE COURT: All right. Subject to -- subject to what
3 we see in the final product, but as far as the testimony
4 regarding the actual statements provided by the defendant
5 to law enforcement, I find those are admissible under the
6 circumstances. I think in a preponderance of the evidence
7 that I've heard they were free and voluntary, but I'll
8 withhold kind of where we are on how much is actually
9 gonna be admissible depending on where the redactions end
10 up tomorrow morning, okay?

11 MR. COX: Thank you, Your Honor.

12 MR. JOHNSON: Thank you.

13 THE COURT: All right. So the cell phone.

14 MR. NORTON: Yes, Your Honor.

15 Judge, before I call Investigator Joslin, I just
16 want to make clear to the Court what we're doing with
17 this motion. The case law is clear, Judge, for cell
18 phone evidence, okay, and drug cases specifically,
19 appellate courts are very concerned about prior bad acts
20 and 404 evidence being used as propensity evidence for
21 prior drug deals or prior evidence of drug sales and a
22 cell phone being used to show someone was in possession
23 of drugs at a specific point in time, and that case,
24 Judge, is State v. Ostrowski is I believe the most recent
25 one.

1 I beg the Court's indulgence. Judge, the cite is
2 435 S.C. 364. And I intend to call Investigator Joslin to
3 proffer her testimony as to what was taken from the cell
4 phone to make clear to the Court that what we intend to
5 offer from the cell phone is not prior bad act evidence,
6 it is evidence that tends to show this defendant was in
7 possession of narcotics that he is charged here today
8 with having, specifically, Judge, the methamphetamine,
9 fentanyl, crack cocaine. And the reason that that
10 evidence will tend to show that, Judge, is it's temporally
11 connected in terms of the times of the evidence on the
12 cell phone, it is dated, both --

13 THE COURT: You're essentially seeking to show that
14 he possessed what was found?

15 MR. NORTON: Correct, Judge.

16 So we intend to proffer testimony about text
17 messages from the defendant's cell phone, instant
18 messages and photographs that are in the -- in the
19 immediate days prior to this incident, which would tend
20 to indicate he was in possession of the drugs he is
21 charged with having. So we don't intend to offer any
22 prior evidence from the cell phone.

23 In the Ostrowski case, which I referenced earlier,
24 Judge, the State produced evidence from a defendant's
25 cell phone weeks prior, months prior from -- prior text

1 messages for drug deals, and the Court of Appeals said
2 that was prior bad act evidence under 404, and so we're
3 just seeking a pre-trial ruling from the Court that what
4 we intend to offer at trial is not prior bad act evidence,
5 but is evidence that tends to show he is in possession of
6 the drugs he is charged with having here today.

7 THE COURT: Okay.

8 All right. Let's call her.

9 MR. NORTON: Judge, at this time we'd call
10 Investigator Hannah Joslin.

11 THE CLERK: Would you raise your right hand and
12 place your left on the Bible.

13 (Whereupon, Hannah Joslin was duly sworn by the
14 Clerk of Court.)

15 THE CLERK: Would you please have a seat in the
16 witness box. State your full name and spell your last
17 for the record.

18 THE WITNESS: Hannah Joslin. J-O-S-L-I-N.

19 HANNAH JOSLIN,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION (In-Camera)

22 BY MR. NORTON:

23 Q. Good afternoon. Could you please give your name and
24 title and where you're currently employed?

25 A. I'm a crime scene investigator. My name's Hannah

1 Joslin. I work at Lexington County Sheriff's Department.

2 Q. How long have you worked at Lexington County Sheriff's
3 Department?

4 A. Since March of 2020.

5 Q. Okay. And just before we get into that, can you tell
6 us a little bit about your background? Where did you go
7 to school?

8 A. I went to the University of South Carolina.

9 Q. Okay. And did you obtain a degree from there?

10 A. I did.

11 Q. Okay. What would that be in?

12 A. Criminal justice.

13 Q. Okay. What year did you graduate?

14 A. December of 2019.

15 Q. Okay. And after you obtained your degree in criminal
16 justice, what did you do next?

17 A. I got hired on at the Department.

18 Q. Okay. And what was your initial role at the Lexington
19 County Sheriff's Department?

20 A. I was a patrol deputy.

21 Q. Okay. How long were you engaged in that role?

22 A. Close to two years.

23 Q. Okay. And then at what point did you transition to a
24 separate role?

25 A. I started in CSI October 31st of 2022.

1 Q. Okay. And can you tell the Court a little bit about
2 your job duties and responsibilities as a crime scene
3 investigator?

4 A. I process crime scenes such as homicides, suicides,
5 overdoses, burglaries. I do digital forensic examinations
6 of phones, I do labs such as latent print examinations and
7 touch DNA examinations.

8 Q. Okay. Specifically focussing -- you mentioned digital
9 forensics?

10 A. Yes.

11 Q. Can you tell us a little bit about what digital
12 forensics is?

13 A. Basically it's any type of digital device we can
14 extract information from. I focus right now on phones
15 since that all I've been taught how to do.

16 Q. Okay. So you said you've been taught. As a part
17 of your job with the sheriff's department as a crime scene
18 investigator, do you receive training in digital forensics?

19 A. Yes.

20 Q. Have you received specific training in conducting cell
21 phone extractions?

22 A. I've had on-the-job training.

23 Q. Okay. In the field of digital forensics, have you
24 attended any training seminars?

25 A. I've done webinars at work.

1 Q. Okay. And how many webinars in the field of digital
2 forensics have you attended?

3 A. Probably roughly 20 to 30 webinars in the last --
4 since I started really.

5 Q. And are these educational in nature?

6 A. Yes.

7 Q. And do these assist you in conducting digital forensic
8 investigations, I guess?

9 A. Yes.

10 Q. How many cell phone extractions have you performed in
11 your role as a crime scene investigator?

12 A. Over 120.

13 Q. And do you continue to receive training in the field
14 of digital forensics?

15 A. Yes.

16 Q. As a part of your job as a crime scene investigator,
17 will you continue to receive training in conducting cell
18 phone extractions?

19 A. I will.

20 Q. Okay.

21 MR. NORTON: Judge, at this point we'd proffer her
22 for purposes of this hearing as an expert in digital
23 forensics and cell phone extractions.

24 THE COURT: Okay. Any voir dire?

25 MR. JOHNSON: Briefly, Your Honor.

1 VOIR DIRE EXAMINATION (In-Camera)

2 BY MR. JOHNSON:

3 Q. Ms. Joslin, how many times have you testified in
4 court?

5 A. This is my second time.

6 Q. How many times have you been qualified as an expert?

7 A. This would be my first time.

8 Q. And did you have any peer review of your work?

9 A. We only peer review written reports. We don't do
10 the actual phone reports. We give those off to the
11 investigators to do the phone reports.

12 Q. Do you have any state or Federal certification?

13 A. Not yet.

14 Q. That is available?

15 A. It is. I'm taking the class in two weeks to get
16 certified.

17 Q. Okay. And the extraction, did you use information
18 given to you by the agent regarding getting a password from
19 the defendant?

20 A. I was provided a password. Yes, sir.

21 Q. Okay. And that was by the agent who testified
22 earlier?

23 A. Yes.

24 Q. Okay.

25 MR. JOHNSON: No more questions, Your Honor,

1 regarding this issue. I would just object based on
2 the fact that she's not been certified before as an
3 expert and does not have that state or Federal
4 certification.

5 THE COURT: Any response just for --

6 MR. NORTON: Judge, I think for purposes of
7 Rule 702 and the relevant case law, she's clearly
8 established that she possesses requisite scientific and
9 technical expertise as a result of her role as a crime
10 scene investigator. She's attended training seminars in
11 this specific field, dozens of them. She continues to
12 receive training in this field. It is specifically her
13 job and I think that testimony would be helpful to a jury
14 in understanding the nuisances of digital forensics, and
15 that's all that's required. There's no standard that she
16 had been previously qualified as an expert or that she
17 bears certain certifications.

18 THE COURT: Let me ask you-all a quick question.

19 (Proceedings held at the bench; not reported.)

20 THE COURT: All right. Just for the purposes of
21 this hearing, I'll qualify her, but that does not mean
22 that she's qualified for trial yet because there may be
23 more questions you could ask her, okay?

24 MR. JOHNSON: Thank you.

25 MR. NORTON: Thank you, Your Honor.

1 CONTINUED DIRECT EXAMINATION (In-Camera)

2 BY MR. NORTON:

3 Q. Agent Joslin, could you tell us little bit about your
4 involvement in this case?

5 A. I was given a search warrant by my sergeant last
6 February to process a phone for Investigator Dubard. I
7 was advised that he had provided the PIN for the phone.
8 Once I received the search warrant, I then e-mailed
9 evidence and got the device out of evidence. When I got
10 it, it was in a Faraday bag and I think it had a charger
11 with it as well. Once I got it back to my desk, I placed
12 the phone in a Faraday box and then tried to enter in
13 the code and it didn't work as it was given to me in a
14 numerical value, so then once I associated the code to
15 the alphabet and it spelled "blood", so I typed "blood"
16 into the phone and was able to unlock the phone and then
17 I did my examination from there.

18 Q. So for this phone you had -- you were provided the
19 phone, a search warrant and also the information of a
20 passcode for the phone?

21 A. Yes.

22 Q. Okay. I'm gonna show you -- well, hold on.

23 (Court's Exhibit Number 7, 8, 9 and 10 were marked
24 for identification.)

25 BY MR. NORTON:

1 Q. I'm gonna hand you what's been marked as Court's
2 Exhibit 7. Do you recognize that?

3 A. I do.

4 Q. And how do you recognize that?

5 A. It's the extraction summary from the device.

6 Q. Okay. And can you read -- can you tell us what the
7 IMEI number is on that extraction summary?

8 A. It's 351966620657905.

9 Q. Okay. And what is the make and model of the phone
10 that the extraction was performed on?

11 A. It's a Samsung. The model is SM-S134DL.

12 Q. Okay. And that is the phone for which you performed
13 an extraction that you referenced?

14 A. Correct.

15 Q. And were you able to successfully conduct an
16 extraction of that phone?

17 A. Yes.

18 Q. Did you encounter any issues in your extraction
19 outside of the normal course of your training or
20 experience?

21 A. I did not.

22 Q. Okay. Have you had a chance to review that
23 extraction?

24 A. I have.

25 Q. Okay. Are there any identifiers in that summary sheet

1 which could indicate who the primary user of that phone is?

2 A. There's the Cash App and the Textfree Ultra App.

3 Q. And what do those show?

4 A. That it belongs to a Brandan Richardson.

5 Q. Okay.

6 MR. NORTON: Judge, at this time we'd offer that as
7 Court's Exhibit 7 for purposes of this hearing.

8 THE COURT: Very well.

9 MR. JOHNSON: No objection for purposes of this
10 hearing.

11 THE COURT: Yes, sir.

12 (Court's Exhibit Number 7, a cell phone extraction
13 summary, was admitted into evidence for pre-trial purposes
14 only.)

15 BY MR. NORTON:

16 Q. And so the -- you gave the IMEI number and then the
17 identifiers on that summary sheet as Brandan Richardson?

18 A. Yes.

19 Q. What is the phone number associated with that cell
20 phone?

21 A. 803-730-[REDACTED].

22 Q. Okay. Now when you conduct an extraction, what type
23 of information are you getting out of a cell phone?

24 A. It depends on the type of extractions we do. In this
25 case, I did the advanced logical, file system and full file

1 system, so I got everything from the phone.

2 Q. Okay. Would that include photos that are on the
3 phone?

4 A. Yes.

5 Q. Would that include text messages?

6 A. Yes.

7 Q. Would that include instant messages?

8 A. Yes.

9 Q. Facebook messages?

10 A. Yes.

11 Q. Okay. I'm gonna show you what's been previously
12 marked as Court's Exhibit 8. Do you recognize that?

13 A. I do.

14 Q. And what is that?

15 A. It's another report that's part of the extraction.

16 Q. Okay. And that is from the phone extraction that
17 we've been discussing here today?

18 A. Yes.

19 Q. Okay.

20 MR. NORTON: Judge, at this time we'd offer that
21 as Court's Exhibit Number 8 as a component of the phone
22 extraction.

23 MR. JOHNSON: What are you --

24 MR. NORTON: It's the three photographs. Sorry.
25 I didn't clarify.

1 THE COURT: For purposes of this hearing.

2 MR. JOHNSON: Okay. Thank you.

3 (Court's Exhibit Number 8, three photographs, was
4 admitted for pre-trial purposes only.)

5 BY MR. NORTON:

6 Q. And can you describe what Court's Exhibit 8 is
7 depicting?

8 A. It's several pictures. It has the size modified,
9 time and date, attachment, search extraction, extraction
10 source, source file.

11 Q. Okay. And just generally describing, what do those
12 pictures appear to you to show?

13 A. It looks like a scale with a white powdery substance
14 in a plastic bag.

15 Q. Okay. And what is the date and time associated with
16 those photographs?

17 A. It says 2-8-2023 at 10:19 PM.

18 Q. So that would be February 8th of 2023?

19 A. Yes.

20 Q. Okay. And is that the only date and time associated
21 with those photos?

22 A. Yes.

23 Q. And is it that information generated by the phone?

24 A. Yes.

25 Q. So that's not information that you calculated or

1 determined in any way?

2 A. No.

3 Q. That is data logged into the phone?

4 A. Yes.

5 Q. Okay. I'll show you what's been previously marked as
6 Court's Exhibit 9. Do you recognize that?

7 A. I do.

8 Q. Okay. And how do you recognize that?

9 A. It's messages from the phone report.

10 Q. Okay. And can you briefly describe how those messages
11 are obtained or what those messages -- how you determined
12 that those messages were logged in the phone?

13 A. It looks like they came from Facebook. They came from
14 the advanced logical extraction which pulls application
15 data, text messages, stuff like that.

16 Q. Okay. Does the data include who the participants in
17 that conversation are?

18 A. Yes.

19 Q. Okay. And who are the listed participants on
20 Exhibit 9?

21 A. Brandan Richardson and Carlie Stogner.

22 Q. Okay.

23 MR. NORTON: Judge, at this time we'd offer Court's
24 Exhibit 9.

25 THE COURT: All right. Do you want to show it to --

1 do you want to see it before it's --

2 MR. JOHNSON: Yeah.

3 That's what you just showed me?

4 MR. NORTON: Yeah. And then the last one is the
5 messages.

6 MR. JOHNSON: Strictly for the limited purpose of
7 this hearing.

8 THE COURT: So noted.

9 (Court's Exhibit Number 9, Facebook messages, was
10 admitted into evidence for pre-trial purposes only.)

11 BY MR. NORTON:

12 Q. Can you tell the Court if there's a date and time
13 associated with those messages, both the first and last on
14 the chain of messages?

15 A. The first one is 2-7-2023 at 11:40 AM and the last one
16 is 2-7-2023 at 4:03 PM.

17 Q. Okay. So that will be February 7th of 2023?

18 A. Yes.

19 Q. Okay. And the participants in that conversation you
20 said were Brandan Richardson?

21 A. Yes.

22 Q. And a Carlie Stoner -- Stogner?

23 A. Yes.

24 Q. Okay. And it was data collected from Facebook?

25 A. Yes.

1 Q. Okay. And that's consistent with all the other
2 information that you were able to obtain from that phone?

3 A. Yes.

4 Q. Okay. And then the last thing I want to show you is
5 Court's Exhibit 10. Do you recognize Court's Exhibit 10?

6 A. I do.

7 Q. And how do you recognize that?

8 A. It's more messages from the phone report.

9 Q. Okay. And what type of messages are these?

10 A. These look like text messages or instant messages.

11 Q. Okay. And those are from -- those are messages or at
12 least a conversation from the phone that you analyzed in
13 this case?

14 A. Yes.

15 Q. Okay.

16 MR. NORTON: Judge, at this time we'd offer Court's
17 Exhibit 10.

18 THE COURT: Another text chain for purpose of this
19 hearing?

20 MR. JOHNSON: No objection for the purpose of this
21 hearing.

22 (Court's Exhibit Number 10, text/instant messages,
23 was admitted into evidence for pre-trial purposes only.)

24 BY MR. NORTON:

25 Q. Can you tell the Court the date and time associated

1 with these messages, both the first and the last?

2 A. 2-3-2023 at 7:26 PM and the last one is 2-3-2023 at
3 7:37 PM.

4 Q. Okay. So that would be February 3rd of 2023?

5 A. Yes.

6 Q. Now that I've entered those in, I want to ask you --
7 in lieu of me putting it up on the projector, looking at
8 Court's Exhibit 10, are the messages that we see in green
9 -- what are the messages that we see in green as opposed to
10 blue?

11 A. From green, those are from the sender, and then blue
12 is the person that's responding back to the person sending.

13 Q. So when you say the green messages, are you referring
14 to -- or the sender, are you referring to this cell phone?

15 A. Yes.

16 Q. So the green messages on Exhibit 10 are from the phone
17 you analyzed?

18 A. Yes. Or from the owner I guess you could say.

19 Q. And is that true for Exhibit 9 as well?

20 A. Yes.

21 MR. NORTON: I beg the Court's indulgence.

22 BY MR. NORTON:

23 Q. And so everything you see in Exhibit 9 and 10 is
24 consistent with a conversation that was had from that cell
25 phone?

1 A. Yes.

2 Q. And there are no -- between that cell phone and one
3 other individual in both cases?

4 A. Correct.

5 Q. Okay.

6 MR. NORTON: Judge, I think that's all the questions
7 I have for purposes of this hearing. I'd like to argue --
8 make arguments about the contents of the messages later,
9 but I don't think it's relevant to her testimony.

10 THE COURT: All right. Cross-examination.

11 CROSS-EXAMINATION (In-Camera)

12 BY MR. JOHNSON:

13 Q. Just to be clear, you have no information about who
14 was actually possessing the phone and sending the messages,
15 just based on the information you got from the phone?

16 A. Correct.

17 Q. And you got the phone from the investigator and the
18 information to get in the phone from the investigator?

19 A. Correct.

20 Q. And when you referred to "blood", you were referring
21 to the number provided by the investigator?

22 A. Correct.

23 Q. And there's no way to tell from the photographs who
24 used the phone to take the photographs. Those dates you
25 testified to just show when those were taken by that phone?

1 A. No, it shows the date. Sometimes you can tell if it
2 was taken by the phone, sometimes you can't. Right here,
3 I can't tell, so.

4 Q. So that means the photos could have been taken by
5 another phone?

6 A. Possibly or it was taken by the phone. It depends.

7 Q. There's no way to tell who took the photographs?

8 A. Who took them? I can't tell that.

9 Q. And there's no way to tell if the phone took the
10 photographs where the phone was located at that time?
11 There's no information that you have about that?

12 A. Not currently, no.

13 MR. JOHNSON: No more questions, Your Honor.

14 THE COURT: Redirect?

15 MR. NORTON: Very briefly.

16 REDIRECT EXAMINATION (In-Camera)

17 BY MR. NORTON:

18 Q. Agent Joslin, in your review of the cell phone
19 extraction and all the information that you can observe,
20 how many identified users are you able to identify on that
21 cell phone?

22 A. I was only able to identify one.

23 Q. And who is that?

24 A. Brandan Richardson.

25 Q. Okay. And as to the pictures that Mr. Johnson was

1 referencing, how many dates are associated with those
2 pictures?

3 A. Just the one.

4 Q. Just one. And that date would be?

5 A. 2-8-2023.

6 Q. Okay.

7 MR. NORTON: Judge, that's all I have at this time.

8 THE COURT: Any recross?

9 MR. JOHNSON: No, sir.

10 THE COURT: All right. The witness may step down.

11 Thank you.

12 (Witness excused.)

13 THE COURT: All right. You just want to talk about
14 the subject matter of the texts now?

15 MR. NORTON: That's fine, Judge.

16 THE COURT: Does that mean -- as I recall, most of
17 those dates were around or about the same time as the --
18 the incident alleged in the indictment; is that correct?

19 MR. NORTON: That's correct, Judge. So it's three
20 photographs all which have timestamps from February 8th,
21 the day before the arrest. Our contention is that these
22 are photographs of the narcotics in this case and the two
23 text messages are statements sent from the phone that was
24 identified as being the defendant's phone that suggests
25 he's in possession of these same narcotics.

1 Specifically, Judge, Exhibit 10 is a text message
2 chain which Ms. Joslin just identified the green messages
3 as being sent from the phone. The text that we can see
4 in Court's Exhibit 9 are from the phone, "I'm about to
5 get six of them things", and then the response is "What
6 is the lowest I can get them, you know I get them off and
7 you know I sell them whole", the response from the phone,
8 being this phone, is "235", and then the response text
9 from the other participant is "You went from 225 to 235",
10 and then the response back from this phone on February 3rd
11 is "I paid 200 an ounce, I be charging my people 300, I
12 serve you the same dope so you know it's gonna be A plus".
13 "With that being said, I've got the best ice on this side
14 of town, on blood", and then, Judge, it -- it goes on from
15 there.

16 It's -- our contention is that these are text messages
17 involving methamphetamine trafficking from six days prior
18 to his arrest. The text messages in Exhibit 9 are from
19 February 7th, two days prior to his arrest, and the
20 specific one that we would be most interested in, Judge,
21 is "I got Down, Clear, weed, et cetera". We're prepared
22 to offer testimony as to what that specific content is
23 being methamphetamine, fentanyl, obviously weed is weed,
24 and it's sent from -- it's a message sent from that phone
25 two days prior to his arrest. The pictures obviously --

1 we're prepared to offer testimony at trial that the scale
2 shown in those pictures from February 8th is the scale
3 they seized from the hotel room and that the drugs being
4 weighed on the scale are the drugs that were found in the
5 dog food bag that are being attributed to Mr. Richardson.

6 THE COURT: Is everything -- is it accurate to say
7 that everything that are mentioned in those text messages
8 were recovered from the hotel room?

9 MR. NORTON: That is our contention, Your Honor.

10 THE COURT: Well, okay.

11 MR. NORTON: I think it's -- our position is --

12 THE COURT: Let me say there's nothing -- I under
13 stand your position.

14 MR. NORTON: We're not offering these to show he
15 engaged in prior methamphetamine trafficking, we're
16 offering them to show that he is in the process of the
17 same methamphetamine trafficking he's charged with today,
18 and the February 3rd text, Judge, the phone -- the text
19 message from this phone says "I'm about to get six of
20 them things". Our contention and what it tends to show
21 is six ounces of methamphetamine is what's being discussed
22 in the messages and he's charged with having four and a
23 half ounces six days after that. So our contention is
24 that it's the same ounces of methamphetamine, maybe just
25 slightly less.

1 THE COURT: Okay.

2 All right. Mr. Johnson.

3 MR. JOHNSON: Your Honor, starting with Court's
4 Exhibit 7, I just wanted to discuss this summary and put
5 on the record again, I know I made it clear in some of
6 these pre-trial motions, there's a mention of here --
7 well, actually a repeated listing that says "gangland" or
8 "gang land", as well as the word "blood", and I would, of
9 course --

10 THE COURT: Can I ask a stupid question? When
11 someone says "on blood" in a text, is that gang talk or
12 is that --

13 MR. JOHNSON: Well, my position is that's highly
14 prejudicial. That's indicating gang membership.

15 THE COURT: Well -- again, the reason I said it was
16 a stupid question is because I don't know the answer,
17 okay? I mean, typically if someone says "on blood", it
18 -- I mean, if some says we're -- is anyone understanding
19 me? I mean, the mention of the word "blood" doesn't
20 necessarily have to be gang affiliated. You're saying
21 in that context "on blood" means --

22 MR. JOHNSON: I would argue that's trying to imply
23 some gang membership, it's highly prejudicial to the
24 defendant, and I'd object to it based on that in addition
25 to my other objections. Also the information and the

1 testimony from the CSI -- or expert or who they want to
2 qualify as an expert, the testimony, we'd also object to
3 that about saying this spells out "blood", which, once
4 again, would be prejudicial against my client.

5 THE COURT: Can you still -- Mr. Cox, can you still
6 show -- I think the State's trying to show that he had
7 the drugs that were ultimately found in the hotel room --
8 without the use of the word "on blood"? I haven't seen
9 the text, so, I mean, I can't really --

10 MR. NORTON: Judge, if it's just the portion that
11 says "on blood", just those two words, I think that the
12 message outside of that speaks for itself and we don't
13 have a problem if the Court wants to redact that out.

14 As to what Mr. Johnson is referencing in the
15 extraction summary, the usernames and passwords, "bloody
16 slim", "gangland slim", I don't have any objection to
17 that being redacted out because the user account that
18 we're most interested in are the ones that say Brandan
19 Richardson.

20 THE COURT: Right. And that's --

21 MR. NORTON: It's not State versus Bloody Slim.
22 We're fine if it's just --

23 THE COURT: Well, just, again, I don't have a copy
24 of the text in front of me at the bench at this moment.
25 From what I'm gathering from you, it sounds to me that

1 we can redact any mention of "gangland" or "blood" and
2 the State still has the ability to present that portion
3 of the case.

4 MR. NORTON: As long as we're permitted to admit the
5 content of the messages outside of those two words, I'm
6 totally fine, Your Honor.

7 MR. JOHNSON: Your Honor, I'll continue my discussion
8 of marijuana. They keep bringing it up. My client was
9 never charged with marijuana. There was testimony about
10 smelling marijuana. There's messaging here from this
11 exhibit about weed. I'd object to that and there's --

12 THE COURT: Was weed found in the room?

13 MR. JOHNSON: I have no analysis. They claim that
14 there was -- they have a photograph that we're objecting
15 to that they claim was two marijuana cigarettes or blunts.

16 THE COURT: Isn't there an inventory of what was in
17 the room?

18 MR. JOHNSON: There's a picture they want to use of
19 a scale that has these two blunts on it and I have no
20 analysis, but he was never charged with marijuana, so
21 that's my point.

22 THE COURT: Okay.

23 MR. JOHNSON: People keep talking about marijuana,
24 the witnesses keep talking about marijuana and we're
25 objecting to all of that. He's not on trial for

1 marijuana.

2 And in relation to the phone extraction, there's
3 mention of weed. I'm objecting to all this gang-related
4 talk, as well as weed, and overall objecting to the whole
5 thing based on my arguments after questioning the law
6 enforcement officer and their CSI expert about the fact
7 that this all came as a result of this knock and talk, if
8 you want me to make the whole argument now --

9 THE COURT: Sure.

10 MR. JOHNSON: -- but the anonymous knock and talk
11 that took place when probation and parole went out there,
12 as I outlined in my motion, the search warrant of the
13 room and then the motion for the cell phone -- suppression
14 of the cell phone and the attached search warrant for
15 cell phone, inside that I reference a specific part where
16 that second search warrant is relying upon evidence found
17 from the first search warrant which is relying upon an
18 anonymous knock and talk, probation making a statement.

19 And just to get some specifics, I'll give you --

20 THE COURT: I think you're arguing, if I'm not
21 mistaken, that the anonymous tip short circuits the
22 entire chain.

23 MR. JOHNSON: Right. That's my argument, Judge.

24 THE COURT: Okay.

25 MR. JOHNSON: And actually, to get specific, I know

1 I'm jumping between search warrants, but actually I put
2 in there, and it's very clear in the motion, the wording
3 of that search warrant for the room talks about specifics
4 saying they got room info about this fugitive being in
5 this room, but the problem is at no point throughout
6 this case have they provided that info. Probation and
7 parole went in there and they provided two separate
8 reports from probation and it's always talking about
9 well, somebody talked to somebody, and so my argument
10 will be as long as you've got somebody, you've got --
11 you know, this anonymous standing, you don't have an
12 actual known person getting information, so that -- I
13 think you should suppress everything.

14 But just to get into the details of what they're
15 offering, I do have problems in addition to that these
16 parts of the report and the extractions and the pictures.
17 I would say that not only does it have that language
18 implying gang affiliation, it also has a problem with
19 them implying drug dealing at other times. Some of
20 these photographs are being taken and conversations
21 taking place days -- I think one was a week before, so
22 my argument would be that's evidence of other crimes that
23 they would have to justify under Lyle and they've failed
24 to do that.

25 So I think that and the rest of my argument is

1 outlined pretty decently in my motion.

2 THE COURT: Sure.

3 Okay. Before I -- you respond to him, just on the
4 cell phone, which the witness was qualified for this
5 hearing and I suspect she'll get qualified tomorrow, I
6 would like the redactions of any references to "gang",
7 the word "blood". It's not worth the risk and there's
8 plenty of other words in there that makes reference to
9 drugs.

10 MR. COX: Your Honor, we're perfectly fine with
11 redacting the two words "on blood".

12 THE COURT: Initially, at the outset, I don't know
13 if weed needs to be redacted because I would like some
14 more confirmation that weed was recovered in the hotel
15 room, which I think you sort of got up and was looking
16 in your file while he was arguing that.

17 MR. COX: That's right, Judge.

18 THE COURT: So assuming that there's --

19 MR. COX: I'm listening to you, Judge.

20 THE COURT: -- that weed was recovered at the hotel,
21 whether he's being charged with it or not, it's still --
22 it's part of the body of evidence --

23 MR. COX: This is a pretty classic.

24 THE COURT: -- as part of the presentation of the
25 facts so to speak.

1 MR. COX: That's right, Judge.

2 THE COURT: And, I mean, weed from a prejudicial
3 standpoint, weed is not as prejudicial as something else
4 could be, so.

5 In response to Mr. Johnson.

6 MR. COX: I'll try and kind of pinpoint and pick out
7 what I think I need to address from our standpoint and
8 obviously, Your Honor, if you think I need to address
9 another finer point to Mr. Johnson or if he feels that I
10 haven't covered part of his motions, I'm happy to try and
11 address that, too.

12 So it pretty much sounds like Mr. Johnson, his main
13 argument comes from this fruit of the poisonous tree
14 argument, that if the knock and talk search fails, then
15 everything else collected from it would not be admissible,
16 if I'm following that completely.

17 As far as the information provided to Triple P when
18 they arrived, particularly in the search warrant the room
19 information from Masters Inn, we had testimony on the
20 stand from Agent Carter that when they arrived he went to
21 one location that was away from the front desk, but they
22 had information from Sal Lugos of the possible location
23 of someone wanted from Triple P. In fact, I was asking
24 you-all don't just take that information and go kick in a
25 door. We've got testimony from Agent Carter that two of

1 the agents went to the front desk. Sal Lugos went while
2 he and the other agents were waiting on information for
3 their next instructions, which came from Sal Lugos, that
4 they are now going to Room 208 to try and locate Ashley
5 Hagains, the wanted person. I would argue that that is
6 the room information that they relied upon to go and do
7 the knock and talk.

8 Your Honor, there's established case law that for
9 a knock and talk reasonable suspicion is the standard,
10 reasonable suspicion of illegal activity. Not only that,
11 but there's established case law of law enforcement's
12 authority to enter into a hotel room on an arrest warrant,
13 as well as conducting a protective sweep of that location,
14 which that's what we're arguing is what happened here.
15 When they approached, they did a knock on the door, there
16 was the odor of marijuana as testified to from the NET
17 agents that arrived. There was the location of who they
18 looked into the room and they believed to be the wanted
19 person, which they entered into the room to locate all
20 the individuals and gather the proper information they
21 needed to confirm her identity, which very naturally
22 and importantly led them to locating Mr. Jivers behind
23 a closed door in this tiny hotel room, and we argue that
24 it was an appropriate step as part of their protective
25 sweep in order to pull him out of the room, identify

1 him, which then led to the next step of him being wanted.

2 THE COURT: Ultimately who all -- were there three
3 people in the room?

4 MR. COX: Four total, Your Honor, including the
5 defendant and then two females and --

6 THE COURT: Mr. Jivers and who else?

7 MR. COX: Angela Nettles. And I believe Agent Gietz
8 called her Amanda Nettles, but it's an Angela Nettles and
9 a Brittany Metts. This Brittany Metts individual is the
10 one who identified from Agent Carter -- when I showed him
11 the photo of Ashley Hagains he identified as who believed
12 could be Ashley Hagains because of the resemblance, but
13 when he looked in, she moved to the back of the room.
14 They went in to try and locate her to confirm her
15 identity, which is what they did when Agent Lugos ran
16 everyone's information in the room and the warrant for
17 Jeremy Jivers -- they were notified of his active warrant
18 status.

19 THE COURT: And that was the process of trying to
20 locate the --

21 MR. COX: The wanted individual, which would be
22 Ashley Hagains, which is the reason they arrived on the
23 scene and the information that they gathered from the
24 front desk, which was testified to from Agent Carter.

25 THE COURT: Okay.

1 MR. COX: Now he himself -- he testified he himself
2 is not the one who went to the front desk and asked any
3 questions about it, but he received the instruction from
4 his supervisor, Sal Lugos, and that's -- and we would
5 argue that that's where the information came from and it
6 was reliable information for at least for them to go and
7 conduct their knock and talk to attempt to locate Ashley
8 Hagains and upon them attempting to locate her, finding
9 someone that resembled her enough for them to further
10 investigate their valid arrest warrant thus would allow
11 them to properly enter the room, which going in to find
12 Mr. Jivers, Agent Carter was able to testify that standing
13 by Jivers when they were waiting on this information, he
14 was able to see in plain view what he knew or what he
15 believed to be marijuana, which he's seen before.

16 Not only the -- I believe he referred to them as two
17 roaches, prior smoked marijuana, and then possibly some
18 non-smoked rolled marijuana joints, as well as the loose
19 baggies in front of them. These were apparent to these
20 law enforcement officers as possible narcotics evidence
21 in plain view also witnessed by Agent Lugos. From that
22 point they not only have someone under arrest on an
23 active warrant, but now they have narcotics in plain view,
24 which they took the step to not conduct the search, but
25 to secure the scene, get the wanted individual who they

1 knew was going into custody and going to LCDC or going
2 to our county detention center, calling in the NET Team
3 to arrive, and that's when they take over the scene, take
4 the information, investigate it further from their own
5 point.

6 Investigator Dubard indicated we arrived, we smelled
7 the marijuana ourselves, we located the same individuals
8 that they spoke to. They presented that information to
9 a magistrate, found probable cause and issued a search
10 warrant, which is when it was executed in this case.

11 THE COURT: Okay.

12 Mr. Johnson, any reply?

13 MR. JOHNSON: Yes, Your Honor.

14 I'll just -- I'm not gonna read the whole thing.
15 It's just in my motion to suppress that had the original
16 search warrant attached with the probation report. I
17 start out talking about State v. Counts which is the
18 case where they start talking about a knock and talk
19 investigative technique and the need for reliable
20 information that says an anonymous tip is inherently
21 unreliable and insufficient to establish reasonable
22 suspicion of criminal activity and when you go into the
23 wording and all the follow-up of this motion it described
24 what happened there and there's no testimony or evidence
25 of any criminal activity taking place as far as them

1 witnessing -- I mean, there's even language in here
2 about officers smelling marijuana before they get into a
3 residence or going to the door, and that's insufficient.

4 In this case, there's no testimony that any officer
5 smelled any marijuana or anything or saw anything or were
6 chasing anybody into the room, and there's no exception
7 to the search warrant requirement with simply probation
8 saying somebody said that our fugitive is in this room,
9 and they failed to provide the information of who that
10 person is, so, therefore, that person's anonymous.

11 And I would argue that under this knock and talk
12 under Counts you've got the exact same situation. You
13 have an anonymous person. I don't know if this was an
14 employee of the hotel, I don't know if this was some guy
15 standing out in the parking lot by the office. They have
16 no idea and they have not identified that person. So
17 simply to say that an officer is relying upon another
18 officer who's relying upon an anonymous person is good
19 enough, I think it's pretty clear the case law says you
20 cannot do that. You've still got to start back to what
21 happened initially for them to do a knock and talk and
22 you have to have something other than just an anonymous
23 tip. That's my response to their argument.

24 MR. COX: I do have a brief response, Your Honor.
25 I have a case I can cite with a holding I think could be

1 really relevant to kind of clear this up.

2 THE COURT: All right.

3 MR. COX: There's been mention of a knock and talk.
4 I don't want to -- I don't want the Court to think that
5 we are necessarily endorsing that this was a true knock
6 and talk. This wasn't a situation where you have law
7 enforcement showing up and doing a narcotics investigation.

8 THE COURT: If I could jump in, probation's not
9 there to investigate a crime. They're there to a locate
10 person.

11 MR. COX: That's correct, Your Honor. They are there
12 to serve an active arrest warrant. In State v. Jason
13 Johnson, which is 410 S.C. 10, it's a case that was
14 decided in June of 2014 here in South Carolina. It's a
15 Court of Appeals case. Essentially, Your Honor, law
16 enforcement is allowed to enter a hotel room pursuant to
17 a valid arrest warrant and -- and this is my summary,
18 Judge, I'm not reading directly from it -- and conduct a
19 protective sweep and as a part of that protective sweep,
20 Your Honor, in order to sufficiently or effectively serve
21 this arrest warrant anything found in plain view case
22 law is pretty clear that that is fair game.

23 The actual holding, the language in here that we
24 rely on from this case, is we find that the initial
25 intrusion into the hotel room which afforded the

1 authorities the plain view of the evidence was lawful.
2 Police are allowed to enter a hotel room to arrest an
3 occupant when acting pursuant to a valid arrest warrant.

4 That's exactly what we have here, Your Honor.

5 THE COURT: Okay. There's no power cord up here,
6 so my battery has died, but I'm gonna pull State v.
7 Johnson.

8 MR. JOHNSON: Judge, can I just confirm that cite?
9 401 S.C. 10?

10 MR. COX: Yeah.

11 THE COURT: I'll read it, but I'm -- this has been
12 a little longer than I thought, but I do -- I mean,
13 that's an important distinguishing feature if that's
14 accurate. I mean, we don't have someone going to
15 someone's house, we do have a hotel. We don't have
16 someone actively investigating a crime, they're trying to
17 locate a missing -- a person with an outstanding arrest
18 warrant.

19 MR. COX: Your Honor, this is not a fishing
20 expedition by law enforcement. This is an active
21 investigation to find a wanted person that did, in fact,
22 evolve into a narcotics investigation.

23 THE COURT: I do know Counts and there was a newer
24 case I was looking at before the computer died, so I need
25 to make sure I've had an opportunity to -- I mean, my

1 inclination, I think it's -- yes, sir.

2 MR. JOHNSON: I don't mean to interrupt you, Judge.

3 THE COURT: I'm not sure if I'm at a suppression
4 point, but I still want to read it just to make sure.

5 MR. JOHNSON: I can't give you a cite on this. I
6 want to mention a case. This is from years ago, but I
7 think it's still good law. When they talk about pursuing
8 a fugitive, of course, in this case I don't have any --
9 I'm gonna have to pull that case as well. I don't know
10 if they can still pursue a fugitive based on an anonymous
11 tip and this is a room that they considered to be a place
12 -- they presented evidence during this hearing that my
13 client -- they're trying to present evidence to say my
14 client was staying in this room, so I think, you know, to
15 argue this point you'd have to say well, if you're gonna
16 argue Fourth Amendment privilege, then obviously you'd
17 have to look at that, but I would also argue there was
18 case law about curtilage and when -- we had this years
19 ago in Aiken. There's a restriction when an officer saw
20 somebody that they wanted to question and they had
21 somebody -- they said I want to talk to that guy and it's
22 a narcotics officer and they stepped inside a privacy
23 fence, and this was a fenced in backyard, so that was an
24 illegal search or detention and then a search where they
25 demanded entry into the home because that was someone

1 -- that they actually saw someone, knew they wanted to
2 talk to this person, but it wasn't necessarily -- but it
3 wasn't I saw somebody who's wanted who has an arrest
4 warrant.

5 So in this case they're saying there is a warrant,
6 but there's nobody saying they saw the fugitive and so
7 when you talk about flight as an exception to the search
8 warrant requirement, I would argue you've got to see the
9 fugitive running into that room or have somebody that you
10 can identify who said that.

11 THE COURT: The person who Agent Carter -- the
12 female matched or had a similar description. Isn't that
13 accurate?

14 MR. COX: That is correct, Your Honor. That is what
15 -- that's what happened in this case before they went out.
16 You know, he testified that this -- the individual they
17 wanted, Ashley Hagains, that had an active arrest warrant
18 was not his probationer or they were essentially helping
19 to serve an arrest warrant for another Triple P agent who
20 wasn't a part of that four-man team that went out to
21 serve it. They reviewed photos of the individual that
22 was wanted to try to get an idea of who they were going
23 to identify and when they got to the room and knocked on
24 the door, he saw someone who he thought might be her, but
25 as she was walking away from the doors towards the back

1 of the room, that's why they began asking for not only
2 her name but the other individuals in the room to, again,
3 make the right decision on who they have because they
4 have this valid arrest warrant. So they're trying to not
5 only secure the scene, protect themselves, protect other
6 people in the room so they can serve this arrest warrant
7 the right way, which, Your Honor, we would offer was the
8 appropriate thing to do in a case that evolved the way it
9 did.

10 THE COURT: Okay.

11 All right. Anything else for the moment?

12 MR. JOHNSON: I think that covers it, Judge.

13 THE COURT: Any other pre-trial matters?

14 MR. JOHNSON: Well, the photographs. They have
15 photographs taken in the room.

16 MR. COX: The marijuana, Your Honor. The photos
17 of the marijuana found in the room I believe is what
18 Mr. Johnson is asking for us not to be able to introduce
19 those at trial or the mention of weed in the text message.

20 Your Honor, what I would argue is that the mention
21 of marijuana, there was what appeared to be marijuana
22 found that was in plain view. Your Honor, there were
23 photos taken of that, the roaches and the possible joints
24 found next to a digital scale that was seized as evidence,
25 other items when they were documenting the scene, so we

1 would like to introduce that as a part of the story of
2 the case.

3 This is a res gestae argument, Your Honor. When we
4 were trying to do our research, I'll give you -- I don't
5 have the actual cite, but I can give you the name and
6 date of the case. It is State v. Stevenson. This is a
7 Court of Appeals case. I'll tell Your Honor I have other
8 cites, but this is an unreported case that cites other
9 reported cases.

10 THE COURT: What's the date of the case?

11 MR. COX: December 6th of 2023.

12 THE COURT: Oh.

13 MR. COX: They affirmed the circuit court
14 admitting marijuana evidence even if not charged based
15 on res gestae because it corroborated officer testimony
16 that they smelled marijuana coming from -- I believe
17 this was a vehicle case, but there was evidence -- it
18 goes to a credibility issue with the officers and what
19 they testified to.

20 THE COURT: What are the specific pictures you're
21 talking about? Just bring them up. I might as well see
22 them.

23 MR. COX: Your Honor, we've kind of talked about
24 the fact that the one text message mentions weed in it
25 as a part of what we're saying essentially the defendant

1 is advertising what he has available. These are --

2 THE COURT: Those little cigar-looking things?

3 MR. COX: Your Honor, this is what we would offer.
4 This is what the Triple P agents observed in the room in
5 plain view which caused them to then call the NET Team.

6 MR. NORTON: Judge, this is just to show the
7 relevance. This scale you can see right here found on
8 the table with the marijuana blunts is the scale we allege
9 is contained in the photographs is the same scale.

10 MR. JOHNSON: May I?

11 THE COURT: Yes, sir.

12 MR. JOHNSON: So there's two pictures they want to
13 use of the marijuana.

14 THE COURT: I'm fine with that. I mean, subject to
15 objection of course.

16 MR. JOHNSON: Yes, sir.

17 THE COURT: But that's -- that's not like there's a
18 bag of weed.

19 MR. JOHNSON: Yes, sir.

20 Well, Judge, and I'll just put on the record we're
21 objecting to all of that, but obviously without an
22 analysis we'd also object to anyone describing something
23 as marijuana if it's not been tested.

24 THE COURT: Well, you can argue -- well, believed to
25 be or appeared to be.

1 MR. COX: Your Honor, the way this would be presented
2 from the stand to the jury is gonna be law enforcement
3 officers testifying that, you know, through their training
4 and experience. Certainly members of the NET Team, the
5 narcotics officers, are gonna be able to testify what they
6 know the smell to be, what they know the roaches to likely
7 be. Of course, Your Honor, we're not -- and we're not
8 gonna stand up and you're not hear argument that there was
9 marijuana found attributed to the defendant because he's
10 not on trial for that. We don't intend on arguing that.

11 THE COURT: Well, I haven't read Stevenson yet, but
12 Stevenson sounds like what I thought the appropriate
13 relevance was and marijuana or weed ten minutes ago. I
14 mean, it's just -- if it referenced in texts and it's
15 found in the room, it just goes to the total weight of
16 the evidence I think.

17 MR. COX: Yes, Your Honor.

18 MR. JOHNSON: Your Honor, is there a cite for that
19 Stevenson?

20 MR. COX: So it's --

21 THE COURT: It's an unpublished opinion from
22 December 6, 2023, so it should be right there on the
23 S.C. Court's website.

24 MR. COX: What I'll do when I -- I can fire up my
25 laptop and I can send an e-mail to both Your Honor and

1 Mr. Johnson of that. I guess it will pop up as an opinion
2 number and I'll include on that e-mail the cases that this
3 State v. Stevenson case is citing in its holding because
4 even though Stevenson is unreported, the cases and the
5 arguments it's relying on are reported.

6 In particular, the State v. Williams case, Your
7 Honor, where it talks about the res gestae argument,
8 but herein recognizes evidence of other bad acts may
9 be an integral part of the crime with which the defendant
10 is charged or may be needed to aid the factfinder in
11 understanding the context in which the crime occurred
12 and we'd argue that is exactly the purpose of what we
13 would be offering these photos and that text message of.
14 In no way are we trying to sneak in an argument or present
15 any kind of marijuana charges against the defendant.

16 MR. JOHNSON: Well, and my argument is if they want
17 to make it a complete picture, you know, seize it, test
18 it, charge him, which they did not do, and that's fine.

19 THE COURT: Fair enough. So noted.

20 I'll allow the mentioning of marijuana, but in the
21 context that we've discussed today subject to objection.

22 I do still want to look at those cases overnight,
23 particularly Johnson because I thought Johnson based off
24 what was indicated to me, Mr. Cox, sounded somewhat on
25 point.

1 Anything else from for the record today?

2 MR. COX: I don't believe -- if we've covered
3 everything that Mr. Johnson presented, I believe, you
4 know, we're satisfied.

5 THE COURT: Absent tornados on the highway in the
6 morning, I'd like to -- anything else for the record?

7 MR. JOHNSON: Just that we have to review, I guess,
8 now two redacted videos in the morning and get a final
9 ruling on that for opening.

10 MR. COX: Right.

11 So, Your Honor, just so I'm clear on what we are
12 gonna be presenting from this body-worn camera of Triple P
13 agents, the Court's exhibit of it that we've entered is
14 three and a half hours long. We are going to be redacting
15 and cutting it down to a portion that's not likely to
16 exceed eleven minutes, so I don't want Mr. Johnson to get
17 the copy we have and expect to see actual redacted or muted
18 versions because we don't really believe there's gonna be
19 much muting or redacting needed, but it is gonna be cut
20 down, so that will be a redacted version of that video.
21 That's what we're gonna be offering from the body-worn
22 camera --

23 THE COURT: From Agent Carter.

24 MR. COX: -- from Agent Carter.

25 Now there is the interview. We will make the

1 appropriate redactions of the interview of the defendant
2 and we'll have that done as soon as we can in the morning
3 so that Mr. Johnson can review that. And I can tell
4 Your Honor the total time of that video as Investigator
5 Dubard testified to is about thirty minutes, so.

6 MR. JOHNSON: So are they saying the body camera
7 video they're not going to produce a copy that is totally
8 redacted or -- I'm not sure what you just said. You want
9 to cut it down or --

10 MR. COX: Well, basically the full video is three
11 and a half hours. We don't intend on publishing but the
12 first about ten and a half, eleven minutes, and we don't
13 find -- we don't think that there's anything in the first
14 eleven minutes that actually needs to be removed. We
15 think that cutting off the publishing of the video at
16 that point removes any possible taint for --

17 THE COURT: Are you saying in your redaction that
18 you're just gonna play the first ten minutes?

19 MR. COX: That's what I'm saying, Judge.

20 MR. JOHNSON: You're not gonna create a separate
21 copy is what I'm saying. You're just gonna play it?

22 MR. COX: That is my plan. I can make -- if we're
23 gonna really protect this, I can make a second copy.

24 MR. JOHNSON: Well, I mean, what if the jury comes
25 -- you know, if they come back and say let's -- if you're

1 not gonna send it back with them, that's fine. I guess
2 you can bring them back out and play it if you rule that
3 it comes in, but it just turns into a --

4 THE COURT: Well, how about this? Perhaps during
5 the day tomorrow someone can truncate it down to wherever
6 the stopping was for use in front of the jury. That way
7 we don't have to -- they can watch it in the jury room.

8 MR. JOHNSON: I'm just thinking I had to work on a
9 PCR recently where there was a mistake about the copy that
10 was handed over and got played for the jury and it just
11 concerned me.

12 MR. COX: I understand your concern.

13 THE COURT: All right. We'll go ahead and recess
14 for the day. I've asked the jury to be here at 9:00 and
15 so we'll probably start around 9:30.

16 We're off the record now.

17 (Whereupon, the proceedings were concluded for
18 January 9, 2024, at 3:51 PM.)

19 (The following proceedings were held January 10,
20 2024, beginning at 10:10 AM.)

21 BAILIFF: All rise. The Honorable Walton McLeod
22 presiding.

23 THE COURT: All right. Good morning.

24 MR. COX: Good morning, Judge.

25 THE COURT: All right. Just briefly, Mr. Johnson,

1 you've had a chance to review the videos we talked about
2 yesterday?

3 MR. JOHNSON: Yes, sir.

4 THE COURT: And I believe those videos have been
5 narrowed down or I'll say redacted down; is that correct?

6 MR. JOHNSON: Yes, sir.

7 THE COURT: Okay. Anything else for the record at
8 the moment?

9 MR. JOHNSON: In relation to -- if you want me to
10 start out, in relation to the videos?

11 THE COURT: Sure.

12 MR. JOHNSON: Of course, we're objecting as hearsay
13 and, of course, are prejudicial, but all of the grounds
14 based in my written motion as well. I will say I reviewed
15 them. They -- it looks like the State has removed that
16 language about previous incarceration, probation, anything
17 like that. There was a probation officer that comes in
18 on one and asks about probation, but I think they removed
19 anything in the interview that would involve previous
20 incarceration and things like that. So we still object
21 based on my written objection and motion.

22 THE COURT: Sure.

23 MR. JOHNSON: And I will also say -- do you want me
24 to move onto the other items and make my argument now?

25 THE COURT: Sure. I just want to get done everything

1 we can, so I can --

2 MR. JOHNSON: Yes, sir. I think that covers the
3 videos. I'm still objecting to them, but they've done
4 their job and they've given me copies of both redacted
5 videos.

6 THE COURT: There's certainly been an attempt to
7 cure any prejudicial nature.

8 MR. JOHNSON: Correct, Judge.

9 THE COURT: Okay.

10 MR. JOHNSON: We're still objecting based on that in
11 my written motions, but I will -- just to cover all the
12 grounds I talked about yesterday. Photographs, they've
13 shown me what they've marked as their photographs they
14 want to use. These are photographs taken of the scene.
15 There's also photographs from the cell phone. Now I'm
16 objecting to all of them, but specifically I will say
17 in addition to the motion that I filed regarding that as
18 being evidence of potentially other crimes, things for
19 which my client has not been charged being prejudicial,
20 I will point out one of -- or two of the photographs, I
21 believe, show what they describe as suspected marijuana
22 and objected to that yesterday as prejudicial. We renew
23 our objection. There's no testing, no analysis that's
24 been performed and no -- no charges brought. My client
25 is not on charge for marijuana, so since the photographs

1 do -- two of them at least contain that.

2 I will also point out that sort of linked to that
3 there's mention of weed on text messaging from the cell
4 phone. The State's indicated they've shown me the copies
5 that they want to use in the text messaging. They left
6 in that word "weed" and I would argue, of course, my
7 client is not on trial for marijuana.

8 The case law that they provided when they talk about
9 -- I think this particular case that the solicitor was
10 kind enough to send, this was the Stevenson -- State v.
11 Stevenson case. Appellate Case Number 2021-000417.
12 After reviewing that, it seems to indicate that there
13 was marijuana -- it says on the last page marijuana was
14 admissible because it was part of the res gestae of the
15 possession and trafficking drug charges for which
16 Stevenson stood trial because the marijuana smell in
17 the vehicle explained how the traffic stop transformed
18 into a vehicle search, and that's from the Stevenson
19 case the solicitor provided.

20 I would argue that in this case we have a very
21 different situation. The allegation from the State is
22 that there was a fugitive from probation and parole, that
23 it was a lady and that they were going to this motel room
24 to find that lady. This was not a traffic stop with some
25 traffic offense, something justifying a stop. This is

1 what I would argue would be a knock and talk based on an
2 anonymous tip and based on the case law that I provided
3 in my motion I would say that's an illegal knock and talk,
4 unlawful search, under the Fourth Amendment, and this
5 case law would apply to something different; the smelling
6 of the marijuana, which then justified the search of the
7 vehicle.

8 There's no evidence here that the officers went to a
9 hotel room and smelled marijuana, therefore, decided to go
10 in the room. Their testimony at the pre-trial, as well
11 as their report, as well as the video, I believe, briefly
12 from the body cam video, there's a probation officer going
13 in saying wait, that's her, indicating they think that
14 their fugitive is in the room at that point after the
15 door has been pushed open and they believe they've spotted
16 their fugitive. That's nothing related to marijuana. I
17 would argue that if that's the case and they walk in the
18 room and then they see marijuana and they say well, we
19 smelled marijuana, I would argue that this case law would
20 not apply and justify the illegal knock and talk search
21 that was conducted based on an anonymous tip.

22 I will also point out they provided -- and just to
23 kind of stay in the same area with my argument, they
24 provided State v. Johnson. Once again, it's addressing
25 the search of the room, what I allege is an illegal knock

1 and talk.

2 On State v. Johnson it looks like 410 S.C. 10, I
3 will point out on the very first page it says on February
4 -- this is justifying a search at a hotel looking for
5 a person named Brandy Quinn, and this was in the case
6 against Mr. Johnson.

7 They said on February 27, 2011, an arrest warrant was
8 issued for Brandy Quinn for malicious injury to property.
9 That morning York County sheriff's deputy John Stagner
10 located Quinn's car at the Best Way Inn in Rock Hill. I
11 would, of course, say in this situation there was no such
12 information, no vehicle in the parking lot matching their
13 fugitive parked in front of the hotel.

14 In addition, continuing down just a few sentences,
15 it says the deputies verified with hotel management
16 which room Quinn was staying in and learned that she
17 had checked into the hotel the previous day. That is
18 not the testimony in this case. There was a mention
19 and in the report and the testimony of somebody going
20 to the motel office from probation and getting the
21 information that maybe their fugitive was in this room.
22 There's no indication that their fugitive was registered
23 at the hotel. There's no documentation of that provided,
24 no testimony provided about that, and no specific
25 information about the person.

1 In this case, of course, there may have been more
2 specific information about a person who's named and
3 questioned who provided the actual log at the hotel
4 showing the person registered. So this is a different
5 case. I would argue that case does not apply. It does
6 not fix the problem they have that it was an anonymous
7 tip which led to this illegal search and seizure, this
8 unlawful knock and talk, which keeps, I think, everything
9 out of evidence.

10 In addition, Your Honor, we move onto -- in addition
11 to talking about the pics -- the pictures and the cell
12 phone, I touched upon the cell phone text messages. Of
13 course, we're objecting to everything based on that in
14 our written motion regarding cell phone evidence. In a
15 separate motion we addressed the faults, I believe, in
16 the search warrant since it relied on the room search
17 warrant, which relied upon the anonymous tip. I would
18 argue that, as well as the fact that the cell phone
19 evidence would be evidence for the crime's highly
20 prejudicial. They have no idea of really -- no way of
21 confirming those pictures from the cell phone were
22 actually drugs related to this offense that were seized.
23 There's no connection. Their expert testified she can't
24 say who took those pictures, she's trying to link them to
25 the phone, and I said well -- I asked her on cross were

1 pictures taken -- definitely taken by the phone and she
2 said -- I believe she said she can't confirm that; that
3 the phone -- pictures were on the phone, but she can't
4 determine which phone took those pictures originally.

5 As she testified, and I think the solicitor has
6 resolved this, she testified about the password on the
7 phone equaling the word "blood" and I object to that and
8 I object at this time as being prejudicial testimony.
9 It's not necessary. They can use the number. I think
10 the solicitor indicated they're not gonna use the word
11 "blood" and we'd object to that as being a possible
12 linking of a gang affiliation, it would not be relevant,
13 would be highly prejudicial. And we'd also argue, of
14 course, the word "gang". I think the solicitors have
15 redacted through the summary from that cell phone,
16 they've got a typed summary, where they're trying to link
17 the number with the phone, and the solicitors indicated
18 to me they've removed -- and I've reviewed their exhibit.
19 It appears they removed the word "gang", "blood" or
20 anything that would be related to gang activity, so we
21 object to all of that as prejudicial. That's -- the
22 summary we object, of course, as hearsay to all of this,
23 including that summary.

24 The videos, we've covered that. The photos, we
25 object to all of those and, of course, those two photos

1 of marijuana which are prejudicial, we're objecting to
2 that.

3 The -- I'm sorry, Judge. I'm just trying to make
4 sure we've covered everything.

5 Once again -- oh, we're moving, of course, to
6 sequester all witnesses from the State and I would argue
7 -- I believe at this point the solicitors -- one of the
8 solicitors indicated to me they want to use the drug
9 report in addition to the testimony of the analyst, so
10 at this time I'm going to object as being a cumulative
11 exhibit. If they bring in the drug report, it's not
12 necessary. They have an expert they're gonna try to get
13 in to testify about the drug analysis and what they found
14 in their testing. I think once -- if they do that and
15 that comes in, that would be sufficient. I would argue
16 the drug report would be cumulative and I object to -- I
17 move to suppress that and I object to that as cumulative.

18 On the video, Your Honor, I will also object as
19 prejudicial. Their interview video. They've redacted
20 the interview video. We're objecting, of course, to all
21 of that based on my written motions, but in addition to
22 that -- and being hearsay and relevance. I'm objecting
23 that it is not relevant. I would also object to that
24 video as being prejudicial. It views the defendant in a
25 jail uniform. If they played just the audio, of course,

1 that would not be the case, but what they're doing is
2 they're trying to get in the video of him sitting there
3 in a jailhouse uniform at the county jail, and I'd argue
4 that's prejudicial.

5 And with -- just because marijuana keeps popping up
6 in this, I wanted to bring it up. I'm objecting to, of
7 course, the photographs of what they allege is marijuana.
8 I'm objecting to the word "weed" in their summary and all
9 the mentions of that. I'm objecting to the testimony
10 because they've got officers they claim are going to say
11 I smelled marijuana, that's marijuana, whatever they're
12 gonna testify to, I believe I saw marijuana. That's
13 objectionable. I would object to that and move to
14 suppress it as prejudicial, there's no analysis, and so
15 that testimony would also be objectionable.

16 That's what I have at this time, Your Honor. I
17 think that covers everything.

18 THE COURT: All right. Mr. Cox or Mr. Norton.

19 MR. COX: Your Honor, we'll cover everything, and
20 certainly if Mr. Johnson feels we didn't cover one of the
21 points he raised just now, we'll try and cover it then.
22 Me and Mr. Norton may split this up a little bit just to
23 make sure that we cover everything before we bring the
24 jury in.

25 Your Honor, we did provide the case law of State v.

1 Stevenson and State v. Johnson to both the Court and
2 Mr. Johnson last night. We believe that is in line with
3 the pre-trial rulings on the admissibility of not only
4 the testimony of the existence of possible marijuana, the
5 photos of the alleged roaches or marijuana joints found
6 in the room, the odor of marijuana, all of that being
7 encompassed in the res gestae of this case.

8 If you review the case law, Your Honor, we are not
9 -- that is part and parcel of the context of the criminal
10 act that he is on trial for here today and will also
11 serve to corroborate the testimony of the law enforcement
12 officers taking the stand.

13 For the videos we did provide the redacted versions
14 of both the body-worn camera of Agent Garrett Carter from
15 Triple P and the recorded interview of the jailhouse
16 interview of the defendant with Investigator Dubard.
17 We've provided those not only in line with Rule 404,
18 potential prior bad act evidence, potential Lyle evidence,
19 but also to cover the admissibility of those videos for
20 Jackson v. Denno purposes, Your Honor. We believe that
21 based on the standing case law and the redactions those
22 are both admissible and we intend on using those.

23 As far as the prejudicial nature of him just wearing
24 the orange jumpsuit, I'm assuming that's what Mr. Johnson's
25 talking about, Your Honor, we don't believe that that is

1 necessarily prejudicial. We're here for a criminal case.
2 This was the video -- the interview of the defendant.
3 There's -- they're not gonna see him being booked, there's
4 not gonna be any kind of mention of how long he's been
5 incarcerated, there's not gonna be any mention of any
6 kind of bond or any other outstanding charges. This is
7 gonna be a video of a conversation with the defendant
8 and Investigator Dubard.

9 I'm trying to make sure I'm covering everything
10 Mr. Johnson raised, Your Honor.

11 THE COURT: He started with knock and talk.

12 MR. COX: Well, Your Honor, we did raise yesterday
13 that Mr. Johnson certainly -- there was a physical knock
14 on the door and this is -- he's referring to this as a
15 knock and talk search of a hotel room. In as much as that
16 there was reasonable -- normally the reasonable suspicion
17 is built upon approaching the door for investigative
18 purposes, but, Your Honor, as we presumed in the pre-trial
19 and as the State v. Johnson case lays out, Triple P
20 arrived with a valid arrest warrant and based on the
21 case law they are allowed to not only investigate where
22 this wanted individual is, but to enter the hotel room
23 in order to serve safely that protective -- or that
24 outstanding arrest warrant, which is exactly what this
25 case -- what Triple P arrived to do. This is what they

1 did in this case. They knocked on the door, they viewed
2 a female that they believed could be this Ashley Hagains
3 individual who the active arrest warrant was for.

4 THE COURT: And I actually -- I'm gonna interrupt
5 here because I think that's a very important point for
6 knock and talk because in dealing with an anonymous tip,
7 my reading of the law says there must be indicia of
8 reliability based on a tip and I find that the fact that
9 there was a person who matched the description. If -- in
10 a hypothetical, if there had been a -- if probation had
11 a warrant out to find someone who had absconded who was,
12 let's just say a white male, and they knocked on that
13 hotel room and found four black females, well, that
14 doesn't appear to match the description at all. That's
15 not the case here.

16 The testimony yesterday showed the person matched
17 the description. It's not uncommon for probation or for
18 law enforcement to get an incorrect or false name when
19 they interview somebody. Once it was in the process of
20 looking at this person and ascertaining their identity,
21 those drugs were apparently visible in plain view, which
22 I think ultimately that's the crux of the knock and talk
23 portion, why I believe the knock and talk -- why the
24 motion is suppressed -- anything preceding the knock and
25 talk is denied. I do think that the facts -- the specific

1 facts and circumstances of this scenario don't warrant
2 suppression based upon the fact there was someone there
3 who matched the description based on the anonymous tip.

4 So I just wanted to make sure I had that on the
5 record because I think that's the key point.

6 MR. COX: Your Honor, we understand. We totally
7 agree. While covering that, we did -- Mr. Johnson
8 did raise the mentioning of any kind of possible gang
9 affiliation or the word "blood" as a possible affiliation
10 of that known gang or is -- or any kind of affiliation,
11 we have redacted every instance in the text messages from
12 the cell phone, as well as any mention in a recorded
13 interview or any evidence that we intend on presenting.

14 Your Honor, we're doing everything we can to stay
15 away from it and we're not gonna offer any piece of
16 evidence in this case with the mention of any kind of
17 blood affiliation or gang affiliation unless obviously
18 some kind of door is opened that we do not expect to be
19 opened.

20 THE COURT: Let me ask you a quick question.

21 MR. COX: Yes, Your Honor.

22 THE COURT: Mr. Johnson.

23 (Proceedings held at the bench; not reported.)

24 THE COURT: And what I was just -- I wanted to make
25 sure I was on the same page with the lawyers, but the only

1 difference in Stevenson is there was a drug chemist who
2 did identify marijuana. I don't think we're gonna have
3 that in this case. So to the extent that law enforcement
4 testifies about marijuana, I don't think they can provide
5 an expert opinion on what that drug was, but I certainly
6 will allow the evidence.

7 I will allow the evidence of the text message that
8 shows that -- the circumstantial evidence, the smell,
9 showed that weed may have been present and there's a
10 photograph and something seen in plain view that would
11 appear to be. Can't say for sure, but appears to match
12 the circumstances.

13 Also I would ask that before the -- before the
14 cell phone extraction witness, if you need, you know, a
15 minute, I'd like to -- since we're starting at 10:30 as
16 it is right now, I'd like to limit our breaks as much as
17 possible, but just make sure that witness knows to steer
18 clear of the passcode spelling because it was provided
19 yesterday in pre-trial and so I just want to avoid any
20 unintentional elicitation of that testimony today.

21 MR. COX: Your Honor, we -- we understand completely
22 the offering of that testimony. We are attempting to
23 limit that completely as she did receive a passcode and
24 used it in her extraction. We'll likely -- I guess it is
25 part of the interview video if it's played and we don't

1 actually get into the actual code itself, so we should be
2 covered on that, Judge.

3 MR. NORTON: And it doesn't say blood on the video.

4 THE COURT: As far as the prejudicial nature of him
5 appearing in the jail attire, I'll deny that motion to
6 suppress. I know I've handled motions -- Denno-type
7 motions where people were in custody for more than one
8 day and they gave more than one statement. It's a fair
9 objection, but I'll deny it based on my previous
10 experience.

11 MR. COX: Your Honor, I believe while there was an
12 objection to the actual admissibility of the cell phone
13 evidence, I'm gonna turn it over to Mr. Norton.

14 THE COURT: Okay.

15 MR. NORTON: So Mr. Johnson raised some issues
16 with the contents of what we intend to put in from the
17 cell phone including the word "weed" being on one of the
18 text messages. I wanted to raise our position on that
19 with the Court, which is the message he's specifically
20 referring to was a message sent from that phone saying I
21 got -- I got Down, Clear, weed, et cetera.

22 Our position is that the probative value of weed
23 being in that text message is very important because
24 he's listing an item roll of what he has for sale is our
25 position and so I think weed being contained in that is

1 important because it gives the jury a full understanding
2 of what that message is intending to convey. And I think
3 the prejudicial effect of the jury hearing weed or
4 saying weed in that text message is minimal considering
5 the other testimony in this case and the fact that he's
6 charged and we have to prove an intent to distribute
7 and I think a full contextualization of that message is
8 important.

9 THE COURT: I concur with the -- to the extent that
10 it's prejudicial, I think it's minimally prejudicial
11 because it was in plain view, but it also goes along with
12 what I just explained to you-all as far as eliciting
13 certain testimony. But it goes to the big picture. I
14 agree.

15 What's next?

16 MR. NORTON: I think there was a hearsay objection.
17 Our position, Judge, is the text messages sent from the
18 phone, which will be identified as the defendant's phone,
19 are not hearsay obviously as stated by a party opponent,
20 but the text messages received into the phone, Judge,
21 would be important for completeness and an understanding
22 of what is being said and the conversation that's being
23 had. We're not really offering those text messages that
24 are received into the phone for the truth of the matter
25 asserted to show the effect on the listener and the

1 responses that it elicits from that phone, and our
2 position is from the defendant, and to have to redact
3 out the messages received and only show the messages
4 sent would be confusing to the jury and I don't think
5 there's anything truly prejudicial in the messages
6 received as opposed to the messages sent from the phone.

7 THE COURT: The declarant -- you know, the
8 non-defendant declarant in this case, I think that that
9 would fall under 803.3, existing condition -- mental
10 condition, particularly state of mind so to speak, which
11 really goes to the key point of whether there's some sort
12 of deal for sale, trafficking, distribution, possession
13 with intent to distribute that we're talking about, so I
14 think it falls under an exception and I'll overrule the
15 objection.

16 MR. NORTON: Thank you, Your Honor.

17 MR. JOHNSON: Your Honor, may I respond?

18 THE COURT: Oh, I'm sorry. I thought you already
19 made your argument on that.

20 MR. JOHNSON: Yes, sir. I'm just responding to
21 some of the things Your Honor just put on the record, if
22 that's okay?

23 THE COURT: Yeah.

24 MR. JOHNSON: You stated that you felt the
25 justification for allowing this search or the knock and

1 talk was that they had spotted someone who was -- they
2 thought was a fugitive and that clearly on the video you
3 can hear that when the officer says oh, that might be
4 her, and my argument would be, and I think one of the
5 cases I cited was State v. Green, with the unlawful --
6 basically there was a traffic stop where someone had
7 an anonymous tip and they stopped a car and said well,
8 there's drugs, there may be guns, we need to stop this
9 person, that was an illegal search because they stopped
10 the person and the officers were not in a place where
11 they legally had a right to be because they'd already
12 stopped the person and then they come up and do a search.

13 I think with the comparison to this case the video
14 makes it clear what the report says, which was the
15 officers approached the room, they see a female as you
16 can see on the video leaving the room and kind of say
17 hello, good morning, good-bye, the female walks past, the
18 officer's knocking on the door, the door is opened and
19 it's then after that another officer comes up and they
20 begin moving into the room and the officer says oh, I
21 think that's her.

22 So my argument would be well, once you've gone up
23 and knocked on the door and you start to question someone
24 and go into the room, you've conducted an unlawful knock
25 and talk. Spotting someone at that point is like walking

1 up in the Green case that said well, we've done the
2 traffic stop, here you go, oh, there's a gun laying on
3 the floorboard. My argument would be you've already
4 violated the Fourth Amendment at that point, and that's
5 my motion.

6 THE COURT: Very well.

7 MR. JOHNSON: And the other thing, I just want to
8 put on the record your ruling about the marijuana was
9 that you asked them not to -- you ruled that they cannot
10 describe this as marijuana whether they smelled it or
11 saw it, correct?

12 THE COURT: Well, I -- what I said was they can
13 testify to what they smelled, okay? And they can testify
14 to what the text messages show, but as far as -- well,
15 I can't -- I don't want to tell them what -- but there's
16 a picture which shows the -- the wrapped up blunts for
17 lack of a better term, which would be -- appear to have
18 the appearance of what certainly could be marijuana and,
19 I mean, I think they can go that far without defending
20 something that only a chemist can say.

21 MR. JOHNSON: So just to be clear, they cannot say
22 it's marijuana, but they can phrase it in that term as
23 far as appearance or smell could have been marijuana?

24 THE COURT: I think the reality is they can't
25 state -- they don't have the ability to confirm it was

1 marijuana, but it appeared to be marijuana.

2 MR. JOHNSON: Yes, sir. Thank you.

3 THE COURT: And since he's not on trial for
4 marijuana and he's not confirming it, frankly, keeps it
5 from being something that you argue he's being charged
6 for -- or not being charged for.

7 MR. JOHNSON: Yes, sir.

8 And, of course, my objection includes to the word
9 "weed" as well, as well as those photos.

10 THE COURT: Duly noted.

11 MR. JOHNSON: Thank you.

12 THE COURT: All right. Are we ready to bring them
13 in?

14 MR. COX: I think we are, Your Honor.

15 MR. JOHNSON: Yes, Your Honor.

16 THE COURT: All right. It's 10:40. We'll try to go
17 for a little while here. We'll swear them, I'll give an
18 opening charge.

19 I need the indictments.

20 MR. COX: Madam Clerk has them, Your Honor.

21 Are we at ease, Your Honor?

22 THE COURT: Yes. For two minutes.

23 (Recess taken at 10:41 PM.)

24 (State's Exhibit Number 1 through 16 were marked
25 for identification.)

1 (Whereupon, the jury enter the courtroom at
2 10:46 AM.)

3 THE COURT: Okay. Please be seated.

4 Mr. Foreman, ladies and gentlemen of the jury,
5 welcome back. I thank you-all for being here this
6 morning and on time. I apologize for the little bit of
7 a delay. I was just trying to get a few extra things
8 done. It took a little longer than I expected, so that's
9 on me.

10 We're prepared to begin the trial of the case today,
11 but before we do I'm gonna ask the Clerk of Court to
12 swear you in.

13 THE CLERK: If everyone could please stand and raise
14 your right hand.

15 (Whereupon, the jury was sworn by the Clerk of
16 Court.)

17 THE CLERK: Please respond by saying I do.

18 (Whereupon, the jury responds.)

19 THE CLERK: Is there anyone not able to take that
20 oath?

21 Thank you.

22 THE COURT: All right. Before we begin the actual
23 trial of the case, I thought it might be helpful if I
24 explain to you basically how a trial proceeds. First,
25 the State will make an opening statement. The opening

1 statement is not evidence. It's simply an outline to
2 help you understand what that party expects the evidence
3 will show. The defendant may, if he wishes, present an
4 opening statement, but does not have to for reasons that
5 I will explain.

6 Following the opening statements, you will hear
7 testimony and evidence in the case. This will consist
8 of testimony from the State's witnesses, as well as any
9 physical exhibits which will be introduced into evidence.
10 Following completion of the testimony, the attorneys will
11 then have an opportunity to make what are called closing
12 arguments or a summation to you. This is an opportunity
13 for the attorneys to summarize the case from their
14 respective points of view. Now, again, these argument
15 are not evidence.

16 Following the closing arguments by the attorneys,
17 I will instruct you on the law of South Carolina as it
18 pertains to the issues that have arisen in this case.
19 When I have completed my instructions to you, you will
20 then be permitted to begin your deliberations in order
21 to reach a verdict.

22 Now you are the jury in the case and I want to
23 explain to you a little bit about your duty as jurors.
24 At the end of the trial I'll give you more detailed
25 instructions and those instructions will control your

1 deliberations. It will be your duty to decide from the
2 evidence what the facts are. You and you alone are the
3 judges of the facts. You will hear the evidence, decide
4 what the facts are and then apply those facts to the law
5 which I will give to you. This is how you will reached
6 a verdict. In doing so, you must follow the law whether
7 you agree with it or not.

8 The evidence will consist of the testimony of
9 witnesses, documents and other things received into
10 evidence as exhibits, and any facts on which the lawyers
11 agree or which I may instruct you to accept. You should
12 not take anything I may say or do during the trial as
13 indicating what I think of the evidence or what your
14 verdict should be.

15 Now this is a criminal case brought by the State
16 of South Carolina. The State charges the defendant,
17 Brandan Richardson, with trafficking methamphetamine,
18 possession with intent to distribute cocaine and
19 possession with intent to distribute fentanyl.

20 The charges against the defendant are contained in
21 these indictments. The indictments are not evidence of
22 anything. It's simply the description of the charges
23 made by the State against the defendant.

24 The defendant has pled not guilty to the charges
25 and is presumed innocent unless and until proven guilty

1 beyond a reasonable doubt. Proof beyond a reasonable
2 doubt is proof that leaves you firmly convinced of the
3 defendant's guilt. A defendant has the right not to
4 testify and never has to prove innocence or present any
5 evidence. The burden of proof is always upon the State
6 of South Carolina.

7 Now the following things are not evidence and you
8 must not consider them as evidence in deciding the
9 facts of the case. One, statements and arguments of
10 the attorneys. Two, questions and objections of the
11 attorneys. Any testimony I instruct you to disregard,
12 any allegations contained in the indictments or any
13 questions or responses heard in the jury selection
14 process.

15 Now evidence may be direct or circumstantial.
16 Direct evidence is testimony by a witness about what that
17 witness personally saw, heard or did. Circumstantial
18 evidence is indirect evidence. That is, it is proof of
19 one or more facts from which one can find another fact.
20 You are to consider both direct and circumstantial
21 evidence. The law permits you to give equal weight to
22 both, but it is up for you to decide how much weight to
23 give any evidence.

24 There are rules of evidence which control what can
25 be received into evidence. When a lawyer asks a question

1 or offers an exhibit into evidence and a lawyer on the
2 other side thinks that it is not permitted by the rules
3 of evidence, that lawyer may object. If I overrule the
4 objection, the question may be answered or the exhibit
5 may be received. If I sustain the objection, the
6 question cannot be answered or the exhibit cannot be
7 received. So whenever I sustain a objection or deny
8 a motion to admit an exhibit into evidence, you must
9 ignore the question or the existence of the exhibit and
10 you must not guess what the answer would have been or
11 what the exhibit might have shown.

12 Sometimes it may be necessary for me to request that
13 you leave the courtroom while I discuss the attorneys'
14 legal questions that come up during the trial. If this
15 occurs, you should not speculate about our discussions or
16 the reason that you were asked to leave the room. This
17 is simply a procedure that the law requires when certain
18 legal issues arise. There also may be occasions where
19 I ask the attorneys to approach the bench so that I
20 can discuss a legal issue with them in private. I will
21 do this as often as possible so that you will not be
22 required to leave the courtroom more than is absolutely
23 necessary. Again, if I ask the attorneys to step up to
24 the bench or if I ask you to leave the courtroom, please
25 don't think that anybody is trying to hide anything

1 from you or keep any evidence from you. This is simply
2 a procedure used by all lawyers and by all courts to
3 determine and decide legal questions.

4 Now in deciding the facts of the case, you may have
5 to decide which witness to believe and which witness not
6 to believe. You may believe everything a witness says or
7 only part or none of it. In deciding what to believe,
8 you may consider a number of factors, including the
9 following: The witness's ability to see, hear or know
10 the things testified to, the quality of the witness's
11 memory, the witness's manner while testifying, whether
12 the witness has an interest in the outcome of the case
13 or any motive, bias or prejudice, whether the witness
14 was contradicted by anything the witness said or wrote
15 before the trial or by other evidence or how reasonable
16 is the witness's testimony when considered in light of
17 other evidence which you believe.

18 Now until I advise you to begin your deliberations,
19 you must not discuss the case with anyone, including your
20 fellow jurors, friends, family members or anyone involved
21 in the case. This would include discussions face to face
22 or by telephone or text message or social media or any
23 other form of communication.

24 It's important that you don't do any independent
25 research into the law, into the parties in this courtroom

1 and in this case in any way, shape or form. All of the
2 evidence you will need to do your duty as jurors will
3 come from the witness stand and come from this courtroom,
4 so there's absolutely no need for you to consult or do
5 any sort of independent research on your own while
6 serving as a juror. After the case submitted to, you
7 must discuss it only in the jury room with you fellow
8 jurors.

9 The attorneys and parties in this case have
10 been advised they're not to talk to you at all, so if
11 you see any of them in the courtroom or while you're
12 moving through the courthouse and they don't say hello,
13 they're not being unfriendly, they're just following my
14 instructions.

15 The bailiffs will be taking you to and from and
16 oftentimes when you leave the courthouse. They're there
17 to help you to get from Point A to Point B, but they're
18 not there to discuss the case with you as well.

19 It's important to keep open mind and not decide
20 any issue in this case until all the evidence has been
21 presented, the parties have made their closing arguments
22 and I've instructed you on the law in this case. It's
23 your solemn responsibility to determine the guilt or
24 innocence of the defendant and your verdict must be based
25 solely on the evidence as it is presented to you in this

1 trial and on the law as I instruct you during and at the
2 close of the trial.

3 I don't see anyone with any notepads, but if you
4 happen to have one, please don't take any notes. I want
5 you to remain focused on the witness stand so you can
6 hear the testimony that's given during the trial.

7 If anyone needs a break at any point during the
8 testimony and you can't make eye contact with me, try to
9 get the bailiffs' attention or just wave if you need to.
10 We understand sometimes you just have to take a break.
11 We'll certainly take them throughout the trial and we'll
12 take a lunch break at some point here today as well.

13 But at this point please give your complete and
14 undivided attention to the attorneys as they make their
15 opening statements.

16 MR. NORTON: Thank you, Your Honor. May it please
17 the Court?

18 THE COURT: Yes, sir.

19 MR. NORTON: Good morning. So you've heard today
20 the defendant, Brandan Richardson, is charged with
21 trafficking methamphetamine, possession with intent to
22 distribute crack cocaine and possession with intent to
23 distribute fentanyl. What you will hear during this
24 trial is the evidence that will prove he is guilty of
25 those charges beyond a reasonable doubt.

1 During this trial you will hear about the events
2 that brought all of us here today. You will hear how
3 on the morning of February 9, 2023, agents with the
4 South Carolina Department of Probation, Pardon and Parole
5 went to the Masters Inn at 2125 Commerce Drive here in
6 Lexington County. You will hear how they were looking
7 for a woman named Ashley Hagains who they had outstanding
8 arrest warrant for. You will hear how they went to
9 Room 208 at the Masters Inn looking for Ms. Hagains.
10 You'll hear how they knocked on the door and observed a
11 woman in the room who appeared to match the description
12 of Ashley Hagains. You'll hear how they went inside that
13 room to identify who was in that room and you'll hear
14 about the four people they found inside that room. A
15 woman named Brittany Metts, a woman named Angela Nettles,
16 a man named Jeremy Jivers, and the defendant, Brandan
17 Richardson.

18 The first person we expect you'll hear from is
19 Agent Garrett Carter with the South Carolina Department
20 of Probation, Pardon and Parole. We expect he'll tell
21 you about why the agents went to the Masters Inn that
22 day, about what they saw as they approached the room,
23 about what happened when they went inside the room, about
24 what -- about the individuals they encountered inside the
25 room, and about what they saw when they were in that room,

1 including evidence of possible drug use and potential
2 narcotics.

3 You'll hear how based on that those agents alerted
4 the Lexington County Sheriff's Department who obtained
5 a search warrant for Room 208. You'll hear from Agent
6 John Gietz with the Lexington County Sheriff's Department
7 Narcotics Enforcement Team who will tell you how he
8 executed that search warrant to search Room 208. We
9 expect he'll tell you about what he found inside
10 Room 208 that day. We expect you'll hear about scales,
11 numerous small plastic baggies that were found, and how
12 Agent Gietz found a dog food bag and how inside that dog
13 food bag was a latex glove and we expect Agent Gietz
14 will tell you how inside that latex glove was large
15 quantities of what appeared to be different types of
16 narcotics. We expect you'll hear how they appeared to
17 be large quantities of methamphetamine, crack cocaine,
18 multiple tablets that were compressed into different
19 pills, and we expect you'll hear what was done with that
20 evidence, how it was collected and seized by the Lexington
21 County Sheriff's Department.

22 The next person we expect you'll hear from is Agent
23 Arcadeus Dubard, also with the Lexington County Sheriff's
24 Department, who is the lead investigator on the case. We
25 expect he'll tell you about his investigation, about the

1 steps he took after he arrived to Room 208 that day, about
2 the evidence that was seized and about his interview with
3 the defendant, Brandan Richardson.

4 We expect you'll hear about a phone that was taken
5 from Brandan Richardson's person and what was found inside
6 that phone. We expect to call Agent Hannah Joslin with
7 the Lexington County Sheriff's Department, who's a crime
8 scene investigator. We expect you'll hear how she
9 conducted an analysis of the contents of that cell phone
10 that was taken from Brandan Richardson's person and the
11 text messages and photos and other data that were inside
12 that phone.

13 Finally, we expect you'll hear from Margaret Walker,
14 who is a forensic chemist with the Lexington County
15 Sheriff's Department. We expect she'll tell you how she
16 tested the narcot -- or the suspected narcotics that were
17 seized that day from Room 208 and we expect you'll hear
18 how those narcotics were exactly what they appeared to
19 be. 127 grams of methamphetamine, 3 grams of crack
20 cocaine, and 16 grams of fentanyl.

21 Now the evidence that you'll see in this case and
22 the testimony that you hear under oath from that witness
23 stand will be what proves Brandan Richardson is guilty
24 of these three charges beyond a reasonable doubt.

25 That is our job today and during this trial is to

1 prove his guilt beyond a reasonable doubt, but let's be
2 clear. It's not beyond all doubt, it's not beyond a
3 shadow of a doubt. It's beyond a reasonable doubt.

4 Now His Honor, Judge McLeod, will explain to you
5 what the law is in this case and as he told you just now,
6 your job is to listen to the testimony, to look at the
7 evidence that is received in this case and to follow the
8 law, and when you do those three things you will reached
9 one conclusion. That the defendant, Brandan Richardson,
10 is guilty as charged.

11 Thank you.

12 MR. JOHNSON: Thank you, Your Honor. May it please
13 the Court?

14 THE COURT: Yes, sir.

15 MR. JOHNSON: The first thing let's do, let's
16 hang all the lawyers. Who said that? I think it was
17 Shakespeare. Not that I read Shakespeare because I
18 usually don't understand Shakespeare, but he was telling
19 a story about a man trying to take over the government
20 and the problem with taking over the government is all
21 these lawyers and they were shuffling their papers around
22 and talking about people's rights. That was a problem
23 because the person protecting the people and their rights
24 was a lawyer and, of course, the system we have with a
25 twelve-member jury.

1 Who's the government? That's the government right
2 there. This is the government. The solicitor's office
3 in this courthouse, all the resources they need, other
4 agencies that can help them, their own investigators, all
5 the money in the world, they've got the resources, that's
6 the government and they are very powerful, and they're
7 here trying to do something. They're trying to transform
8 this man.

9 This is my client, Brandan Richardson. This is
10 an innocent man and I want to point that out and I'll
11 continue to point that out as we are all born innocent
12 and that's the description of the rights that we have,
13 the inalienable rights saying that we have a presumption
14 of innocence. That means God made us that way. We're
15 born innocent until we are charged and transformed into
16 a guilty person and it has to be done by them by proof
17 beyond a reasonable doubt.

18 Now the solicitor's gonna talk about that and say
19 they've got plenty of evidence and I will say this.
20 Consider what is in evidence. Consider also what they
21 failed to bring or what law enforcement has failed to do.
22 That's for you to consider as well. I think that's very
23 important and should not be overlooked and I appreciate
24 your attention and your time.

25 Thank you.

1 THE COURT: The State may call its first witness.

2 MR. COX: Thank you, Your Honor.

3 The State calls Garrett Carter.

4 THE CLERK: Would you please raise your right hand
5 and place your left on the Bible.

6 (Whereupon, Garrett Carter was duly sworn by the
7 Clerk of Court.)

8 THE CLERK: Thank you.

9 Would you please have a seat in the witness box.
10 State your full name and spell your last for the record.

11 THE WITNESS: Garrett Carter. Last name C-A-R-T-E-R.

12 MR. COX: Your Honor, may it please the Court?

13 THE COURT: Yes, sir.

14 GARRETT CARTER,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. COX:

18 Q. Good morning, Agent Carter.

19 A. Good morning.

20 Q. If you could just kind of tell us where you work and
21 what is your role.

22 A. I work with the Lexington County probation office.
23 My title is sex offender agent. I've been there about --
24 about eight years.

25 Q. And what is the full title of that agency?

1 A. The South Carolina Probation and Parole -- or
2 Probation, Parole and Pardon Services.

3 Q. Okay. Is it otherwise known as Triple P?

4 A. Yes.

5 Q. You're commonly called Triple P agents?

6 A. Yes.

7 Q. Okay. In your role as a Lexington County Triple P
8 agent, if you could just very briefly explain to us what it
9 is you do. Are you law enforcement? Do you have cases?
10 Just walk us through briefly what it is you do.

11 A. Sure. Yes, I am a sworn Class 1 law enforcement
12 officer. I have a caseload that I supervise. Primarily I
13 focus on sex offenders in Lexington County.

14 Q. And how long have you been with Triple P?

15 A. About eight years.

16 Q. Do you have any law enforcement experience prior to
17 joining Triple P?

18 A. I worked at DJJ for about five months.

19 Q. Have you been with the Lexington County office during
20 that full eight years?

21 A. No. I was in Aiken County for about a year and then I
22 worked at one of our central office locations working with
23 GPS monitors and tracking sex offenders for about four or
24 five years.

25 Q. Were you in this role as part of the incident we're

1 here today for?

2 A. Yes.

3 Q. Okay. Kind of walk us through -- how did you become
4 involved in this case?

5 A. So one of my supervisors, Agent Lugos, had came to us
6 stating that he had received information that a wanted
7 individual by the name of Ashley Hagains was located or
8 possible located at the Masters Inn at 2125 Commerce Drive
9 in Cayce and was trying to get a group of us together to go
10 check out that location to see if Ms. Hagains was located
11 there.

12 Q. And you said Cayce. What county is that in?

13 A. Lexington County.

14 Q. And I know this may sound like silly question, but
15 what kind of establishment is the Masters Inn?

16 A. It's a hotel.

17 Q. Okay. Going back, was -- this Ashley Hagains
18 individual, was she your case? Was she your probationer?

19 A. No.

20 Q. Was she the case of anyone of the member of your team?

21 A. I believe possibly Agent McBride.

22 Q. Okay. When your supervisor, Agent Lugos, pulled
23 you-all together, did you come up with a game plan to go
24 locate this individual?

25 A. Yes.

1 Q. Okay. Walk us through what were the first steps of
2 going to find Ms. Hagains.

3 A. He provided us with a -- what we call a face sheet.
4 It has the picture of the individual and just their basic
5 information. And we all travelled to Masters Inn and
6 Agent Lugos went to the front desk to speak with the clerk
7 to see if there was anybody registered as Hagains or if
8 Ms. Hagains was located at this location.

9 Q. And if you could, how many agents were with you when
10 you arrived at the Masters Inn?

11 A. It was myself, Agent McBride, Agent Lugos and Agent
12 Grant, so four total.

13 Q. Is it common for yourself in this role to assist other
14 agents in serving these kinds of arrest warrants?

15 A. Yes.

16 Q. Okay. Once you arrived to the Master's Inn and Agent
17 Lugos went to the front desk, what were your next step?

18 A. I was on standby. I was in my vehicle just in the
19 parking lot waiting for instruction and then once Agent
20 Lugos had received information from the front desk that
21 Ms. Hagains could possibly be in Room 208, he advised us
22 to approach that room.

23 Q. And did you approach?

24 A. I did.

25 Q. Okay. Before we get into the actual approach, you

1 mentioned earlier that you were a C-1 officer?

2 A. Correct.

3 Q. Okay. Are you a uniformed officer?

4 A. I guess you could describe me as that. I'm a
5 probation agent, but I am a law enforcement officer.

6 Q. Are you armed?

7 A. Yes.

8 Q. Okay. Are you equipped with any kind of recording
9 devices or recording equipment?

10 A. Yes.

11 Q. Okay. Were you equipped with that on this incident
12 date?

13 A. Yes.

14 Q. And let me cover that. What was the date that you
15 arrived at the Masters Inn?

16 A. February 9th of 2023.

17 Q. Okay. You were equipped with the body-worn camera.
18 Did you -- was it operational? Did you turn it on during
19 this encounter?

20 A. Yes.

21 Q. Okay.

22 MR. COX: Your Honor, if I could approach are the
23 witness?

24 THE COURT: Very well.

25 BY MR. COX:

1 Q. Your Honor -- I'm or, Agent Carter, I'm showing you
2 what's been marked as State's Exhibit 1. If you could look
3 at that for me and then let me know when you're done.

4 A. Okay.

5 Q. Do you recognize what I've handed up to you?

6 A. Yes.

7 Q. Okay. What is that?

8 A. This is a CD that's -- that contains my body cam
9 recording.

10 Q. Okay. Your body cam recording from that day?

11 A. Correct.

12 Q. Have you been able to review what is on that disk?

13 A. Yes.

14 Q. Okay. Did it appear -- that recording on that disk,
15 appear to be altered in any significant way?

16 A. No.

17 Q. Does it accurately depict your encounter with Room
18 208 that day?

19 A. Yes.

20 MR. COX: Your Honor, at this time we offer State's
21 Exhibit 1 into evidence.

22 THE COURT: Subject to previous objection?

23 MR. JOHNSON: Yes, Your Honor. Based on previous
24 objection and motions.

25 THE COURT: Very well. So admitted.

1 (State's Exhibit Number 1, body-worn camera footage,
2 was admitted into evidence.)

3 MR. COX: Your Honor, permission to set this up to
4 publish to the jury?

5 THE COURT: Okay.

6 MR. COX: Your Honor, while my co-counsel is setting
7 that up, I can continue with questions if that's all
8 right.

9 THE COURT: Thank you.

10 BY MR. COX:

11 Q. Agent Carter, we're gonna kind of go through this
12 video. Kind of walk us through the first steps. Who was
13 the first to approach the door at Room 208?

14 A. That would be me.

15 Q. Okay. And as you approached, what did you first
16 witness? What did you observe?

17 A. I noticed the room with the Number 208 on it. As I
18 approached, an unknown female --

19 MR. JOHNSON: Objection, Your Honor.

20 I'm objecting now based on previous motion and
21 objection to testimony separate from the exhibit.

22 THE COURT: All right. Very well. Overruled.

23 MR. JOHNSON: Thank you.

24 BY MR. COX:

25 Q. Agent Carter?

1 A. As I approached the door, I noticed an unknown female
2 coming out of the room. There was another female that was
3 at the door, but they closed the door, and then as I
4 knocked on the door the door opened.

5 Q. I want to cover that really quickly. So there was a
6 female that left the room?

7 A. Yes.

8 Q. And then you approached the door?

9 A. Yes.

10 Q. Did you interact with that female?

11 A. No.

12 Q. Why not?

13 A. She did not resemble Ms. Hagains. I didn't have any
14 reason to believe that she was Ms. Hagains.

15 Q. So you were -- you were pretty close to this
16 individual?

17 A. Yes.

18 Q. Okay. And at this point in your encounter at the
19 hotel, were you still only or primarily attempting to
20 locate Ashley Hagains?

21 A. Yes.

22 Q. Okay. Agent Carter, before I get this video started,
23 we kind of covered this is a recording. Does it have
24 audio?

25 A. Yes.

1 Q. Just for us, for our knowledge, these law enforcement
2 body cameras, is there any delay or anything of audio in
3 this video?

4 A. It's roughly about thirty seconds. It usually picks
5 up the previous thirty seconds before we actually engage
6 the camera, but it does not contain audio until we actually
7 engage.

8 Q. Okay. So this is you arriving at the hotel?

9 A. Yes.

10 Q. And so now you've encountered a female that did not
11 match the description?

12 A. Yes.

13 Q. So it was not the person you were looking for?

14 A. Correct.

15 Q. Tell us what you did next.

16 A. All right. As I knocked on the door, one of the
17 females that I had observed going back into the room answer
18 the door. As she opened the door, I immediately observed
19 two individuals. One was a black male sitting on a bed.
20 Another one was a white female that was moving in the
21 direction of the bathroom or the rear part of the room who
22 appeared to resemble Ms. Hagains.

23 Q. Do you see -- do you see anyone who you first observed
24 in that hotel in the courtroom here today?

25 A. Yes.

1 Q. Okay. Could you point out that individual and
2 identify them by an article of clothing?

3 A. Yes. He's wearing a white button-down shirt.

4 MR. COX: Your Honor, if the record will reflect
5 that Agent Carter has identified the defendant as the
6 individual he saw on February 9th.

7 THE COURT: Very well.

8 BY MR. COX:

9 Q. Agent Carter, after you entered the room and you
10 noticed a female backing away from the door, were you able
11 to immediately identify who that female was?

12 A. No.

13 Q. Okay. As an agent with this arrest warrant, what
14 were your next steps to try and identify not only that
15 individual but further locate Ashley Hagains?

16 A. I identified myself to the individual that opened the
17 door as a probation agent and I asked the female that I
18 believed to resemble Ms. Hagains to identify herself and
19 asked her name and she provided me with the name Brittany
20 Metts and at this point Agent Lugos had approached the door
21 and given that we believed that she may be Ms. Hagains, we
22 furthered our investigation to identify these individuals.

23 Q. Okay. During the -- is this common practice with
24 Triple P agents to try to identify everyone in a hotel room
25 like this situation?

1 A. Yes.

2 Q. Were you able to locate Ms. Hagains in the room during
3 this encounter?

4 A. No.

5 Q. Did you locate any other individuals in the room?

6 A. Yes.

7 Q. Kind of walk us through the steps of how you located
8 someone else?

9 A. So Agent Lugos was asking if there was anybody else
10 in the room. I believe it was Ms. Nettles that advised
11 him that there was a -- there was someone in the bathroom
12 and all she stated was his name was Jeremy and no last name
13 and so at that time Agent Lugos moved to the back of the
14 room where the bathroom was located to try to locate this
15 individual.

16 Q. Did you locate that individual?

17 A. Yes.

18 Q. Okay. Was that individual Ashley Hagains?

19 A. No.

20 Q. Okay. And before I hit play on the video, Agent
21 Carter, if you could briefly describe kind of the layout
22 of this hotel room that we're about to witness?

23 A. There were two beds in the room on the right side of
24 the wall. I believe there was a desk or it could be a
25 dresser, I'm not a hundred percent sure, but there was a TV

1 and then in the rear there was a counter with a sink and a
2 mirror with a bathroom in the very back right of the room.

3 Q. Thank you, Agent Carter.

4 (State's Exhibit Number 1 playing.)

5 Q. Agent Carter, we saw kind of a -- who is this
6 individual, not the one walking by, but I believe it was
7 another agent of yours. Could you identify that agent?

8 A. I believe that was Agent Grant.

9 Q. And you mentioned that Agent Lugos was on the scene
10 and was gonna enter the room at a similar time to you?

11 A. Yes.

12 (State's Exhibit Number 1 continuing playing.)

13 Q. Agent Carter, were you able to identify who the
14 individual was in the bathroom?

15 A. Yes.

16 Q. Okay. What was his name?

17 A. Jeremy Jivers.

18 Q. Okay. We observe Agent Lugos attempting to get names
19 and I believe dates of births from the individuals in the
20 rooms. Why -- when you're trying to locate an individual,
21 why would you attempt to get that personal information from
22 these individuals?

23 A. It's common practice to try to identify anybody that's
24 in the room. Especially in an investigation if we're
25 trying to find wanted individual, we just want to identify

1 who is in the room.

2 Q. Okay. So you don't take them just at their word on
3 who they are?

4 A. No.

5 Q. Did you get ID's from everyone in the room?

6 A. I believe Ms. Nettles -- or Ms. Metts was the only one
7 that provided an ID that I'm aware of.

8 Q. As Triple P agents, what do you then do with that
9 personal information once you received it?

10 A. We contact our central office to run their names
11 through NCIC to see if they're wanted and I believe it came
12 back to Mr. Jivers that he had an active probation warrant.

13 Q. But up until the point you run Mr. Jivers's
14 information, what was the reason that you and other agents
15 were there at Room 208?

16 A. Trying to locate Ashley Hagains.

17 Q. So you and other agents were able to find an existing
18 arrest warrant for Jeremy Jivers?

19 A. Correct.

20 Q. Okay. Walk us through your next steps as agents tell
21 when you find out someone you're in contact with has an
22 outstanding warrant?

23 A. What would happen is whoever received that information
24 would relayed it to the other agents in the room that this
25 is wanted individual and to take them into custody.

1 Q. And did you do that in this case?

2 A. I did.

3 Q. Okay. You are now positioned towards the back of the
4 room?

5 A. Yes.

6 Q. Okay. While you were coming back, do you interact
7 with Mr. Jivers?

8 A. Briefly right here while Mr. -- while Mr. Lugos is
9 searching or patting him down.

10 Q. Okay. Now who runs the information? Is it you or
11 Agent Lugos?

12 A. Agent Lugos handled that.

13 Q. While he's running that information, where are you
14 positioned in the room?

15 A. I'm standing beside the bathroom with Mr. Jivers.

16 Q. Okay. While you are standing with Mr. Jivers waiting
17 for the information to come back, what do you observe in
18 the room?

19 A. There was a -- in plain view two cigars that I
20 believed to contain marijuana.

21 Q. As an agent with Triple P, have you come across items
22 that have appeared to be drugs before?

23 A. Yes.

24 Q. Okay. Did you or any -- did you or any other agents
25 notice anything else in the room as you described as plain

1 view?

2 A. I believe Agent Lugos noticed several empty small
3 plastic baggies on a -- on a cabinet or a table.

4 Q. And where is that cabinet or table located?

5 A. I believe it's located just in front of that wall to
6 the right of Mr. Lugos.

7 Q. Okay. Prior to -- kind of start the video and finish
8 what we're looking at here. As Triple P agents, you're
9 there on a -- trying to locate an arrest -- or someone with
10 an arrest warrant, Ms. Hagains, you're gonna learn that
11 Mr. Jivers has an existing warrant. What do you do with
12 this new information that -- what you see and what you
13 described as plain view?

14 A. All right. So as -- as we're taking Mr. Jivers into
15 custody, we noticed -- I noticed the items on top of the
16 microwave. As Mr. Lugos is continuing to identify the rest
17 of the individuals in the room, once he came back in the
18 room I notified him of the substance that I had noticed on
19 top of the microwave.

20 Q. Okay.

21 (State's Exhibit Number 1 continued playing.)

22 Q. Agent Carter, there was a flash of light on the screen
23 just now. Can you explain to us what that flash of light
24 was?

25 A. I was looking in the direction of the microwave for

1 possible weapons, but this is whenever I noticed the two
2 cigars that were sitting on the top of the microwave.

3 Q. So they were sitting right on top of the microwave?

4 A. Yes.

5 Q. Okay.

6 (State's Exhibit Number 1 continued playing.)

7 Q. Agent Carter, in the next minute or so are you
8 notified of Mr. Jivers's status?

9 A. Yes.

10 Q. To your recollection, is there any other information
11 that you were made aware of prior to Mr. Jivers -- prior to
12 Agent Lugos letting you know of his status?

13 A. No.

14 Q. I'm gonna jump ahead a little bit.

15 (State's Exhibit Number 1 continued playing.)

16 Q. Right there at the end of the video, Agent Carter, you
17 had notified Agent Lugos of something?

18 A. (Nods head.)

19 Q. What were you notifying him of?

20 A. I was advising him of the cigars that I believed to be
21 containing marijuana on top of the microwave.

22 Q. Now that you have an individual in custody, what are
23 your next steps as far as with Mr. Jivers?

24 A. At that time I escorted Mr. Jivers out to my vehicle
25 and secured him in the back seat of my vehicle while the

1 investigation continued.

2 Q. Okay. So he was removed from the room?

3 A. Yes.

4 Q. Again, this may seem like a silly question, but are
5 you and the rest of your Triple P agents, are you finished
6 with your investigation at this point?

7 A. No.

8 Q. Okay. Tell us what your next steps are as far as this
9 investigation and how it may have changed at this point.

10 A. At this point with me having Jivers outside in custody
11 and there being possible narcotics in the room, this is
12 whenever Lugos contacted the Lexington County narcotics
13 unit for assistance.

14 Q. And so your team did notify the local narcotics team?

15 A. Yes.

16 Q. Okay. Did you and your agents remain on-scene until
17 the narcotics team arrived?

18 A. Yes.

19 Q. Did you observe anyone from the point where the
20 narcotics team was notified to when they arrived enter the
21 room?

22 A. No.

23 Q. Did anyone other than you and your team walking
24 Mr. Jivers out of the room exit the room?

25 A. No.

1 Q. Did you and your team maintain a -- secure the room
2 prior to the narcotics team arriving?

3 A. Yes.

4 Q. Prior to that, did you or any of the Triple P agents
5 conduct any searches of the room?

6 A. No.

7 Q. Other than what you observed on the countertop and the
8 other agents on the table, did you observe anything else as
9 part of this case?

10 A. No.

11 MR. COX: Your Honor, if I could have one moment.

12 Your Honor, I have no further questions at this time
13 for Agent Carter.

14 THE COURT: All right. Cross-examination.

15 MR. JOHNSON: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. JOHNSON:

18 Q. Agent Carter, I'm gonna show you something real
19 quick here off of this exhibit. Just for the record I'm
20 replaying a portion of Exhibit 1.

21 (State's Exhibit Number 1 playing.)

22 MR. JOHNSON: That's all. Thank you.

23 BY MR. JOHNSON:

24 Q. Agent, that individual in the bathroom, what was his
25 name?

1 A. Jeremy Jivers.

2 Q. And did it appear to you that Jeremy Jivers got a
3 little agitated?

4 A. Yes.

5 Q. He got a little upset?

6 A. Uh-huh.

7 Q. And that escalated with Mr. Jivers?

8 A. Yes.

9 Q. And he's sitting down here at the end of the room and
10 isn't there a shelf right across from this bathroom with
11 the dog food bag on it?

12 A. From the video I can't see it.

13 Q. Would you like me to show you?

14 A. Yes.

15 (State's Exhibit Number 1 playing.)

16 Q. Now on the left side of the screen down on the end
17 down there, do you see a shelf on the wall?

18 A. Yes.

19 Q. Did you know that's a dog food bag?

20 A. At the time I didn't even notice it.

21 Q. Is that where drugs were found?

22 A. I'm not aware. I'm not sure.

23 Q. But when you went down there he got upset?

24 A. Yes.

25 Q. He used profanity?

1 A. Yes.

2 Q. And did you sit Mr. Jivers down and interrogate him
3 and ask him about drugs?

4 A. No.

5 Q. Okay. What about the two women in the room? Did you
6 sit them down and ask them about drugs?

7 A. No.

8 Q. One of those women went to jail, didn't she?

9 A. I believe so.

10 Q. For drugs?

11 A. I believe so.

12 Q. Did you check any of these items for fingerprints?

13 A. I did not.

14 Q. Did you check any of these items for touch DNA?

15 A. I did not.

16 Q. All right.

17 MR. JOHNSON: I'll let you close this out. I don't
18 know -- how do you close this out?

19 MR. COX: I can do it.

20 Are you finished with it?

21 MR. JOHNSON: I'm finished with the exhibit.

22 BY MR. JOHNSON:

23 Q. Is there a reason you didn't sit Mr. Jivers down and
24 talk to him?

25 A. At this point, my job was to control the scene.

1 Q. Okay. And Mr. Jivers, do you know how long he had
2 been in that room?

3 A. I don't.

4 Q. And is it possible that Mr. Jivers had his
5 fingerprints on those drugs?

6 A. I don't know.

7 Q. You don't know. Because you didn't check, correct?

8 A. Correct.

9 Q. And law enforcement officers, they have the ability to
10 check things for fingerprints. You have an expert that can
11 check and examine fingerprint evidence down at your agency
12 -- or in Lexington County, correct?

13 A. Not in my -- not that I'm aware of in my department,
14 but in Lexington County possibly.

15 Q. But if you wanted to check an item for fingerprints,
16 you certainly could get that done, correct?

17 A. We could inquire into it, I guess.

18 Q. You guess or you know?

19 A. We could inquire into it.

20 Q. How about DNA? You've got people that check DNA in
21 law enforcement. Either your agency or Lexington County,
22 correct?

23 A. Typically we would -- we would ask for assistance
24 from a local outside agency.

25 Q. And you've done that before, but you didn't do it in

1 this case?

2 A. I have not been involved in that, no.

3 Q. But you didn't do that. To your knowledge, nobody
4 did that?

5 A. Not that I'm aware of.

6 Q. That you're aware of. And you didn't have any tests
7 performed about what you said was suspected marijuana?
8 Didn't have any tests performed, did you?

9 A. Not through our agency, no.

10 Q. You're not aware of any, are you?

11 A. I'm not aware.

12 Q. Okay.

13 MR. JOHNSON: No further questions, Your Honor.

14 THE COURT: Redirect.

15 REDIRECT EXAMINATION

16 BY MR. COX:

17 Q. Agent Carter, what agency do you work for?

18 A. South Carolina Department of Probation, Parole and
19 Pardon Services.

20 Q. Is your agency and Triple P a dedicated narcotics
21 investigation agency?

22 A. We are not.

23 Q. When you found narcotics in the room on this day, why
24 did you call the Lexington County Narcotics Enforcement
25 Team?

1 A. This is -- this is what the narcotics team handles and
2 they are better equipped to handle this -- this part of the
3 investigation.

4 Q. Is that typical procedure when you or your agency find
5 drugs as part of your cases?

6 A. Yes.

7 Q. Okay. Did you or any member of your team conduct a
8 search of that room or any of the other items in the room?

9 A. No.

10 Q. Did you or any members of your team collect any
11 evidence on the scene?

12 A. No.

13 Q. Okay. Did you or your team do anything other than
14 secure the room and remove Mr. Jivers from the room?

15 A. That's correct.

16 Q. And why did you take Mr. Jivers into custody?

17 A. Because he had an active probation warrant.

18 Q. And after finding out he had an active arrest warrant,
19 did you or any of your agents feel the need to investigate
20 him any further as to why you took him into custody?

21 A. No.

22 MR. COX: Thank you.

23 Your Honor, no further questions.

24 THE COURT: Recross.

25 MR. JOHNSON: Nothing further, Your Honor.

1 THE COURT: All right. The witness is excused.

2 (Witness excused.)

3 MR. COX: Thank you, Your Honor.

4 Your Honor, I'm retrieving State's Exhibit 1.

5 THE COURT: All right. Next witness.

6 MR. COX: Thank you, Your Honor.

7 MR. NORTON: Your Honor, the State would call
8 Investigator John Gietz.

9 THE COURT: All right.

10 MR. COX: Your Honor, may we approach, with
11 Mr. Johnson?

12 THE COURT: Yes, sir.

13 (Proceedings held at the bench; not reported.)

14 THE CLERK: Please raise your right hand and place
15 your left on the Bible.

16 (Whereupon, John Gietz was duly sworn by the Clerk
17 of Court.)

18 THE CLERK: Thank you. Would you please have a seat
19 in the witness box. State your full name and spell your
20 last for the record.

21 THE WITNESS: John Gietz. G-I-E-T-Z.

22 JOHN GIETZ,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. NORTON:

1 Q. Good morning. Is it Agent Gietz, Investigator Gietz?

2 A. Senior Investigator Gietz.

3 Q. Senior Investigator Gietz. Where are you currently
4 employed?

5 A. The Lexington County Sheriff's Department.

6 Q. Okay. And how long have you worked for the Lexington
7 County Sheriff's Department?

8 A. Eleven years.

9 Q. And what is your current role at the Lexington County
10 Sheriff's Department?

11 A. I'm a senior investigator, which is essentially a
12 Number 2 spot, for one of our narcotics teams. I work for
13 the NET Team. Like one of our NET teams, narcotics
14 enforcement.

15 Q. Can you tell the jury a little bit about what the NET
16 Team does?

17 A. We investigate narcotics-related offenses and crimes.
18 Trafficking, distributions.

19 Q. Does that include assisting other agencies?

20 A. Frequently, yes.

21 Q. Okay. Were you working as a member of the NET Team on
22 February 9, 2023?

23 A. Yes, sir, I was.

24 Q. Okay. And what do you recall from that day,
25 specifically from that morning?

1 A. We got a call from the South Carolina Probation,
2 Triple P, Department, and they said that they had located
3 narcotics while they were executing an arrest warrant --
4 or a substance that they believed to be narcotics and we
5 responded out to 2125 Commerce Drive in Cayce, South
6 Carolina.

7 Q. And that's here in Lexington County?

8 A. Yes, it's in Lexington County.

9 Q. Okay. What do you recall observing when you arrived?
10 You said it was 2125 Commerce Drive?

11 A. Yes, sir.

12 Q. And what is that location called?

13 A. The Masters Inn.

14 Q. Okay. What you do you recall seeing or observing when
15 you arrived to that scene?

16 A. So we were called out to Room 208.

17 MR. JOHNSON: Objection, Your Honor, based on previous
18 motions and objections.

19 THE COURT: Very well. Overruled.

20 THE WITNESS: We responded to Room 208 at the
21 Masters Inn. There was several agencies. Probation
22 was out there, Cayce Public Safety was out there. I
23 responded to Room 208 specifically. I stopped on the
24 threshold. I saw three subjects detained. While there
25 at the threshold, I could smell an odor that I know

1 through my training and experience to be consistent with
2 marijuana. I made contact with subjects that were inside
3 the room, one of them being Brandan Richardson and two
4 female subjects. While inside the room with the detained
5 subjects, I observed a -- items that were consistent with
6 -- based off my training and experience to be marijuana
7 and marijuana drug paraphernalia.

8 BY MR. NORTON:

9 Q. After you were called out there, at any time did you
10 search this room?

11 A. Yes. A search warrant was obtained for the room. We
12 executed the search warrant. While executing the search
13 warrant, we found items that I knew based on my training
14 and experience to be consistent with methamphetamine, crack
15 cocaine, pills that were tested later, and marijuana -- or
16 items that were consistent with marijuana.

17 Q. And so prior to you searching the room a search
18 warrant was obtained?

19 A. That's correct.

20 Q. Okay. And you conducted the search of the room?

21 A. I assisted with the search, yes.

22 Q. Okay. Were you equipped with any kind of recording
23 devices?

24 A. No. Per our policy we're not required to wear a
25 recording device and actually it would be problematic for

1 our job.

2 Q. Is that just the NET team or is that your entire
3 agency?

4 A. No, just the NET Team or certain members of the NET
5 Team.

6 Q. So you don't wear any kind of body-worn cameras for
7 safety purposes?

8 A. That is correct.

9 Q. Okay. Did you at any time take photographs during
10 your engaging in the search of Room 208?

11 A. Yes, sir, I did.

12 MR. NORTON: Your Honor, may I approach the witness?

13 THE COURT: Yes, sir.

14 BY MR. NORTON:

15 Q. I'm showing you what's previously been marked as
16 State's Exhibit 2. Do you recognize that photograph?

17 A. Yes, sir. That is the door of Room 208 of the
18 Masters Inn.

19 Q. And did you take that photo?

20 A. I took that photo.

21 MR. NORTON: Your Honor, at this time we'd move
22 State's Exhibit 2 into evidence.

23 MR. JOHNSON: Object, Your Honor. Based on previous
24 motions and objections.

25 THE COURT: So noted and -- that's Exhibit 2?

1 MR. NORTON: State's Exhibit 2, Your Honor.

2 THE COURT: State's Exhibit 2 is admitted subject
3 to objection.

4 (State's Exhibit Number 2, a photograph, was
5 admitted into evidence.)

6 MR. NORTON: And permission to publish?

7 THE COURT: Very well.

8 BY MR. NORTON:

9 Q. And so what are we looking at here?

10 A. The front door of -- or the only door to Room 208 of
11 the -- to make entry into the room of the Masters Inn.

12 Q. Okay. And so you entered through that door to conduct
13 your search?

14 A. That's correct.

15 Q. What did you see upon entering the room?

16 A. I saw drug paraphernalia and items that I knew based
17 off my training and experience to be consistent with
18 marijuana.

19 Q. Did you photograph these items?

20 A. I did.

21 Q. I'm showing you what's been previously marked as
22 State's Exhibit 3, 4, 5, 6 and 7. Do you recognize those
23 exhibits?

24 A. Yes, sir.

25 Q. And how do you recognize them?

1 A. I took these photos, sir.

2 Q. Okay. And you took them during your search of Room
3 208?

4 A. That is correct.

5 MR. NORTON: Your Honor, at this time it we'd offer
6 these exhibits as evidence.

7 MR. JOHNSON: Subject to objection, Your Honor.

8 THE COURT: Subject to previous objection,
9 State's Exhibits 3, 4, 5, 6 and 7 are admitted into
10 evidence.

11 (State's Exhibit Number 3, 4, 5, 6 and 7,
12 photographs, were admitted into evidence.)

13 BY MR. NORTON:

14 Q. For the record, this is State's Exhibit 3.
15 Investigator Gietz, what are we looking at here?

16 A. That is a photo from the front door as you're making
17 entry into Room 208 at the Masters Inn.

18 Q. Okay. And so this would be the view from the front
19 looking towards the back of the room?

20 A. Correct.

21 Q. Okay. So going to State's Exhibit 4, what are we
22 looking at here?

23 A. Those are small plastic baggies that I know based
24 off my training and experience to be commonly used to
25 distribute narcotics.

1 Q. And when you entered the room, were those where they
2 are photographed to be?

3 A. There were some there and there was some in a drawer,
4 correct.

5 Q. And that would be -- using State's Exhibit 3 as a
6 reference, could you identify where that would be?

7 A. Yes. If you look at the bed all the way to the right,
8 it's on the nightstand right there.

9 Q. So further to the right of State's Exhibit 3?

10 A. That's correct. There's a bed and then a wall and
11 then there's a nightstand kind of at the corner of the wall
12 and that's where the -- those items were located.

13 Q. And you said based on your training and experience,
14 you're able to identify those numerous small plastic
15 baggies as consistent with either narco -- potential
16 narcotics used in distribution?

17 A. That's correct.

18 Q. Okay. Now looking at State's Exhibit 5, what are we
19 looking at here?

20 A. That is a refrigerator that's on the other side of
21 the -- I don't know what to call it, a TV stand that you
22 would have there. Directly to the left of it you'll see
23 a blue TV stand and if you're looking straight forward to
24 the left of the photo right behind there's a refrigerator
25 with a microwave and then the items referenced prior that

1 I believed based off my training and experience to be
2 consistent with marijuana are located next to the ashtray,
3 as well as the digital scales.

4 Q. And so this refrigerator and microwave is located
5 behind this large piece of blue furniture we can see in
6 State's Exhibit 3?

7 A. That's correct. Between the TV stand and the mirror
8 that you can see at the rear of the hotel room.

9 Q. Okay. And you said you identified some items that
10 were on top of the microwave in State's Exhibit 5?

11 A. Yes, sir.

12 Q. And what would those be? Let's see if I can help you
13 out here.

14 A. Thank you.

15 Q. So using that laser pointer, can you show us what
16 we're looking at?

17 A. So if you'll -- if you see there, there's an ashtray.
18 Directly next to it there are two marijuana blunts or items
19 that are consistent with marijuana and then a digital scale
20 is right there.

21 MR. JOHNSON: Objection, Your Honor. I have to take
22 up a matter of law at this point.

23 THE COURT: All right. Ladies and gentlemen, at
24 this time let me speak with -- step out into the jury
25 room -- or head on back to the jury room and refresh

1 yourselves. Please don't discuss the case and I'll get
2 you back out here in a minute.

3 (Whereupon, the jury retires to the jury room at
4 11:50 AM.)

5 THE COURT: Yes, sir.

6 MR. JOHNSON: Your Honor, just based on the Court's
7 previous ruling, I would move for a mistrial at this point
8 since the officer testified those were marijuana blunts.
9 He violated the rule that we've restricted in testimony.

10 THE COURT: Okay. Mr. Norton.

11 MR. NORTON: Your Honor, he was very quick to
12 establish that those are what appeared to be marijuana
13 blunts to him. I think we've been very clear with the
14 witnesses that have been presented and what's been
15 presented to the jury, but this evidence is just what it
16 appeared to them to look like and that no one's gonna say
17 they tested it or they know for certain that that is
18 marijuana and I don't think the jury has been given any
19 undue influence that anyone's absolutely certain that's
20 marijuana as opposed to what it appeared to the witness
21 to look like.

22 THE COURT: Mr. Johnson, I think you're fine to make
23 the motion frankly. I do think just on my hearing the
24 testimony thirty seconds ago Investigator Gietz was trying
25 to amend his statement to some extent and you'll certainly

1 have leave on cross-examination to delve into that further,
2 but I'll deny the motion for mistrial. But obviously let's
3 try to not make conclusory statements about what it was
4 when -- if we don't have a chemist down the line who's
5 gonna confirm it, okay?

6 MR. JOHNSON: Thank you, Judge.

7 THE COURT: All right. While they're in there,
8 they're probably going to the restroom. Does anyone
9 need to take a short three-minute break here just to
10 refresh yourselves?

11 MR. JOHNSON: We would like to have a bathroom break.

12 THE COURT: Stacy, we'll take a brief --

13 MR. COX: Your Honor, while we're on the record
14 just for the Court, I spoke with Mr. Johnson just very
15 briefly just then. Two of our witnesses were Triple P
16 agent, Agent Carter and Agent Grant. We do not intend
17 on calling Agent Grant and they have both been -- Agent
18 Carter is obviously excused. I'm asking that they be
19 released from their subpoenas. I asked Mr. Johnson if
20 he had any objection to them hanging out in the back
21 of the courtroom and further observing the trial and he
22 indicated he did not.

23 THE COURT: Okay. You're not calling her?

24 MR. COX: We're not.

25 THE COURT: All right. Well, if you're not calling

1 her, you're not calling her and they're free to stay and
2 they're free from subpoena as well. I excused them
3 earlier, but...

4 Okay. So let's just take a quick break for nature
5 and get right back to it.

6 MR. COX: Thank you, Your Honor.

7 MR. NORTON: Thank you.

8 (Recess taken at 11:52 AM.)

9 (Back on the record at 11:59 AM.)

10 THE COURT: All right. Are we ready to roll?

11 MR. NORTON: Yes, Your Honor.

12 THE COURT: All right. I'm gonna have them brought
13 in.

14 Is the defense ready to proceed too?

15 MR. JOHNSON: Ready to proceed, Judge.

16 THE COURT: All right. Let's bring them back in.

17 (State's Exhibit Number 17 was marked for
18 identification.)

19 (Whereupon, the jury return to the courtroom at
20 12:01 PM.)

21 THE COURT: All right. Please be seated.

22 Ladies and gentlemen, we'll pick up where we left
23 off.

24 BY MR. NORTON:

25 Q. Investigator Gietz, when we broke we were discussing

1 some of the items you observed on the top of the microwave
2 in State's Exhibit 5. Looking at State's Exhibit 6, I'm
3 gonna ask you what is the silver item in the middle of the
4 picture on State's Exhibit 6?

5 A. That is a digital scale.

6 Q. And based off your training and experience as an
7 officer with the Narcotics Enforcement Team, what, if any,
8 significance did that have to you?

9 A. Based off my training and experience that would be an
10 item used to weigh out drugs.

11 Q. Okay. And what is the smaller item we see on the left
12 side of the microwave, the black item with a blue outline?

13 A. That -- that is a cell phone.

14 MR. NORTON: I'm showing opposing counsel what was
15 previously marked as State's Exhibit 8, 9, 10, 11, 12, 13,
16 14 and 15.

17 BY MR. NORTON:

18 Q. Investigator Gietz, I'm approaching and I'm gonna show
19 you what's previously been marked as State's Exhibit 8, 9,
20 10, 11, 12, 13, 14 and 15, and ask you to look at those and
21 let me know when you're finished.

22 Were you able to recognize those photographs?

23 A. Yes, sir. They are photographs that I took from
24 inside Room 208 at the Masters Inn.

25 Q. And this was during your search?

1 A. During the search warrant, yes.

2 MR. NORTON: Your Honor, 8 through 15 for evidence.

3 THE COURT: Subject to previous objections?

4 MR. JOHNSON: Your Honor, object, and also because
5 I don't believe there's any testimony about the nature
6 of those photos yet, whether or not they are substantially
7 accurate and whether they represent an accurate description
8 of what was in the room. He did not say that. But also
9 based on my previous motions and objections, I'd object.

10 THE COURT: All right. I thought -- if you can add a
11 little more foundation.

12 MR. NORTON: Judge, I'm happy to.

13 BY MR. NORTON:

14 Q. Investigator Gietz, when you took those photos, was
15 that the condition of the room and the subject of the
16 photographs as you found it?

17 A. Yes, sir.

18 Q. Okay. Have those photos been altered, the way they
19 appear to you, in any way from the photographs you took at
20 the time?

21 A. No, sir.

22 Q. Okay. And they're fair and accurate representations?

23 A. They are fair and accurate representations.

24 MR. NORTON: Okay. Judge --

25 THE COURT: All right. State's Exhibit 8 through 15

1 will be admitted subject to previous objections.

2 (State's Exhibit Number 8, 9, 10, 11, 12, 13, 14
3 and 15, photographs, were admitted into evidence.)

4 THE COURT: You may publish.

5 MR. NORTON: Thank you, Your Honor.

6 BY MR. NORTON:

7 Q. So let's start with State's Exhibit 8. Investigator
8 Gietz, what are we looking at here?

9 A. That is a photo of a shelf inside Room 208 of the
10 Masters Inn with a bag of dog food.

11 Q. Okay. And using Exhibit 3 as a frame of reference, do
12 you see the dog food bag that is the subject of State's
13 Exhibit 8 in that photograph?

14 A. Yes, sir. Up there in the top corner on the left-hand
15 side, that would be the shelf with the dog food?

16 Q. Okay. Now during your search did you look inside that
17 bag, the bag of dog food on top of the shelf?

18 A. Yes, sir, I did.

19 Q. Okay. What did you find inside that dog food bag?

20 A. Inside the bag I found a rubber glove with several
21 substances that I know through my training and experience
22 to be consistent with various narcotics; methamphetamine,
23 crack cocaine, fentanyl, and then a pill substance that
24 appeared to be pressed pills.

25 Q. That's just the appearance of those drugs to you?

1 A. Yeah, based off my -- based off of my training and
2 experience.

3 Q. Now looking at State's Exhibit 12, can you explain
4 what the subject of this photograph is?

5 A. Yeah, that's the rubber glove that I located inside
6 the dog food bag.

7 Q. And did you look further inside that rubber glove?

8 A. Yes, sir, I did.

9 Q. And other than the rubber glove in the dog food, was
10 there anything else in that bag when you looked?

11 A. No, sir, there was not.

12 Q. Okay. Looking at State's Exhibit 11, can you explain
13 what this is?

14 A. That is the rubber glove placed inside a plastic bag
15 for agents on-scene's safety.

16 Q. Okay. And that was done by you or other officers?

17 A. Yes, sir.

18 Q. Okay. And did you photograph the contents of that
19 rubber glove?

20 A. Yes, sir, I did.

21 Q. Okay. State's Exhibit 10, Investigator Gietz, can you
22 identify what's in that photograph?

23 A. Yes, sir.

24 Q. And what is it -- or what does it appear to you to be?

25 A. Based off my training and experience, these two bags

1 right here are substances consistent with methamphetamine.
2 This bag right here is a substance that's consistent based
3 off of my training and experience with fentanyl or some
4 kind of other opiate. Based off my training and
5 experience, these bags right here are consistent with crack
6 cocaine, and then based off of my training and experience,
7 this is a bag of pills consistent with a pressed pill.

8 Q. Did you find any other dog food in the room?

9 A. Yes, sir.

10 Q. Okay. And did you photograph that dog food?

11 A. Yes, sir, I did.

12 Q. Okay. State's Exhibit 13. What are we looking at
13 here?

14 A. This is a dog -- a bag of dog food that is on the
15 bathroom counter with a scoop for the scooping out of dog
16 food.

17 Q. Okay. Was there a scoop to scoop out dog food in the
18 bag that you found what you believed to be possible
19 narcotics inside? So the other dog food bag I mean.

20 A. In the other dog food bag there was no other scoop.

21 Q. Okay. Now all this evidence that you located, what
22 did you do with it?

23 A. It was seized by Investigator Dubard who was in the
24 room with me present during the execution of the search
25 warrant.

1 Q. Okay. And was it -- was it taken in as evidence?

2 A. Yes, it was.

3 Q. Okay. Looking at State's Exhibit 9, what are we
4 looking at here specifically on the counter?

5 A. This is the bag of dog food that contained the
6 substances that were consistent with narcotics.

7 Q. Okay. And the other bag of dog food you referenced
8 is in this photo as well?

9 A. That is correct. It's on the floor.

10 Q. Investigator Gietz, what is the standard procedure
11 when narcotics are recovered during an investigation or
12 suspected narcotics are recovered during an investigation?

13 A. They're seized. Sometimes they're field tested,
14 sometimes we don't field test them just based off of either
15 safety issues or the overabundance of our belief that it
16 is that substance. It's placed inside a BEST kit, which
17 is sealed and not opened until it's tested by a chemist.

18 Q. Okay. And can you explain to the jury a little bit
19 about what a BEST kit is?

20 A. It's a BEST practices kit. It's just a safe and
21 secure way to store the narcotics or substances believed
22 to be narcotics so there's no chance of tampering or any
23 chance that anybody else has access to those narcotics.

24 Q. And were the suspected narcotics found in the dog food
25 bag that we've been discussing placed into a BEST kit?

1 A. That is correct.

2 Q. And would you be able to identify the items that you
3 found in that dog food bag?

4 A. Yes, sir.

5 MR. NORTON: Judge, I'm showing opposing counsel
6 what's been marked has State's Exhibit 16.

7 BY MR. NORTON:

8 Q. Investigator Gietz, I'm showing you what's been
9 previously marked as State's Exhibit 16. Do you recognize
10 that?

11 A. Yes, sir, I do.

12 Q. And what is it?

13 A. It's a BEST kit that we use to submit the suspected
14 narcotics.

15 Q. And so what are the contents of that bag? Or do you
16 recognize the contents of that bag?

17 A. I do.

18 Q. Okay. And those were as you referenced from the dog
19 food bag that you found on-scene at the search of Room 208?

20 A. That is correct.

21 MR. NORTON: Your Honor, at this time for
22 identification only State's Exhibit 16.

23 THE COURT: Very well. For ID only.

24 MR. JOHNSON: And, Your Honor, we are objecting to
25 that coming into evidence.

1 THE COURT: It's not being offered at this time.

2 MR. NORTON: Just for ID, Judge.

3 BY MR. NORTON:

4 Q. Investigator Gietz, during your search did you locate
5 any other suspected or what appeared to be narcotics?

6 A. Yes, sir.

7 Q. Okay. I'm showing you State's Exhibit 15. Do you --
8 can you tell us what that image is?

9 A. Yes, sir. That's a purse that was located in the room
10 with other suspected narcotics from a female subject in the
11 room.

12 Q. And do you recall who that female subject was?

13 A. Angela Nettles.

14 Q. Now based on your training and experience, looking at
15 State's Exhibit 10 and State's Exhibit 15, what's the
16 difference between what we see in State's Exhibit 10 and
17 State's Exhibit 15?

18 A. The quantity really and based off of my training and
19 experience I would say whoever was in possession of these
20 suspected narcotics is a drug trafficker or would be
21 trafficking drugs as well as distributing those drugs.

22 Q. And that's based on the apparent quantity?

23 A. Apparent quantity, yes, sir, and in the other -- the
24 stuff in the purse this would be consistent with somebody
25 that is a user.

1 Q. You said earlier on in your testimony, right at the
2 beginning, I believe you said when you arrived there were
3 three people on-scene or three people detained on-scene?

4 A. Yes, sir. When I got there, there was another subject
5 that was detained inside of a car, but I never made contact
6 with that subject.

7 Q. Okay. Did you speak to any of these people?

8 A. Yes, sir.

9 Q. And who did you speak to?

10 A. Specifically I spoke to Brandan Richardson and Angela
11 Nettles and I read them their Miranda advisement from a
12 card provided to me by the Lexington County Sheriff's
13 Department.

14 Q. Okay. And if you can recall off the top of your head,
15 what are the Miranda warnings?

16 A. If you'd like, I can read them.

17 Q. Sure.

18 A. So as a matter of practice I always identify myself as
19 Investigator Gietz with the Lexington County Sheriff's
20 Department. It says my duty to advise you that you're
21 under investigation by Lexington County Sheriff's
22 Department and that you have the right to remain silent,
23 anything you say will be used against you in court. You
24 have the right to have a lawyer and consult with your
25 lawyer before and while answering any questions and if you

1 cannot provide a lawyer, one will be provided to you
2 without cost to you. Do you understand your rights as
3 explained to you, and I would wait for whoever I was
4 speaking to to respond. In this case, Mr. Richardson and
5 Angela both responded with a --

6 MR. JOHNSON: Objection, Your Honor, based on previous
7 motion and objection.

8 THE COURT: So noted and overruled.

9 THE WITNESS: They responded with a response
10 consistent with that they were willing to speak with me.

11 BY MR. NORTON:

12 Q. And so when you're referring to Brandan Richardson,
13 are you referring to the defendant in this case?

14 A. Yes, sir.

15 Q. Okay. And after you read him his Miranda warnings,
16 he indicated he was willing to speak to you?

17 A. That is correct.

18 Q. Did at any point during your conversation he indicate
19 he wanted to stop speaking to you?

20 A. At no time.

21 Q. Or that he wanted a lawyer?

22 A. At no time.

23 Q. Okay. What did you guys talk about?

24 A. Mr. Richardson confirmed that he had been staying in
25 the room and that he had clothes inside the room. He said

1 that other people frequent the room and that he would split
2 time between that room and a room -- or excuse me, I'm
3 mixing that up -- but that he would stay in that room. He
4 also advised that he had a dog that belonged to him
5 on-scene.

6 Q. So let's break that down a little bit. Brandan
7 Richardson told you that he stays in Room 208?

8 A. That's correct.

9 Q. And he that he has clothing in Room 208?

10 A. That is correct.

11 Q. And he also contained ownership of a dog?

12 A. That is correct.

13 Q. Was there a dog on-scene?

14 A. Yes, sir. There was a dog on-scene.

15 Q. I'm showing you State's Exhibit 14. Is that the dog?

16 A. Yes, that's the dog.

17 Q. And that during your conversation Brandan Richardson
18 told you that was his dog?

19 A. That is correct.

20 Q. Okay. Did you take any evidence or collect any
21 evidence off of Brandan Richardson personally?

22 A. Yes. During his arrest I located a cell phone that
23 was located on his person.

24 Q. Would you be able to identify that cell phone?

25 A. Yes, sir.

1 Q. Investigator Gietz, I'm showing you what's been
2 previously marked as State's Exhibit 17. I'm gonna ask you
3 to open that and ask if you can identify that. Can you
4 identify that?

5 A. Yes. That's the phone that I seized from
6 Mr. Richardson.

7 Q. Okay.

8 MR. NORTON: Your Honor, at this time State's
9 Exhibit 17 for ID only.

10 THE COURT: Very well.

11 BY MR. NORTON:

12 Q. Okay. And what was done with that phone?

13 A. It was submitted into evidence. A search warrant for
14 the cell phone was later obtained and executed.

15 Q. But your role was just to collect that phone and turn
16 it over?

17 A. That's correct.

18 Q. Okay. Who was the lead agent on this case?

19 A. Investigator Dubard.

20 Q. And so did you coordinate all of the evidence you
21 collected from Room 208 with him?

22 A. Yes, sir.

23 Q. Okay. And after the search was completed, did you
24 have any further involvement?

25 A. No, sir.

1 MR. NORTON: I beg the Court's indulgence.

2 Let me collect that.

3 (State's Exhibit Number 18 was marked for
4 identification.)

5 BY MR. NORTON:

6 Q. Investigator Gietz, I'm showing you what's been
7 previously marked as State's Exhibit 18 and I'm gonna ask
8 you to open that and ask if you can identify that. Do you
9 recognized the items contained in State's Exhibit 18?

10 A. Yes.

11 Q. Okay. How so?

12 A. That is the digital scale that was seized from inside
13 the of Room 208 at the Masters Inn.

14 Q. Okay. Does it appear to have changed in any way?

15 A. No, sir.

16 Q. And that was the same scale you said that you observed
17 in Room 208?

18 A. Yes, sir.

19 MR. NORTON: Judge, Exhibit 18 for evidence.

20 MR. JOHNSON: Your Honor, I'm objecting to this --
21 are they moving into evidence at this time?

22 MR. NORTON: Yes, Your Honor.

23 THE COURT: Yes, that's the motion.

24 MR. JOHNSON: Okay. I object based on previous
25 motion and objection.

1 THE COURT: All right. So noted and overruled.

2 It's admitted subject to objection.

3 (State's Exhibit Number 18, a digital scale, was
4 admitted into evidence.)

5 MR. NORTON: Judge, permission to publish to the
6 jury?

7 THE COURT: Very well.

8 BY MR. NORTON:

9 Q. So this is the scale that you recovered from Room 208?

10 A. Yes, sir.

11 Q. And that's the same scale photographed that we can see
12 in State's Exhibit 6, correct?

13 A. That is correct, sir.

14 MR. NORTON: I beg the Court's indulgence.

15 Judge, can we take a quick break --

16 THE COURT: You-all approach --

17 MR. NORTON: -- outside the presence of the jury?

18 (Proceedings held at the bench; not reported.)

19 THE COURT: A very brief break. I'll get you right
20 back out here in a few minutes. Hopefully less than five.

21 Head on back. Please don't discuss the case. I'll
22 get you right back in here.

23 (Whereupon, the jury retires to the jury room at
24 12:23 PM.)

25 (Back on the record at 12:27 PM.)

1 (State's Exhibit Number 19 was marked for
2 identification.)

3 THE COURT: Okay. Are you good?

4 MR. NORTON: Judge, we're good to go. Thank you.

5 THE COURT: All right. Let's bring them back in.

6 (Whereupon, the jury return to the courtroom at
7 12:29 PM.)

8 THE COURT: All right. Ladies and gentlemen, please
9 be seated. We're gonna pick up where we left off.

10 MR. NORTON: Your Honor, for the record I'm showing
11 opposing counsel State's Exhibit 18 which now bears the
12 additional tag of State's Exhibit 19.

13 THE COURT: Okay.

14 BY MR. NORTON:

15 Q. Investigate Gietz, I know you've already identified
16 that as State's Exhibit 18. I'm gonna ask if you can open
17 it up and identify the contents of that.

18 Do you recognize that item?

19 A. Yes, sir. I do.

20 Q. And how so?

21 A. They were the plastic baggies that were collected from
22 Room 208 at the Masters Inn.

23 Q. And those don't appear to have changed in any way
24 since they were collected?

25 A. No, sir.

1 Q. Okay.

2 MR. NORTON: Judge, at time we'd offer those plastic
3 baggies as State's Exhibit 19.

4 MR. JOHNSON: Object, Your Honor, based on previous
5 motion and objection.

6 THE COURT: Subject to previous objection, so
7 admitted.

8 (State's Exhibit Number 19, plastic baggies, was
9 admitted into evidence.)

10 BY MR. NORTON:

11 Q. So now that we've got the numbering cleared up, as to
12 the baggies being State's Exhibit 19, are these the same
13 baggies that we see in State's Exhibit 4?

14 A. Yes, sir, they are.

15 Q. Okay.

16 MR. NORTON: Investigator Gietz, I believe that's
17 all the questions I have for you. Please answer any
18 questions that Mr. Richardson's attorney has for you.

19 THE COURT: All right. Cross-examination.

20 CROSS-EXAMINATION

21 BY MR. JOHNSON:

22 Q. Agent, just to be clear -- where's the -- State's 9,
23 this shelf down here by the bathroom, that's where the dog
24 food bag was located with the drugs?

25 A. Yes, sir.

1 Q. And the highly upset person in the bathroom,
2 Mr. Jivers, did you sit down and question him about the
3 drugs?

4 A. No, sir. I never made contact with Mr. Jivers.

5 Q. Well, what about the two ladies in the room, one of
6 whom was arrested for drugs, did you question them about
7 the drugs?

8 A. I did speak to Angela Nettles. That is correct.

9 Q. What about fingerprint evidence? Did you check all
10 this stuff for fingerprints?

11 A. No, sir, I did not.

12 Q. How about touch DNA? Did you check for that?

13 A. No, sir, I did not.

14 Q. All right. And you certainly with the narcotics team,
15 Lexington County, you have access to all these people that
16 can check for fingerprints if needed, correct?

17 A. That would be exhaustive, but, yes.

18 Q. So you don't check for fingerprints?

19 A. Not in cases like these.

20 Q. Law enforcement doesn't use fingerprint evidence?

21 A. Not for a case like this. No, sir.

22 Q. What kind of case deserves fingerprint evidence?

23 A. Cases that need fingerprint evidence.

24 Q. Well, can plastic surfaces contain fingerprints?

25 A. That's true. They can.

1 Q. Are any of the items plastic in this case?

2 A. There are plastic items in the case, yes, sir.

3 Q. That are in evidence?

4 A. That is correct.

5 Q. Okay. And I would also ask -- well, why didn't you
6 interview Jivers?

7 A. Sir, I testified to that earlier. He was already in a
8 patrol car ready to leave when I arrived.

9 Q. Oh, so it wasn't convenient?

10 A. No, sir. He was leaving for jail.

11 Q. You can't go to the jail?

12 A. I did not go to the jail, no, sir.

13 MR. JOHNSON: No more questions, Your Honor.

14 THE COURT: Any redirect?

15 MR. NORTON: Briefly, Judge.

16 REDIRECT EXAMINATION

17 BY MR. NORTON:

18 Q. Senior Investigator Gietz, are you a DNA analyst?

19 A. No, sir, I am not.

20 Q. Are you a fingerprint technician?

21 A. I am not.

22 Q. Okay. In your time with the Lexington County
23 Sheriff's Department as a narcotics enforcement officer,
24 have you ever personally fingerprinted drug evidence in a
25 case like this?

1 A. No, sir. Never.

2 Q. Have you ever DNA tested drug evidence?

3 A. Never.

4 Q. Okay. And your role in this you testified was to
5 search Room 208?

6 A. That is correct.

7 Q. And the evidence that you found in Room 208 was seized
8 by your agency?

9 A. That is correct.

10 Q. Okay. And you testified that when you arrived at
11 Room 208 you observed three individuals?

12 A. That is correct.

13 Q. And you said you spoke and interviewed with the
14 defendant in this case?

15 A. That is correct.

16 Q. Okay. And you said -- I believe you testified that
17 was the extent of your involvement?

18 A. Yes, that is correct.

19 MR. NORTON: Your Honor, I have no further questions.

20 THE COURT: Any recross?

21 MR. JOHNSON: Nothing.

22 THE COURT: All right. Counsel approach real quick.
23 (Proceedings held at the bench; not reported.)

24 THE COURT: All right. Ladies and gentlemen, we're
25 gonna break for lunch at this time. I'd like you to be

1 back in your jury room ready to go at 1:45, so about an
2 hour and fifteen minutes. Please don't discuss the case or
3 do any sort of independent research about the case.

4 Oh, I'm sorry. You can step down.

5 MR. NORTON: Subject to recall, Your Honor.

6 THE COURT: Very well. Subject to recall.

7 (Witness excused.)

8 THE COURT: I forgot to tell him he could leave.

9 But don't do any independent research or discuss
10 the case with anyone. We'll see you back here in an hour
11 and fifteen minutes. Have a nice lunch.

12 (Whereupon, the jury was excused for lunch at
13 12:35 PM.)

14 THE COURT: All right. So I'll see you-all after
15 lunch.

16 MR. COX: That's right, Your Honor.

17 THE COURT: All right. You-all know where to find me.

18 MR. COX: Yes, Your Honor.

19 MR. NORTON: Thank you, Your Honor.

20 (Whereupon, a luncheon recess was taken at 12:36 PM.)

21 (Back on the record at 1:50 PM.)

22 BAILIFF: All rise. Honorable Walton J. McLeod
23 presiding.

24 THE COURT: Thank you. You-all be seated.

25 Thank you-all for being back and ready to go.

1 Is the State ready?

2 MR. COX: The State is ready.

3 THE COURT: Defense?

4 MR. JOHNSON: Ready.

5 THE COURT: All right. Bring them in, please.

6 (Whereupon, the jury return to the courtroom at
7 1:52 PM.)

8 THE COURT: All right. Mr. Foreman, ladies and
9 gentlemen of the jury, welcome back. Please be seated.
10 I hope you-all had a nice lunch. We'll start back with
11 the next witness in the State's case in chief.

12 MR. COX: Your Honor, at this time the State calls
13 Arcadeus Dubard.

14 THE COURT: Very well.

15 (Whereupon, Arcadeus Dubard was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: Would you please have a seat in the
18 witness box. State your full name and spell your last
19 for the record.

20 THE WITNESS: Arcadeus Dubard. Last name spelling
21 is D-U-B-A-R-D.

22 ARCADEUS DUBARD,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. COX:

1 Q. Good afternoon, Investigator Dubard, if you could
2 just tell us where you work and what your role is with
3 that agency.

4 A. Yes. I work for the Lexington County Sheriff's
5 Department specifically under the Lexington County
6 Multi-agency Narcotics Enforcement Team, also know as NET,
7 as a detective on NET Team 1.

8 Q. And in your role on the NET Team, what type of cases
9 do you investigate?

10 A. Primarily we work narcotics-related crimes, but we
11 also work prostitution, other sex offenses, vice, things
12 like that.

13 Q. Okay. And how long have you been on the NET Team?

14 A. I've been on the NET Team since 2021.

15 Q. And did you have any other -- have you been with any
16 other law enforcement agency here in South Carolina?

17 A. I briefly worked for the Department of Public Safety
18 for about four years prior to joining the Lexington County
19 Sheriff's Department in 2015.

20 Q. And prior to 2015, did you have any other law
21 enforcement experience?

22 A. Yes. As far as my career, I did approximately
23 seven years of patrol status as a regular patrol officer.
24 I was a field training officer for a few years. I moved
25 up to a master deputy in patrol, which is a first line

1 supervisor. I moved onto investigations under domestic
2 violence and then from there I moved onto a catchall, which
3 is the major crimes investigations team, that investigates
4 homicides and robberies and runaways and things of that
5 nature. From there, I went back to patrol as a patrol
6 supervisor as a sergeant and then I went back to
7 investigations under narcotics enforcement.

8 Q. Other than your time or your current role on the NET
9 Team, did you serve in any other roles with the sheriff's
10 department or other law enforcement agencies?

11 A. Yes. At the sheriff's department I am one of the
12 operators on the Lexington County Sheriff's Department
13 SWAT Team. I also am the assistant commander for the
14 Lexington County Honor Guard. I'm on the Lexington County
15 drone team. I do a lot of the things with the Department.

16 Q. Investigator Dubard, were you in the role that you're
17 currently in that you've described for us, the NET Team,
18 back in February of 2023?

19 A. Yes, sir.

20 Q. Were you the lead investigator on an incident that
21 took place on February 19th? Or, excuse me, February 9th.

22 A. February 9th. Yes, sir.

23 Q. You've been in the courtroom here with us today?

24 A. Yes, sir.

25 Q. Okay. So you've been here and heard the other

1 testimony of the other witnesses here?

2 A. Yes, sir.

3 Q. This was your case?

4 A. Yes, sir.

5 Q. Just very briefly, I don't want to rehash kind of all
6 of the beginning information, but how did you wind up at
7 the Masters Inn on February 9, 2023?

8 A. Yes, sir. So I got a call from our sergeant of the
9 NET Team 1, which would be Sergeant Burke, asking us to
10 respond to 2125 Commerce Drive in the Cayce area of
11 Lexington County, South Carolina, to meet with what we call
12 Triple P agents, which are the South Carolina Department
13 of Probation, Pardon and Parole, in reference to assisting
14 with a narcotics investigation at Room 208.

15 Q. And when you arrived at the Masters Inn, what were
16 some of your early observations?

17 A. Upon arrival I made contact with Agent Lugos, who I
18 knew to be the supervisor of that particular team. Upon
19 making contact with him, he advised me of the situation.
20 I did observe a --

21 MR. JOHNSON: Objection, Your Honor, based on
22 previous motions and objections.

23 THE COURT: All right. Overruled.

24 BY MR. COX:

25 Q. Investigator Dubard, you may continue.

1 A. I did observe an odor I knew to be consistent with
2 marijuana and were advised of some other things inside the
3 room by other agents. At that point we decided to request
4 a search warrant for that particular room to further the
5 investigation into the narcotic violations.

6 Q. Is it typical procedure in this situation to obtain a
7 search warrant?

8 A. Yes, sir.

9 Q. Who was actually the investigator or the officer who
10 went and retrieved that search warrant?

11 A. I presented that search warrant to a magistrate.

12 Q. Okay. Were you able to obtain it?

13 A. Yes, sir.

14 Q. And did you arrive back at the scene and did you and
15 your team execute the search warrant?

16 A. Yes, sir.

17 Q. Prior to arriving back with that search warrant, did
18 you or any member of the NET Team take part in the search
19 of the room?

20 A. No, sir.

21 Q. Okay. Kind of take us through what your particular
22 role was during the search of the hotel room.

23 A. Yes, sir. So we did have multiple agents on-scene
24 from the NET Team, so I particularly, my role was more-so
25 as overseeing or supervising in a sense the search that was

1 being conducted. Also making sure I knew what evidence was
2 located, that it was collected properly and numbered
3 photographed and documented.

4 Q. So you were on-scene, but you just did not physically
5 take part in the search?

6 A. Yes, sir.

7 Q. That's typical of a lead investigator in these type
8 of situations?

9 A. Yes, sir, depending on the situation. Like I said,
10 it was a hotel room there at the Masters Inn, so with the
11 amount of agents that we had we had enough on hands
12 on-scene. Sometimes in larger scale searches you may have
13 to partake, but not in this particular situation.

14 Q. Was Agent Gietz on the scene during the search?

15 A. Yes, sir.

16 Q. All right. As part of your team's search of the hotel
17 room, were you as the lead investigator -- was it brought
18 to your attention that some evidence was found?

19 A. Yes, sir.

20 Q. Okay. Investigator Dubard, before I approach with
21 this, was any of that evidence brought to you as likely
22 drug evidence?

23 A. Yes, sir.

24 Q. Okay.

25 MR. COX: Your Honor, may I approach the witness?

1 THE COURT: Sure.

2 BY MR. COX:

3 Q. Investigator Dubard, I'm showing you what's been
4 premarked as State's Exhibit 16. If you could review
5 what's contained in that and let me know when you're done
6 taking a look at it.

7 A. Uh-huh.

8 Q. Are these -- contained in that kit, is that a BEST kit
9 in front of you?

10 A. Yes, sir.

11 Q. Okay. Contained in that kit, was that some of the
12 evidence brought to you by Investigator Gietz?

13 A. Yes, sir.

14 Q. All right. And does it appear to be -- let me just
15 back this up. Who placed those items into that kit?

16 A. I did, sir.

17 Q. Okay. Walk us through that process, how you actually
18 collect the evidence from investigators and place it into
19 the BEST kits.

20 A. So usually when items are found on-scene, particularly
21 during a search warrant, what we'll do is we'll photograph
22 them while in place to document where exactly they are
23 found, then we collect those items and we put them
24 together. We usually try to find a place within the
25 structure just to try to protect the chain of command,

1 but we place those items in one location within the
2 structure, number them so we can take another photograph
3 of them. After we photograph them and document them, we
4 will seize those and then take them to be placed into
5 bags for evidentiary purposes. With drugs specifically
6 or items that we assumed to be narcotics, we place into
7 a BEST kit so that they can be further tested to be
8 confirmed. Sometimes we do have the ability based upon
9 the availability of the device to do a preliminary test
10 on these pieces of evidence and that will give us, like I
11 said, for a preliminary answer to what these things may
12 be and then we still would put those in a BEST kit, seal
13 them and submit them into evidence for further testing.

14 Q. Is that what you did in this case?

15 A. Yes, sir.

16 Q. Looking what I've handed you, how do you know that
17 that -- those items in that bag are what you placed and
18 what you submitted as evidence?

19 A. So multiple ways. It has the case number for the
20 incident, the date, it has my name and my signature here.
21 It also has my initials and the date again from where I
22 sealed the bag.

23 Q. And so you did seal that bag?

24 A. Yes, sir.

25 Q. Okay. And when you collect evidence and you drop off

1 evidence for testing, briefly walk us through that
2 procedure. How do you submit it for testing?

3 A. So, like I said before, we would have already placed
4 these items in a secure bag and they would have been
5 already sealed at this point, then we would take them to
6 our evidence room at Lexington County Sheriff's Department
7 and in most cases we drop these items off to a particular
8 locker that is designated to that particular piece of
9 evidence that we have to create a voucher electronically
10 for. From that point the evidence custodian will take that
11 item and then if it's to be tested, they will notify our --
12 whoever's testing it to come and pick that item up and do
13 the further testing for us.

14 Q. So did you physically hand this over to another
15 person?

16 A. No, this would have been dropped off at the locker.

17 Q. You dropped it off at a locker at the sheriff's
18 department?

19 A. Yes, sir.

20 Q. Are you aware of the name of the evidence custodian
21 who collected it from the evidence locker?

22 A. Of the custodian or the tester?

23 Q. The custodian.

24 A. I'm not exactly aware of which one.

25 Q. But that is not -- you do not enter the lab and

1 physically hand that over to a custodian?

2 A. No, sir.

3 Q. That's done internally at the evidence lab?

4 A. Yes, sir.

5 Q. Okay. I'll retrieve that from you. Thank you.

6 But, again, at this point what I've showed you in
7 Item 16, those are the items that were brought to you by
8 Investigator Gietz on-scene?

9 A. Yes.

10 Q. Okay. While I'm at it, were you brought any other
11 evidence from Investigator Gietz or any other investigators
12 related to the defendant in this case?

13 A. Yes, sir. We receive a cell phone that we believed
14 to belong to Mr. Richardson and also some cash that we
15 believed to belong to Mr. Richardson. We also collected
16 some other items to be further investigated.

17 Q. Okay. Let me -- let's go to the phone. Where was the
18 phone located?

19 A. The cell phone was collected from his person and then
20 given to me.

21 Q. Okay. Was it in his pocket?

22 A. Yes, sir.

23 Q. Okay. And brought to you. Did you collect that
24 phone?

25 A. Yes, sir.

1 Q. Okay. Did you further investigate what could
2 potentially be contained on that phone?

3 A. Yes, sir.

4 Q. Walk us through that process, kind of why you would
5 collect a piece evidence like a cell phone in a narcotics
6 investigation.

7 A. All right. So as you can imagine, during most
8 narcotics or any type of transaction nowadays most people
9 are using their phones to complete those transactions. So
10 with that being said, we usually -- if there is a -- what
11 we call PWID level charge, which means possession with
12 intent to distribute or any type of distribution level
13 charge, we will collect that phone to get more information
14 on distribution side of that investigation. What we do
15 then is we would request another search warrant, a separate
16 one, requesting the digital data from that phone so that we
17 can inspect those same messages or social media or anything
18 of that type, maybe contacts, to see -- like I said, to
19 further investigate that narcotics violation to be a
20 distribution or a trafficking level.

21 Q. Did you submit the cell phone in this case for testing
22 that way?

23 A. Yes, sir.

24 Q. Okay. I'm showing you --

25 MR. COX: Your Honor, at this time what's been

1 premarked as State's Exhibit 17.

2 BY MR. COX:

3 Q. Do you recognize what that item is?

4 A. Yes, sir.

5 Q. Okay. And what does it appear to be?

6 A. A black Samsung cell phone.

7 Q. Does that appear to be the same cell phone brought to
8 you by Investigator Gietz found on the defendant's person?

9 A. Yes, sir.

10 Q. Okay. Who placed it in that kit?

11 A. I did, sir.

12 Q. Okay. And who submitted that phone for testing?

13 A. I did, sir.

14 Q. Okay. Thank you, Investigator.

15 When you arrived on-scene, there was an individual
16 on-scene named Jeremy Jivers.

17 A. Yes, sir.

18 Q. Where was he located when you arrived on-scene?

19 A. By the time I got there, he was already out of the
20 room. I believe he was in the back of a patrol car and
21 they were about to transport him.

22 Q. Okay. When you say about to transport, was -- to your
23 knowledge, had he been placed under arrest?

24 A. Yes, sir.

25 Q. But not by your agency?

1 A. No, sir.

2 Q. Okay. At that point in the investigation, did you
3 see any reason to speak to Mr. Jivers or investigate him
4 at that point?

5 A. No, sir.

6 Q. Okay. Were there any other individuals on-scene?

7 A. Yes, sir.

8 Q. Okay. Could you just kind of -- there was two females
9 and the defendant, correct?

10 A. Yes, sir.

11 Q. All right. On-scene -- you mentioned testing the
12 cell phone based on what you determined to be possible
13 distribution or PWID cases.

14 A. Yes, sir.

15 Q. Did you find any other evidence in the room that led
16 you and other investigators to believe this could be a PWID
17 or distribution level case?

18 A. Yes, sir.

19 Q. What was that?

20 A. There was a variety of small baggies or basically
21 we call them baggies, but they're small Ziploc bags that
22 from our training and experience in narcotics level
23 investigations are typically used for distribution,
24 distributing smaller amounts of whatever narcotic.

25 Q. And I believe you mentioned finding other evidence

1 on the defendant's person other than the cell phone?

2 A. Yes, sir.

3 Q. What was that?

4 A. A lot -- well, a sum of cash.

5 Q. Okay. Why would -- did you collect that cash in this
6 case?

7 A. Yes, sir.

8 Q. Okay. Why would you collect money off of an
9 individual in a case like this?

10 A. So sometimes that money can be connected back do,
11 again, the distribution of narcotics, so we would take
12 that money as far as investigating that. In some other
13 cases, sometimes that money is collected so that we can
14 check serial numbers in relation to other narcotic-type
15 investigations.

16 Q. And that was collected in this case?

17 A. Yes, sir.

18 Q. All right. Was anyone placed under arrest at the
19 scene for the narcotics found by Investigator Gietz?

20 A. For the -- specifically for the narcotics found by
21 Investigator Gietz, yes.

22 Q. Okay. Who was that person?

23 A. The defendant, Mr. Richardson.

24 Q. Okay. Is he here in the courtroom today?

25 A. Yes, sir.

1 Q. Okay. Could you point him out to us?

2 A. Yes, sir. He's sitting over there in the button-down
3 shirt.

4 Q. Thank you. Investigator Dubard, let me kind of back
5 up. Where were the drugs or the suspected drugs that you
6 collected for testing found by Investigator Gietz?

7 A. They were found in a dog food bag. Inside a rubber
8 glove inside some plastic inside the dog food bag.

9 Q. Okay. And I believe we've gotten testimony here
10 today, was there a dog found on the scene?

11 A. Yes, sir.

12 Q. Okay. Did you or any other investigator try to
13 determine who the dog belonged to?

14 A. Yes, sir.

15 Q. Did you receive any information on who the dog
16 belonged to?

17 A. Yes, sir.

18 Q. From who?

19 A. From multiple persons on-scene, but also from the
20 defendant. He claimed a puppy that was on-scene or a
21 smaller dog.

22 Q. Okay. When you arrived on-scene, was there any other
23 dog in the room?

24 A. No, sir.

25 Q. Were there any other signs to you or other

1 investigators on your team of another dog having been in
2 the room?

3 A. No, sir.

4 Q. All right. Investigator Dubard, was this the end of
5 your investigation once the defendant was arrested?

6 A. No, sir.

7 Q. Okay. Tell us in your role as the lead investigator
8 what next steps did you take to further investigate this
9 case?

10 A. So as we talked about before, just leaving the scene
11 wasn't necessarily the end of the investigation. We also
12 submitted those items for further testing. We obtained
13 another search warrant for the digital information from
14 within that cell phone and we started to review that. We
15 also conducted additional interviews with persons from the
16 jail in reference to the case as well to try to see which
17 direction we needed to go or if there was anything further
18 for us to investigate as far as, like I talked about
19 before, the distribution or trafficking portion.

20 Q. Did you interview the defendant in this case?

21 A. Yes, sir.

22 Q. Okay. Where was -- that interview, where did that
23 interview take place?

24 A. The interview itself took place at the Lexington
25 County Sheriff's Department.

1 Q. Okay. Was anyone else in the room?

2 A. Yes, sir.

3 Q. Okay. Who else was in the room?

4 A. Agent Weyandt, who's also part of NET Team 1.

5 Q. Okay. Who led that interview?

6 A. I did, sir.

7 Q. All right. As a part of that interview, was it
8 recorded?

9 A. Yes, sir.

10 Q. Did that recording have audio?

11 A. Yes, sir.

12 Q. Okay.

13 (State's Exhibit Number 20 was marked for
14 identification.)

15 BY MR. COX:

16 Q. Investigator Dubard, I'm showing you what's been
17 premarked as State's Exhibit 20. Do you recognize what
18 I'm handing you?

19 A. Yes, sir.

20 Q. Okay. And without getting into the contents, what
21 does that appear to be?

22 A. It appears to be a copy of the interview conducted at
23 the sheriff's department between myself and the defendant.

24 Q. Okay. How do you know -- that's a CD in front of you?

25 A. Yes, sir.

1 Q. How do you know that CD contains the recorded
2 interview?

3 A. It has my initials and the date on it.

4 Q. And why would you initial and put the date on it?

5 A. That would be confirming that I had viewed this
6 particular CD.

7 Q. So you have reviewed that video?

8 A. Yes, sir.

9 Q. Upon your review of what's on that disk, does your
10 interview of the defendant appear to have been altered or
11 changed in any significant way?

12 A. No, sir.

13 Q. Okay. It appears to reflect your interview with the
14 defendant in this case?

15 A. Yes, sir.

16 MR. COX: Your Honor, at this time we offer State's
17 Exhibit 20 into evidence.

18 MR. JOHNSON: Subject to previous motion and
19 objection.

20 THE COURT: So admitted.

21 MR. COX: Thank you, Your Honor.

22 (State's Exhibit Number 20, a recorded interview,
23 was admitted into evidence.)

24 MR. COX: If I could get one moment just to set this
25 up.

1 BY MR. COX:

2 Q. Investigator Dubard, this may, again, come across
3 as fairly self-explanatory, but why would you want to do
4 a personal interview with the defendant in this type of a
5 case?

6 A. Well, again, it is a follow-up with him in reference
7 to the -- not only the items found on-scene, but the
8 overall trafficking or distribution of the items and any
9 knowledge that he may or may not have in reference to those
10 things.

11 Q. And were you able to obtain any information relevant
12 to this investigation from your interview?

13 A. Yes, sir.

14 Q. Okay. Before I actually play what's on the video,
15 let's get into who's this individual -- who's the
16 individual sitting at the table?

17 A. That's the defendant.

18 Q. Okay. And who is the other individual in the room?

19 A. That's Agent Weyandt.

20 Q. And Agent Weyandt is another member of the NET Team?

21 A. Yes, sir.

22 Q. But he wasn't on-scene that day?

23 A. No, sir.

24 Q. Okay. He's just helping you with this interview?

25 A. Yes, sir.

1 Q. All right. Were you able to -- what are some of the
2 -- what's some of the information you initially gained from
3 the defendant talking to him about this case?

4 A. So initially, and I do this quite commonly, I just
5 start off with who I am and why we're there. We then go
6 through the Miranda warnings and then we kind of just start
7 talking about what information he may or may not have -- or
8 that person may or may not have about that particular day
9 and then we'll just kind of go from there.

10 Q. All right.

11 MR. COX: Your Honor, I'm gonna publish a portion
12 of the video at this time.

13 THE COURT: Very well.

14 BY MR. COX:

15 Q. Let me just ask another simple question. The
16 defendant was willing to speak with you?

17 A. Yes, sir.

18 Q. So you two did have a conversation, correct?

19 A. Yes, sir.

20 (State's Exhibit Number 20 was played.)

21 THE COURT: All right. So there's a lot of bass
22 sound. I'm not sure if you can take some bass out of it.

23 MR. COX: Your Honor, I can certainly --

24 THE COURT: Well, just to be clear a juror indicated
25 she's go having trouble hearing, so.

1 MR. COX: I can certainly try. I don't want to
2 potentially -- this is not my expertise. I'll just say
3 that, Your Honor.

4 THE COURT: Okay.

5 (State's Exhibit Number 20 was played.)

6 BY MR. COX:

7 Q. All right. Investigator Dubard, I know we were having
8 a little bit of audio issue, but this item is in evidence
9 now and the jury is free to listen to it later, correct?

10 A. Yes, sir.

11 Q. I want to cover some of the things that -- I mean,
12 that's you in the room conducting this interview?

13 A. Yes, sir.

14 Q. I want to cover some of the things that you guys
15 talked about through this first period. In your role as a
16 narcotics investigator, when he mentioned that -- what did
17 you gather from what he was discussing about what he does?

18 A. So basically from our conversation in my opinion it
19 sounds -- or in my knowledge of, I guess, how these they've
20 operate in my time in narcotics it appeared that for money
21 they would sell a little bit of drugs and use that money to
22 get rooms or get other people to get rooms for them and
23 kind of use that money to just survive, kind of like just a
24 regular income, a regular day-to-day job.

25 Q. But you understood that to be what he was currently

1 doing at that time?

2 A. Yes, sir.

3 Q. Okay. And you said "they". He mention a Jeremy
4 Jivers?

5 A. Yes, sir.

6 Q. What did you gather about what he was telling you
7 about this Jeremy Jivers?

8 A. From the conversation he was telling me, Jeremy and he
9 would kind of work together to make these deals happen or
10 make things happen to try to move a little bit of drugs to
11 make a little bit of money.

12 Q. Okay. And right towards the end when I hit pause,
13 were they discussing the day of the incident when Triple P
14 arrived?

15 A. Yes. We were discussing the night before going into
16 the day because it was an earlier timeframe when we got
17 there, it was I think 11 or -- 10 or 11:00 in the morning,
18 so I asked him to start from the night before based upon
19 the information that we had gathered on the scene about
20 when the whole thing may have started, but he started from
21 the night before and went into the day of the incident.

22 Q. Okay. And after this point did your interview
23 continue?

24 A. Yes, sir.

25 (State's Exhibit Number 20 continued playing.)

1 Q. All right. Investigator Dubard, I want to try to
2 cover a lot of the things that we just heard. I want to
3 sort of ask you at the very end of that interview did he --
4 he identified that cell phone?

5 A. Yes, sir.

6 Q. As his own, right?

7 A. Yes, sir.

8 Q. And the money found on-scene as his own?

9 A. Yes, sir.

10 Q. And it sounded like he provided you with some
11 information about the phone.

12 A. Yes, sir.

13 Q. What was that information?

14 A. We were inquiring about the passcode for the phone.
15 It just makes it easier for our analysts to get the phones
16 done without causing any potential damage to the phone
17 internally and he gave us the passcode to it.

18 Q. And did you provide that passcode along with the cell
19 phone for testing?

20 A. Yes.

21 Q. Okay. I want to be clear on or have you be clear to
22 the jury toward the beginning of that conversation, what
23 does the defendant tell you he presently does for money?

24 A. He was telling us that he basically sells a little bit
25 of drugs to try to make a little bit of money so he can get

1 by.

2 Q. Okay. We heard you mention the name "Jinx"?

3 A. Yes, sir.

4 Q. Through your investigation in this case, did you
5 identify who Jinx was?

6 A. Yes, sir.

7 Q. Who is that?

8 A. Jeremy Jivers.

9 Q. Okay. And based on your interview with the defendant
10 and discussions of the drugs found on-scene, what was his
11 story? Was it consistent? Did it change? Walk us through
12 your investigation.

13 A. So initially the story was that the he didn't know
14 anything about any drugs that might have been in that room.
15 He didn't have anything to do with any of the drugs that
16 might have been inside that room and then it went to --
17 when we started talking about a dog food bag, it went to it
18 may have been another person, a female he mentioned that
19 may have put it -- I think he said Amanda Bryant may have
20 put it in that dog food bag, and then as you can see we
21 eventually got to the point of well, it was Jeremy's,
22 Jeremy put that -- or Jeremy had that stuff or it had to be
23 Jeremy's.

24 Q. Did that appear to be a consistent version of events
25 to you?

1 A. No, sir.

2 Q. Okay. I heard him mention Ashley. Not only that
3 Triple P arrived looking for Ashley, but did he mention he
4 knew Ashley?

5 A. Yes, sir.

6 Q. Okay. And to you that meant Ashley Hagains?

7 A. Yes, sir.

8 Q. That was the same Ashley Hagains that Triple P was
9 arriving to locate that day?

10 A. Yes, sir.

11 Q. There was mention, I believe, of him paying a little
12 extra money for something at the hotel room about his dog.

13 A. Yes, sir.

14 Q. What room to you based on your interview was he
15 referring to?

16 A. Room 208.

17 Q. And was that the same room the dog was found?

18 A. Yes, sir.

19 Q. So in this interview he indicated to you that he was
20 paying extra money so that his dog could stay in Room 208?

21 A. Yes, sir. I think particularly he said about \$11 he
22 was paying to the owner so he could keep his dog in the
23 room.

24 Q. Okay. What other items did the defendant tell you in
25 his interview were his in the Room 208?

1 A. He mentioned the Diamond dog food bag and he mentioned
2 some folded clothing that was in a particular spot and
3 then he mentioned some shoes that was inside a shoebox.

4 Q. Did he mentioned to you in his interview that he had
5 periodically stayed in Room 208?

6 A. Yes.

7 Q. Okay.

8 MR. COX: Your Honor, if I could have one moment.

9 BY MR. COX:

10 Q. Investigator Dubard, we saw in the interview with the
11 defendant he acknowledged money taken off of his person?

12 A. Yes, sir.

13 Q. What was the amount of money that you collected on the
14 scene?

15 A. I think it was totalled to \$861.

16 Q. \$861?

17 A. Yes, sir.

18 Q. In your role as a narcotics investigator, we've
19 covered how that kind of cash plays into PWID's or
20 distribution cases?

21 A. Yes, sir.

22 Q. Does it matter as a part of your investigation how
23 that money is broken down?

24 A. Yes, sir. In some cases it does, particularly in
25 smaller -- and I know some people are looking at those

1 pictures and saying well, he's about to say smaller
2 amounts, but smaller amount of narcotics they usually have
3 smaller amounts of cash because of the way they break it up
4 and sell it, whereas versus bad guys who are selling larger
5 amount, say, kilos would most likely have larger pills on
6 them.

7 Q. And based upon your investigation in this case, how
8 was the defendant's money broken down?

9 A. Well, as far as the evidence shows it was broken down
10 in forty-one 20 dollar bills, one 10 dollar bill, five 5
11 dollar bills and six 1 dollar bills.

12 MR. COX: Your Honor, those are all the questions
13 I have at this time.

14 THE COURT: Cross-examination.

15 MR. JOHNSON: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. JOHNSON:

18 Q. Agent, I'm just gonna walk up and show you what's been
19 marked Exhibit 8 and 13. With Exhibit 8, that's the dog
20 food bag where all the drugs were found, correct?

21 A. Yes, sir.

22 Q. And that's on a shelf down there by the bathroom where
23 Jivers was found, correct?

24 A. Yes, sir.

25 Q. All right. And I think that's 13. That's a dog food

1 bag -- a purple dog food bag, correct, that was claimed by
2 Mr. Richardson?

3 A. Yes, sir.

4 Q. And what does that say on there as the description of
5 the type of dog that would be for?

6 A. It says puppy at the bottom of the bag.

7 Q. Okay. And there were no drugs found in that bag?

8 A. No, sir.

9 Q. And the fella that was sitting down there getting
10 upset was Mr. Jivers, the fellow --

11 A. I don't know. I was -- Mr. Jivers was no longer --

12 Q. I'm sorry. The fellow in the bathroom.

13 A. Mr. Jivers was no longer in the bathroom when I got
14 there, so I wouldn't know what his demeanor was like.

15 Q. Okay. You're saying that was Jinx?

16 A. That's what we were told, yes, sir.

17 Q. Okay. And when you went in there, Angela Nettles, you
18 had a conversation with her and she told you she had Down
19 in her purse and you seized it, correct?

20 A. We did collect drugs that belonged to Ms. Nettles.

21 Q. And she was arrested?

22 A. Yes, sir.

23 Q. Okay. And Down is what?

24 A. It could refer to either heroin or fentanyl.

25 Q. Okay. And the fact is that when Mr. Jivers was

1 arrested you never interviewed him in relation to this
2 case?

3 A. No, sir.

4 Q. And you could have interviewed Mr. Jivers, correct?

5 A. It's possible. Yes, sir.

6 Q. And you didn't sit down and have -- well, did you sit
7 down and talk to the two ladies?

8 A. Yes, sir.

9 Q. Both of them?

10 A. Yes, sir.

11 Q. And did you search any other cell phones?

12 A. No, sir.

13 Q. Did you ever take any of the things seized and try to
14 test for fingerprint evidence?

15 A. No, sir.

16 Q. How about touch DNA?

17 A. No, sir.

18 Q. Okay.

19 MR. JOHNSON: That's all the questions, Your Honor.

20 THE COURT: Redirect?

21 MR. COX: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. COX:

24 Q. Investigator Dubard, Mr. Richardson obviously did not
25 -- he claimed one dog food bag, correct?

1 A. Yes, sir.

2 Q. And that was the one that Mr. Johnson just pointed out
3 that read "puppy" on the side of it?

4 A. Yes, sir.

5 Q. He did not claim to you the dog bag containing what
6 you believed to be large amounts of narcotics?

7 A. No, sir.

8 Q. Let me ask you, is it common in your investigations in
9 these large quantity drug cases for the owner of the drugs
10 to have hidden locations for their drugs?

11 A. Yes, sir.

12 Q. So they don't necessarily place their drugs in areas
13 that they commonly use such as the actual dog food bag they
14 feed their puppy with?

15 A. No, sir.

16 Q. All right. Investigator Dubard, we've heard a few
17 times in this case about touch DNA and fingerprint analysis
18 as part of a drug investigation.

19 A. Yes, sir.

20 Q. Did you do that in this case?

21 A. No, sir.

22 Q. Is it common for you in all of your time on the NET
23 Team and in your role as an investigator to use those tools
24 in these kinds of cases?

25 A. No, sir.

1 Q. Why not?

2 A. So with touch DNA in particular, narcotics sales
3 changes hand a lot, right, and so those things have not
4 proven to be very successful with us as far as using them
5 in investigations. And also the same with fingerprints.
6 There's not usually a high potential to get a clean
7 fingerprint from these items such as the little baggies
8 that they use or in some cases it's little pieces of
9 grocery bags. So with those things usually being
10 unsuccessful for us, they just have kind of been something
11 that we have not used in these type investigations. In
12 other types, they are definitely something that we
13 consider.

14 Q. In this case even though you did not use DNA or
15 fingerprint analysis on any of the drugs, you did submit
16 a cell phone found on defendant for testing?

17 A. Yes, sir.

18 Q. Okay. Was testing -- or was the data extracted from
19 that cell phone?

20 A. Yes, sir.

21 Q. Okay. Without going into the contents of anything of
22 that kind, was it a CSI member of the sheriff's department
23 who conducted that analysis?

24 A. Yes, sir.

25 Q. Okay. Have you reviewed that report?

1 A. I have.

2 Q. Okay. And without going into contents of that report,
3 in your investigation did you find that analysis relevant
4 to this investigation?

5 A. Yes, sir.

6 Q. Okay. So that was a big piece of your investigation
7 into Mr. Richardson?

8 A. Yes, sir.

9 Q. Okay. Even though you didn't do DNA or fingerprint
10 analysis on this drug evidence, did you investigate on who
11 was a likely resident of that hotel room?

12 A. Yes, sir.

13 Q. Okay. Was the defendant one of the people who you
14 determined to be staying at that room in your
15 investigation?

16 A. Yes, sir.

17 Q. Okay.

18 MR. COX: Your Honor, those are all the questions
19 I have.

20 THE COURT: Recross.

21 MR. JOHNSON: Briefly, Your Honor.

22 RECROSS EXAMINATION

23 BY MR. JOHNSON:

24 Q. Officer, you seized a scale, didn't you?

25 A. Yes, sir.

1 Q. And the scale is made out of plastic and metal,
2 correct?

3 A. Yes, sir.

4 Q. So unlike little baggies, a scale made of plastic
5 and metal has a flat surface that you could test for
6 fingerprints?

7 A. Yes, sir, but it's also known to have a lot of
8 obstructions and things that could be unsafe for the
9 tester, such as drug residue. For example, if we attempted
10 to submit a scale which could possibly have fentanyl on it
11 to be tested, then we're exposing that tester to that
12 fentanyl, so the pros and cons sometimes don't -- don't
13 match up. So in this particular case it wouldn't have been
14 feasible or it wouldn't have been in our best interest to
15 submit that scale for testing. We just placed it in a bag
16 as stated before for safety of the officers and then go
17 based upon other information and try to collect -- or
18 continue our investigation.

19 Q. Okay. Let me just get it straight what you just said.
20 It's dangerous to submit a scale for testing because it
21 might have fentanyl on it, correct?

22 A. Yes.

23 Q. But you submitted what you thought was fentanyl for
24 testing, correct?

25 A. Yes, sir. Those two things are submitted to two

1 different types of forensic analysts. So, for example,
2 you submitting a physical piece of evidence to a drug
3 analyst, the drug analyst is gonna take certain precautions
4 that the physical analyst is not gonna take based upon the
5 fact that they're testing for different things. I guess
6 the best analogy would be a construction worker is gonna
7 wear a helmet whereas an attorney doesn't necessary have to
8 because they don't expect those type of dangers at their
9 job. So by me submitting something that has a dangerous
10 drug on it to a person that's not expecting it to have a
11 dangerous drug on it, that could put them at undue risk.

12 Q. So you're saying scales are never checked for
13 fingerprints. Is that what you're saying?

14 A. In most cases they are not.

15 Q. Okay. Now we're to most cases. So that means that
16 sometimes they are, correct?

17 A. Well, I don't like to say all because, sir, I can't
18 speak for every case. Every case is based on whatever that
19 particular scenario or situation is. There may be a case
20 out there where that scale is not used for drugs or is used
21 for, for example, marijuana which is something that's not
22 necessarily putting them at the same risk as other drugs,
23 but in this particular case we did have a substance that we
24 believed to be fentanyl and with that belief and believing
25 that that scale may have been possibly used for that,

1 testing it just wasn't feasible.

2 Q. And you never interviewed Jeremy Jivers?

3 A. I did not.

4 Q. To your knowledge, nobody interviewed Jeremy Jivers?

5 A. No. To my knowledge, no.

6 MR. JOHNSON: Thank you. No more questions.

7 THE COURT: All right. The witness may step down.

8 THE WITNESS: Thank you, Your Honor.

9 (Witness excused.)

10 THE COURT: Everybody on the jury doing fine?

11 All right.

12 MR. COX: Your Honor, at this time the State calls
13 Hannah Joslin.

14 (Whereupon, Hannah Joslin was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: Would you please have a seat in the
17 witness box. State your full name and spell your last for
18 the record.

19 THE WITNESS: Hannah Joslin. J-O-S-L-I-N.

20 HANNAH JOSLIN,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. COX:

24 Q. Good afternoon, Ms. Joslin. If you could, just tell
25 us where you work and what your role is with that agency.

1 A. I work at Lexington County Sheriff's Department. I'm
2 a crime scene investigator.

3 Q. And how long have you been with the Lexington County
4 Sheriff's Department?

5 A. Since March of 2020.

6 Q. You're a crime scene investigator?

7 A. Since October 31st of 2022.

8 Q. And do you prefer Investigator Johnson?

9 A. Yeah, that's fine.

10 Q. Okay. Just briefly for us kind of -- I think we all
11 are familiar with CSI or the TV show, but could you tell
12 us what a crime scene investigator with the sheriff's
13 department does?

14 A. So as a crime scene investigator, I process crime
15 scenes such as homicides, suicides, overdoses, sometimes
16 burglaries or robberies if I'm asked to. I also are
17 perform labs, so either fingerprint examinations or if
18 someone requests me to do touch DNA processing, I can do
19 that, and then I also examine digital forensic devices such
20 as -- specifically for cell phones.

21 Q. And did you analyze any evidence in this case?

22 A. I did.

23 Q. Okay. What did you analyze?

24 A. A cell phone.

25 Q. Okay. Do you have particular procedures or, you know,

1 tools or knowledge that you use in the analysis of this
2 device?

3 A. Yes. I use a Cellebrite Touch 2 UFED machine. It's
4 a universal forensic extraction device that we use to
5 extract the data from a phone.

6 Q. And is that something that anyone -- any of us can
7 know how to do?

8 A. Just law enforcement uses it.

9 Q. Okay. Let's cover a little bit more about your
10 background, Investigator Joslin. Where did you go to
11 school?

12 A. University of South Carolina.

13 Q. When did you graduate?

14 A. December of 2019.

15 Q. What did you study?

16 A. Criminal justice.

17 Q. And after studying criminal justice, what did you do?
18 What was your first -- how did you wind up at -- kind of
19 walk us through how you wound up at CSI.

20 A. After I graduated from USC, I got hired on at the
21 Department. I actually interned at the Department prior
22 to, so I got hired on straight after college. Once I got
23 hired on, I went to the academy and became a patrol deputy
24 and I did that for almost two years.

25 Q. And after becoming a patrol deputy, is that when you

1 found an interest in crime scene investigations?

2 A. Yes.

3 Q. Okay. Walk us through -- they just don't pull you off
4 the road and start having you analyze items, correct?

5 A. Correct.

6 Q. So how -- what kind of training have you been through
7 in order to do your job in CSI?

8 A. I've done training in blood pattern analysis, shooting
9 incident reconstruction, stuff like that. I've done
10 photography trainings. I've also done a whole bunch of
11 different webinars for cell phones and for ICAC, which is
12 the Internet Crimes Against Children. I participate in
13 that. Just a whole bunch of different webinars explaining
14 how to do extractions and how to talk to people on the
15 Internet.

16 Q. Who puts on that kind of training?

17 A. We've done some training through the North Carolina
18 Criminal Justice Academy. I've done a lot of webinars
19 through the NW3C website, which offers training to pretty
20 much anyone if you have an account with that website.
21 Mostly law enforcement, I believe, uses it or anybody like
22 in that field for forensics. That's all I've done so far.

23 Q. Through -- after that training or after your time as a
24 patrolman, your training so far as a CSI, have you actually
25 conducted prior to this case any analysis of cell phone

1 devices?

2 A. Yes.

3 Q. Kind of ball park for us how many of these devices
4 have you -- I believe you called it an extraction?

5 A. Yes.

6 Q. How many cell phones have you conducted extractions
7 on?

8 A. Since 2023 I've done over 120 cell phone examinations.

9 Q. You said 120?

10 A. Uh-huh.

11 Q. Okay. Those 120 extractions, did you use the same
12 tools and knowledge that you used in this case?

13 A. Yes.

14 Q. Okay. Before we get into this case, tell us some of
15 -- what does an extraction do? What kind of information
16 does it pull out?

17 A. The extractions, it pulls pretty much all the
18 information off the phone. When we do -- we can do up to
19 three different types of extractions. We can do one called
20 an advanced logical extraction and that basically pulls
21 information from text messages, pictures, videos, music
22 audio files from the phone. There's a file system
23 extraction that is essentially if you were to back up your
24 phone, that's the information that we get off of it, it's
25 just that's backup information. And then we have a full

1 file system extraction that we can do that gets literally
2 all of the information off of your phone, including records
3 and logs that are kept within your phone.

4 Q. And that is the type of extraction you did in this
5 case?

6 A. I did all three, yes.

7 Q. Okay. As you're -- when you joined CSI and in regard
8 to your training, are you working alone? Do you have any
9 supervisors?

10 A. I have supervisors, yes.

11 Q. Okay. Who are those supervisors?

12 A. My sergeant CSI Brenda Snelgrove and then I have
13 another CSI, John Donnelley, who helped me through all of
14 the phone investigations or extractions that I've done.

15 Q. And would it be fair to refer to your supervisors as
16 seasoned CSI investigators?

17 A. Yes.

18 Q. So even though you're the one doing these extractions,
19 120 extractions since 2023, you were overseen by these more
20 seasoned investigators, correct?

21 A. Yes.

22 Q. Okay. Investigator Joslin, as a part of your
23 extractions of the -- do you just analyze raw data? Do you
24 do anything with that data to help with investigations?
25 What do you do once the extraction is complete?

1 A. Usually once an extraction is complete I generate a
2 report from that data and then I hand it over to the
3 investigator for them to review. If they specifically ask
4 me to look for information within the phone extraction,
5 then I'll look through it myself. Half the time I don't
6 look through the majority of the phone extractions that I
7 do because they don't ask me to look through them.

8 Q. And these reports that you generate as a part of the
9 -- from the extractions, are they the kind of reports that
10 may help a body like a jury understand what it is you do
11 during the extraction?

12 A. Yes.

13 Q. Okay. Did you do those -- or have you reviewed
14 extraction reports in this case?

15 A. I have.

16 Q. All right.

17 MR. COX: Your Honor, at this time we offer
18 Investigator Joslin as an expert in the field of digital
19 forensics and cell phone analysis.

20 THE COURT: Any voir dire from the defense?

21 MR. JOHNSON: Please, Your Honor, just briefly.

22 VOIR DIRE EXAMINATION

23 BY MR. JOHNSON:

24 Q. Investigator, how many times have you testified in
25 General Sessions court?

1 A. This is my second time.

2 Q. How many times have you been qualified as an expert in
3 General Sessions court?

4 A. This would be my first.

5 Q. This is your first?

6 A. Yes.

7 Q. And do you have any state or Federal certifications
8 that apply to your field of study or your job?

9 A. Not yet. I have the training to be certified in
10 two weeks.

11 Q. Okay. So you haven't been certified?

12 A. Not yet.

13 Q. Okay.

14 MR. JOHNSON: No more questions, Your Honor.

15 We object to her being recognized as an expert based
16 on her answers to those questions.

17 THE COURT: All right. Anything in response?

18 MR. COX: No, Your Honor.

19 THE COURT: Okay.

20 All right. Ladies and gentlemen, I'm gonna qualify
21 her over defense's objection.

22 Now, ladies and gentlemen, a person testifying cannot
23 give opinion testimony, but can testify as to what that
24 person saw, heard, sensed by smell or something of that
25 nature. However, there's an exception when someone's

1 qualified because of knowledge, education or experience
2 they're permitted to give their opinion in certain areas if
3 the Court qualifies them that way. This witness will be
4 qualified in the area of digital forensics and can give
5 opinion testimony in that area. It doesn't mean you have
6 to accept the opinion, but it's evidence for you to use in
7 any way you see fit.

8 (State's Exhibit Number 21, 22 and 23 were marked
9 for identification.)

10 CONTINUED DIRECT EXAMINATION

11 BY MR. COX:

12 Q. Investigator Joslin, I'm gonna show you -- I know we
13 kind of covered that you were involved in this case and did
14 an extraction?

15 A. Yes.

16 Q. Okay. Were you given a device in this case?

17 A. I was.

18 Q. Okay. Do you -- who submitted that device for
19 testing?

20 A. I believe it was Investigator Dubard.

21 Q. Does Investigator Dubard or other investigators, do
22 they simply just knock on your door and hand you over a
23 cell phone for testing?

24 A. No, they're usually placed in evidence.

25 Q. Okay. Take us through the procedure of you obtaining

1 a device for testing to how you begin your extraction?

2 A. First I received a search warrant from my sergeant
3 that was provided by Investigator Dubard. I was also
4 advised that he had provided the PIN for the phone. Once I
5 received the search warrant, I went over to evidence and
6 received the device. Once I received the device, I took it
7 back to my office and I observed that the device was
8 contained in a Faraday bag, which essentially it blocks
9 the signal from the phone so you can't send or receive text
10 messages or anything of that nature. So I placed that into
11 a Faraday box, which does the same thing. I then took the
12 phone out, was able to enter in the code and unlocked it
13 and then I began my examination that way and I hooked it
14 up to the Cellebrite UFED machine and then did all of my
15 extractions that I said before that I did.

16 Q. Investigator Joslin, I'm handing you what's been
17 premarked as State's Exhibit 17. Do you recognize what
18 I'm handing you?

19 A. I do.

20 Q. And what does that appear to be?

21 A. It's a black Samsung.

22 Q. Is that the black Samsung that you tested as a part of
23 this case?

24 A. Yes.

25 Q. How do you know that is the device that you tested in

1 this case?

2 A. The blue tape has my initials and I dated it when I
3 turned it back into evidence.

4 Q. So once you completed your analysis, you placed it
5 back in that kit?

6 A. Yes, sir.

7 Q. And you sealed it with the blue tape?

8 A. Yes.

9 Q. And you initialled it?

10 A. I did.

11 Q. Okay. Does that device I've handed up to you appear
12 to be the device that you tested in this case?

13 A. Yes, sir.

14 MR. COX: Your Honor, at this time we offer State's
15 Exhibit 17 into evidence.

16 MR. JOHNSON: Subject to objection, Your Honor.

17 THE COURT: Subject to previous objection?

18 MR. JOHNSON: Yes, sir.

19 THE COURT: Okay. So admitted.

20 MR. COX: Thank you, Your Honor.

21 (State's Exhibit Number 17, a cell phone, was
22 admitted into evidence.)

23 BY MR. COX:

24 Q. Now, Investigator Joslin, would it be fair to describe
25 a cell phone extraction in this case as a large file?

1 A. Yes.

2 Q. Okay. It is the raw data and all of the data
3 contained in the cell phone?

4 A. Correct.

5 Q. Okay. That's why you generate the reports to break
6 down that information?

7 A. Yes.

8 Q. Did you review any reports in developing opinions in
9 this case?

10 A. Yes.

11 Q. Okay. Would you recognize them if I showed them to
12 you?

13 A. Yes.

14 Q. Investigator Joslin, I'm showing you what's been
15 premarked as State's Exhibit 21, 22 and 23. Will you
16 review those and then just look up at me when you're done
17 reviewing.

18 A. (Witness complies.)

19 Q. Do you recognize what I've handed up to you?

20 A. I do.

21 Q. What do those appear to be?

22 A. They're different reports from the report itself that
23 have been printed out.

24 Q. Okay. When you say the report itself, are you
25 referring to the extraction of the Samsung cell phone in

1 this case?

2 A. I am.

3 Q. That same cell phone that we just entered into
4 evidence?

5 A. Yes.

6 Q. Okay. The reports that we've handed you, do those
7 appear to reflect the data that you extracted from that
8 cell phone as a part of your investigation?

9 A. Yes.

10 MR. COX: Your Honor, at this time we offer State's
11 Exhibit 21, 22 and 23 into evidence.

12 MR. JOHNSON: Objection, Your Honor, based on
13 previous motion and objection.

14 THE COURT: Very well.

15 A quick question.

16 MR. COX: Yes, Your Honor.

17 (Proceedings held at the bench; not reported.)

18 MR. JOHNSON: I objected, Your Honor. I didn't know
19 if you responded.

20 THE COURT: Subject to previous objection. Those
21 exhibit numbers --

22 MR. COX: 21, 22 and 23.

23 THE COURT: -- are admitted into evidence.

24 MR. COX: Thank you, Your Honor.

25 (State's Exhibit Number 21, an extraction report,

1 State's Exhibit Number 22, Facebook messages, and State's
2 Exhibit Number 23, text messages, were admitted into
3 evidence.)

4 BY MR. COX:

5 Q. Investigator Joslin, I want to go through these
6 reports with you and I want to make sure from your position
7 we're actually able to review these.

8 Again, Investigator Joslin, I'll bring you up a laser
9 pointer. I think that might kind of help us. Make sure
10 that works.

11 A. (Witness complies.)

12 Q. All right. That will be able to help out?

13 A. (Nods head.)

14 Q. All right. Again, I see Cellebrite reports.

15 A. Yes.

16 Q. You touched on it briefly. Just for the jury, what
17 is Cellebrite and how do you use that technology as part
18 of your investigations?

19 A. Cellebrite is a company that makes the devices that
20 we use.

21 Q. And this is the one that pulls the data from the cell
22 phones?

23 A. Yes.

24 Q. Okay. And, again, you reviewed it. This is one of
25 the reports generated from the cell phone in this case?

1 A. Yes.

2 Q. So in this kind of right-hand column, what are we
3 looking at? What are some of these acronyms? How are you
4 able to analyze what it is in this report?

5 A. This is all device information from the phone. We
6 have the ICCID, which is the Integrated Circuit Card
7 Identifier. It's essentially the serial number that you
8 have on your SIM card that's in your phone. Then we have
9 the MZ which is associated with your SIM card. It's the
10 International Mobile Subscriber Identity. It just links
11 it to the SIM card. And then we have the type of OS,
12 which is operating system, of the phone. There's --

13 Q. I may have to pull it up.

14 A. Yeah. So this is the IMEI, the International Mobile
15 Equipment Identity, for the phone. It identifies what
16 type of device it is and it's specific to that device.

17 Q. And just so we're clear, I know I'm asking you to use
18 a laser pointer, but what are the last four digits of this
19 IMEI number you're referring to?

20 A. 7905.

21 Q. Okay. And what is significant about the IMEI number?
22 How does that differentiate this device from another
23 Samsung cell phone?

24 A. It's specific to that device and it's how to identify
25 it.

1 Q. So not the make or model. That number is specific to
2 this device?

3 A. Yes. It's sometimes found on the back of the phone
4 or you can look in settings and you can see it.

5 Q. Okay. And the cell phone I showed you earlier, have
6 you reviewed the IMEI number on that cell phone?

7 A. Yes.

8 Q. Does it match the IMEI number ending in 7905?

9 A. It does.

10 Q. Okay. So in your opinion this report and the reports
11 we're going through came from that cell phone?

12 A. Correct.

13 Q. Thank you.

14 Now what I'm seeing, this is obviously identifying
15 this cell phone as a Samsung. You talked about the
16 operating system. Reviewing the preliminary device report,
17 is there other information in this report that could
18 identify a possible owner of the cell phone.

19 A. The phone number.

20 Q. I'm sorry?

21 A. The phone number or you can have the model number.

22 Q. Okay. And the phone number towards the bottom kind of
23 where my fingers are?

24 A. Yes.

25 Q. Okay. I'm gonna zoom in here. Do you see the

1 associated phone number in this case?

2 A. Yes, right there.

3 Q. Okay. Could you read that number for us?

4 A. 803-730-[REDACTED].

5 Q. All right. Is there any other information from this
6 preliminary report, it looks like it's two pages, that
7 could help you identify who owns or who was at least able
8 to use this phone?

9 A. Yeah, there's -- it looks like application data that
10 has information on it. If you can zoom in.

11 Q. Do you want me to -- kind of point me in the right
12 direction. Where it goes to the top or --

13 A. You can do the top or you can do the bottom right here
14 with the Google Docs.

15 Q. Okay. You said this is application data?

16 A. Yes.

17 Q. Is there apps on this cell phone?

18 A. Yes.

19 Q. Okay. And from your review of this report and the
20 extraction, what is the name associated with the
21 applications on this cell phone?

22 A. A Brandon Richardson.

23 Q. Okay. Now you don't add this information to the cell
24 phone?

25 A. No.

1 Q. Okay. This information was contained on this cell
2 phone at the time you extracted the data?

3 A. Correct.

4 Q. Okay. I see a Facebook messenger and you said that
5 was belonging to a Brandan Richardson?

6 A. Yes.

7 Q. And Google Docs and Google Drive, is that the same
8 name?

9 A. It is.

10 Q. And I see a Tik-Tok. That's the social media
11 application Tik-Tok?

12 A. Yes.

13 Q. Okay. Does that appear to have like an account name
14 or a username?

15 A. It looks like Brandan Richardson 092.

16 Q. Okay. It appears to be the same -- spelled the same,
17 appears to be the same account as the other applications?

18 A. Yes.

19 Q. Okay. Thank you.

20 I want to move onto -- I want to move onto a report
21 or Exhibit 22. That was information related to the actual
22 cell phone, correct?

23 A. Yes.

24 Q. As a part of your investigation, do you only analyze
25 raw data? That may be a bad question. Do you only get the

1 like product information, account information or --

2 A. We get other information like obviously apps, text
3 messages, to get pictures, stuff like that, too.

4 Q. Did you analyze or pull or review in these reports any
5 communications, text messages in this case?

6 A. Yes.

7 Q. Okay. And is that what we find in Exhibit 22? What
8 are we looking at here?

9 A. It looks like messages from, I believe, Facebook.

10 Q. All right. And how -- tell us how as a part of your
11 reports and your extraction are you able to determine this
12 came from Facebook.

13 A. If you look right here in the source file, it says
14 Facebook, and then you can look up here at this number and
15 that's typically associated with the Facebook user ID
16 account and so you can associate that, too.

17 Q. And you're referring to the number in the green
18 message bubble?

19 A. Yes.

20 Q. That's the number beside the name Brandan Richardson?

21 A. Yes.

22 Q. And you say that matches the account number for what
23 appears to be the Facebook account number?

24 A. Yes.

25 Q. You don't assign that number to these messages?

1 A. No.

2 Q. That came from the cell phone?

3 A. Correct.

4 Q. Okay. Are we looking at a conversation on Facebook?

5 A. We are.

6 Q. And let me ask you, the green message, looking at this
7 report where does it appear that green message came from?

8 A. From the user of the phone.

9 Q. Okay. The user of the phone. And based on this
10 report, what Facebook account sent that message?

11 A. A Brandan Richardson.

12 Q. Okay. Now the blue message -- if this is a
13 conversation, the green message is sent from the phone.
14 What is the blue message?

15 A. The blue is being sent back to the phone.

16 Q. Okay.

17 MR. COX: Your Honor, if I could, to make sure that
18 we're kind of going through this the best way we can with
19 the overhead, I may ask if the witness can step down and
20 kind of read this rather than having her --

21 THE COURT: That will be fine.

22 Just remember when you're off the witness stand,
23 make sure the court reporter can hear your testimony.

24 MR. COX: We do have a microphone over here, Judge.

25 THE COURT: Oh, that's -- fair enough.

1 BY MR. COX:

2 Q. All right. If you could, Investigator Joslin, kind
3 of walk us through and identify kind of who the sender is
4 and then give us the messages and walk us through this
5 conversation?

6 A. It looks like the green messages are from a Brandan
7 Richardson. It says "What's up". It's being sent to a
8 Carlie Stogner, and it says "NM", which means not much,
9 "just chillin'". "What's up with you". And then he
10 replies "Same here, bored".

11 Q. All right. If you could continue.

12 A. "WYA, which means where you at, "No disrespect".
13 The Carlie subject said "True, me too". "This is Slim"
14 question mark. And then they replied "How you know me".
15 "Would it make a difference". "Shit, I got Down, Clear,
16 weed, et cetera". And then it appears the Carlie subject
17 made a phone call with the person on Facebook. You can do
18 phone calls or video chats on Facebook. And then "WYA"
19 again, which means where you at. "I met you at Masters
20 with Bree". "I wanna come chill and get fucked up with
21 ya". "Where you at". "I am by myself". And then a video
22 call from the subject.

23 Q. Okay. Investigator Joslin, for this particular
24 message are you able to in these reports determine a date
25 and time of when these messages are sent?

1 A. Yes.

2 Q. Okay. Does this appear to be kind of a single
3 conversation taking place at the same time?

4 A. It does.

5 Q. What -- give us when this date -- when the date is of
6 this message, this conversation?

7 A. It began on 2-7-2023 at 11:40 AM and it ended on
8 2-7-2023 at 4:02 PM.

9 Q. Okay. And you were able to review a second report of
10 a conversation in this case, correct?

11 A. Yes.

12 Q. Okay. If you could, kind of walk us through -- before
13 going into the actual message, is this another Facebook
14 conversation?

15 A. These appear to actually be from text messages off of
16 the phone.

17 Q. Okay. How do you know that these are actually text
18 messages from this cell phone?

19 A. The phone number is who it is being -- the participant
20 basically who the messages are being sent to.

21 Q. And, again, where -- I guess I see source extraction,
22 advanced logical. What does that information tell you
23 about the origination of these messages?

24 A. When I did the advanced logical extraction, it pulled
25 the text messages off of the phone and classified it within

1 this extraction.

2 Q. So this is not an app that had been downloaded onto
3 the phone?

4 A. No, it's the text messaging app.

5 Q. Okay. So in your opinion this message thread, this
6 conversation, originated with the device?

7 A. Yes.

8 Q. All right. And if you could walk us through similar
9 to how you did the first conversation beginning with where
10 or who sent the first message, the response. Walk us
11 through this conversation.

12 A. It appears the green messages are, once again, being
13 sent by the user of the phone to a Germ subject in blue.

14 Q. Okay. I'm gonna adjust this a little better and maybe
15 we can hear you a little better.

16 All right. And if you could, tell the jury -- kind of
17 walk the jury through this conversation and time and date
18 of when this began.

19 A. So it began on 2-3-2023 at 7:26 PM from this
20 individual. They're asking "Who is this". The reply is
21 "Jinx" and they then go onto say "Man, I thought you was
22 a bitch".

23 Q. All right. And what is the date of these first two
24 messages?

25 A. 2-3-2023 at 7:27 PM.

1 Q. Okay. Starting at the top, walk us through three
2 messages.

3 A. It says "MB homie", which means my bad. "LMAO, damn".
4 Laughing my ass off is LMAO. "I am about to get six of
5 them things".

6 Q. Okay.

7 A. "What's the lowest I can get them". "You know I can
8 get them off and you know I can sell them whole" at 2:35.

9 Q. And, again, the green messages are originating from
10 where?

11 A. The phone.

12 Q. From the phone. And it would appear on 2-2023 that
13 the blue messages are coming from an individual named Jinx?

14 A. Jinx or Jerm, yes.

15 Q. So it is saved in the phone as Jerm?

16 A. Correct.

17 Q. But in this conversation, the blue conversation
18 identified them self as Jinx?

19 A. Correct.

20 Q. Okay. But those are not from this cell phone?

21 A. Correct.

22 Q. All right. If you can, just identify what these
23 messages are.

24 A. In the blue it says "You went from 225 to 235" and
25 then replied "Listen, my nigga". "I pay 200 an ounce".

1 OZ. "I ain't no lie". "I be charging my people 300".
2 "I serve you the same dope I do so you know it's go' be
3 A plus". "So with that being said, I've got the best Ice
4 on this side of town". "That's what my play say, so I
5 got no choice but to keep it up". "Keep it, bro". "I can
6 just let you ride with me and you will see what I mean".

7 Q. And at the end of that -- of this conversation, what
8 is that time and date?

9 A. 2-3-2023 at 7:35 PM.

10 Q. All right. Investigator Joslin, you may have a seat.

11 A. (Witness complies.)

12 MR. COX: All right. Your Honor, if I could have
13 one moment.

14 BY MR. COX:

15 Q. Investigator Joslin, you were not on the scene when --
16 you were -- you only extracted data from the cell phone in
17 this case?

18 A. Correct.

19 Q. You were not on the scene when any arrests were made?

20 A. No, sir.

21 Q. You did not participate in any searches related to
22 this?

23 A. I did not.

24 Q. In fact, you're not provided with much information
25 other than the search warrant related to this cell phone?

1 A. Correct.

2 Q. After conducting your extraction, you placed the cell
3 phone back into the kit?

4 A. Yes.

5 Q. And back into evidence?

6 A. Correct.

7 Q. Investigator Joslin, upon your review of the cell
8 phone extraction and then the reports we've gone through
9 today, did it appear that anyone other than the account
10 names reviewed with Brandan Richardson and the messages
11 that we had, did it appear anyone else had access or
12 operated this phone?

13 A. Not that I know of.

14 MR. COX: Thank you.

15 Your Honor, no further questions at this time.

16 THE COURT: Cross-examination.

17 Oh, actually, Mr. Johnson.

18 Is everybody doing okay on the jury? Does anyone
19 need a break?

20 I think we're all good.

21 All right. Thank you.

22 MR. JOHNSON: Your Honor, just briefly.

23 CROSS-EXAMINATION

24 BY MR. JOHNSON:

25 Q. You weren't given any other cell phones to examine,

1 correct?

2 A. Not for this case. No, sir.

3 Q. Okay. And you can't say who was holding a cell phone
4 and sending messages, correct?

5 A. I can't. No.

6 MR. JOHNSON: No more questions, Your Honor.

7 THE COURT: Any redirect?

8 MR. COX: No redirect, Your Honor.

9 THE COURT: All right. The witness may step down.

10 (Witness excused.)

11 THE COURT: Ladies and gentlemen, let's go ahead
12 and take our midafternoon break. Let's shoot for ten
13 minutes. Refresh yourselves. Please don't discuss the
14 case or do any independent research about the case.
15 We'll see you in a few minutes.

16 Thank you.

17 (Whereupon, the jury retires to the jury room at
18 3:15 PM.)

19 MR. COX: Do you want us to approach or do you want
20 to be on the record?

21 THE COURT: No, we're fine now.

22 We've got our next witness teed up?

23 MR. NORTON: We do.

24 MR. COX: We do, Your Honor. We intend on calling
25 -- recalling one of the investigators and then our

1 chemist. I believe that should be the end of our case.

2 THE COURT: Okay.

3 MR. JOHNSON: Who are you recalling?

4 MR. NORTON: Judge, and just for the record, we
5 intend to recall Investigator Gietz and I intend to offer
6 him as an expert in drug trade parlance and culture and I
7 intend to go through the exhibits that were just entered
8 into evidence from the cell phone with him.

9 THE COURT: You're talking about the terms they're
10 using?

11 MR. NORTON: The terms used in the phone to give the
12 jury and understanding of what's being said.

13 THE COURT: Okay. As long as it's -- but it's only
14 about the drugs?

15 MR. NORTON: Yes. Correct, Your Honor.

16 THE COURT: All right.

17 MR. COX: And we do not intend on introducing any --

18 THE COURT: I'm not gonna hold you to anything, but
19 you-all will probably rest today.

20 MR. COX: Well, Your Honor, that's -- I did want to
21 talk about that. I don't anticipate Investigator Gietz's
22 testimony to take very long.

23 THE COURT: The chemist might take a little longer.
24 I don't know.

25 MR. NORTON: I'll try to be expeditious, Judge.

1 MR. COX: That will be left up to Assistant Solicitor
2 Norton.

3 THE COURT: Okay. Let's go off the record at this
4 time to give Stacy a little break.

5 THE COURT REPORTER: Thank you.

6 (Off the record discussion.)

7 (Recess taken at 3:18 PM.)

8 (Back on the record at 3:30 PM.)

9 THE COURT: Are we ready?

10 MR. COX: The State's ready, Your Honor.

11 THE COURT: Mr. Johnson, are you ready to proceed?

12 MR. JOHNSON: Yes, sir.

13 (Whereupon, the jury return to the courtroom at
14 3:31 PM.)

15 THE COURT: All right. Please be seated.

16 Welcome back. We'll pick up where we left off with
17 our next witness.

18 MR. NORTON: Thank you, Your Honor.

19 The State would call Senior Investigator John Gietz.

20 THE COURT: Very well.

21 He's still under oath.

22 Investigator, you're still under oath.

23 THE WITNESS: Okay.

24 JOHN GIETZ,

25 having been previously sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. NORTON:

3 Q. Investigator Gietz, welcome back. I believe when you
4 previously testified we discussed some of your training
5 and experiences on the NET Team; is that correct?

6 A. That's correct.

7 Q. Can you go into a little bit more detail for the jury
8 about some of the training and experience you've received
9 during your time on the NET Team specific to drug culture
10 and language?

11 A. Okay. So overall I've had thousands of hours of
12 basic law enforcement training from the start of my 11-year
13 career. Over six years of my career have been spent with
14 the Narcotics Enforcement Team. During that time I took
15 hundreds of hours of narcotics-related trainings,
16 opiate-based trainings, methamphetamine-based trainings,
17 methamphetamine and drug recom -- recognition trainings in
18 the verbiage used in drug investigations, and also hundreds
19 of hours in investigations into narcotics.

20 Q. And can you explain to the jury a little bit about why
21 it's necessary that you receive training in drug language
22 and culture?

23 A. During my time in investigating narcotics cases, it's
24 important to know what you're dealing with and what kind
25 of drugs you're dealing with. Most of the time people

1 who sell drugs aren't going to say that they're selling
2 methamphetamine or fentanyl or marijuana. They'll use
3 some type of street slang or drug culture slang.

4 Q. And so some of the training you received has been
5 specifically focussed on that aspect of narcotics
6 enforcement?

7 A. That is correct.

8 Q. Okay. And will you continue to receive training in
9 the future?

10 A. Absolutely.

11 Q. And do you believe that this would be the kind of
12 information a regular person or an ordinary person would
13 possess?

14 A. No, I don't.

15 Q. And do you think your testimony would be helpful in
16 having someone understand language or culture related to
17 what you do?

18 A. Yes, I do.

19 MR. NORTON: Judge, at this time we'd offer Senior
20 Investigator Gietz as an expert in drug culture and
21 language pursuant to Rule 72.

22 THE COURT: Any voir dire?

23 MR. JOHNSON: Just briefly.

24 VOIR DIRE EXAMINATION

25 BY MR. JOHNSON:

1 Q. Officer, have you ever been qualified as an expert in
2 that before?

3 A. I've been qualified as an expert in drug slang.

4 Q. Okay.

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, this
7 witness will be qualified in the area of drug culture and
8 language, I believe?

9 MR. NORTON: That's correct, Your Honor.

10 THE COURT: And to give opinion testimony in that
11 area. It doesn't mean you must accept the opinion, but
12 it's evidence for you to use in any way you see fit.

13 CONTINUED DIRECT EXAMINATION

14 BY MR. NORTON:

15 Q. Investigator Gietz, let me start by asking you to go
16 into a little bit more detail on your experience in the
17 language used in the drug trade. What are some of the
18 reasons that alternative language is used in the drug
19 trade?

20 A. To prevent apprehension or investigation techniques
21 that agents on the NET Team would use to make a case
22 against somebody who's selling or trafficking narcotics.

23 Q. And based on your experience in investigating drug
24 cases and your understanding of drug culture, what
25 relevance, if any, do cell phones have in the drug trade?

1 A. Immense relevance. I've analyzed hundreds of cell
2 phones during my six years -- six plus years of
3 investigating narcotics.

4 Q. Would it be fair to say that cell phones are a tool
5 of the drug trade?

6 A. Absolutely.

7 Q. Okay. Investigator Gietz, I'm gonna show you what's
8 been previously entered into evidence as State's Exhibit 22
9 and ask you to look at it. Specifically this portion.

10 So we see in State's Exhibit 22 a green box with texts
11 saying from and then a multidigit number and then Brandan
12 Richardson and a message that appears to say "Shit, I got
13 Down, Clear, weed, et cetera". In your expert opinion as
14 an expert in drug trade language and culture, do you
15 recognize any of those terms?

16 A. Yes.

17 Q. And what do you recognize them to mean?

18 A. So Down is an alternative way to say an opiate-based
19 drug as in heroin or fentanyl. A lot of times people will
20 pass fentanyl off as heroin and they'll just call it Down
21 to cover that whole opiate group. Also Clear is used to
22 describe methamphetamine.

23 Q. And so taking that into context, what do you interpret
24 that message to mean?

25 A. That Brandan Richardson is telling someone that he has

1 fentanyl slash heroin, some kind of substance like that,
2 methamphetamine, marijuana, and other drugs.

3 Q. And I'm now showing you what's been previously entered
4 into evidence as State's 23 and I'd like to start with the
5 last message that we see that says -- it's a green box and
6 it says "To" and then a multidigit number Jerm. To the
7 best of your ability I'd like you to read what that message
8 says. I can zoom in more if you need.

9 A. It says "Listen, my" -- I'm not gonna say that word.

10 Q. Sure.

11 A. "I pay 200 an ounce". "I ain't go lie". "I be
12 charging my people 300". I serve you the same dope I do
13 so you know it's gonna be A plus". "So with that being
14 said, I got the best Ice on this side of town". "That's
15 what my plays say, so I got no choice but to keep it, bro".
16 "I can just let you ride with me and you will see what I
17 mean".

18 Q. Investigator Gietz, in your experience and in your
19 opinion as an expert in drug culture and language, are you
20 familiar with the term Ice?

21 A. Yes.

22 Q. And what do you interpret that term -- what do you
23 know that term to mean?

24 A. I know Ice to be methamphetamine.

25 Q. Okay. Are you familiar with the term "dope"?

1 A. Yes, sir.

2 Q. Okay. What do you know that term to mean?

3 A. It's a generalized term that can sometimes include
4 all drug variants, but specifically dope is a little more
5 geared towards opiates.

6 Q. Okay. And I believe you may have read that where it
7 says OZ is ounce?

8 A. Yes.

9 Q. Is what you interpret OZ to mean?

10 A. An ounce, yes.

11 Q. Okay. Are you familiar with drug prices based on your
12 expert opinion in drug culture and language?

13 A. Yes, sir.

14 Q. Okay. So you're familiar with the price for a ounce
15 of methamphetamine?

16 A. Yes, sir.

17 Q. And in your experience what would that be?

18 A. 200 an ounce is a very good price, but it varies
19 anywhere from -- I've seen it as low as 150, which is an
20 extremely good price, all the way to 500, which is a very
21 high price.

22 Q. So those numbers would be consistent with what we see
23 here referencing Ice in ounces?

24 A. Yes, sir.

25 Q. Okay. So taking all of that information into context,

1 what do you interpret that entire messages to be saying?

2 A. That Brandan Richardson sells his meth for 200 -- or
3 excuse me, \$300 an ounce, but he pays \$200 an ounce. He
4 has really good opiates or drugs in general and that he's
5 saying that he has the best methamphetamine on this side
6 of town.

7 Q. Now looking back to earlier in Exhibit 23,
8 understanding the context of that message, of the last
9 message we just discussed, and looking at this message,
10 which is the green box in the middle of the page saying
11 "I'm about to get six of them things", what would you
12 interpret contextualizing those two messages, that to
13 mean?

14 A. It would mean that he's about to get six ounces of
15 methamphetamine.

16 MR. NORTON: Judge, that's all the questions I have
17 for Senior Investigator Gietz.

18 THE COURT: Cross-examination.

19 CROSS-EXAMINATION

20 BY MR. JOHNSON:

21 Q. Just, Officer, you didn't have any other cell phones
22 to examine in relation to this case, did you?

23 A. I'm sorry. Can you repeat that, sir?

24 Q. Did you have any other cell phones to examine in
25 relation to this case?

1 A. Did I examine any of them?

2 Q. Yes.

3 A. No, sir.

4 Q. Okay.

5 MR. JOHNSON: No more questions, Your Honor.

6 THE COURT: Redirect?

7 MR. NORTON: Nothing, Your Honor.

8 THE COURT: All right. You may step down again.

9 THE WITNESS: Thank you, Judge.

10 (Witness excused.)

11 THE COURT: Next witness.

12 MR. NORTON: Your Honor, the State would call
13 Margaret Walker.

14 THE COURT: Okay.

15 THE CLERK: Please raise your right hand and place
16 your left on the Bible.

17 (Whereupon, Margaret Walker was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: Would you please have a seat in the
20 witness box. State your full name and spell your last
21 for the record.

22 THE WITNESS: Margaret Walker. W-A-L-K-E-R.

23 MARGARET WALKER,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. NORTON:

2 Q. Good afternoon, Ms. Walker. Tell the jury where
3 you're currently employed.

4 A. I am currently employed with the Lexington County
5 Sheriff's Department.

6 Q. And what do you do at the Lexington County Sheriff's
7 Department?

8 A. I am the chemist.

9 Q. Okay. What kind of chemistry?

10 A. My focus is in drug analysis.

11 Q. Okay. And can you tell the jury a little bit about
12 some of your duties as a drug analyst with the Lexington
13 County Sheriff's Department?

14 A. I do analyses that are -- analysis on narcotics or
15 suspected narcotics that are brought in off the road from
16 our narcotics agents, our deputies, other Federal agencies,
17 other smaller municipalities, that need analysis done.

18 Q. And how long have you been employed in that role?

19 A. I've been there about seven years now.

20 Q. Okay. What did you do prior to becoming a chemist?

21 A. I was a student at the time.

22 Q. Okay. What did you study?

23 A. I have a degree in forensic chemistry and a minor in
24 criminal justice from York College of Pennsylvania.

25 Q. In what year did you graduate?

1 A. 2015.

2 Q. Okay. Both prior to and during your time as a chemist
3 with the Lexington County Sheriff's Department, can you
4 tell us a little bit about the training that you received?

5 A. I received about six months training at the South
6 Carolina Law Enforcement Division, commonly known as SLED.

7 Q. And do you have to receive any kind of certification
8 from them or approval or how do you successfully complete
9 that training?

10 A. I have to go through the training process of learning
11 about drug analysis. I then have to do proficiency testing
12 with them and then on top of that I will have to do a mock
13 courtroom testimony and once I've passed all of that I will
14 be allowed -- they recommend that I'm eligible to complete
15 my work.

16 Q. And did you successfully complete all of that?

17 A. Yes, I did.

18 Q. At the risk of asking difficult a question, how many
19 times have you tested substances in your role as a chemist
20 for the sheriff's department?

21 A. I've tested over 6,600 samples for the sheriff's
22 department.

23 Q. Okay. And have you drawn conclusions about what those
24 samples are?

25 A. Yes, I have.

1 Q. Have you tested for methamphetamine?

2 A. Yes, I have.

3 Q. Have you tested for cocaine base?

4 A. Yes, I have.

5 Q. Have you is tested for fentanyl?

6 A. Yes, I have.

7 Q. Okay. Have you ever testified in court before?

8 A. Yes, I have.

9 Q. Have you been qualified as an expert witness?

10 A. Yes, sir.

11 Q. In what field?

12 A. Drug analysis.

13 Q. Okay. How many times have you testified as an expert
14 witness in drug analysis?

15 A. I've been an expert witness twelve times.

16 Q. And when was the last time you were qualified as an
17 expert in the field of drug analysis?

18 A. I believe in November or October.

19 Q. Okay.

20 MR. NORTON: Judge, at this time we'd offer
21 Ms. Walker as an expert in the field of drug analysis.

22 MR. JOHNSON: No questions. No objection, Your
23 Honor.

24 THE COURT: All right. Very well.

25 Ladies and gentlemen, this witness will be

1 qualified in the area of drug analysis and can give
2 opinion testimony in that area. It doesn't mean you
3 must accept the opinion, but it's evidence for you to
4 use in any way you see fit.

5 (State's Exhibit Number 24 was marked for
6 identification.)

7 BY MR. NORTON:

8 Q. Ms. Walker, did you receive any items for testing in
9 this particular case?

10 A. Yes, I did.

11 Q. Okay. And how many items?

12 THE WITNESS: May I refer to my notes, sir?

13 THE COURT: Certainly.

14 THE WITNESS: I received eleven items for this.

15 BY MR. NORTON:

16 Q. Okay. And how were those items contained?

17 A. They are contained in the BEST kit.

18 Q. Okay. And did you receive any other BEST kits
19 associated with this case?

20 A. I received one other.

21 Q. Okay. And so the BEST kit you referenced with eleven
22 items, who was the individual associated with that BEST
23 kit?

24 A. A Mr. Brandan Richardson.

25 Q. Okay. And do you recall who the other BEST kit was

1 associated with?

2 A. I believe a Ms. Angela Nettles.

3 Q. Okay. But the one that you referenced as having
4 eleven items was associated with Brandan Richardson?

5 A. Yes, sir.

6 Q. Where did you receive these items -- or where did you
7 receive that BEST kit from?

8 A. I used -- I get the evidence from the evidence
9 custodians with the sheriff's department.

10 Q. And where is that located?

11 A. 521 Gibson Road at the Lexington County Sheriff's
12 Department.

13 Q. And is that standard procedure?

14 A. Yes, sir.

15 Q. Okay. And so you received the BEST kit that we're
16 discussing from evidence custodians at the sheriff's
17 department?

18 A. Yes, sir.

19 Q. Okay. Was it sealed when you received it?

20 A. Yes, sir.

21 Q. Okay. To your knowledge, was anyone else other than
22 yourself and the evidence custodian involved in the
23 handling of that item once it reached your facility?

24 A. I was the only one to handle it and the evidence
25 custodians.

1 Q. Okay. And that's standard practice?

2 A. Yes, sir.

3 MR. NORTON: Judge, may I approach the witness?

4 THE COURT: Yes, sir.

5 BY MR. NORTON:

6 Q. Okay. I'm showing you what's been previously marked
7 as State's Exhibit 16. If you could look at that and then
8 let me know when you've had a chance to take a look at it.

9 A. Okay.

10 Q. Do you recognize that item?

11 A. I do.

12 Q. How so?

13 A. I have my initials on the -- on the Kapak, I have my
14 initials on the BEST kit itself, and on the bags inside the
15 KAPAK as well.

16 Q. Okay. Does it appear to have changed in any way since
17 you last saw it?

18 A. No, sir.

19 Q. Okay. And can you tell us what is that item?

20 A. This is BEST kit C010144.

21 Q. And is that an item you tested in this case -- or does
22 that contain items you tested in this case?

23 A. Yes, sir.

24 Q. Okay. And you said earlier it was sealed when you
25 received it?

1 A. Yes.

2 Q. If it had not been sealed, what would you have done?

3 A. Per policy if I notice that a BEST kit has not been
4 sealed or it's been tampered with or anything like that, I
5 will then have to contact my direct supervisor which would
6 contact the case officer to figure out the process of what
7 needs to be done to remedy the situation.

8 Q. Okay. But as far as you know everything involved in
9 the transfer of that item to you was within the proper
10 policies and procedures of the sheriff's department?

11 A. Yes, sir.

12 Q. Okay.

13 MR. NORTON: Judge, at this time we'd offer State's
14 Exhibit 16 as evidence.

15 MR. JOHNSON: Objection, Your Honor, based on previous
16 motion and objection.

17 THE COURT: All right. Overruled.

18 The evidence will be admitted subject to objection.

19 (State's Exhibit Number 16, a BEST kit, was admitted
20 into evidence.)

21 BY MR. NORTON:

22 Q. Ms. Walker, can you tell us what kind of identifying
23 numbers are assigned to Exhibit 16?

24 A. Part of the uniqueness of the BEST kit it receives its
25 own unique number, kind of like a fingerprint or your

1 Social Security number and in this the unique number is the
2 control number, which is C010144.

3 Q. Okay. And I think you testified earlier was there an
4 individual associated with that BEST kit?

5 A. Mr. Brandan Richardson.

6 Q. Okay. When you received that BEST kit for analysis,
7 what do you do with it?

8 A. Once it comes into my custody and I am ready to test
9 it, I then bring it out to my lab bench area. I itemize
10 everything that's in there. I then will do a presumptive
11 -- I will weigh everything if it has a weight. I will then
12 do presumptive testing on things that I can. I will then
13 do a sampling and go onto confirmatory testing and then
14 everything gets sealed back up.

15 Q. So is it fair by say you begin by inventorying the
16 BEST kit?

17 A. Yes, sir.

18 Q. Okay. And so what was contained within that it
19 specific BEST kit?

20 A. Items between 1.1 and 1.5.

21 Q. Could you walk us through how you label these items
22 and what they appear to you to be or at least how you
23 itemize them?

24 A. Item 1.1 was a Ziploc bag containing plastic sandwich
25 bag containing Item 1.1.2, 12 rectangular white tablets

1 with "ice" impression.

2 Q. Okay. So Item 1.1 is what?

3 A. Item 1.1 is the Ziploc bag. It's the original that
4 hold everything inside of it.

5 Q. So that had items inside of it that they use and sub
6 sub-labeled out it's fair to say?

7 A. Yes.

8 Q. Okay. So once you've identified items and labeled
9 them, it how do you go about testing and analyzing these
10 items?

11 A. I will then take the item out. I will then weigh
12 it, get a weight of the sample or weight of the substance
13 itself. I will then note it on my worksheet, then I
14 will do a presumptive test on it, which is essentially a
15 color test, to see what I'm working with and then I will
16 take a sample for a test tube for further analysis for
17 confirmatory testing and then I will seal everything back
18 up putting it in either a new bag or its original packaging
19 and place it into the KAPAK.

20 Q. So when you do this testing and analysis, where is it
21 performed?

22 A. It's performed in my drug lab.

23 Q. Okay. And is that a secure location?

24 A. Yes, sir.

25 Q. Okay. When you test items, do you generate any kind

1 of reports to document the results?

2 A. Yes, I do.

3 Q. Okay. Did you generate a report in this case?

4 A. Yes, I did.

5 Q. Okay. And does this report contain all of the items
6 tested and analyzed within that BEST kit?

7 A. Yes, sir.

8 Q. Okay. And is it standard practice for you to prepare
9 these reports?

10 A. Yes, sir.

11 Q. Okay. I want to show you what's been marked as
12 Exhibit 24. Do you recognize State's Exhibit 24?

13 A. I do.

14 Q. How so?

15 A. It has my initials next to the lab number and then it
16 also has my signature at the bottom on the second page.

17 Q. Okay. And is it a fair and accurate representation of
18 the results you obtained in this case?

19 A. Yes, they are.

20 Q. Okay.

21 MR. NORTON: Judge, at this time we'd offer State's
22 Exhibit 24 as evidence.

23 MR. JOHNSON: Objection, Your Honor, based on previous
24 motions and objections and as cumulative.

25 THE COURT: All right. May I speak with you-all?

1 And bring the report, too.

2 (Proceedings held at the bench; not reported.)

3 THE COURT: All right. I'll overrule the objection
4 and admit State's Exhibit --

5 MR. NORTON: 24.

6 THE COURT: -- 24 subject to objection.

7 MR. NORTON: Thank you, Your Honor.

8 (State's Exhibit Number 24, a drug analysis report,
9 was admitted into evidence.)

10 BY MR. NORTON:

11 Q. Ms. Walker, let me grab State's Exhibit 16 from you,
12 if I can.

13 A. Uh-huh.

14 Q. So inside Exhibit 16 we see a number of what appear to
15 be small plastic baggies; is that correct?

16 A. Yes, sir.

17 Q. Okay. And there's some numbering on these baggies.
18 Is that done by you?

19 A. Yes, it is.

20 Q. Okay. And so do you label these out as you're going
21 through and cataloging them?

22 A. Yes, sir.

23 Q. Okay. And so when we look at your report and we see
24 Item 1.1, for instance, is that the first item that you
25 identified and inventoried when you opened the BEST kit?

1 A. Yes, sir.

2 Q. Okay. And then Item 1.1.1, could you describe what
3 that was?

4 A. Twelve rectangular white tablets with "ice"
5 impression.

6 Q. Okay. And did you test Item 1.1.1?

7 A. Yes, I did.

8 Q. Okay. And you said that when you test items you do a
9 presumptive test?

10 A. Yes, sir.

11 Q. And then you do a confirmatory test?

12 A. Yes, sir.

13 Q. And can you tell the jury a little bit about the
14 process that you go through with the confirmatory test?

15 A. So my confirmatory testing is -- commonly is the gas
16 chromatography mass spectrometer, commonly known as the
17 GC-MS. It is basically a giant oven with a column inside
18 of it. It then will separate the particles going around
19 and around and then it will go through four giant magnets
20 and then it will hit a detector at the time and then based
21 off of the detector it will come out kind of like a race --
22 how there's like markers on people's shoes that go through
23 a race line and they get their time, that's essentially
24 what it is. It's telling me what time that substance came
25 in at and I'm able to break it down even further once I get

1 the results.

2 Q. So when we talk about breaking it down, are you
3 analyzing -- or are these substances being analyzed on a
4 molecular level?

5 A. Yes, they're done by ions essentially.

6 Q. And so is it fair to say that a substance like
7 methamphetamine would have a different molecular structure
8 than fentanyl or crack cocaine?

9 A. Yes, sir.

10 Q. And is that how -- is that part of what allows you to
11 distinguish between what these substances could be?

12 A. When I'm looking at specific -- these markers or these
13 times, I'm able to go into them and see -- look for unique
14 ions and those unique ions will tell me specifically what
15 that substance is. So in methamphetamine, it's gonna have
16 certain ions and then fentanyl or crack cocaine will have
17 its own set of different unique ions.

18 Q. Okay. So let's start with Item 1.1. You told us when
19 you inventory the BEST kit you weigh the items that you
20 test?

21 A. Yes, sir.

22 Q. And then you do a presumptive test?

23 A. Yes.

24 Q. And then a confirmatory test?

25 A. Yes, sir.

1 Q. In any of these items you tested was the presumptive
2 test and the confirmatory test consistent with -- or let me
3 rephrase it a better way. Were the presumptive tests and
4 confirmatory tests consistent for all of the items you
5 tested?

6 A. Yes, sir.

7 Q. So there was no case -- or no item you tested that the
8 presumptive test didn't match the ultimate confirmatory
9 test?

10 A. Everything matched with how it was supposed to be,
11 yes.

12 Q. Okay. So with that being said, let's start with
13 1.1.1. You said it was twelve rectangular white tablets
14 with "ice" impression. What was the result of Item 1.1.1?

15 A. Methamphetamine C2 found in sample tested, one tested.
16 Net weight, 5.65 grams, 887.42 grains.

17 Q. Okay. And then moving on, Item 1.1.2 is what?

18 A. Eight multicolor tablets with unknown shape.

19 Q. Okay. And when you say tablets, can you give us a
20 little bit more information? What do you mean by that?

21 A. We don't like to call things pills in our world. We
22 call them tablets or capsules. So if you're dealing with a
23 pressed -- like a regular vitamin that's pressed, it's not
24 a capsule, that's what we call a tablet. A capsule is a
25 piece of plastic you swallow and it has a filler inside of

1 it. So this was a pressed tablet, not a capsule.

2 Q. And the result for Item 1.1.2 for those eight
3 multicolored tablets was what?

4 A. Methamphetamine C-2 found in sample tested, one
5 tested. Net weight, 4.72 grams, 72.48 grains.

6 Q. And so just for expediency purpose, Item 1.1.3, 1.1.4,
7 1.1.1 5 and 1.1.16, is it fair to say those are all
8 tablets?

9 A. Yes, sir.

10 Q. Okay. And so while you mark them individually, those
11 were consistent with each other in that they were tablets?

12 A. Yes, sir.

13 Q. Okay. And the result for all of those, and we'll go
14 through the weights in a second, but the analysis showed
15 those tablets were what?

16 A. Methamphetamine.

17 Q. Okay. And so let's start with 1.1.3. What was the
18 weight of that methamphetamine?

19 A. 1.2 grams, 18.51 grains.

20 Q. Okay. 1.1.4. What's the weight of that
21 methamphetamine?

22 A. 0.27 grams, 4.16 grains.

23 Q. Okay. 1.1.5. What was the weight of that
24 methamphetamine?

25 A. 0.10 grams, 1.54 grains.

1 Q. And finally 1.1.6?

2 A. 2.28 grams, 35.18 grains.

3 Q. Okay. And I see on the second page we move onto
4 Item 1.2. Was that -- all of the substances that we just
5 talked about, the items contained in 1.1 being that first
6 Ziploc bag?

7 A. Yes.

8 Q. Okay. And so Item 1.2 is what?

9 A. Ziploc bag containing piece of plastic containing rock
10 substance.

11 Q. Okay. And so for Item 1.2, did you conduct the same
12 steps in testing that substance?

13 A. Yes, I did.

14 Q. And that would be the presumptive test and the
15 confirmatory test?

16 A. Yes, sir.

17 Q. Okay. And what was your result for Item 1.2?

18 A. Cocaine base, crack, C2, found in sample tested, one
19 tested. Net weight 3.96 grams, 61.11 grains.

20 Q. Okay. And so it says cocaine base parentheses crack.
21 Are those one and the same?

22 A. There is a difference between -- in the law there is a
23 difference between cocaine hydrochloride and cocaine base,
24 which is crack, so we have to -- we have to define which
25 one we found in our reports and in this situation I found

1 cocaine base.

2 Q. Okay. Which would be crack?

3 A. Yes, sir.

4 Q. Okay. And so you testified it was 3.96 grams of crack
5 contained in 1.2?

6 A. Yes, sir.

7 Q. Okay. Moving on, Item 1.3, what is that item?

8 A. Ziploc bag containing crystal substance.

9 Q. So that's another Ziploc bag?

10 A. Yes, sir.

11 Q. Okay. And, again, just for expediency, was your
12 testing procedures the same as for the other items we've
13 referenced here today?

14 A. Yes, sir.

15 Q. Okay. What was the result for Item 1.3?

16 A. Methamphetamine C2 found in sample tested, one tested/
17 net weight, 0.36 grams, 5.55 grains.

18 Q. Okay. Now I see it's methamphetamine, but this
19 time it says a crystal substance. That's different
20 than the tablets that you've tested and confirmed were
21 methamphetamine in the earlier items; is that correct?

22 A. Yes, sir.

23 Q. Okay. So can you explain -- is it common in your
24 testing to find substances to be methamphetamine whether
25 they're in tablet form or crystal form?

1 A. Yes.

2 Q. Is that possible?

3 A. (Nods head.)

4 Q. Okay. So that wasn't out of the ordinary?

5 A. No.

6 Q. Okay. Moving on, Item 1.4, what was that item?

7 A. Ziploc bag containing Ziploc bag containing piece of
8 plastic and piece of plastic containing powder substance.

9 Q. Okay. And your testing for that item was the same as
10 you previously referenced here today?

11 A. Yes, sir.

12 Q. Okay. And what was the result of Item 1.4?

13 A. Fentanyl C2 found in sample tested, one tested. Net
14 weight, 16.54 grams, 255.25 grains.

15 Q. Okay. And so you provided those measurements for all
16 of these substances in both grams and grains. Is that your
17 standard practice?

18 A. Yes, sir.

19 Q. Okay. And then the last item or what appears to be
20 the last item is what, Item 1.5?

21 A. Ziploc bag containing two plastic sandwich bags
22 containing crystal substance.

23 Q. So Item 1.5 is a Ziploc bag with two plastic sandwich
24 bags inside?

25 A. Yes, sir.

1 Q. Okay. And did you test both of those sandwich bags?

2 A. Yes, I did.

3 Q. And was your testing the same as you've already
4 described here today?

5 A. Yes, sir.

6 Q. Okay. And what was the result of Item 1.5?

7 A. Methamphetamine C2 found in sample tested, two tested.
8 Total net weight, 112.85 grams, 1,741.54 grains.

9 Q. And so ultimately what were the different substances
10 that you found in the BEST kit that we've discussed here
11 today?

12 A. There was methamphetamine, cocaine base and fentanyl
13 found in this case.

14 Q. Okay. And can you give me the total amounts for all
15 of these different items for each of the substances you
16 just listed?

17 A. For cocaine base, the total weight was 3.96 grams,
18 for fentanyl it was 16.54 grams and the total weight for
19 methamphetamine was 127.43 grams.

20 Q. Okay. And are those results in your expert opinion as
21 a drug analyst and chemist accurate to a reasonable degree
22 of scientific certainty?

23 A. Yes, sir.

24 Q. Okay. And the last thing I'm gonna ask you is are you
25 familiar -- obviously we've got multiple different weights

1 here, grams, grains. Are you familiar with ounces?

2 A. Yes, sir.

3 Q. Okay. Do you know off the top of your head the
4 conversion rate for grams and ounces?

5 A. For one ounce it's 28.36 grams.

6 Q. Okay. And my apologies for asking you to do math, but
7 what is the total ounce weight just for the methamphetamine
8 that you found in that BEST kit?

9 A. It would be 4.49 ounces.

10 Q. Okay.

11 MR. NORTON: I beg the Court's indulgence.

12 Judge, that's all the questions I have at this time.

13 THE COURT: All right. Cross-examination.

14 MR. JOHNSON: Briefly, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. JOHNSON:

17 Q. You testified this exhibit, this kit, was connected to
18 Brandan Richardson, correct?

19 A. Yes, sir.

20 Q. And the reason that you said that was because that was
21 the name placed on there by the officer who submitted it,
22 correct?

23 A. That was placed on the chain of custody and that was
24 also written in as -- into our computer system, yes.

25 Q. And that's how it got on your report?

1 A. Yes, sir.

2 Q. And that's how it got on the BEST kit, this officer
3 or another officer put it there?

4 A. It is -- it is put on my report because of the
5 paperwork. It's not -- his name is not on the BEST kit
6 itself.

7 Q. Well, you got it -- ultimately you got it from the
8 officer?

9 A. Yes, sir.

10 Q. And if the officer put another name, say, added a name
11 like Jeremy Jivers, then you would have to testify well,
12 this is the BEST kit full of drugs associated with Jeremy
13 Jivers, correct?

14 A. Both -- if both names were on the chain of custody,
15 then both names would be on my report.

16 Q. Right. And Jeremy Jivers isn't on there simply
17 because his name wasn't placed there originally by the
18 officer?

19 A. I don't know who Mr. Jivers is.

20 Q. Right. And so you never saw the name?

21 A. No, sir.

22 Q. Right. That's my only point.

23 MR. JOHNSON: Thank you, Judge.

24 No more questions.

25 THE COURT: Redirect?

1 MR. NORTON: Nothing further, Your Honor.

2 THE COURT: All right. The witness is excused.

3 THE WITNESS: Thank you, sir.

4 (Witness excused.)

5 MR. COX: Your Honor, may I approach and put this
6 up there, Your Honor, and take this off?

7 Your Honor, at this time the State rests.

8 THE COURT: Very well.

9 Ladies and gentlemen the State has rested their case.
10 I've got some matters to take up with the attorneys at this
11 time. If you'd just head on back to the jury room and
12 refresh yourselves, I'll get you out here with more
13 instruction later.

14 Thank you.

15 (Whereupon, the jury retires to the jury room at
16 4:10 PM.)

17 THE COURT: All right. Any motions?

18 MR. JOHNSON: Your Honor, at this time the defense
19 would make a directed verdict motion based on taking all
20 of the evidence in the light most favorable to the State,
21 based on previous motions and objections, we'd move for a
22 directed verdict at this time.

23 THE COURT: All right.

24 Any response to the directed verdict portion,
25 Mr. Cox?

1 MR. COX: Your Honor, as far as the directed verdict
2 reviewed by the Court in the light most favorable to the
3 State as stated by Mr. Johnson, we have brought three
4 indictments against Mr. Richardson for trafficking
5 methamphetamine between 100 and 200 grams, PWID crack
6 cocaine and PWID fentanyl. We've presented more than
7 enough evidence to satisfy at least at this point what we
8 need to get this case to a jury and we ask you to deny his
9 motion for directed verdict.

10 THE COURT: Okay. Well, first of all, as to all of
11 your -- the record will reflect that all your pre-trial
12 motions to suppress and objections at trial are preserved
13 and renewed. And as far as a directed verdict, I think at
14 this point there's substantial direct and circumstantial
15 evidence for the jury to weigh all three indictments. I'm
16 concerned with the existence of the weight at this point
17 and not its weight -- or the existence of the evidence and
18 not its weight. The weight is a very important factor in
19 this case actually and there is such evidence available
20 that it's up to the jury to make a decision on guilt or not
21 guilty. So I'll deny the motion for directed verdict.

22 We've reached the point where it's really time for
23 the defense to -- not today, but to put up their case.

24 And, Mr. Johnson, are you comfortable if I go ahead
25 and speak with your client?

1 MR. JOHNSON: Yes, sir.

2 THE COURT: All right. If you would --

3 THE CLERK: Please raise your right hand.

4 (Whereupon, Brandan Richardson was duly sworn by
5 the Clerk of Court.)

6 THE DEFENDANT: Yes, ma'am.

7 THE CLERK: Thank you.

8 THE COURT: Okay. Mr. Richardson, good afternoon.

9 THE DEFENDANT: Good afternoon.

10 THE COURT: We've reached the point of the trial now
11 where you may present your defense, so I've got a few
12 things I need to explain to you about your rights.

13 You have the right to claim the protections given
14 to you by the Fifth Amendment to the Constitution of the
15 United States. This amendment states in part no person
16 shall be compelled in any criminal case to be a witness
17 against himself. This means you cannot be required to
18 testify in this case. You have the right to testify on
19 your own behalf; however, no one can make you testify.
20 This is a personal right and no one can waive this right
21 except you.

22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: If you decide to testify, you will be
25 subject to the same rules that govern other witnesses and

1 you may be examined and cross-examined on any relevant
2 issue in this case. In addition, if you have any
3 convictions involving dishonesty or a false statement or
4 for crimes punishable by imprisonment for more than
5 one year and this Court determines that the probative value
6 of admitting this evidence outweighs its prejudicial effect
7 to you, the solicitor will be able to introduce your record
8 to attack your credibility.

9 Do you understand that, sir?

10 THE DEFENDANT: To a certain extent.

11 THE COURT: Okay. Well, I tell you what. Do you
12 want to ask your attorney real quick a question about it?

13 THE DEFENDANT: Can you repeat that?

14 THE COURT: Sure. I'll be happy to.

15 Specifically I said if you decide to testify, you'll
16 be subject to the same rules that govern other witnesses
17 and you may be examined and cross-examined on any relevant
18 issue in this case.

19 Now, in addition, if you have any convictions
20 involving dishonesty or false statements or for crimes
21 punishable by imprisonment for more than one year and
22 this Court determines that the probative value of
23 admitting this evidence outweighs prejudicial effect to
24 you, the solicitor would be able to introduce your record
25 to attack your credibility.

1 If you decide to testify, this decision on your part
2 must be freely, voluntarily and intelligently made with
3 the knowledge of the protections given to you by the
4 Fifth Amendment and the consequences of your decision to
5 testify.

6 Now if you decide not to testify, I'll instruct
7 the jurors that they cannot give the fact that you did
8 not testify any consideration whatsoever and there's to
9 be absolutely no prejudice to you because you did not
10 testify. It is left entirely up to you whether or not
11 to testify. You may talk with your attorney, a family
12 member or a friend or anyone else, but the final decision
13 will be left entirely up to you.

14 Now do you understand these instructions?

15 THE DEFENDANT: Yeah. Yes, sir.

16 THE COURT: Okay. Do you have any questions for me
17 or your attorney?

18 THE DEFENDANT: I'd like to talk to my momma. I
19 mean --

20 THE COURT: At this point, frankly, we can take a
21 recess and you and your attorney can talk and -- and
22 we'll let the jury go for the day in about fifteen
23 minutes, but you-all take time to talk and, frankly, if
24 you haven't made a decision in fifteen minutes, we'll
25 still let the jury go and we'll either pick up your case

1 in the morning or proceed from there, okay?

2 MR. JOHNSON: Thank you, Judge.

3 MR. COX: Your Honor, thank you.

4 MR. NORTON: Thank you, Your Honor.

5 (Recess taken at 4:15 PM.)

6 (Back on the record at 4:39 PM.)

7 THE COURT: Let's go ahead and get jury back in
8 here and let them go. I'm gonna tell them to be here
9 at 10:00 --

10 MR. JOHNSON: Do you want the defendant back in?

11 THE COURT: -- or 9:45.

12 MR. JOHNSON: Do you want to bring him in first?

13 THE COURT: Yeah. Yeah, let's do that.

14 THE DEPUTY: I thought you already turned the jury
15 loose.

16 THE COURT: No. No.

17 THE CLERK: They had him change already, I think.

18 THE COURT: I'm sorry.

19 MR. COX: We can't do that or we at least --

20 THE COURT: Is that an issue if he's not sitting
21 there when they come back in?

22 MR. JOHNSON: I don't think so.

23 MR. NORTON: He can waive his presence to have the
24 jury released today.

25 THE COURT: Or if you prefer, I'll just go in the

1 jury room and tell them to come back tomorrow at 9:45.

2 MR. COX: We are -- we are fine if you cut them
3 loose yourself, Judge.

4 MR. JOHNSON: Yeah, I'm fine with that.

5 THE COURT: All right. Fair enough.

6 9:45 tomorrow.

7 (Pause in proceedings.)

8 THE COURT: All right. We don't have to be on the
9 record.

10 (Whereupon, the proceedings were concluded for
11 January 10, 2024, at 4:41 PM.)

12 (The following proceedings were held January 11,
13 2024, beginning at 10:06 AM.)

14 THE COURT: All right. Counsel, do you-all want to
15 approach real quick?

16 (Proceedings held at the bench; not reported.)

17 THE COURT: All right. Mr. Johnson, good morning.

18 MR. JOHNSON: Good morning, Your Honor.

19 THE COURT: It's my understanding that your client
20 intends -- well, would like to testify, but I believe the
21 subject matter of his testimony falls under third-party
22 guilt. Is that accurate?

23 MR. JOHNSON: Yes, sir.

24 THE COURT: All right. And I'm required to do an
25 in-camera hearing to hear it before I can deem it

1 admissible. Is that your understanding as well?

2 MR. JOHNSON: Yes, sir.

3 THE COURT: Mr. Cox?

4 MR. COX: That's correct.

5 THE COURT: All right. So let's go ahead and call
6 him up just for the purpose of this in-camera hearing and
7 we'll go from there, okay?

8 MR. JOHNSON: Thank you, Judge.

9 We'll call Mr. Richardson.

10 THE CLERK: Please raise your right hand and place
11 your left on the Bible.

12 (Whereupon, Brandan Richardson was duly sworn by
13 the Clerk of Court.)

14 THE CLERK: Would you please have a seat in the
15 witness box. State your full name and spell your last
16 for the record.

17 THE WITNESS: Brandan Richardson.

18 R-I-C-H-A-R-D-S-O-N.

19 BRANDAN RICHARDSON,

20 having been duly sworn, testified as follows:

21 EXAMINATION (In-Camera)

22 BY MR. JOHNSON:

23 Q. Mr. Richardson, how old are you?

24 A. I'm 35.

25 Q. And where did you grow up?

1 A. Wagener, Cayce area.

2 Q. Okay. And please tell me about the events of
3 February 9, 2023, at the Masters Inn in Lexington County.

4 A. Well, the day before that Jeremy had texted me or
5 called me to let me know that he was -- had some females
6 he was meeting up with, Angela Nettles and Brittany Metts,
7 and he was like are you gonna pull up and I'm like yeah.

8 So when I got over there with them, he left and came
9 back with Angela Nettles. It was me, him and Angie Nettles
10 or whatever. I did like Angie. Like I been wanting to
11 holler at her or whatever and so she left. She ended up
12 leaving and she came back later on that day, her and
13 another female or whatever. So once she got back me and
14 her we went to Room 235 where -- me and her went together
15 to Room 235 and we were chilling and --

16 Q. Well, how did you get to Masters Inn?

17 A. How did I get to the Masters Inn? I got dropped off
18 by my ex. Her name's Jamie -- Jamie Layton.

19 Q. Okay. So you went to Room 235?

20 A. No. When I got out there I went to Room 208 at first.

21 Q. Okay. And then what happened?

22 A. Jeremy Jivers was in Room 208.

23 Q. All right. Who else was there?

24 A. Just Jeremy at the time, but Angie on the way.

25 Q. Okay. Then what happened?

1 A. Then Angie got there. She came in, talked or
2 whatever. She said she had to leave and she left and she
3 came back later on that night or later on that day with
4 another female named Brittany Metts.

5 Q. Okay. And then what happened?

6 A. So when she got back, I left Brittany Metts -- me and
7 her left Brittany Metts with Jeremy in 208 and me and her
8 went to 234. We got a room in 234.

9 Q. The same hotel?

10 A. Yes, sir.

11 Q. Okay. And you said you and her. You and who?

12 A. Me and Angie Nettles.

13 Q. Okay. And then what happened?

14 A. We was chilling. Me and her we was over there
15 chilling or whatever. Brittany came around to where we
16 was, but then we asked her could she leave so we could --

17 Q. What room were you in with Angie?

18 A. 234.

19 Q. 234?

20 A. Yes, sir.

21 Q. Okay. And then what happened?

22 A. We -- we -- we had -- yes, we had sex or whatever. We
23 had sex and we chilled and we went to sleep.

24 Q. Okay. How about after that?

25 A. We woke up. We woke up the next -- the next morning

1 and when she came she had a large amount of stuff with her.
2 She had all kinds of stuff with her, baskets, all those
3 items. I'm assuming she was homeless at the time. I don't
4 really know her situation, but -- so when it was time to
5 check out, me being -- I wanted to be a gentleman. I
6 helped her -- sorry -- I helped her take her stuff back to
7 Jinx around to Room 208. I took everything because that's
8 where I met her from.

9 Q. Whose Jinx?

10 A. Jeremy. Jeremy Jivers.

11 Q. Okay.

12 A. That's his nickname.

13 Q. So you took her stuff to 208?

14 A. Yes, sir. I took all her baskets and stuff around to
15 Room 208.

16 Q. Okay. Then what did you do?

17 A. Well, while we was in there the next thing you
18 know there was a knock to the door. Like this was
19 simultaneously. Like within probably a 90-second window.
20 As soon as we got in the room there was somebody to the
21 door and she -- she opened the door and that's when I seen
22 vests and they came in.

23 Q. Who's they?

24 A. As they call it, Triple P.

25 Q. Triple P?

1 A. Yes, sir.

2 Q. Okay. Law enforcement?

3 A. Yes. Yes, sir.

4 Q. Okay. And then what happened?

5 A. They proceeded to ask everybody their names.

6 Q. Okay.

7 A. And I gave them -- I gave them my name. Everybody

8 gave them their name.

9 Q. Okay. Where was Jeremy Jivers?

10 A. He was in the bathroom.

11 Q. Okay. What happened then?

12 A. They asked -- they asked us was anybody else in the

13 room and Angela made a statement that Jeremy was in the

14 bathroom.

15 Q. Well, just limit yourself to what did you see?

16 A. Okay. Okay. Well, Officer Lugos asked was someone

17 else in there and --

18 Q. What did people do?

19 A. What you mean?

20 Q. What did you see?

21 A. I seen polices.

22 Q. Okay. Well, what did they do with Jeremy?

23 A. Oh, they went back to -- they went back there to

24 Jeremy and they was back there talking to him.

25 Q. Okay. Did they take Jeremy away?

1 A. Yes, they did.

2 Q. Okay. And what about you?

3 A. They told me to sit. He told me to sit down. He was
4 like sit down on -- on the bed.

5 Q. Okay.

6 A. And I proceeded to ask them for what.

7 Q. Okay.

8 A. He -- he said your name came back clear --

9 Q. Okay.

10 A. -- so I was like well, can I leave? He was like no,
11 just sit down.

12 Q. Let's -- let's limit this to what happened. Did you
13 get arrested?

14 A. Yes, sir, I did.

15 Q. Okay. And they took you into custody and took you
16 away?

17 A. Yes, sir.

18 Q. Why did they do that?

19 A. They say for trafficking.

20 Q. Okay. And did you see any drugs in that room?

21 A. No, I didn't.

22 Q. Okay. And did you own any illegal drugs that were in
23 that drug?

24 A. No, I didn't.

25 Q. Okay. And were you interviewed by law enforcement

1 there at the scene?

2 A. I mean, I don't -- I really don't know if you'd call
3 an interview. Like --

4 Q. Did they talk to you outside?

5 A. Yeah, they talked me to me outside.

6 Q. Did they talk to you again at the sheriff's
7 department?

8 A. Not -- not that day. No, sir.

9 Q. Okay. But eventually they did?

10 A. Yes, sir.

11 Q. Okay. Did you tell the truth?

12 A. Yes, sir, I did.

13 Q. Did you own any of the illegal drugs from that room?

14 A. No, I didn't it.

15 MR. JOHNSON: Okay.

16 All right. No more questions, Your Honor.

17 MR. COX: Your Honor, may the defendant step down?

18 THE COURT: Yes. Yes, sir.

19 You may step down, sir.

20 (Witness excused.)

21 THE COURT: All right.

22 MR. JOHNSON: Let me ask a question of the solicitor.

23 (Discussion between counsel.)

24 MR. JOHNSON: Judge, I was just inquiring of the

25 State if they feel that was sufficient proffer, so to my

1 knowledge that's what I'm gonna ask, so.

2 THE COURT: Okay. Well, let me hear from the State.

3 MR. COX: Well, Your Honor, I don't know if that's
4 the extent of the testimony in full, but as far as a
5 proffer for third-party guilt, I didn't actually hear --
6 Judge, I didn't really hear anything that was -- I don't
7 think would be covered under third-party guilt.

8 MR. JOHNSON: Let me recall him then. If we could
9 recall him to testify again to get a little bit more
10 specific because I didn't touch upon what -- I failed to
11 ask that question, Judge.

12 MR. COX: Judge, if there's -- if there's more for
13 Mr. Johnson to go into, he may inquire.

14 THE COURT: Okay.

15 (Whereupon, Brandan Richardson retakes the witness
16 stand.)

17 CONTINUED EXAMINATION (In-Camera)

18 BY MR. JOHNSON:

19 Q. Mr. Richardson, did you ever see Jeremy Jivers with
20 illegal drugs in that room?

21 A. That day?

22 Q. Uh-huh.

23 A. No, I wasn't in there enough time to -- to see that.

24 Q. Okay. And the drugs that were found in the room, were
25 those Jeremy Jivers's drugs?

1 A. Yes.

2 Q. Okay. How do you know that?

3 A. Because I've known Jeremy for a long time in my life
4 and that's what he do.

5 Q. Okay.

6 A. You know, I mean, either -- they wasn't mine and the
7 girls was with me. I mean, either him or Brittany Metts.

8 Q. Okay. But that day you didn't see him with those
9 drugs?

10 A. No, sir.

11 Q. Okay. On another day did you see him with those
12 drugs?

13 A. No, sir.

14 Q. Okay.

15 MR. JOHNSON: Well, those are all my questions,
16 Your Honor.

17 THE COURT: All right. Thank you, sir. You can
18 have a seat.

19 (Witness excused.)

20 MR. COX: Your Honor, I -- I believe that's
21 admissible. I don't -- I don't have a third-party guilt
22 argument.

23 THE COURT: Yeah, I would only say that in light of
24 us hearing this, that testimony can't change on the stand
25 in substance.

1 MR. JOHNSON: Yes, sir.

2 THE COURT: But what I heard was that he didn't see
3 Jeremy Jivers with the drugs that day. He thought --
4 well, he didn't say he -- he just said he knew Jeremy and
5 I think he said that's what he does. Didn't know if they
6 were -- if they were his at the hotel.

7 MR. COX: Correct, Your Honor. I don't think that
8 this implicates any kind of improper third-party guilt
9 evidence and we would seek to exclude it at this time.
10 This was a proffer. Obviously we weren't in front of the
11 jury. If testimony goes forward and we believe anything
12 is inconsistent with what we heard during the proffer,
13 I'll -- Your Honor, I'll make an objection and I believe
14 I'd be able to impeach him with that if it does change,
15 but --

16 THE COURT: That's true. I would only ask
17 Mr. Johnson to try to ask the questions in the same
18 manner as you did hear just to not inadvertently change
19 directions.

20 MR. JOHNSON: Yes, sir.

21 THE COURT: Impeachment will be -- it's kind of
22 tough under the circumstances, but it is what it is. By
23 that I mean just access to the written testimony.

24 MR. COX: Correct, Your Honor.

25 THE COURT: Okay. So we've proffered what you intend

1 to testify to. I don't believe the State, myself or even
2 defense counsel believe it implicates third-party guilt
3 in that sense, but just what his recollect was of the day.

4 Mr. Richardson, in light of all that do you still
5 intend to testify?

6 THE DEFENDANT: I don't know nothing you-all are
7 talking about right now.

8 THE COURT: Okay. Fair enough.

9 Mr. Johnson, just -- how about talk with your client
10 real quick and just verify if he wants to testify and
11 we'll get started in five minutes.

12 MR. JOHNSON: Yes, sir.

13 MR. COX: Thank you, Your Honor.

14 (Recess taken at 10:21 AM.)

15 (Back on the record at 10:25 AM.)

16 THE COURT: Mr. Johnson.

17 MR. JOHNSON: My client wants to go forward and
18 testify, Your Honor.

19 THE COURT: All right. Very well.

20 Anything before we bring the jury in?

21 MR. JOHNSON: Just that -- well, we've already gone
22 over the questions I would ask in relation to --

23 THE COURT: Okay. As far as impeachment?

24 MR. JOHNSON: Yeah, prior record, and I don't believe
25 we put that on the record.

1 THE COURT: Fair enough.

2 MR. COX: Your Honor, we're aware of two -- with
3 the defendant testifying, we're aware of two prior
4 convictions that we would intend to use to impeach the
5 defendant; one of them being a 2015 conviction for giving
6 false information to police and then another -- a 2020
7 conviction for distribution of crack cocaine.

8 The State understands the nature of that previous
9 drug offense and we agree with Mr. Johnson and the Court
10 and obviously the existing case law that we will not be
11 getting into the actual conviction of what that crime is.

12 THE COURT: Which is a prior drug offense?

13 MR. COX: Which is a prior drug offense and very
14 similar to what he's on trial for here today, so the
15 prejudicial effect certainly outweighs the probative
16 value and impeachment effect of that conviction. But we
17 do believe we can ask and inquire as to Mr. Richardson's
18 status as a convicted felon. The extent of that question,
19 Your Honor, the plan would be just to ask you are a
20 convicted felon.

21 THE COURT: Okay. And obviously prior -- he also
22 had the false police report?

23 MR. COX: Giving false information to police, Your
24 Honor, which we -- is a conviction of dishonesty -- a
25 crime of his honesty, and that's what we would be using

1 it for.

2 THE COURT: All right.

3 Are you otherwise ready to proceed, Mr. Johnson?

4 MR. JOHNSON: Ready to proceed, Your Honor.

5 THE COURT: The State ready?

6 MR. COX: We are, Your Honor. And I'm -- this may
7 just be me, I know Mr. Johnson came through and said
8 that his client wishes to testify, but there was -- there
9 seemed to be some confusion of the defendant.

10 Your Honor, if you would just for the record, can
11 we have the defendant put on the record that he himself
12 understands that he wants to testify.

13 THE COURT: Okay.

14 Mr. Richardson, so you've indicated to the Court
15 that you intend to testify. Yesterday afternoon I
16 advised you of your rights and that you certainly
17 couldn't be compelled to testify, that it was your
18 right and a decision for you to make alone and that the
19 State would will be able to impeach your credibility
20 based upon the previous criminal convictions we talked
21 about.

22 But just to be abundantly clear you want to testify?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. I think we're good.

25 MR. COX: Yes, Your Honor.

1 THE COURT: All right. Let's bring them in.

2 (Whereupon, the jury enters the courtroom at
3 10:29 AM.)

4 THE COURT: All right. Please be seated.

5 Good morning, ladies and gentlemen. Welcome back.
6 Yesterday we -- the State had rested their case. We
7 now have an opportunity to hear from the defense.

8 Mr. Johnson.

9 MR. JOHNSON: Thank you, Your Honor.

10 The defense calls Brandan Richardson to testify.

11 THE COURT: Very well.

12 THE CLERK: Would you please raise your right hand
13 and place your left on the Bible.

14 (Whereupon, Brandan Richardson was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: Thank you.

17 Would you please have a seat in the witness box.
18 State your full name and spell your last for the record.

19 THE DEFENDANT: Yes, ma'am.

20 My name Brandan Richardson. R-I-C-H-A-R-D-S-O-N.

21 BRANDAN RICHARDSON,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. JOHNSON:

25 Q. Mr. Richardson, good morning. How old are you?

1 A. I'm 35.

2 Q. Where did you grow up?

3 A. Wagener, Cayce area.

4 Q. Okay. And tell me on February 9, 2023, did you have
5 occasion to be at the Masters Inn in Lexington County?

6 A. Yes, I did.

7 Q. Okay. Tell me about that.

8 A. On February the 8th I received a call from Jeremy
9 Jivers.

10 Q. Now don't say anything that anybody said. Don't talk
11 about what people said, please.

12 Thank you. Please continue.

13 A. Okay. Well, I received a call from Jeremy Jivers and
14 I came to the Masters Inn and he had some females there or
15 whatever and the female that was there I'd been liking her,
16 but never I catch up with her.

17 Q. What's her name?

18 A. Her name's Angie Nettles. He knows her, so I guess
19 he knew in his mind, you know what I'm saying, I've got my
20 homeboy, so when I -- she came to me then. She came over
21 there and we met. When we met, she came to Room 208 where
22 Jeremy was and when she got there she said she had to
23 leave, but she'd be back later that afternoon. So she came
24 back with a friend, so, you know, I -- it's Jeremy, me and
25 her and him.

1 Q. Now who was the friend?

2 A. Brittany. Her name was Brittany Metts.

3 Q. Okay. And then what did you-all do?

4 A. Me and Angie Nettles went to Room 235.

5 Q. Is that where you stayed?

6 A. Yes, sir. Yes, sir.

7 Q. Okay. At the same motel?

8 A. Yes, sir.

9 Q. Okay. And then what happened?

10 A. Me and her, we proceeded to chill. Brittany Metts
11 came around. We told her we wanted, you know what I'm
12 saying some personal time, so we went back to Room 208 with
13 Jivers and me and Angie Nettles chilled until the next day.

14 Q. And then what happened?

15 A. It was time -- basically it was time to go, so I
16 walked her around to Room 208.

17 Q. Okay. Was this on February 9th?

18 A. Yes. This is February -- the morning of February 9th.
19 Yes, sir.

20 Q. Okay. Continue. What happened after that?

21 A. Well, once we reached Room 208 with her clothes
22 because she had a large amount of clothes with her, I
23 assumed she was homeless or whatever that may appear. We
24 got to Room 208. We put her clothes in there and probably
25 every bit of 90 seconds, 120 seconds, there was a knock at

1 the door and she proceeded to open up the door. When she
2 opened up the door, I saw vests, you know what I'm saying,
3 and that was PPP arriving.

4 Q. Are you referring to law enforcement?

5 A. Yes, sir.

6 Q. Okay. And then when they arrived, what happened?

7 A. They came in the room. They said that they was
8 looking for Ashley.

9 Q. Okay. Now what did they do?

10 A. What do -- what do you mean?

11 Q. Well, where did you go?

12 A. No where. No where. I couldn't go no where. They
13 wouldn't let me leave or nothing. They just -- they wanted
14 to identify everybody in the room.

15 Q. Oh, okay. Well, after that where was Jeremy Jivers?

16 A. Jeremy Jivers was in the bathroom.

17 Q. Okay. And then what happened after that? Did they
18 take anybody away?

19 A. They took -- yeah, they took Jeremy Jivers away.

20 Yeah.

21 Q. Okay. Did they take you away?

22 A. No, sir.

23 Q. Eventually did they?

24 A. Yeah. Yes, sir.

25 Q. Okay. And did you speak to law enforcement?

1 A. Yes, I did.

2 Q. Okay. And did you speak to law enforcement again
3 later on at a later date with the investigator?

4 A. Yes. Yes, I did.

5 Q. Okay. Did you tell the truth?

6 A. Yes, I did.

7 Q. Okay. Now in Room 208, did you have any illegal drugs
8 in that room?

9 A. No, I did not.

10 Q. Okay. And do you know anything about the illegal
11 drugs in that room?

12 A. No, I did not at -- I never knew nothing until Dubard
13 told me.

14 Q. Okay. And did you have some clothes in that room that
15 you brought with you?

16 A. Yes, I -- I did.

17 Q. Okay. And did you have a dog?

18 A. Yes, I did.

19 Q. And did you have a dog food bag?

20 A. Yes. Yes, I did.

21 Q. Okay. Which one was yours?

22 A. It's actually -- it's a special dog food for my dog
23 called Diamond, it's made for puppies, specifically for
24 puppies, that I had.

25 Q. Okay. And did they take your cell phone?

1 A. Yes, they did.

2 Q. Okay. And did you communicate with Mr. Jivers before
3 on your cell phone?

4 A. Yes, sir, I have.

5 Q. Okay. And what's his street name?

6 A. Jinx.

7 Q. Okay. And you told the police the truth when you
8 talked to them?

9 A. Yes, I did.

10 Q. Okay. And did you own any illegal drugs that were in
11 the other dog food bag?

12 A. I knew nothing -- I knew nothing of no drugs that was
13 in the dog food bag.

14 MR. JOHNSON: Thank you.

15 No more questions, Your Honor.

16 THE COURT: Cross-examination.

17 MR. COX: Yes, Your Honor. If we could have one
18 moment to set up the projector for possible publishing
19 some evidence during this.

20 THE COURT: All right.

21 MR. COX: Your Honor, may it please the Court?

22 THE COURT: Yes.

23 CROSS-EXAMINATION

24 BY MR. COX:

25 Q. You said you were dropped off at Room 208 at the

1 Masters Inn on February 8th?

2 A. Yes, sir.

3 Q. Okay. Room 208?

4 A. Room 208. Yes, sir.

5 Q. That's where you were planning on going that day?

6 A. Yes, sir.

7 Q. Jinx was already there?

8 A. Yes, sir.

9 Q. So your plan was to arrive at Room 208 at the Masters
10 Inn to spend time with Jinx?

11 A. No, sir.

12 Q. None?

13 A. No, sir.

14 Q. You weren't there to meet up with him and two girls?

15 A. The girl, not Jinx. Jinx was just the -- Jinx was
16 just the middleman.

17 Q. You know Jinx?

18 A. Yes, sir.

19 Q. You've know him for a long time?

20 A. Yes, sir.

21 Q. This is your good friend?

22 A. Yes, sir.

23 Q. I think you said in your interview with Dubard you
24 grew up together?

25 A. Yes, sir.

1 Q. But you weren't there to see Jinx or Brittany Metts,
2 you were only there to see Angela Nettles?

3 A. Angela Nettles.

4 Q. Okay. You arrived to Room 208, you dropped your
5 things off, your clothes?

6 A. No.

7 Q. No?

8 A. No, I didn't.

9 Q. You don't have clothes in Room 208?

10 A. Not clothes as in like a lot of clothes. I had a
11 jacket. I had a jacket, a hoodie, and a pair of shoes. I
12 came to jail without shoes on. I didn't have on shoes.
13 They was the shoes that I had.

14 Q. Mr. Richardson, did you have your clothes in Room 208
15 when law enforcement arrives on-scene that day?

16 A. I just -- I mean, I just specifically -- I said what
17 I had then, sir, I mean, but if you want to count that
18 as being clothes, I mean, but it wasn't a large amount
19 of clothes. It'd been clothes that I had, yes, sir. I
20 mean --

21 Q. Okay. You had your dog in Room 208?

22 A. I had my dog with me. Yes, sir.

23 Q. In fact, you told Investigator Dubard you were paying
24 the owner of the Masters Inn extra money so your dog could
25 stay in Room 208?

1 A. No. Can I speak?

2 Q. Is that correct? Were you paying the owner of the
3 Masters Inn a little extra money so your puppy could stay
4 at the hotel?

5 A. At Room 208?

6 Q. At 208.

7 A. Yes, sir.

8 Q. Okay. I'm not trying to confuse you, Mr. Richardson.
9 I'm trying to be clear.

10 A. All right.

11 Q. So we've established that Room 208 when law
12 enforcement arrives you have clothes in the room. Not a
13 lot, but have you clothes?

14 A. Right.

15 Q. You have your dog?

16 A. Right.

17 Q. You have your dog food bag for your puppy?

18 A. Right.

19 Q. And this is -- also in this room is your friend?

20 A. Right.

21 Q. This is where you arrived the day before?

22 A. Right.

23 Q. But you're telling us, Mr. Richardson, that with all
24 of your belongings in this room, with all of your -- the
25 people you were wanting to spend time with in this room,

1 you have no idea what that is?

2 A. No, sir.

3 Q. You don't know what that is?

4 A. I mean, from what been going on since the trial. I

5 mean, it's dog food.

6 Q. Dog food?

7 A. Yes, sir.

8 Q. But not your dog food?

9 A. I wouldn't feed -- may I speak? I wouldn't feed my

10 dog nothing -- I've got a specific dog food that my dog

11 eat. The dog that I -- my family breeds dogs and that was

12 a brindle pit bull like, so the only thing that I could

13 feed her, what was prescribed for her, it was Diamond food

14 for puppies specifically, \$27 a bag, specifically for my

15 doing. Nothing else. She can't eat nothing else, so,

16 no, sir.

17 Q. Mr. Richardson --

18 A. Uh-huh.

19 Q. -- this is your cell phone?

20 A. Yes, sir, it is.

21 Q. A black Samsung?

22 A. Yes, sir.

23 Q. That was taken from your back pocket?

24 A. Yes, sir.

25 Q. Law enforcement seized it?

1 A. Yes, sir.

2 Q. You were in here when we heard from Investigator
3 Joslin. They analyzed your phone?

4 A. Right.

5 Q. They pulled information off of your phone?

6 A. Yes, sir.

7 Q. And you're telling us today you arrived at the Masters
8 Inn on February 8th?

9 A. Yes, sir.

10 Q. And from your phone on February 7th you texted someone
11 named Carlie saying "Shit, I got Down, Clear, weed,
12 et cetera, correct?

13 A. Uh-huh. Right.

14 Q. You sent that?

15 A. I mean, that's what it appears, sir.

16 Q. What it appears? Mr. Richardson, this is your cell
17 phone?

18 A. Yes, sir.

19 Q. These text messages came from your cell phone?

20 A. Right.

21 Q. The green message is from the cell phone?

22 A. Yes, sir.

23 Q. So on February 7th you told Carlie you have Down,
24 Clear and weed, et cetera, correct?

25 A. Correct.

1 Q. And you know what Down is, right?

2 A. Yes, sir.

3 Q. You know what Clear is?

4 A. Yes, sir.

5 Q. Mr. Richardson, on this same cell phone from your
6 back pocket from your cell phone we've seen text messages
7 between you and Jinx, correct?

8 A. Yes, sir.

9 Q. And Jinx is Jeremy Jivers?

10 A. Yes, sir.

11 Q. And in this conversation just a few days prior to 2-8,
12 again, you text Jeremy Jivers "I'm about to get six of them
13 things", correct?

14 A. Correct.

15 Q. And six of them things, you're talking about six
16 ounces, correct?

17 A. Correct.

18 Q. And Jinx is asking you what's the lowest he can get.
19 He's asking you for your price, correct?

20 A. Correct. Can you tell me when that -- when this
21 occurred?

22 Q. 2-3-2023?

23 A. And when -- when is this charge I'm being charged with
24 occurred?

25 Q. Mr. Richardson, you --

1 A. I'm just trying to --

2 Q. Mr. Richardson, you and Jinx -- and Jeremy Jivers in
3 those text messages are haggling over prices for drugs,
4 right?

5 A. Right.

6 Q. These are the drugs that were found in that dog food
7 bag on 2-8, correct? Or 2-9.

8 A. I mean, that's what was brought to my attention.

9 Q. These are drugs that were found in a dog food bag that
10 you're telling us wasn't yours, correct?

11 A. Correct.

12 Q. In the room where you were?

13 A. Correct.

14 Q. Where your friend was?

15 A. Correct.

16 Q. Where your belongings were?

17 A. Correct.

18 Q. Where you're dog was?

19 A. I mean --

20 Q. Where your puppy was?

21 A. Correct.

22 Q. Where you were dropped off at?

23 A. Correct.

24 MR. COX: Your Honor, if I could have one moment.

25 BY MR. COX:

1 Q. And going back to the text message with Jinx,
2 Mr. Richardson, we've established that you and him were
3 discussing ounces and your price. This is the end of that
4 conversation. You tell Jinx you have the best Ice on this
5 side of town, correct?

6 A. Correct.

7 Q. And you're referring to methamphetamine?

8 A. Correct.

9 Q. And in that dog food bag in your hotel room with your
10 dog, with your belongings, with your cell phone where you
11 were when law enforcement arrived, they found a hundred
12 grams of methamphetamine, correct?

13 A. Correct.

14 MR. COX: I have no further questions.

15 THE COURT: Redirect.

16 MR. JOHNSON: Thank you, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. JOHNSON:

19 Q. Mr. Richardson, I'm just gonna draw your attention to
20 what's been placed into evidence, State's Exhibit 13. What
21 is that dog food bag right there?

22 A. That's -- that's my dog's dog food bag.

23 Q. Is that the one that says puppy on it?

24 A. Yes, sir.

25 Q. Because that was your little puppy?

1 A. Yes, sir.

2 Q. And just to be clear, what's been marked and entered
3 as State's Exhibit 8, that is not you're dog food bag?

4 A. No, that is not.

5 Q. Did you ever touch that dog food bag?

6 A. No, sir.

7 Q. Did you have any idea what was in?

8 A. No, sir.

9 Q. All right. Now you were asked some questions earlier,
10 so I'm gonna help you. This -- you were asked the question
11 about the date and the date, State's 23, appears to be
12 February 3rd. Does that sound correct to you based on
13 viewing this exhibit?

14 A. Yes, sir.

15 Q. Okay. And State's 22 appears to be a conversation
16 February 7th?

17 A. Correct.

18 Q. All right. And you testified earlier that you were
19 at the hotel February the 9th?

20 A. Right.

21 Q. Right.

22 A. Yes, sir.

23 Q. Okay.

24 A. Correct.

25 MR. JOHNSON: No more questions, Your Honor.

1 THE COURT: Recross.

2 MR. COX: No recross, Your Honor.

3 THE COURT: All right. The witness may step down.

4 Thank you, sir.

5 (Witness excused.)

6 MR. JOHNSON: We have no more witnesses, Your Honor.

7 THE COURT: You rest?

8 MR. JOHNSON: We rest, Your Honor.

9 THE COURT: All right. Ladies and gentlemen, the
10 defense has rested. Let me speak with the attorneys.
11 I've got some matters to take up with them, but I'll
12 get you back in here as soon as possible. Please don't
13 discuss the case in the jury room.

14 Thanks.

15 (Whereupon, the jury retires to the jury room at
16 10:49 AM.)

17 THE COURT: All right. Mr. Johnson, do you want to
18 renew your previous motions?

19 MR. JOHNSON: Your Honor, I just renew all previous
20 motions and objections at this time.

21 THE COURT: All right. The record will reflect
22 that those motions and objections are renewed.

23 And your previous directed verdict motion is renewed
24 as well?

25 MR. JOHNSON: Yes, sir, Your Honor. We renew our

1 directed verdict motion at this time.

2 THE COURT: And remains denied.

3 MR. JOHNSON: Thank you, Your Honor.

4 THE COURT: I think we're ready for closings.

5 MR. COX: We are, Your Honor.

6 THE COURT: Figuratively. I'll give you five,
7 ten minutes.

8 MR. COX: If we could have just a few minutes.

9 THE COURT: Why don't we -- it's 10:48. Let's start
10 closings at -- let's do twelve minutes. We'll start
11 closings right at 11:00.

12 Thank you.

13 MR. JOHNSON: Yes, sir.

14 MR. COX: Thank you, Your Honor.

15 THE COURT: Oh, gosh. You-all, I forgot to do
16 this. We lost one juror this morning and when we come
17 back in, I need to appoint the first alternate.
18 apparently somebody called out sick this morning.

19 So when we get back, remind me to appoint the
20 alternant.

21 MR. JOHNSON: Yes, sir.

22 THE COURT: Thank you.

23 (Recess taken at 10:50 AM.)

24 (Back on the record at 11:04 AM.)

25 BAILIFF: Stay seated. Court's back in session.

1 THE COURT: All right. Are we ready to proceed?

2 MR. COX: The State is ready, Your Honor.

3 MR. JOHNSON: The defense is ready, Your Honor.

4 MR. COX: Your Honor, just so we're clear on the
5 record because the defense did put up evidence, the State
6 intends on having rebuttal argument following defense's
7 closing.

8 MR. JOHNSON: Yes, sir. We agree.

9 THE COURT: Agreed. Thank you.

10 (Whereupon, the jury return to the courtroom at
11 11:06 AM.)

12 THE COURT: All right. Please be seated.

13 All right. I neglected to say this earlier.

14 Juror Number 133, would you raise your hand.
15 That's you?

16 JUROR NUMBER 133: Yes, sir.

17 THE COURT: Okay. You-all are probably aware we
18 lost a juror this morning. Well, he wasn't able to come
19 to the courthouse, so I'm putting you on the jury now as
20 the twelfth member. That happens from time to time, but
21 that's why we have alternates, so.

22 But, ladies and gentlemen, the parties have
23 presented their evidence in this case. It's now time
24 for the attorneys to make their closing arguments.

25 The arguments of the attorneys are not evidence in

1 this case. Their statements and arguments are meant to
2 help you understand the evidence and apply the law to the
3 evidence. You should disregard any remark, statement or
4 argument which is not supported by the evidence presented
5 during the trial or the law that I will explain to you
6 after the arguments.

7 So at this time, please give your complete and
8 undivided attention to the attorneys as they make their
9 closing arguments.

10 MR. COX: Thank you, Your Honor. May it please the
11 Court?

12 THE COURT: Yes, sir.

13 MR. COX: Mr. Johnson.

14 Members of the Jury, I don't have any William
15 Shakespeare for you, but what I do have and what you
16 have is the testimony that you received from this witness
17 stand throughout this trial. You have this evidence
18 presented to you in this case from those witnesses. This
19 evidence, these items, these drugs that were brought to you
20 for you to deliberate, for you to render a verdict in this
21 case.

22 Members of the Jury, thank you for your attentiveness.
23 Thank you for paying such strong attention in this case.
24 You got through an abnormally long jury selection process
25 on Monday. We all had to deal with the weather delay of

1 Tuesday, but we want to thank you for arriving, for doing
2 your duty to this point, for paying attention, for giving
3 us your attention and listening to what we had to present
4 to you. We cannot do this without a jury.

5 Members of the Jury, Brandan Richardson, the
6 defendant, sits before you three charges; trafficking
7 methamphetamine, possession with intent to distribute
8 fentanyl and possession with the intent to distribute
9 cocaine base, which as we know through this case is crack
10 cocaine.

11 Now you're gonna hear the arguments on this case
12 from myself, you may hear some arguments from the defense,
13 but once the argument phase is over you're gonna hear from
14 the judge. He's gonna instruct you on what the law is.

15 Now that's all I'm doing. I'm here to argue the
16 evidence before you and argue my case. If the defense
17 puts up a closing, that's what they're gonna do, but as
18 far as the law, the law that you will receive and the law
19 of this case, will come from the judge, and he's gonna
20 instruct you on the elements of all three of these
21 offenses.

22 We expect him to instruct you that we have the
23 burden of proof in this case. My co-counsel Mr. Norton
24 touched on it a little bit in his opening statement.
25 Again, you're gonna hear it from the judge, but we have

1 the burden of proof in this case. Us, the State of South
2 Carolina. We have to prove each element in each one of
3 those three charges beyond a reasonable doubt.

4 Members of the Jury, it's very important when you
5 deliberate that does not mean beyond all doubt. That
6 does not mean beyond any possible doubt. You do not have
7 to be 100 percent certain in order to find proof beyond a
8 reasonable doubt. Any doubt that comes in your mind must
9 be based in reason. You must be firmly convinced of the
10 defendant's guilt to render a guilty verdict.

11 Again, you're gonna hear the exact charge from the
12 judge on beyond a reasonable doubt, but, Members of the
13 Jury, you've been presented the evidence to find that
14 burden. You've been presented with the facts to find
15 that burden. You've been presented that on February 9,
16 2023, agents with the Department of Probation, Pardon and
17 Parole, Triple P, arrived at the Masters Inn looking for a
18 wanted person. You've got Agent Carter who took this be
19 stand and testified. You have to determine the credibility
20 of his testimony. You are the one that gives the weight
21 to that testimony. He told you him and his fellow agents
22 arrived at the Masters Inn looking for Ashley Hagains.
23 They didn't find her, but they had information she could be
24 in Room 208. Now I want you to remember even though they
25 did not find her, they found someone who looked similar to

1 her, who resembled her. That's why they continued to
2 investigate. In fact, Members of the Jury, in the
3 defendant's interview with law enforcement, what does he
4 say? He knows Ashley. He knew they were looking for
5 Ashley. When they said we're looking for Ashley Hagains,
6 he knew who they were talking about. Members of the
7 Jury, I submit to you they had good information. She
8 just wasn't there.

9 They enter the room. They find Mr. Richardson. They
10 find two females, Angela Nettles and Brittany Metts. You
11 heard a little bit about those two individuals, including
12 from the defendant himself. The defendant himself telling
13 you that's why he was there at the Masters Inn, telling you
14 that's why he was at 208. He was there to meet with those
15 females according to him, that's what he told you, and he
16 was there to hang out with Jeremy Jivers, who we know
17 through the facts and presentation of this case was in the
18 bathroom when Triple P arrived. So four individuals in the
19 room. So it's our job to prove beyond a reasonable doubt
20 that Brandan Richardson was one of the individuals who
21 possessed those drugs. That's our job.

22 Members of the Jury, we did present to you those
23 facts. We did present you that evidence because you saw --
24 in that room you heard you saw and you listened to the
25 testimony, you saw the photos, you watched the videos.

1 Think about what needs to be in a room for someone to have
2 ownership of it, for someone to be staying there, somebody
3 could have custody and control over items in that room.
4 Use your own life experiences, use your own common sense.
5 I'm gonna hit on common sense a little bit later, but those
6 are the tools that you need to render a verdict in this
7 case.

8 What did Brandan Richardson tell you on the stand
9 himself and what did Brandan Richardson tell you or what
10 did the evidence show you about Brandan Richardson, what he
11 had in that room. He had his clothes folded up on a table
12 near the beds in the middle of the room. Those are his
13 items in that room. He had his dog in that room. Members
14 of the Jury, he paid the owner of the hotel specifically
15 so his dog could stay in that room. I know he disputes
16 that dog food bag being his, but, Members of the Jury, his
17 belongings were in that room, he was in that room. Members
18 of the Jury, his drugs were in that room.

19 Now how do we know his drugs were in the room? Well,
20 what did we find? What did law enforcement find? They
21 found methamphetamine, fentanyl and crack cocaine all
22 together. That's important. This isn't spread out
23 throughout the hotel room. They don't do a search, flip
24 over beds, open up cabinets and find drugs spread out
25 anywhere, Members of the Jury. These drugs in that BEST

1 kit were found together, all together. Found in a rubber
2 glove in a dog food bag on that top shelf. Members of the
3 Jury, I submit to you Brandan Richardson possessed all of
4 these drugs because they were all together in his dog food
5 bag member. Because that is his dog food bag.

6 Members of the Jury, that is meth. That's Ice.
7 That's Clear. Think of the text messages that you have
8 been shown from law enforcement from the amount -- from
9 the digital forensics expert who came in here and said
10 these text messages that came from this phone, they were
11 sent from this device, the conversation was had with this
12 device and, Members of the Jury, we know it's his phone.
13 Before he took the stand you knew it was his phone, but
14 he told you it was. And he told you he's the one who
15 sent the messages. The messages of I've got Ice or --
16 I'm gonna read it exactly to you, Members of the Jury.

17 I got Down, which we know is fentanyl. I got Clear,
18 which you heard testimony is methamphetamine. And,
19 Members of the Jury, I suspect you may hear these drugs
20 belonged to Jeremy Jivers, to Jinx. Members of the Jury,
21 I submit to you that this conversation of the defendant
22 that he admitted to you is him speaking to Jinx, they're
23 talking about the prices of his methamphetamine, about
24 how he is going to obtain ounces of methamphetamine and
25 how much he is selling it for.

1 Members of the Jury, there's nothing confusing about
2 this. This is a sales pitch. This is an advertisement.
3 Not an advertisement for any norm -- for cars. Just like
4 an advertisement for a car salesman selling anything,
5 Members of the Jury, the defendant sells drugs, sells
6 these drugs. These are the ounces he's talking about.
7 This is what they're haggling over. Members of the Jury,
8 this is why they're hanging out in Room 208.

9 Members of the Jury, at this point I don't want to
10 take up too much more of your time. This case is clear,
11 the evidence is clear, but what you will hear soon from
12 the judge are the elements of this case.

13 So what exactly is trafficking because there can be
14 some confusion about what trafficking is. Well, we have
15 to prove beyond a reasonable doubt that the defendant
16 trafficked methamphetamine, that he knowingly had in his
17 possession over -- methamphetamine between 100 and
18 200 grams. We've proven that to you. He knew about it.
19 He was advertising it. It was methamphetamine and you
20 heard from Ms. Walker, the sheriff's department's chemist,
21 just over 127 grams of methamphetamine.

22 Now possession with intent to distribute is different.
23 Yes, you have to knowingly possess fentanyl and crack
24 cocaine, but we have to prove to you that there was an
25 intent to distribute those items, those items as drugs,

1 and we've proved that to you, Members of the Jury. We
2 proved that Brandan Richardson intended to distribute
3 fentanyl and crack cocaine. The same thing. He's
4 advertising it. He's selling it. That's why he's
5 there. Those are his items too because they're with his
6 methamphetamine, they're in his room. Members of the
7 Jury, that's why he has it. He intended to distribute
8 them, he intended to sell them. Why? For the same reason
9 he told Investigator Dubard in his interview because he
10 sells drugs. The same reason he sat on that stand and
11 confirmed those text messages. He sells them. He sells
12 them at a certain price. He sells them to Jinx, offering
13 to sell them to Carlie.

14 Members of the Jury, when it comes to trafficking
15 methamphetamine, possession with intent to distribute
16 fentanyl and PWID crack cocaine, we have met our burden.
17 We have proven our elements. And soon you will begin to
18 deliberate this case. You will review the evidence in
19 this case and we trust that you will render a guilty
20 verdict.

21 Thank you.

22 MR. JOHNSON: Thank you, Your Honor. May it please
23 the Court?

24 THE COURT: Yes, sir.

25 MR. JOHNSON: Well, ladies and gentlemen, I'll tell

1 you what this shows. They did a great job telling you
2 what old Jinx does. Jeremy Jivers is real interested in
3 drugs. He's on here wanting drugs. He's on the video
4 hiding in the bathroom, cussing, and where was he at?
5 Well, they did a wonderful job showing you State's
6 Exhibit 8 down by the bathroom where all the drugs were
7 at.

8 They also did a great job of having a bit of
9 evidence that I will display, State's Exhibit 1, I
10 believe.

11 Please be patient. I am impaired with technology.

12 (Pause in proceedings.)

13 MR. JOHNSON: Thank you.

14 (State's Exhibit Number 1 was played.)

15 MR. JOHNSON: You can turn the lights back on.

16 Thank you.

17 The State did a wonderful job showing you Mr. Jivers.
18 Mr. Jivers is the person, of course, identified in that
19 exhibit and it was a wonderful display of his reaction
20 once he was discovered in the bathroom.

21 But let's talk also and flip back about what they
22 failed to show you because I asked you to pay attention.
23 What did they show you? What did they fail to show you?
24 No cell phone examinations for anybody else except one
25 cell phone, only his. No interview of Jivers, and the

1 explanation well, he was in the car. I think we heard
2 that a couple of times. No interview of Mr. Jivers, the
3 man you just saw seated in the bathroom next to -- or a
4 few feet from the illegal drugs where he's using profanity
5 and becoming upset. Common sense. That's for you to
6 decide. Why is he upset.

7 Mr. Jivers was there. Mr. Jivers is on these
8 messages. Mr. Jivers is on these messages. Mr. Jivers
9 has a great interest in drugs. Old Jinx is in that
10 business and he's on that video and he was in that
11 room and there were two dog food bags. Well, it's in
12 evidence. Don't just pay attention to what they failed
13 to do, pay attention to the evidence. Examine it.
14 Jinx is interested in drugs. Jinx is all about it.
15 Old Jeremy Jivers, what about the drugs found in the
16 dog food bag right next to him in the bathroom?

17 The defendant testified. The defendant talked to
18 the police on video. The defendant came in here and
19 testified. The defendant said he had a dog food bag.
20 Puppy food. Exhibit 13. This is pretty simple I would
21 -- I would say to explain one very clear fact. My client
22 was given interviews. My client came here today and
23 testified. State's 14. My client had a puppy that eats
24 puppy food according to my client, and that makes sense.

25 What doesn't make sense is having three other people

1 in the room and saying well, the guy that's cussing and
2 flipping out down by the drugs, we're just gonna discover
3 the drugs and then not talk to him. That's what they
4 failed to do.

5 And I've -- I've said this before and I'll say this
6 again. I used to work in this courthouse. I've been
7 doing this about twenty-three years. I used to be a
8 solicitor in this courtroom. These solicitors work in
9 this building. They have to depend upon law enforcement
10 to make these cases and when the cases come in law
11 enforcement has to make decisions on who we're gonna
12 interview, what kind of evidence are we gonna collect
13 just like you see -- sometimes just like you see on TV.

14 What did I ask them about? Basic stuff you see
15 on TV. Hey, did you get any fingerprints? Well, no, we
16 didn't check for any fingerprints. Why can't you check?
17 Well, it's dangerous, a bunch of plastic materials, well,
18 we didn't check and we don't ever do that, and then one
19 witness said well, sometimes. So no fingerprints. Forget
20 about that. Touch DNA. Well, there's clothes in the
21 room. They made a big deal about clothes. Okay. Did
22 you comb through any of the clothing and look for DNA?
23 I didn't hear any testimony about that. I didn't hear
24 any testimony about anybody checking for DNA. That's
25 something they failed to do.

1 They took some pictures. They took a picture of a
2 purse. There was a lady in the room arrested for illegal
3 drugs in her purse. They talked about that. I didn't
4 hear anything about anybody checking her cell phone. But
5 there's a batch of drugs, illegal drugs, in this dog food
6 bag. So out of the four people in the room they made a
7 decision and they talked to one person down at the police
8 station and they chose not to talk to Jivers.

9 And when I was a solicitor in this courthouse, I have
10 to tell you as a solicitor in this courthouse, as these
11 solicitors have, I had investigators. So when I talked
12 earlier about the Government, they've got law enforcement
13 agencies that can help them, they can call SLED to help
14 them, they can call their investigators that they have
15 working in this courthouse to help them. They've got
16 resources. They've got labs. They've got whatever you
17 need. So as a solicitor I will say one thing that could
18 be done is to say hey, let's get an investigator to go
19 interview some people or maybe check some other cell
20 phones because this is a very serious case. Let's find
21 out what happened, who owned those drugs, but nothing
22 else was done to talk to Jivers, to check cell phones, to
23 check fingerprints. That could have been done. It was
24 not done.

25 I would argue that you have to hold this case and

1 the State to that test and you have to put them to the
2 test, judge them by what was done, what the evidence is
3 and what they failed to do. I think that's fair.

4 The information in this summary, State's 21, is
5 talking about the cell phone. My client testified.
6 There's a cell phone. He knows Jinx. Jinx is into
7 drugs. Jinx is all about drugs. But the law enforcement
8 officers made a decision to veer away from Jivers and the
9 solicitors are having to do the same thing here, veer
10 away from Jivers and let's talk about my client, talk
11 about this evidence in a way that reflects poorly on my
12 client, but not really mentioning the fact that guy down
13 there by the bathroom that's freaking out, that's Jivers.

14 The solicitor didn't talk about that on his closing
15 because the fact is there's one man in that room who was
16 losing it and then there's another man sitting on the bed
17 being calm and you can judge that for yourself.

18 I ask you-all to review this evidence very
19 carefully. I ask you, watch the videos. Remember the
20 testimony. Not just what they did, what they failed to
21 do, and how I believe they failed to carry that burden
22 beyond a reasonable doubt on every element of every
23 charge.

24 Thank you.

25 MR. COX: Let's talk about Jeremy Jivers. Jinx.

1 The defendant's friend. The guy he grew up with.
2 Members of the Jury, the guy that he is advertising the
3 sale of his drugs to. We can talk about Jeremy Jivers.
4 We're not hiding from Jeremy Jivers. He was there,
5 Members of the Jury, because he was there to get his
6 drugs from Brandan Richardson. Those are the facts.
7 This is the evidence in this case.

8 But today in this trial, Members of the Jury, your
9 duty is to determine the weight of the evidence against
10 one person and it ain't Jeremy Jivers. It is the
11 defendant.

12 You're gonna hear the law from the judge soon and
13 he's gonna give you the definition, the legal definition,
14 the law in South Carolina, on what amount to possession.
15 Members of the Jury, I suspect you're gonna hear from the
16 judge, and I want you to keep an ear out for this, that
17 two or more people can possess the same thing. Members
18 of the Jury, the drugs in this room with four people in
19 it, all four of them can possess it, but Member of the
20 Jury, one of those four -- if you want to entertain this
21 argument, one of those four is Brandan Richardson. And
22 you don't determine that because Jeremy Jivers is reacting
23 in some way with law enforcement showing up. No, you
24 determine that because of the evidence against Brandan
25 Richardson. His cell phone, his belongings, his puppy,

1 his own admissions.

2 Members of the Jury, we're asking you to review
3 the evidence that you were shown. We're asking you to
4 use your eyes and your ears. Everything that you walked
5 into this courtroom with. You didn't have to check those
6 things before you walked in like you do your cell phone,
7 like you do with a pen and pad, but one of those different
8 things that you don't have to check at the door when you
9 come into this jury box is your common sense.

10 Members of the Jury, that might be the greatest tool
11 you have when deliberating this case. What does common
12 sense tell you? You rely on it. You rely on your own
13 life experiences, you rely on your eyes, your ears and
14 your common sense. And, Members of the Jury, common
15 sense tells you take the defendant at his word. He was
16 telling Jinx how much he was selling his meth for. Those
17 are his items. Members of the Jury, common sense will
18 tell you those drugs were possessed, those drugs were
19 possessed with the intent to distribute. Members of the
20 Jury, common sense tells you those drugs were Brandan
21 Richardson's. They're his.

22 Now I know I keep mentioning it, but very, very soon
23 the judge is gonna instruct you on the law in this case.
24 I'm gonna show you exactly what our burden was on these
25 items -- or on these charges. I'm gonna start with

1 methamphetamine, Members of the Jury. The first charge,
2 trafficking methamphetamine 100 grams or more but under
3 200 grams. We have to meet these elements. This is our
4 burden of proof. This is why we brought these witnesses.
5 This is why we admitted this evidence. This is why you're
6 here.

7 Now as you can see, there are few different ways
8 you can prove trafficking. There's a few different
9 ways someone can traffic drugs, someone can traffic
10 methamphetamine. Knowingly sells, manufacturers,
11 delivers, purchases or brings into the State, or, who
12 provides financial assistance or otherwise aids abets or
13 attempts.

14 Members of the Jury, I want you to remember the
15 cell phone data, the text messages. What is he doing?
16 Possibly aiding someone to get their drugs, attempting
17 to do so, providing financial assistance. Members of
18 the Jury, you heard the testimony of the cash found on
19 Brandon Richardson by law enforcement. You heard the
20 testimony from the investigators on what through their
21 training and experience on what that cash and the way it
22 was broken down. What does that tell them? Members of
23 the Jury, you know where the money came from. You have
24 your common sense. But right here, who is knowingly in
25 actual or constructive possession of methamphetamine.

1 Members of the Jury, actual possession. Again,
2 you're gonna get the exact South Carolina legal definition
3 from the judge and that is the definition you need to
4 listen to. Members of the Jury, actual possession. I'm
5 actually possessing this marker right here. I've got it.
6 Mr. Richardson actually possessed his cell phone. You
7 heard it from him. It was in his back pocket. That's
8 his. There's no question for you to determine who else
9 may have been able to possess that.

10 Now constructive possession, is a little different.
11 The same elements. You possess it the same way, but this
12 is something that is in your custody or control. You're
13 not holding onto it, but you could, it's in your custody
14 or control. That's what we are presenting to you is
15 possession of these drugs.

16 Members of the Jury, for this first element of
17 trafficking methamphetamine, we gave you proof beyond a
18 reasonable doubt. Members of the Jury, methamphetamine
19 you heard the testimony, you heard the defendant's
20 admission as to what he had. Methamphetamine in a
21 quantity of a hundred grams or more, but less than two
22 hundred grams. I'll give you the exact number, Members
23 of the Jury. 127 grams of meth, of Clear, of Ice.
24 Members of the Jury, trafficking methamphetamine, we've
25 met our burden.

1 Possession with intent to distribute fentanyl. The
2 same thing, Members of the Jury. Multiple ways that you
3 can meet this first element. Possess with intent to
4 manufacture, distribute, dispense, deliver. Members of
5 the Jury, you've seen the text messages, you've seen the
6 evidence. You will review it again, but we've met our
7 first element. You heard the testimony from Meg Walker
8 what else was in that dog food bag, what else was in that
9 glove. Well, it's right next to the methamphetamine.
10 Fentanyl. Members of the Jury, we've met our burden for
11 PWID fentanyl.

12 Finally, PWID cocaine base. Crack cocaine. Members
13 of the Jury, he possessed it with intent. And you heard
14 the testimony from Meg Walker. 16.5 grams of fentanyl,
15 3.96 grams of crack.

16 All together, all the same, all belonging to the
17 defendant. Members of the Jury, you have everything you
18 have to find him guilty.

19 THE COURT: Before I begin, is everyone doing okay
20 over here?

21 All right. Members of the Jury, it is now my duty
22 as the trial judge to instruct you on the law applicable
23 to this case and in that regard it is your duty as jurors
24 to accept and apply the law as I now state it to you.
25 Furthermore, it is your exclusive duty to decide all the

1 issues of fact in this case and determine the effect,
2 value weight and truth of the evidence. All the parties
3 have the right to expect you will carefully consider and
4 evaluate the evidence and apply the law of this case to
5 it so that in the end all parties will receive a fair and
6 impartial trial.

7 Now during this trial you and I have separate duties
8 to perform. As the trial judge, it is my responsibility
9 to preside over this trial and rule upon the admissibility
10 of the evidence offered during the trial. As members of
11 the jury, you are to consider only the evidence before
12 you. If you have any preconceived ideas as to what the
13 law is or what you think the law ought to be and it does
14 not agree with what I now tell you the law is, you are
15 obligated under your oath to abandon those preconceptions
16 because you are sworn to accept the law as I now state it
17 to you.

18 In this trial you're the sole exclusive judge of
19 the facts. Do not infer that I have an opinion about the
20 facts in this case from anything that I have said or done
21 during the course of this trial. The law simply does not
22 permit me to have an opinion about the facts. As jurors,
23 it is your duty and your duty alone to determine the
24 effect, value, weight and truth of the evidence presented
25 during this trial.

1 Now the evidence from which you are to decide
2 the facts of in case are, one, the sworn testimony of
3 witnesses on both direct and cross-examination; two, the
4 exhibits which have been admitted into the evidence; and
5 three, any facts which all the attorneys have agreed and
6 stipulated.

7 The following things are not evidence and you
8 must not consider them as evidence in deciding the facts
9 of this case. One, statements and arguments of the
10 attorneys; two, questions and objections of the attorneys;
11 three, testimony that I instruct you to disregard; four,
12 questions and answers given during the qualification and
13 selection of the jury; and, five, allegations set forth
14 in the indictments.

15 While the argument of counsel is a beneficial part
16 of every trial, you should remember that the statements
17 made by counsel are not evidence. In presenting arguments,
18 counsel often refer to evidence; however, you should
19 base your verdict on the evidence as you remember it.
20 Therefore, if there are any conflicts between the
21 recollection of counsel about the evidence and your own
22 recollection, you should rely upon your own understanding
23 of the evidence.

24 Furthermore, evidence may be direct or
25 circumstantial. Direct evidence is testimony by a

1 witness about what the witness personally saw, heard or
2 did. Circumstantial evidence, on the other hand, is
3 indirect evidence. Stated differently, it is proof of
4 one or more facts from which one can find another fact.
5 You may consider both direct and circumstantial evidence
6 equally and crimes may be proven by circumstantial
7 evidence. The law makes no distinction between the
8 weight or value to be given to either direct or
9 circumstantial evidence; however, to the extent that
10 the State relies on circumstantial evidence, all of
11 the circumstances must be consistent with each other
12 and when taken together point conclusively to the guilt
13 of the accused beyond a reasonable doubt. If these
14 circumstances merely portray the defendant's behavior
15 as suspicious, the proof has failed. The State has the
16 burden of proving guilty beyond a reasonable doubt. This
17 burden rests with the State regardless of whether the
18 State relies on direct evidence, circumstantial evidence
19 or some combination thereof.

20 Now statements alleged to have been made by the
21 defendant have been admitted into evidence in this case.
22 The Court has determined that the statements are voluntary
23 and admissible. You must decide what weight, if any,
24 should be given to the alleged statements. You may give
25 the statements any further consideration you deem proper.

1 Now it is your job as jurors to determine the
2 credibility or believability of the witnesses who have
3 testified in this case. You must evaluate the evidence
4 and determine which evidence convinces of you its truth.

5 In determining the believability of witnesses who
6 have testified in this case, you may believe one witness
7 over many or many over one. You may believe a part of
8 the testimony of a witness and reject the remaining
9 part. You may believe the testimony of a witness in its
10 entirety or reject it in full. You may consider whether
11 the witness has an interest in the result of the trial,
12 whether the witness is prejudiced toward either party,
13 the opportunity for the witness to have seen the matters
14 and things about which the witness may testify and the
15 way the witness acts on the witness stand.

16 Now the rules of evidence ordinarily do not permit
17 witnesses to testify to opinions or conclusions. An
18 exception to this rule exists for witnesses we call expert
19 witnesses. A witness who by education and experience
20 has become an expert in some art, science, profession or
21 calling may state an opinion as to relevant and material
22 matter in which the witness claims to be an expert and
23 may also state the reasons for the opinion. You should
24 consider an expert opinion received in evidence in this
25 case like any other evidence. Give it the weight you

1 think it deserves. If you decide that the opinion of an
2 expert witness is not based on sufficient education and
3 experience or if you conclude that the reasons given in
4 support of the opinion are not sound or that the opinion
5 is outweighed by other evidence, you may disregard the
6 opinion entirely. An expert witness's testimony is to
7 being given no greater weight than that of other witnesses
8 simply because the witness is an expert. Further, you're
9 not required to accept an expert's opinion even though
10 it is not contradicted.

11 Now the indictments in this case allege three
12 different defenses against the defendant. The charges
13 are, one, trafficking methamphetamine; two, possession
14 with intent to distribute cocaine base; and, three,
15 possession with intent to distribute fentanyl. Each
16 indictment charges a separate and distinct offense. You
17 must decide each indictment separately on the evidence
18 and the law applicable to it uninfluenced by your
19 decision as to any other indictment. The defendant may
20 be convicted or acquitted on any or all of the offenses
21 charged. You will be asked to write a separate verdict
22 of guilty or not guilty for each indictment.

23 The defendant had pled not guilty to these
24 indictments and that plea puts the burden on the State
25 to prove the defendant guilty. A person charged with

1 committing a criminal offense in South Carolina is never
2 required to prove his or her innocence. I charge you
3 that it is an important rule of law that the defendant
4 in a criminal trial no matter what the seriousness of the
5 charge may be will always be presumed to be innocent of
6 the crime for which the indictment was issued unless
7 guilt has been proven by evidence satisfying of you of
8 that guilt beyond a reasonable doubt.

9 The presumption of innocence does not end when you
10 begin your deliberations, but it accompanies the defendant
11 throughout the trial unless you reach a verdict of guilt
12 based on evidence satisfying you of that guilt beyond a
13 reasonable doubt. The presumption of innocence is like a
14 robe of righteousness placed about the shoulders of the
15 defendant which remains with the defendant unless it has
16 been stripped from the defendant by evidence satisfying
17 you of the defendant's guilt beyond a reasonable doubt.
18 The presumption of innocence is not mere legal theory.
19 It's not just a legal phrase. It's a substantial right
20 to which every defendant is entitled unless you, the jury,
21 are satisfied from the evidence of the defendant's guilt
22 beyond a reasonable doubt.

23 Now the State has the burden of proving the
24 defendant guilty beyond a reasonable doubt. Some of you
25 may have served as jurors in civil cases where you were

1 told that it is only necessary to prove that a fact is
2 more likely true than not true such as by the greater
3 weight or preponderance of the evidence. In criminal
4 cases, the State's proof must be more powerful than that.
5 It must be beyond a reasonable doubt as to each element
6 of each offence charged.

7 Now what is a reasonable doubt in the law? A
8 reasonable doubt is the kind of doubt that would cause
9 a reasonable person to hesitate to act. Proof beyond
10 a reasonable doubt is proof that leaves you firmly
11 convinced of the defendant's guilt. There are very few
12 things in this world that we know of absolute certainty
13 and in criminal cases the law does not require proof
14 that overcomes every possible doubt. If, based on your
15 consideration of the evidence, you are firmly convinced
16 that the defendant is guilty of the crime charged, you
17 must find the defendant guilty. If, on the other hand,
18 you think there is a real possibility that the defendant
19 is not guilty, you must give the defendant the benefit
20 of the doubt and find him not guilty. Mere suspicion
21 however strong is not enough to sustain a conviction.
22 Suspicion implies a belief or opinion as to guilt based
23 upon facts or circumstances which do not amount to proof.

24 In order to establish criminal liability, criminal
25 intent is required. The dictionary defines intent as the

1 state of a person's mind that directs his actions toward
2 a specific object. Criminal intent must be proven by
3 the State beyond a reasonable doubt. Criminal intent is
4 always a matter that must be determined by the jury from
5 the circumstances surrounding the situation. There is no
6 way to prove intent to a mathematical certainty. There
7 is no medical science that can dissect a person's brain
8 and determine what the person had in mind, so the law
9 says that criminal intent may be inferred from the
10 circumstances shown to have existed. This is how you
11 make a determination of whether or not the element
12 requiring intent was present. Criminal intent is a
13 mental state, a conscious wrongdoing. It is up to you
14 determine what the defendant intended to do based on the
15 circumstances shown to have existed.

16 Now I'm gonna explain to you the law as it applies
17 to the charges against the defendant.

18 The defendant is charged with trafficking
19 methamphetamine. The State must prove beyond a
20 reasonable doubt that the defendant knowingly sold,
21 manufactured, cultivated, delivered, purchased, brought
22 into this state, provided financial assistance or
23 otherwise aided, abetted, attempted to conspired to sell,
24 manufacture, cultivate, deliver, purchase or bring it
25 into this state, was knowingly in actual or constructive

1 possession, knowingly attempted to become in actual or
2 constructive possession of methamphetamine. The State
3 must also prove beyond a reasonable doubt that the amount
4 of the methamphetamine was 100 grams or more but less than
5 200 grams.

6 To prove possession, the State must prove beyond a
7 reasonable doubt the defendant had both the power and
8 the intent to control the disposition or use of the
9 methamphetamine. Possession may be either actual or
10 constructive. Actual possession means that the
11 methamphetamine was in the actual physical custody of
12 the defendant. Constructive possession means that
13 the defendant had dominion and control or the right
14 to exercise dominion and control over either the
15 methamphetamine itself or the property on which the
16 methamphetamine was found. Mere presence at the scene
17 where the drugs were found is not enough to prove
18 possession. The defendant's knowledge and possession
19 may be inferred when a substance is found on the
20 property under the defendant's control. However, this
21 inference is simply an evidentiary fact to be taken into
22 consideration by you along with the other evidence in
23 the case and to be given the weight you think it should
24 have. Two or more persons may have joint possession of
25 a drug.

1 The defendant is charged with possession with
2 intent to distribute cocaine base. The State must prove
3 beyond a reasonable doubt that the defendant possessed
4 cocaine base with the intent to distribute it. To prove
5 possession, the State must prove beyond a reasonable
6 doubt the defendant had both the power and the intent to
7 control the disposition of the cocaine base. Possession
8 may be either actual or constructive. Actual possession
9 means the cocaine base was in the actual physical custody
10 of the defendant. Constructive possession means that
11 the defendant had dominion and control or the right to
12 exercise are dominion and control over either the cocaine
13 base itself or the property on which the cocaine base was
14 found. Mere presence at the scene where the drugs were
15 found is not enough to prove possession. The defendant's
16 knowledge and possession may be inferred when a substance
17 is found on the property under the defendant's control.
18 However, this inference is simply an evidentiary fact
19 to be taken into consideration by you along with the
20 other evidence in the case and to be given the weight
21 you think it should have. Two or more persons may have
22 joint possession of a drug.

23 The State must also prove beyond a reasonable doubt
24 the defendant intended to distribute the cocaine base.
25 Distribute means to deliver other than administering or

1 dispensing a drug. Intent may be shown by the acts of
2 the defendant and other circumstances from which you can
3 naturally and reasonably infer intent.

4 In determining whether the defendant had the
5 intent to distribute the cocaine base, you may consider
6 the circumstances surrounding the defendant's alleged
7 possession. You may consider the amount of the substance
8 alleged to have been possessed, the manner in which it
9 was allegedly possessed, the place where it was allegedly
10 possessed and other factors which you consider to be
11 important. You must find the defendant did not intend
12 to have the cocaine base solely for his own use.

13 Possession of more than one -- excuse me. Possession
14 of one or more grams of cocaine base creates an inference
15 that the defendant possessed the cocaine base with intent
16 to distribute it. The inference does not relieve the
17 State from proving beyond a reasonable doubt the defendant
18 had the intent to distribute. It's simply an evidentiary
19 fact to be taken into consideration by you along with
20 the other evidence in the case and to be given the weight
21 you decide it should have.

22 Now if you find that the State has failed to prove
23 beyond a reasonable doubt the defendant is guilty of
24 possession with intent to distribute cocaine base, you
25 may consider whether the defendant has proved -- whether

1 the State has proved beyond a reasonable doubt the
2 defendant is guilty of simple possession of cocaine
3 base. Simple possession does not require intent to
4 distribute the cocaine base. The State must prove
5 beyond a reasonable doubt the defendant knowingly and
6 intentionally possessed the cocaine base. Knowingly
7 means with knowledge and consciously, not accidentally.
8 Intentionally means willfully intending the result which
9 actually occurs, not accidentally or involuntary. Intent
10 may be shown by the acts and conduct of the defendant
11 and other circumstances from which you may naturally and
12 reasonably infer intent.

13 The defendant is also charged with possession with
14 intent to distribute fentanyl. The State must prove
15 beyond a reasonable doubt that the defendant possessed
16 fentanyl with the intent to distribute it. To prove
17 possession, the State must prove beyond a reasonable
18 doubt the defendant had both the power and the intent
19 to control the disposition or use of the fentanyl.
20 Possession may be either actual or constructive.
21 Actual possession means that the fentanyl was in the
22 actual physical custody of the defendant. Constructive
23 possession means that the defendant had dominion and
24 control or the right to exercise dominion and control
25 over either the fentanyl itself or the property on which

1 the fentanyl was found. Mere presence at the scene where
2 the drugs were found is not enough to prove possession.
3 The defendant's knowledge and possession may be inferred
4 when a substance is found on the property under the
5 defendant's control. However, this inference is simply
6 an evidentiary fact to be taken into consideration by
7 you along with the other evidence in the case and to be
8 given the weight you decide it should have. Two or more
9 persons may have joint possession of a drug.

10 The State also -- excuse me. The State must also
11 prove beyond a reasonable doubt the defendant intended
12 to distribute the fentanyl. Distribute means to deliver
13 other than by administering or dispensing a drug. Intent
14 may be shown by acts and conduct of the defendant and
15 other circumstances from which you may naturally and
16 reasonably infer intent.

17 In determining whether the defendant had the intent
18 to distribute fentanyl, you may consider the circumstances
19 surrounding the defendant's alleged possession, you may
20 consider the amount of the substance alleged to have
21 been possessed, the manner in which it was allegedly
22 possessed, the place where it was allegedly possessed
23 and other factors which you consider to be important.
24 You must find that the defendant did not intend to have
25 the fentanyl solely for his use.

1 Now if you find that the State has failed to
2 prove beyond a reasonable doubt the defendant guilty
3 of possession with intent to distribute fentanyl, you
4 may consider whether the State has proved beyond a
5 reasonable doubt the defendant is guilty of simple
6 possession of fentanyl. Simple possession does not
7 require the intent to distribute the fentanyl. The
8 State must prove beyond a reasonable doubt that the
9 defendant knowingly and intentionally possessed
10 fentanyl. Knowingly means with knowledge, consciously
11 and not accidentally. Intentionally means willfully
12 intending the result which actually occurs, not
13 accidentally or involuntary. Intent may be shown by
14 acts and conduct of the defendant and other circumstances
15 from which you may naturally and reasonably infer intent.

16 Now a verdict in this case cannot be based upon
17 sympathy, passion, prejudice or emotion or other some
18 other consideration not found in the evidence. I charge
19 you that as jurors you must decide the issues involved
20 in this proceeding based solely upon the evidence which
21 you hear during the course of the trial. Your verdict
22 must be without bias and without prejudice to any party.
23 You cannot allow yourself to be governed by sympathy, by
24 prejudice, by passion, by public opinion or some other
25 consideration not found in the evidence.

1 Now let me say something about your deliberations.
2 Deliberation is defined as careful consideration,
3 weighing up with a view to decision. The genius of our
4 jury system is it allows twelve good men and women from
5 twelve different backgrounds, life experiences and
6 perspectives to consider the evidence, talk about it and
7 ultimately reach a verdict. We call them deliberations
8 for a reason. You're to consider the evidence in this
9 case carefully and deliberately and discuss it in a calm,
10 thorough and courteous manner. Listen to the views of
11 your fellow jurors, consider other people's points of
12 view and talk through and discuss the evidence. And
13 remember if you're doing something deliberately, you are
14 not in a big hurry and you should not be in a big hurry
15 here. This case is very important to all the parties and
16 this trial is their only day in court.

17 When you retire to the jury room, you should discuss
18 the case with your fellow jurors to reach an agreement if
19 you can do so. Your verdict must be unanimous. Each
20 of you must decide the case for yourself, but you should
21 do so only after you've impartially considered all the
22 evidence, discussed it fully with the other jurors and
23 listened to the views of your fellow jurors. Do not be
24 afraid to change your opinion if the discussion persuades
25 you that you should, but do not come to a decision simply

1 because other jurors think it is right. It is important
2 that you attempt to reach a unanimous verdict, but, of
3 course, only if each of you can do so after having made
4 your own decision. Do not change an honest belief about
5 the weight and effect of the evidence simply to reach a
6 verdict. In other words, do not change your opinion
7 solely for the sake of reaching a unanimous verdict.

8 I will give you a copy of these instructions in
9 written form. During your deliberations you may refer to
10 the instructions to guide your decisionmaking. You must
11 consider the instructions as a whole and not follow some
12 and ignore others. Please return the instructions to the
13 Court at the time the verdict is rendered.

14 There are two possible verdicts in this case. Guilt
15 or not guilty. There is no significance whatsoever in
16 the order in which I state these possible verdicts. It's
17 simply one must be stated first.

18 Now, ladies and gentlemen, your verdict must be a
19 unanimous one.

20 Mr. Foreman, when the jury agrees on the verdict
21 you will write the verdict on the verdict form, then
22 knock on the jury room door and inform the bailiff you've
23 reached a verdict. At that time we'll receive you back
24 into the courtroom.

25 I will now ask that you return to the jury room, but

1 do not begin your deliberations until you are told to do
2 so by the clerk or bailiff. There are some matters that
3 must be discussed with the attorneys before you can begin
4 your deliberations.

5 So at this time if you'd return to the jury room.
6 Please do not discuss the case and I'll have further
7 instructions to the shortly.

8 Thank you.

9 (Whereupon, the jury retires to the jury room at
10 12:02 PM.)

11 (Court's Exhibit Number 11 was marked for
12 identification.)

13 THE COURT: All right. Any issues with the jury
14 charge?

15 MR. COX: None from the State, Your Honor.

16 MR. JOHNSON: None from the defense.

17 I was just gonna ask which alternate did you switch
18 out to put on the jury?

19 THE COURT: I appointed Juror Number 133, the first
20 alternate.

21 Do you-all want to go ahead and come up here and
22 if we can just get the evidence in order and when you-all
23 are done with that, I'll bring in the alternate juror,
24 okay?

25 I'll be right back.

1 (Recess taken at 12:03 PM.)

2 (Whereupon, the alternate jury returns to the
3 courtroom.)

4 THE COURT: Juror 115?

5 JUROR NUMBER 115: Yes.

6 THE COURT: All right. Well, we've reached the
7 point where we're ready to give the case to the jury.
8 We only lost one juror and you're second alternate, so we
9 appreciate your service. You're welcome to hang around,
10 but you're certainly free to go. On behalf of all us,
11 thank you for your attention over the last few days, okay?

12 JUROR NUMBER 115: Yeah. Thank you for having me.

13 THE COURT: Yes, sir.

14 (Whereupon, the alternate juror was excused.)

15 THE COURT: All right. Well, I'm gonna go ahead
16 and give them the case.

17 (Whereupon, the evidence and the verdict form was
18 submitted to the jury at 12:12 PM.)

19 THE COURT: All right. We'll be on standby. Thank
20 you-all.

21 MR. COX: Thank you, Your Honor.

22 (Recess taken at 12:12 PM.)

23 (Back on the record at 12:36 PM.)

24 (Court's Exhibit Number 12 was marked for
25 identification.)

1 THE COURT: All right. Please be seated.

2 All right. So I have a -- you-all come up. I do
3 this a little more casually.

4 All right. So we got a note from the jury that
5 says: If a person is paying or contributing to the
6 payment of the room, are they responsible for the
7 contents of the room?

8 So that is -- my response, and he's got -- I'm
9 gonna write a little note saying that's not a matter in
10 evidence for your consideration.

11 MR. JOHNSON: Very good.

12 MR. COX: Okay.

13 MR. NORTON: Makes sense to me.

14 THE COURT: So this will be Court's Exhibit --

15 THE COURT REPORTER: 12.

16 THE COURT: Response: That is not a matter in
17 evidence for your consideration.

18 MR. JOHNSON: That sounds good to me, Your Honor.

19 MR. COX: Well --

20 THE COURT: Maybe I said it better the first time.
21 I'm trying to remember what I said.

22 MR. COX: Is it -- would it be better just to say
23 You're only to consider the evidence presented before
24 you and --

25 MR. NORTON: Apply the law as I've instructed you.

1 MR. JOHNSON: Yeah, that's --

2 MR. NORTON: Because I think what -- I think what
3 it's getting at is an issue with constructive possession,
4 is I don't want them to think that --

5 MR. JOHNSON: Yeah. Yeah. That's perfectly good.

6 MR. COX: Yeah, because I don't want -- if they're
7 referring to something like testimony or anything like
8 that, I don't want them to read a response that says like
9 no, you're not supposed to consider that, what you heard
10 from the stand.

11 THE COURT: You are to only consider the evidence
12 before you.

13 MR. NORTON: And apply the law as I've instructed
14 you.

15 THE COURT: Perfect.

16 MR. JOHNSON: And these are 11 and 12?

17 MR. COX: 12 and 13.

18 THE COURT: The response will be Court's
19 Exhibit 13.

20 (Court's Exhibit Number 13 was marked for
21 identification.)

22 (Recess taken at 12:42 PM.)

23 (Back on the record at 1:03 PM.)

24 BAILIFF: Stay seated. Court's in session.

25 THE COURT: All right. Mr. Johnson, Mr. Cox,

1 Mr. Norton, I understand we have a verdict.

2 Anything for me before we bring the jury in?

3 MR. JOHNSON: No, sir.

4 MR. COX: Nothing from the State, Your Honor.

5 THE COURT: All right. Let's bring them in.

6 (Whereupon, the jury return to the courtroom at
7 1:12 PM.)

8 THE COURT: Please be seated.

9 Mr. Foreman, I understand you have a verdict; is
10 that correct?

11 FOREPERSON: Yes, sir.

12 THE COURT: Is your verdict unanimous?

13 FOREPERSON: Yes, sir.

14 THE COURT: Please hand it to the bailiff.

15 Madam Clerk, if you would publish the verdicts,
16 please.

17 THE CLERK: Your Honor, on Indictment
18 2023-GS-32-04179, the State versus Brandan Lamont
19 Richardson, indicted for trafficking methamphetamine,
20 we, the jury unanimously find the defendant guilty.

21 As to charge 2023-GS-32-04180, the State versus
22 Brandan Lamont Richardson, indicted for possession with
23 intent to distribute fentanyl, we, the jury, unanimously
24 find the defendant guilty.

25 And as to 2023-GS-32-04181, the State versus Brandan

1 Lamont Richardson, we, the jury, unanimously -- I'm sorry
2 -- on the charge of possession with intent to distribute
3 cocaine base, we, the jury, unanimously find the defendant
4 guilty.

5 THE COURT: All right. Mr. Johnson, anything from
6 the jury before they're discharged?

7 MR. JOHNSON: No, sir.

8 THE COURT: Anything from the State before the jury
9 is discharged?

10 MR. COX: Nothing from the State, Your Honor.

11 THE COURT: All right. Ladies and gentlemen, it's
12 Thursday. When you came in Monday morning no one really
13 knows what lays in front of you this week, but this was
14 the trial you were chosen for. I appreciate your patience
15 on Monday, which was an odd day scheduling-wise. I
16 appreciate everyone being back here on time Wednesday
17 morning after the weather delay on Tuesday. Most of all,
18 I appreciate the attention you gave to this case over
19 the last few days. Both the civil and criminal justice
20 systems can't function unless they have people like you
21 to come forward and perform this public service.

22 So on behalf of us at the courthouse thank you for
23 your service over the last few days. You're free to go
24 at this time and gather your stuff.

25 Thank you for your service.

1 Mr. Foreman, I do need to speak with you and the
2 Clerk of Court over here.

3 You-all are free to go.

4 (Whereupon, the jury was excused at 1:14 PM.)

5 THE COURT: All right. How much time do you-all
6 need to pivot for the next phase?

7 MR. COX: Your Honor, to be safe, let's say
8 five minutes.

9 THE COURT: All right. We'll just --

10 MR. JOHNSON: Do you want me to put my motions on
11 the record?

12 THE COURT: Oh, I'm -- thank you, Mr. Johnson.

13 Any post-trial motions?

14 MR. JOHNSON: I have a motion for a new trial.

15 Based on previous motions and objections, Your.

16 Honor, we move for a new trial.

17 THE COURT: All right. The record will reflect that
18 all your previous objections and motions are also being
19 renewed, correct?

20 MR. JOHNSON: Yes, sir.

21 THE COURT: Also your motion for new trial, any
22 response from the State before I say it?

23 MR. COX: Your Honor -- no response from the State,
24 Your Honor.

25 THE COURT: All right. You know, I find the

1 the record, Your Honor?

2 THE COURT: No, I was just trying to get the big
3 picture.

4 MR. COX: Would you like the certified convictions
5 made a part of the record or a Court's exhibit, please.

6 THE COURT: Yeah. Sure. Court exhibits.

7 (Court's Exhibit Number 14 and 15 were marked
8 for identification.)

9 THE COURT: Okay. Well, Mr. Johnson --

10 MR. JOHNSON: Yes, sir.

11 THE COURT: -- as I read it, there's really -- there
12 is no range on the trafficking meth. It just is what it
13 is; is that correct?

14 MR. JOHNSON: That's correct, Your Honor.

15 THE COURT: I'll be happy to hear from you.

16 MR. JOHNSON: Your Honor, just in mitigation to
17 speak about my client, this is a young man who I believe
18 his last employment was as a roofer. He's worked hard
19 jobs and he grew up -- I think went to school in Wagener,
20 grew up in the area in Cayce, has a total of three
21 children. I was in contact with his family. They could
22 not be present today for him, but I have talked to his
23 mother and I just want the Court to be aware that he
24 obviously loves his family and is a hardworking individual
25 and throughout the trial, of course, maintained his

1 innocence and we've defended him at trial. And I've
2 certainly spoke to him about all the details of what this
3 involves and there is that mandatory sentence and the
4 other two sentences. We ask the Court to run everything
5 concurrent as the Court only can do and we'd ask the
6 Court to also give him full credit. He has I think
7 337 days credit for time served.

8 And unless my client has anything to add, that's
9 all I have at this time.

10 THE COURT: Okay.

11 MR. JOHNSON: He has nothing to add, Your Honor.

12 THE COURT: Very well.

13 MR. JOHNSON: Of course, we'd ask for the minimum
14 possible on the other ones. Those are, of course, less
15 than that twenty-five on those other two. I know that
16 that's still a chunk of time, but we're asking for the
17 minimum possible.

18 THE COURT: Well, I'll certainly do concurrent.

19 MR. JOHNSON: Yes, sir.

20 THE COURT: All right. Well, we spent a couple of
21 days together this week. I want to commend the State
22 and -- the State's attorneys and Mr. Johnson for trying
23 a good case.

24 Mr. Richardson, I'm sorry you're in this position.
25 I really am. And as I said earlier to your attorney,

1 on the charge of trafficking meth there's just no Court
2 discretion. It is what the law says the sentence is.
3 I agree to run all of your sentences concurrent and give
4 you credit for 337 days, but I'll run all three concurrent.

5 On the trafficking methamphetamine, possession with
6 intent to distribute cocaine base and possession with
7 intent to distribute fentanyl -- and the fentanyl
8 sentencing sheet doesn't say fentanyl, but that's just
9 because of the statute.

10 MR. COX: That is correct, Your Honor. It should
11 read --

12 THE COURT: Narcotics, LSD, Schedule 2, that
13 language?

14 MR. COX: That's correct, Your Honor.

15 THE COURT: On all three charges the conviction is
16 25 years concurrent. All concurrent.

17 That's all.

18 MR. JOHNSON: Thank you, Your Honor.

19 MR. COX: Thank you, Your Honor.

20 (Whereupon, the proceedings were concluded for
21 January 11, 2024, at 1:38 PM.)
22
23
24
25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the hearing of the captioned case in Circuit Court
January 8th-11th, 2024.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

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

June 24, 2024

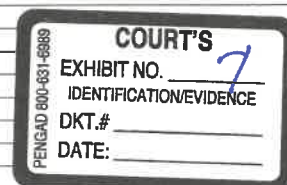
/s/ Stacy S. Johnson
STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER



Preliminary Device Report - Cellebrite Reports

Device Information

Name	Value
File System (1)	
Android ID	11db02511e3f37d
Chipset	mt6765
Model	SM-S134DL
OS	12
OS_Version	12
SecurityPatchLevel	2022-11-01
Vendor	samsung
Advertising ID #1	5ebb64ef-28f0-4af4-a38e-cd064ad27dd3
Logical	
Model	SIM
Vendor	SIM Card
ICCID	89148000008853751141
IMSI	311480834630086
ACC	0x0040 = Class 6
File System (2)	
Chipset	mt6765
Model	SM-S134DL
OS	Android 12
OS_Version	Android 12
SecurityPatchLevel	2022-11-01
Vendor	samsung
OS Version	12
Mac Address	94E1290FD8F4
ICCID	89148000008853751141
Mock locations allowed	False
Location Services Enabled	True
IMSI	311480834630086
Recovery Mode Event	2023-02-06T16:27:26.000+00:00
Recovery Mode Event	2010-01-01T00:04:15.000+00:00
Recovery Mode Event	2023-01-07T09:50:52.000+00:00
Recovery Mode Event	2022-10-04T06:05:10.000+00:00
Carrier Name	No service
MSISDN	8037305519
ICCID	89148000008702329305
Carrier Name	Searching for Service
IMEI	351966620657905
Advertising ID #1	ad96f83a-4c22-48fb-a1ba-306809b204de
Advertising ID #2	5380f717-5b81-4fca-8745-f2527ff83111
Advertising ID #3	5ebb64ef-28f0-4af4-a38e-cd064ad27dd3
Advertising ID #4	7c775b73-5cf7-48c9-8ac4-85b7cf2903aa
Bluetooth MAC Address	94E1290FD8F5
Factory number	R9WTB0GGCDK,20221115,NULL
Last known use: 2/9/2023 11:18:14 AM +00:00	
MSISDN	+18037305
Last known use: 2/9/2023 3:20:05 AM +00:00	
MSISDN	803730
Last known use: 1/5/2023 2:51:35 AM +00:00	
MSISDN	+1803674
Last known use: 1/7/2023 1:32:53 AM +00:00	
MSISDN	803674
Advanced Logical	
Android ID	11db02511e3f37d
Chipset	mt6765
Model	SM-S134DL
OS	12
OS_Version	12
SecurityPatchLevel	2022-11-01
Vendor	samsung
Detected manufacturer	samsung
Detected model	SM-S134DL
Phone revision	12 SP1A.210812.016 S134DLUDS5BWA1
IMEI	351966620657905
Advertising ID	ad96f83a-4c22-48fb-a1ba-306809b204de
Phone date/time	2/20/2023 12:23:45 PM -05:00



Client Used for Extraction	Yes
Advertising ID #1	5ebb64ef-28f0-4af4-a38e-cd064ad27dd3

User Accounts (58)

#	Source	Account Name	User name	Service Type	Creation time	Entries
1	Google Duo					
2	Chrome		bloodyslim59@gmail.com	https://sso.gtlconnect.com/	1/28/2023 3:05:26 PM(UTC-5)	
3	Chrome		bloodyslim59@gmail.com	federation://www.kayak.com/accounts.google.com	1/30/2023 9:24:50 AM(UTC-5)	
4	Chrome		bloodyslim59@gmail.com	https://www.paypal.com/	2/6/2023 9:36:04 AM(UTC-5)	
5	Chrome		gamglandslim1090@gmail.com	https://www.paypal.com/	1/18/2023 1:03:52 PM(UTC-5)	
6	Chrome			https://account.samsung.com/	1/19/2023 5:06:22 AM(UTC-5)	
7	Chrome			https://us.account.samsung.com/	1/22/2023 10:14:54 PM(UTC-5)	
8	Chrome		gamglandslim1090@gmail.com	android://EPqVUnC72PJefEbZr7tpXasZ5RamDixdGHwu1-4wrgoQSwTz2vLNRvCSFsKVlpuNMukMUNTEFFowYZe-p0zrpA==@com.enflick.android.TextNow/		
9	Chrome			https://megapersonals.eu/	1/18/2023 11:23:10 PM(UTC-5)	
10	Chrome			https://auth.uber.com/	1/27/2023 5:37:24 AM(UTC-5)	
11	Chrome		8033788996	android://zQxb6hXv1MJiC1Yyotdhi8HP-y7fwPcOLwPOWTwWKpP2VXcbsulii4iJ1KV0Dz3LzVsUuKJmYCBIAxnsPB9FA==@com.facebook.orca/		
12	Chrome		gamglandslim1090@gmail.com	android://7fmduHKTdHHRIMvldIEqAIIStfi1t35bxj1OXN5Ve8c4IU6URVu4xtSHc3BVZxS6VWWJnxMDHlfQN0N0K2NDJg==@com.google.android.gm/	1/28/2023 12:30:42 AM(UTC-5)	
13	Chrome		bloodyslim59@gmail.com	https://www.amazon.com/	1/28/2023 4:14:36 AM(UTC-5)	
14	MMS		+18037305519			Phone: +18037305519
15	MMS		8037305519			Phone: 8037305519
16	MMS		+18036749186			Phone: +18036749186
17	MMS		8036749186			Phone: 8036749186
18	Accounts		gamglandslim1090@gmail.com	com.samsung.android.co reapps		
19	Accounts		Messenger	com.facebook.messenger		
20	Accounts		Facebook	com.facebook.auth.login		
21	Accounts		100067624339119	com.facebook.auth.login		
22	Accounts		Duo	com.google.android.apps.tachyon		
23	Accounts		gamglandslim1090@gmail.com	com.microsoft.skydrive		
24	Accounts		gamglandslim1090@gmail.com	com.osp.app.signin		
25	Accounts		gamglandslim1090@gmail.com	com.samsung.android.mobileservice		
26	Accounts		gamglandslim1090@gmail.com	com.taggedapp		
27	Google Calendar		bloodyslim59@gmail.com			User ID: 112826272223508358404
28	Google Calendar		gamglandslim1090@gmail.com			User ID: 100735747943087367178
29	Samsung Cloud		gamglandslim1090@gmail.com	com.osp.app.signin		User ID: client_device_id 57d478a265a43f9977012497835e12b6 physical_device_id 5e0e33fc73823b82cea1b8f2b2ebe621 client_device_id 57d478a265a43f9977012497835e12b6 physical_device_id 5e0e33fc73823b82cea1b8f2b2ebe621 user_id y7gwprp55b
30	Samsung Internet Browser		gamglandslim1090@gmail.com	https://megapersonals.eu/		
31	Samsung Internet Browser		bloodyslim59@gmail.com	https://accounts.google.com/		

32			vnd.sec.contact.phone	vnd.sec.contact.phone		439
33			primary.sim.account_name	vnd.sec.contact.sim		
34			vnd.sec.contact.agg.account_name	vnd.sec.contact.agg.account_type		
35			gamglandslim1090@gmail.com	com.osp.app.signin		
36			gamglandslim1090@gmail.com	com.samsung.android.mobileservice		
37			gamglandslim1090@gmail.com	com.samsung.android.co.reapps		
38			Messenger	com.facebook.messenger		
39			Facebook	com.facebook.auth.login		
40			gamglandslim1090@gmail.com	com.taggedapp		
41			100067624339119	com.facebook.auth.login		
42			Duo	com.google.android.apps.tachyon		
43			gamglandslim1090@gmail.com	com.microsoft.skydrive		
44	Uber	Bloody Slim				Email: Email bloodyslim59@gmail.com Phone: Phone 8037305519 User ID: UUID 5dd64239-65ff-46c4-8ec7-b30fbc356d2e
45	Google Docs	Bloody Slim	bloodyslim59@gmail.com			User ID: 112826272223508358404
46	Google Drive	Bloody Slim	bloodyslim59@gmail.com			User ID: 112826272223508358404
47	Gmail	bloodyslim59@gmail.com				
48	CashApp	Brandon Richardson	bigfever59		10/23/2022 2:06:05 AM(UTC-4)	Web address: Cashtag URL https://cash.app/\$bigfever59 Cashtag QR Image https://cash.app/qr/\$bigfever59?v=1674046164000 User ID: Profile ID C_sad5wpmwyw Profile Picture: Photo URL https://franklin-assets.s3.amazonaws.com/apps/imgs/dVPBqn9mtY2mMkVeolkOk.jpeg Phone: Phone 8037305519
49	Text Free Ultra	Brandon Richardson				



Extraction Report - Cellebrite Reports

Participants



100077494847831
Carlie Stogner



100067624339119
Brandon Richardson (owner)

Conversation - Instant Messages (17)

From: 100067624339119 Brandon Richardson

Wats up

Status: Sent

Platform: Mobile

2/7/2023 11:40:26 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EAC7 (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

Nm just chyllin.. wassup with you?

2/7/2023 11:41:39 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EA0F (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Same here board

Status: Sent

Platform: Mobile

2/7/2023 11:42:15 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E95C (Table: messages; Size: 20520960 bytes)



From: 100067624339119 Brandon Richardson

Wya no direspect

Status: Sent

Platform: Mobile

2/7/2023 11:42:51 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E8A9 (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

Tru me too

2/7/2023 11:42:54 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EFAA (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

This is slim

2/7/2023 11:43:08 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EF08 (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

?

2/7/2023 11:43:13 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EE71 (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

How u no me

Status: Sent

Platform: Mobile

2/7/2023 11:43:57 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E73B (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Would it make a difference?

Status: Sent

Platform: Mobile

2/7/2023 11:44:28 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E7EA (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Shit I got down , clear , weed, ect

Status: Sent

Platform: Mobile

2/7/2023 11:46:01 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E675 (Table: messages; Size: 20520960 bytes)

From: System Message System Message

Audio call
11:52 AM

Attachments:



Size: 0
Path: Is ./circleicon?icon=phone-missed&iconColor=staticWhite&circleColor=black34
~~Empty File~~

Status: Sent

2/7/2023 11:52:53 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0xB07615 (Table: messages, attachments; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Wya

Status: Sent

Platform: Mobile

2/7/2023 11:53:06 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0xB0756F (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

I met you at masters wit bree

2/7/2023 4:00:13 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x13615DA (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

I wanna come chill an get fucked up wya

Status: Sent

Platform: Mobile

2/7/2023 4 01 42 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x13613C6 (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

I am by myself

Status: Sent

Platform: Mobile

2/7/2023 4 01 57 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x1361529 (Table: messages; Size: 20520960 bytes)

From: System Message System Message

Video call

4:02 PM

Attachments:



Size: 0
Path: Is //circleicon?icon=camcorder-
missed&iconColor=staticWhite&circleColor=black34
(Empty File)

Status: Sent

2/7/2023 4:02:31 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x1361491 (Table: messages, attachments; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Wats your number

Status: Sent

Platform: Mobile

2/7/2023 4 03:05 PM(UTC-5)

Source Extraction:

File System (2)

Source Info:

samsung_SM-

S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :

0x1361313 (Table: messages; Size: 20520960 bytes)



Extraction Report - Cellebrite Reports

Participants

+1803893 [REDACTED]
Jerm*

Conversation - Instant Messages (12)

To: +1803893 [REDACTED] Jerm

Who is this

Participant	Delivered	Read	Played
+1803893 [REDACTED] Jerm			

Status: Sent

2/3/2023 7:26:28 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +1803893 [REDACTED] Jerm

Jinx

Status: Read

2/3/2023 7:26:40 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893 [REDACTED] Jerm

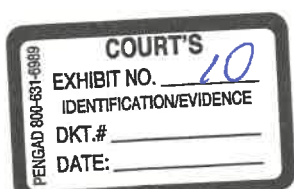
Man I thought u was a bitch

Participant	Delivered	Read	Played
+1803893 [REDACTED] Jerm			

Status: Sent

2/3/2023 7:27:33 PM(UTC-5)

Source Extraction:
Advanced Logical



To: +1803893[REDACTED] Jerm

My b Homie

Participant	Delivered	Read	Played

+1803893[REDACTED] Jerm			

Status: Sent

2/3/2023 7:27:42 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +1803893[REDACTED] Jerm

Lmao damn

Status: Read

2/3/2023 7:27:50 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893[REDACTED] Jerm

Iam about to get 6 of them things

Participant	Delivered	Read	Played

+1803893[REDACTED] Jerm			

Status: Sent

2/3/2023 7:28:06 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +180389[REDACTED] Jerm

Whats the lowest I can get them u know I can get them off and u know I sell them whole

Status: Read

2/3/2023 7:28:52 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893[REDACTED] Jerm

235

Participant	Delivered	Read	Played

+1803893[REDACTED] Jerm			

Status: Sent

2/3/2023 7:30:22 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +1803893[REDACTED] Jerm

U went from 225 to 235

Status: Read

2/3/2023 7:30:44 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +180389[REDACTED] Jerm

Listen my nigga I pay 200 a oz I ain't go lie I be charging my people 300 I serve you'll the same dope I do so u no it's go be A+ so with that bing said I got the best ice on this side of town on blood dats wat my plays say so I got no choice but to keep it bro I can jus let u ride with me and u will see wat I mean

Participant	Delivered	Read	Played
+1803893[REDACTED] Jerm			

Status: Sent

2/3/2023 7:35:22 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +180389[REDACTED] Jerm

I'm not reading all that u know I don't care im going by u was charging me 225 last week now 235 I just shot a nigha down because he wanted 230 and I knew u had 225

Status: Read

2/3/2023 7:36:55 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893[REDACTED] Jerm

Well 225

Participant	Delivered	Read	Played
+1803893[REDACTED] Jerm			

Status: Sent

2/3/2023 7:37:24 PM(UTC-5)

Source Extraction:
Advanced Logical



Cellebrite
www.cellebrite.com

Preliminary Device Report - Cellebrite Reports

Device Information

Name	Value
File System (1)	
Android ID	11db02511e3f37d
Chipset	mt6765
Model	SM-S134DL
OS	12
OS_Version	12
SecurityPatchLevel	2022-11-01
Vendor	samsung
Advertising ID #1	5ebb64ef-28f0-4af4-a38e-cd064ad27dd3
Logical	
Model	SIM
Vendor	SIM Card
ICCID	89148000008853751141
IMSI	311480834630086
ACC	0x0040 = Class 6
File System (2)	
Chipset	mt6765
Model	SM-S134DL
OS	Android 12
OS_Version	Android 12
SecurityPatchLevel	2022-11-01
Vendor	samsung
OS Version	12
Mac Address	94E1290FD8F4
ICCID	89148000008853751141
Mock locations allowed	False
Location Services Enabled	True
IMSI	311480834630086
Recovery Mode Event	2023-02-06T16:27:26.000+00:00
Recovery Mode Event	2010-01-01T00:04:15.000+00:00
Recovery Mode Event	2023-01-07T09:50:52.000+00:00
Recovery Mode Event	2022-10-04T06:05:10.000+00:00
Carrier Name	No service
MSISDN	8037305519
ICCID	89148000008702329305
Carrier Name	Searching for Service
IMEI	351966620657905
Advertising ID #1	ad96f83a-4c22-48fb-a1ba-306809b204de
Advertising ID #2	5380f717-5b81-4fca-8745-f2527ff83111
Advertising ID #3	5ebb64ef-28f0-4af4-a38e-cd064ad27dd3
Advertising ID #4	7c775b73-5cf7-48c9-8ac4-85b7cf2903aa
Bluetooth MAC Address	94E1290FD8F5
Factory number	R9WTB0GGCDK,20221115,NULL
Last known use: 2/9/2023 11:18:14 AM +00:00	
MSISDN	+18037305[REDACTED]
Last known use: 2/9/2023 3:20:05 AM +00:00	
MSISDN	8037305[REDACTED]
Last known use: 1/5/2023 2:51:35 AM +00:00	
MSISDN	+18036749[REDACTED]
Last known use: 1/7/2023 1:32:53 AM +00:00	
MSISDN	803674[REDACTED]
Advanced Logical	
Android ID	11db02511e3f37d
Chipset	mt6765
Model	SM-S134DL
OS	12
OS_Version	12
SecurityPatchLevel	2022-11-01
Vendor	samsung
Detected manufacturer	samsung
Detected model	SM-S134DL
Phone revision	12 SP1A.210812.016 S134DLUDS5BWA1
IMEI	351966620657905
Advertising ID	ad96f83a-4c22-48fb-a1ba-306809b204de
Phone date/time	2/20/2023 12:23:45 PM -05:00

52	TextNow	Brandon Richardson		Facebook Login		User ID: Facebook Id 449 465863469011127
53	Facebook Messenger	Brandon Richardson	brandonrichardson			Profile Picture: profile_picture_url https://scontent.xx.fbcdn. net/v/t39.30808- 1/271157827_246498074 281002_2967182735824 746597_n.jpg?stp=c0.58. 100.100a_cp0_dst- jpg_e15_p100x100_q65& nc_cat=103&ccb=1- 7&nc_sid=dbb9e7&nc ohc=ykiWTKi5yX0AX8Vil Mp&nc_oc=AQkoyD0w KKQiNoBd7VSnwVWyNh iBqBLs_vShrkt4yK_lC- LRUklbYIsudb0- QfDO37l&nc_ad=z- m&nc_cid=4&nc_ht=sc ontent.xx&oh=00_AfB4Lp eXcpns-HCxVmSWRY- 7xt0_lsdRCgwnV3UL6A7 FJg&oe=63C098C8 profile_picture_large_url https://scontent.xx.fbcdn. net/v/t39.30808- 1/271157827_246498074 281002_2967182735824 746597_n.jpg?stp=c0.93. 160.160a_cp0_dst- jpg_e15_p160x160_q65& nc_cat=103&ccb=1- 7&nc_sid=dbb9e7&nc ohc=ykiWTKi5yX0AX8Vil Mp&nc_oc=AQkoyD0w KKQiNoBd7VSnwVWyNh iBqBLs_vShrkt4yK_lC- LRUklbYIsudb0- QfDO37l&nc_ad=z- m&nc_cid=4&nc_ht=sc ontent.xx&oh=00_AfAJU wU5mUrBM2_02AldAZku vE0xwHNS1- 3Y2lYITL4MQA&oe=63C 098C8 User ID: Facebook Id 100067624339119
54	Google Docs	Brandon Richardson				User ID: 10073574794308736717 8
55	Google Drive	Brandon Richardson				User ID: 10073574794308736717 8
56	TikTok	brandonrichardson092	brandonrichardson092			
57	Google Docs	Branon Ricardson	branonricardson@gmail.com			User ID: 10932611213651677840 0
58	Gmail					



Cellebrite
www.cellebrite.com



Extraction Report - Cellebrite Reports

Participants



100077494847831
Carlie Stogner



100067624339119
Brandon Richardson (owner)

Conversation - Instant Messages (17)

From: 100067624339119 Brandon Richardson

Wats up

Status: Sent

Platform: Mobile

2/7/2023 11:40:26 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EAC7 (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

Nm just chyllin.. wassup with you?

2/7/2023 11:41:39 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EA0F (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Same here board

Status: Sent

Platform: Mobile

2/7/2023 11:42:15 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E95C (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Wya no direspect

Status: Sent

Platform: Mobile

2/7/2023 11:42:51 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E8A9 (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

Tru me too

2/7/2023 11:42:54 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EFAA (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

This is slim

2/7/2023 11:43:08 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EF08 (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

?

2/7/2023 11:43:13 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135EE71 (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

How u no me

Status: Sent

Platform: Mobile

2/7/2023 11:43:57 AM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x135E73B (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Would it make a difference?

Status: Sent

Platform: Mobile

2/7/2023 11:44:28 AM(UTC-5)

Source Extraction:

File System (2)

Source Info:

samsung_SM-

S134DL.zip\data\data\com.facebook.orca\databases\msys_database_100067624339119:
0x135E7EA (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Shit I got down , clear , weed. ect

Status: Sent

Platform: Mobile

2/7/2023 11:46:01 AM(UTC-5)

Source Extraction:

File System (2)

Source Info:

samsung_SM-

S134DL.zip\data\data\com.facebook.orca\databases\msys_database_100067624339119:
0x135E675 (Table: messages; Size: 20520960 bytes)

From: System Message System Message

Audio call

11:52 AM

Attachments:



Size: 0

Path: Is: //circleicon?icon=phone-missed&iconColor=staticWhite&circleColor=black34

Empty File

Status: Sent

2/7/2023 11:52:53 AM(UTC-5)

Source Extraction:

File System (2)

Source Info:

samsung_SM-

S134DL.zip\data\data\com.facebook.orca\databases\msys_database_100067624339119:
0xB07615 (Table: messages, attachments; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

Wya

Status: Sent

Platform: Mobile

2/7/2023 11:53:06 AM(UTC-5)

Source Extraction:

File System (2)

Source Info:

samsung_SM-

S134DL.zip\data\data\com.facebook.orca\databases\msys_database_100067624339119:
0xB0756F (Table: messages; Size: 20520960 bytes)

From: 100077494847831 Carlie Stogner

I met you at masters wit bree

2/7/2023 4:00:13 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x13615DA (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

I wanna come chill an get fucked up wya

Status: Sent

Platform: Mobile

2/7/2023 4:01:42 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x13613C6 (Table: messages; Size: 20520960 bytes)

From: 100067624339119 Brandon Richardson

I am by myself

Status: Sent

Platform: Mobile

2/7/2023 4:01:57 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x1361529 (Table: messages; Size: 20520960 bytes)

From: System Message System Message

Video call

4:02 PM

Attachments:



Size: 0
Path: Is //circleicon?icon=camcorder-
missed&iconColor=staticWhite&circleColor=black34
Camera Video

Status: Sent

2/7/2023 4:02:31 PM(UTC-5)

Source Extraction:
File System (2)
Source Info:
samsung_SM-
S134DL.zip\data\data/com.facebook.orca/databases/msys_database_100067624339119 :
0x1361491 (Table: messages, attachments; Size: 20520960 bytes)



Extraction Report - Cellebrite Reports

Participants

+1803893 [REDACTED]

Jerm*

Conversation - Instant Messages (12)

To: +1803893 [REDACTED] Jerm

Who is this

Participant	Delivered	Read	Played
+1803893 [REDACTED] Jerm			

Status: Sent

2/3/2023 7:26:28 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +1803893 [REDACTED] Jerm

Jinx

Status: Read

2/3/2023 7:26:40 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893 [REDACTED] Jerm

Man I thought u was a bitch

Participant	Delivered	Read	Played
+1803893 [REDACTED] Jerm			

Status: Sent

2/3/2023 7:27:33 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893[REDACTED] Jerm

455

My b Homie

Participant	Delivered	Read	Played
+18038933[REDACTED] Jerm			

Status: Sent

2/3/2023 7:27:42 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +1803893[REDACTED] Jerm

Lmao damn

Status: Read

2/3/2023 7:27:50 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893[REDACTED] Jerm

Iam about to get 6 of them things

Participant	Delivered	Read	Played
+180389[REDACTED] Jerm			

Status: Sent

2/3/2023 7:28:06 PM(UTC-5)

Source Extraction:
Advanced Logical

From: +1803893[REDACTED] Jerm

Whats the lowest I can get them u know I can get them off and u know I sell them whole

Status: Read

2/3/2023 7:28:52 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +1803893[REDACTED] Jerm

235

Participant	Delivered	Read	Played
+1803893[REDACTED] Jerm			

Status: Sent

2/3/2023 7:30:22 PM(UTC-5)

Source Extraction:
Advanced Logical

456

From: +180389 [REDACTED] Jerm

U went from 225 to 235

Status: Read

2/3/2023 7:30:44 PM(UTC-5)

Source Extraction:
Advanced Logical

To: +180389 [REDACTED] Jerm

Listen my nigga I pay 200 a oz I ain't go lie I be charging my people 300 I serve you'll the same ~~done~~ I do so u no it's go be A+ so with that bing said I got the best ice on this side of town [REDACTED] dats wat my plays say so I got no choice but to keep it bro I can jus let u ride with me and u will see wat I mean

Participant	Delivered	Read	Played
+18038933176 Jerm			

Status: Sent

2/3/2023 7:35:22 PM(UTC-5)

Source Extraction:
Advanced Logical

WITNESSES

Lexington County Sheriffs Department

Arcadeus J Dubard

Law Enforcement Case #: 23002778

DOCKET NO. 2023GS3204181

The State of South Carolina

County of Lexington

JAC

ARREST WARRANT NUMBER

2023A3210200444

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2023

THE STATE

ACTION OF GRAND JURY

vs.

Brandon Lamont Richardson

TRUE BILL

Foreperson of Grand Jury

Date: 11/13/23

CDR #: 3039

VERDICT

Indictment for

Possession With Intent to Distribute

Cocaine Base

§ 44-53-0375(B)(3)

Foreperson of Petit Jury

Date: 1/11/2024

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

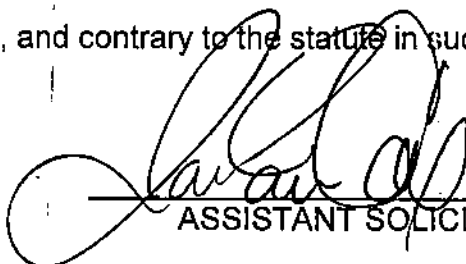
INDICTMENT FOR
Possession With Intent to Distribute Cocaine
Base

§ 44-53-0375(B)(3)

At a Court of General Sessions, convened on November 2023, the Grand Jurors of Lexington County present upon their oath:

That **Brandan Lamont Richardson** did in Lexington County, South Carolina, on or about February 9, 2023, knowingly and intentionally, manufacture, distribute, dispense, deliver, purchase, OR otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, OR possess with intent to distribute, dispense, or deliver, to wit: Cocaine Base (Crack Cocaine), a controlled substance by definition under provisions of § 44-53-111, et. Seq. Code of Laws of South Carolina 1976, as amended, all in violation of § 44-53-375 (B), Code of Laws of South Carolina 1976, as amended.

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



ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Arcadeus J Dubard

Law Enforcement Case #: 23002778

DOCKET NO. 2023GSGS3204180

The State of South Carolina

County of Lexington

JAC

ARREST WARRANT NUMBER

2023A3210200443

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2023

THE STATE

ACTION OF GRAND JURY

TRUE BILL

vs.

Brandan Lamont Richardson

Foreperson of Grand Jury
Date: 11/13/23

CDR #: 0185

VERDICT

Indictment for

Possession With Intent to Distribute
Fentanyl

§ 44-53-0370(b)(1)

Foreperson of Petit Jury

Date:

S.R. Hubbard III, SOLICITOR

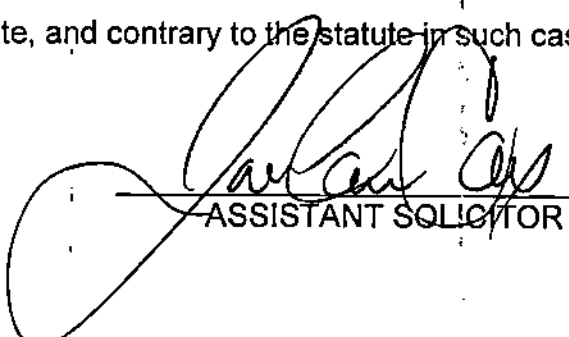
2023 NOV 9
STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

)
) INDICTMENT FOR
) Possession With Intent to Distribute Fentanyl
)
) § 44-53-0370(b)(1)

At a Court of General Sessions, convened on November 2023, the Grand Jurors of Lexington County present upon their oath:

That **Brandan Lamont Richardson** did in Lexington County, South Carolina, on or about February 9, 2023, knowingly and intentionally, manufacture, distribute, dispense, deliver, purchase, OR otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, OR possess with intent to distribute, dispense, or deliver, to wit: Fentanyl, a controlled substance classified in Schedule I(B) or (C) as defined under provisions § 44-53-110, et. Seq. Code of Laws of South Carolina, 1976, as amended, all in violation of § 44-53-370 (b)(1), Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Arcadeus J Dubard

Law Enforcement Case #: 23002778

DOCKET NO. 2023GS3204179

The State of South Carolina

County of Lexington

JAC

ARREST WARRANT NUMBER

2023A3210200442

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2023

THE STATE

ACTION OF GRAND JURY

TRUE BILL

vs.

Brandan Lamont Richardson

Foreperson of Grand Jury

Date: 11/13/23

VERDICT

CDR #: 0368

Indictment for

Trafficking Methamphetamine

§ 44-53-0375(C)(3)

Foreperson of Petit Jury

Date: 1/11/2024

S.R. Hubbard III, SOLICITOR

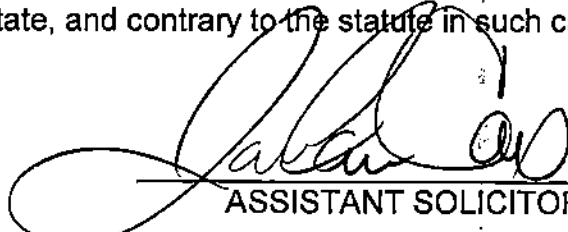
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Trafficking Methamphetamine
§ 44-53-0375(C)(3)

At a Court of General Sessions, convened on November 2023, the Grand Jurors of Lexington County present upon their oath:

That **Brandan Lamont Richardson** did in Lexington County, South Carolina on or about February 9, 2023, knowingly and intentionally, willfully and unlawfully, sell, cultivate, manufacture, deliver, purchase, or bring into this State, OR did provide financial assistance or otherwise, aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State, OR was knowingly and intentionally, in actual or constructive possession of or did knowingly and intentionally attempt to become in actual or constructive possession of Methamphetamine, a controlled substance by definition under provisions of § 44-53-110, et. Seq. Code of Laws of South Carolina 1976, as amended, in a quantity of one hundred (100) grams or more but less than two hundred (200) grams, in violation of § 44-53-375 (C)(3), Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

10-30 years and/or up to \$50,000

463

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

STATE

VS.

INDICTMENT/CASE#: 2023GS3204181

Brandon Lamont Richardson

A/W#: 2023A3210200444

AKA: _____ Date of Offense: 02/09/2023

Race: Black Sex: Male Age: 35 S.C. Code §: 44-53-375(B)(3)

CDR Code #: 3039

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 ☐ PLEADS

TO: Possession with Intent to Distribute Cocaine Base - 3rd or sub. offense

In violation of § 44-53-370(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3039

☐ 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: _____
Solicitor SC Bar # 103157 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 25 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.

337 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)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ 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

		\$
		\$
	\$100	\$100
	\$100	\$
	\$12	\$
	\$25	\$
	\$25	\$25
	\$150	\$150
	\$41	\$
	\$50	\$
	\$40/ea	\$
	TBD	\$
	\$500	\$
	TBD	\$
TOTAL		\$275.00

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____Sharon Comer, R
Stacy JohnsonPresiding Judge: _____
Judge Code: 2765
Sentence Date: 1-11-2024

10-30 years and/or up to \$50,000

465

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

STATE

VS.

INDICTMENT/CASE#: 2023GS3204180

Brandon Lamont Richardson

A/W#: 2023A3210200443

AKA:

Date of Offense: 02/09/2023

Race: Black Sex: Male Age: 35

S.C. Code §: 44-53-370(b)(1)

CDR Code #: 0185

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 ☐ PLEADS

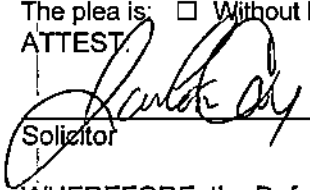
TO: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 3rd or sub. offense

In violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0185

☐ 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:  103157
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 25 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.

337 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	\$100
\$56-5-2995 (DUI Assessment)	\$12	\$12
\$56-1-286 (DUI Breath Test)	\$25	\$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	\$41
\$50-21-114 (BUI Breath Test Fee)	\$50	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$40
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$500
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 275.00

 Clerk of Court/Deputy Clerk: John Comer, Jr.
 Court Reporter: Stacy Johnson

 Presiding Judge: Wah
 Judge Code: 2765
 Sentence Date: 1-11-2024

25 years and \$50,000

467

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

STATE

VS.

INDICTMENT/CASE#: 2023GS3204179

Brandon Lamont Richardson

AW#: 2023A3210200442

AKA:

Date of Offense: 02/09/2023

Race: Black Sex: Male Age: 35

S.C. Code §: 44-53-375(C)(3)

DOB: 1988 SS#:

CDR Code #: 0368

Address:

City, State, Zip:

SENTENCE SHEET

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

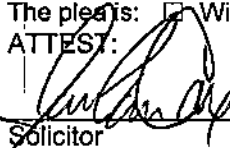
TO: Drugs / Trafficking in meth. or cocaine base - 100 g or more, but less than 200 g

In violation of § 44-53-0375(C)(3) of the S.C. Code of Laws, bearing CDR Code # 0368

☐ 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:  103157
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 25 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$ 50,000; 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.

337 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%)		\$50,000
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$53,750
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$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	\$
☐ 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		\$104,025.00

 Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: Stacy Johnson

 Presiding Judge: [Signature]
 Judge Code: 2765
 Sentence Date: 1-11-2023

CERTIFICATE OF COUNSEL FOR APPELLANT

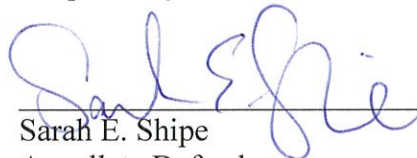
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED

Jun 20 2025

SC Court of Appeals

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of June, 2025.

RECEIVED

Jun 20 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

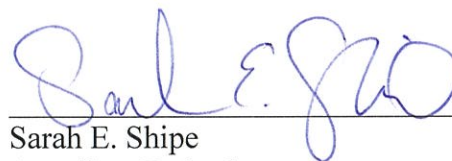
BRANDAN LAMONT RICHARDSON,

APPELLANT

APPELLATE CASE NO. 2024-000092

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Ambree M. Muller, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 20th day of June, 2025.



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT