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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TASHAN ANTIONE CARSON,

APPELLANT.

APPELLATE CASE NO. 2024-000975

RECORD ON APPEAL

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¹ Respondent designated the verdict form for inclusion in the Record on Appeal. The Spartanburg County Clerk of Court indicates the foreperson of the jury signed the verdict on the indictment in this case.

1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

IN GENERAL SESSIONS
7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

6 vs.

CASE NO. 2022-GS-42-03798
2022-GS-42-03800
2022-GS-42-03797

7 TASHAN A. CARSON,
8
9 Defendant.

10 HEARING BEFORE: HONORABLE J. DERHAM COLE

11 DATE: March 26, 2024

12 TIME: 3:44 PM

13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 TYLER BROWN, ASSISTANT SOLICITOR

22 ATTORNEYS FOR THE DEFENDANT
23 SUZANNE WHITE, ASSISTANT PUBLIC DEFENDER
24
25

1 THE COURT: Ms. White, you represent Mr. Carson?

2 MS. WHITE: I do, Your Honor.

3 THE COURT: Looks like he has five indictments;
4 burglary in the second degree, trafficking methamphetamine,
5 possession of a weapon during the commission of a violent
6 crime, possession with intent to distribute within half mile of
7 a school, unlawful possession, threatening a public official.
8 Have you and Mr. Brown had any plea negotiations in the case?

9 MS. WHITE: We have, Your Honor. Mr. Brown made an
10 offer that my client and I have reviewed and discussed at
11 length. He has rejected it.

12 THE COURT: Mr. Carson, Ms. White said she's talked
13 to you about the offer the State has made. Do you understand
14 what the offer is?

15 MR. CARSON: Yes, sir.

16 THE COURT: Are you clear on the offer?

17 MS. WHITE: Today the offer was seven but before
18 the offer was five.

19 THE COURT: I'm talking about today. I understood
20 the other one was rejected. Do you understand the offer?

21 MR. CARSON: Yes.

22 THE COURT: I have a jury downstairs, ready to come
23 up. If you reject the offer, it won't be made again. Once I
24 get the jury picked, I'm going forward. Jury finds you guilty
25 or not guilty. Won't be any more plea negotiations going on.

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1 Do you understand that?

2 MR. CARSON: Yes, sir.

3 THE COURT: Do you want to talk to Ms. White about
4 the plea offer? Or do you want to reject it?

5 MR. CARSON: One second, Your Honor.

6 MR. BROWN: Your Honor, right before they do that,
7 just to make it clear, both the trafficking and the proximity
8 for the trafficking as well as the burglary charge also have a
9 companion second count.

10 THE COURT: Y'all talk about it.

11 MR. BROWN: I was making sure there was a weapon
12 during a violent crime charge.

13 THE COURT: I thought I said that.

14 MR. BROWN: As well as burglary second.

15 THE COURT: We have two possession of a weapon
16 during the commission of a violent crime. Y'all discuss it.

17 MS. WHITE: The offer was the trafficking and
18 proximity.

19 MR. BROWN: I'll dismiss the burglary. We'll plead
20 to the rest of the stuff; the seven, yes.

21 (Off-the-record discussion.)

22 MS. WHITE: He does wish to proceed to a jury
23 trial.

24 THE COURT: Any matter we need to address before
25 the jury is brought up?

1 MR. BROWN: Not from the State, Your Honor.

2 MS. WHITE: Your Honor, I've provided a copy of our
3 jury voir dire questions to the clerk, to be marked as a
4 Court's exhibit. And I know Your Honor has a copy.

5 THE COURT: I do.

6 MS. WHITE: Not to the clerk, to our court
7 reporter.

8 THE COURT: Okay.

9 MS. WHITE: So we can have those marked.

10 MR. BROWN: Your Honor, at the bench conference,
11 you indicated you would not be asking a number of them. We're
12 in agreement with that, just for the record.

13 THE COURT: Can we bring the jury up?

14 MR. BROWN: Yes, Your Honor.

15 MS. WHITE: Yes.

16 MR. BROWN: Your Honor, before the jury comes in,
17 ten and five strikes; is that correct?

18 THE COURT: Yes.

19 (The jury panel entered the courtroom at 3:51 p.m.)

20 THE COURT: Ms. White. Mr. Brown.

21 (Off-the-record discussion was had.)

22 (A juror was brought to the bench conference.)

23 (Off-the-record discussion was had after which the
24 following proceedings were had in front of the jury panel.)

25 THE COURT: Ms. White, did you give me a witness

STATE OF SOUTH CAROLINA vs. TASHAN A. CARSON

1 list?

2 MS. WHITE: I may not have, Your Honor.

3 THE COURT: Good afternoon, ladies and gentlemen of
4 the jury panel. Thank you for your patience. We are ready to
5 begin with jury selection.

6 In the next case, it's going to require some of
7 your participation. The title of that case is State versus
8 Tashan Antione Carson. Mr. Carson has been accused of several
9 criminal offenses, although they are alleged to have arisen out
10 of one particular event or a course of events, which the State
11 alleges occurred back in March on the 22nd of 2022. But
12 they're separate individual charges.

13 I'm going to go through the indictments so you'll
14 know what the charges are. And then I'll have some questions
15 to ask you and some people to introduce to you after that.

16 Tashan Antione Carson is charged in one indictment
17 with the offense of trafficking in methamphetamine in Count 1.

18 And in Count 2, possession of a weapon during the
19 commission of a violent crime. The State alleges by way of
20 this indictment that Mr. Carson did, here in Spartanburg
21 County, on or about March 22nd of 2022, commit the crime of
22 trafficking in methamphetamine in that he did have in his
23 actual or constructive possession more than 28 grams but less
24 than 100 grams of methamphetamine, a Schedule II controlled
25 substance.

1 And the indictment further alleges, at that same
2 time, he did possess or display a firearm during the commission
3 of that particular crime of trafficking in methamphetamine.

4 A separate indictment charges Mr. Carson with
5 possession with intent to distribute methamphetamine within a
6 half mile of a public playground, park, or school. And the
7 State alleges on March the 22nd of 2022 that he did possess
8 with intent to distribute a quantity of methamphetamine, and
9 that possession with intent to distribute occurred within one
10 half mile radius of a public park, public or private
11 elementary, middle, or secondary school, public vocational or
12 trade school or technical college or private or public college
13 or university. They specifically allege it was within half
14 mile of Wofford College on North Church Street in Spartanburg.

15 A separate indictment charges Mr. Carson with the
16 crimes of burglary in the second degree and possession of a
17 weapon during the commission of that violent crime being
18 burglary in the second degree. The State alleges on March the
19 22nd of 2022, that Mr. Carson did willfully and unlawfully
20 enter a building known as the Marriott hotel located on North
21 Church Street without consent and with the intent to commit a
22 crime therein and was armed with a deadly weapon during the
23 commission of that crime.

24 And they further allege in count 2 of that
25 indictment that he did, during that commission of the burglary,

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1 visibly display a firearm.

2 A separate indictment charges Mr. Carson with the
3 unlawful carrying of a pistol. They're alleging that occurred
4 also on March the 22nd of 2022. They allege Mr. Carson did
5 willfully and unlawfully have in his possession a handgun and
6 him not being authorized to do so at that time and place.

7 And the remaining indictment alleges that
8 Mr. Carson did commit the crime of threatening the life of a
9 public official. They allege that on March the 22nd of 2022,
10 he did knowingly and willfully deliver a verbal threat to take
11 the life or to inflict bodily harm upon a James Hayes of the
12 Spartanburg Police Department, being defined as public official
13 under the law.

14 As to each of those indictments and as to the
15 charges contained therein and as to the allegations made,
16 Mr. Carson has entered a plea of not guilty. A plea of not
17 guilty places upon the State the burden of proving the
18 allegations that they have made by way of those indictments;
19 the burden of proving each of the essential elements that are
20 alleged in each of those separate indictments; therefore, the
21 burden is upon the State to establish the Defendant's guilt to
22 the satisfaction of 12 jurors beyond a reasonable doubt before
23 any verdict of guilty could be returned as to any of the
24 separate charges contained in those separate indictments.

25 We're going to be selecting 13 of you to

1 participate and to decide the facts, apply the law, and to make
2 a decision as to whether or not Mr. Carson has been proven
3 guilty of the crimes alleged against him.

4 Before we begin that selection, I'm going to
5 introduce some people to you. The purpose of the introduction
6 is to find out if any juror has any connection with any of
7 these people and whether or not you have a connection and
8 whether it would have an impact in your decision in the case if
9 you were selected to serve as a juror.

10 So as these folks are introduced to you, I'll ask
11 if you have any connection, professional, personal, employment,
12 school, social or otherwise, have you met them or do you know
13 them. We need to find out if you have a connection. Also, if
14 you have a connection with any of their respective families.

15 If you do, as that person's name is called or that
16 person is introduced, I'll ask that you please stand so that we
17 can determine what that connection is and whether or not it
18 would have any bearing on your decision in the case if you are
19 a juror.

20 First of all, as I told you, the Defendant, that is
21 the person who's accused of having committed each of these
22 offenses, is Tashan Antione Carson. Mr. Carson, if you'll
23 stand and face the jury panel.

24 (Mr. Carson complied.)

25 THE COURT: All right.

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1 Mr. Carson is represented by Suzanne White. She's
2 an Assistant Public Defender in the Seventh Judicial Circuit,
3 Public Defender's Office.

4 Presenting the case on behalf of the State is Tyler
5 Brown, who is an Assistant Circuit Solicitor in the Seventh
6 Judicial Circuit, Solicitor's Office.

7 Potential witnesses to be called in the case
8 include Jacob Jackson with the Spartanburg County Sheriff's
9 Department.

10 Ed Guthro with the Spartanburg Police Department.

11 James Hayes with the Spartanburg Police Department.

12 Savanna Fain with the Spartanburg Police
13 Department.

14 Austin Peeler with the Spartanburg Police
15 Department.

16 Brian Bourret, the former manager of the Marriott
17 hotel.

18 And Malik McLean, who's an investigator in the
19 Public Defender's Office.

20 So does any juror know anybody who's been
21 introduced and/or do you know any other person who was not
22 introduced but who is employed in both or either the 7th
23 Judicial Circuit Solicitor's Office or the 7th Judicial Circuit
24 Public Defender's Office? If so, please stand.

25 Is any member of the jury panel -- have you ever

STATE OF SOUTH CAROLINA vs. TASHAN A. CARSON

1 been or are you connected with by blood or marriage to any
2 person who has ever been employed as a law enforcement officer?
3 If so, please stand and let me know.

4 I'll start to my right. I'll work to my left.
5 Give me your name and your juror number and then tell me how
6 the question relates to you.

7 JUROR 2: I'm Paula Alcock. Juror number two. My
8 former spouse was with North Carolina Highway Patrol.

9 THE COURT: Would that have any bearing on your
10 decision in this case?

11 JUROR 2: I don't think so, sir.

12 THE COURT: Can you imagine it could?

13 JUROR 2: There's always a possibility.

14 THE COURT: We're talking about reasonable
15 probabilities. Do you think the fact that you had a law
16 enforcement connection --

17 JUROR 2: We've been divorced 20 years.

18 THE COURT: I have to leave it up to you. I can't
19 speculate about it.

20 JUROR 2: I understand.

21 THE COURT: My question is to you: Do you think
22 that connection would have any bearing in your decision in this
23 particular case?

24 JUROR 2: No.

25 THE COURT: Thank you. Yes, ma'am.

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1 JUROR 42: Number 42, Emily Cowan. It's my mom's
2 cousin. No bearing.

3 THE COURT: Employed in what department?

4 JUROR 42: North Carolina. He's a police officer.

5 THE COURT: That wouldn't have any bearing in your
6 decision?

7 JUROR 42: No.

8 THE COURT: Thank you. Be seated. Yes, sir, front
9 row.

10 JUROR 45: Juror 45. Jeffrey Crow. On my father's
11 side of the family, all my uncles, Spartanburg County,
12 Spartanburg City Police. I was also City of Police for ten
13 years.

14 THE COURT: Would any of those connections have any
15 bearing in your decision if you were selected?

16 JUROR 45: No, sir.

17 THE COURT: Thank you. Be seated. Yes, sir.

18 JUROR 131: Juror number 131, Steven Reynolds. My
19 father is a retired California Highway Patrolman.

20 THE COURT: Would that have any bearing in your
21 decision?

22 JUROR 131: No.

23 THE COURT: Thank you. Be seated.

24 JUROR 107: Juror 107, my name is William Meyer.
25 My father is retired law enforcement from the South Carolina

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1 Office.

2 THE COURT: Would that have any bearing in your
3 decision?

4 JUROR 107: No.

5 THE COURT: Thank you. Be seated. Yes, ma'am.

6 JUROR 6: Number six, my name is Shirley Austin.
7 My daughter was a police officer in Greenwood, North Carolina.

8 THE COURT: Would that have any bearing in your
9 decision in this case?

10 JUROR 6: No.

11 THE COURT: Thank you. Be seated. Yes, ma'am.

12 JUROR 23: Patricia Briggs. Number 23. My cousin,
13 is City Police Department.

14 THE COURT: Your cousin's name is what?

15 JUROR 23: Charles Hare.

16 THE COURT: Would that have any bearing in your
17 decision in this case?

18 JUROR 23: No.

19 THE COURT: Thank you. Be seated.

20 I read the allegations contained in each of the
21 indictments, and they are simply allegations. But I read the
22 indictments to you so that you'll understand what the case is
23 about and what the allegations are that have been made against
24 the Defendant. And I do that to find out if just the nature of
25 the case itself would cause any juror to be unable to be fair

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1 and impartial if you're called upon to serve in this particular
2 case.

3 Does any juror know of any reason based upon just
4 the nature of the charges why you could not be fair and
5 impartial? If so, let me know that fact.

6 Has any member of the jury panel or any member of
7 the jury's immediate family -- and immediate family member is a
8 parent or child or sibling. Have you or any members of your
9 immediate family ever been involved in a case either as a
10 victim or as an accused that related to a burglary charge or a
11 theft charge? If so, please stand.

12 Yes, ma'am.

13 JUROR 16: Long time ago in Canada. I don't know
14 if that counts.

15 THE COURT: It all depends. Were you the victim or
16 accused?

17 JUROR 16: My husband was accused of that as a
18 teenager. I don't think it went on his record. He was 17.

19 THE COURT: Your name and number?

20 JUROR 16: Elizabeth Boland. Juror 16.

21 THE COURT: Is there anything about that fact that
22 would affect your judgement in this case?

23 JUROR 16: No, sir.

24 THE COURT: Thank you. Be seated.

25 Has any member of the jury panel or any members' of

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1 your immediate family ever had any experience with the use or
2 misuse of controlled substances, legal or illegal, such that,
3 that experience would affect your ability to be fair and
4 impartial in this case based upon allegations made?

5 Any member of the panel or any members of the
6 jury's immediate family ever had an experience with the use or
7 misuse of drugs in any fashion that would affect your judgement
8 in the trial of this case if you were selected?

9 If so, let me know of that fact.

10 Has any member of the jury panel ever been involved
11 in a criminal case, either as a victim or as an accused or as a
12 witness in any fashion?

13 Have you ever been called to come to court because
14 of your involvement in a criminal case? If so, let me know
15 that fact. Yes, ma'am.

16 JUROR 42: Juror 42. I was subpoenaed as a witness
17 for attempted murder.

18 THE COURT: Was that in Spartanburg?

19 JUROR 42: Yes, Your Honor.

20 THE COURT: Did the State or the defense subpoena
21 you to testify?

22 JUROR 42: The State.

23 THE COURT: Did you have to testify in that trial?

24 JUROR 42: No, sir.

25 THE COURT: Would that experience affect your

STATE OF SOUTH CAROLINA vs. TASHAN A. CARSON

1 judgment in this case?

2 JUROR 42: No.

3 THE COURT: Thank you. Be seated. Yes, sir.

4 JUROR 133: 133, Charles Riggins. My father was
5 found guilty of manslaughter. And I was a witness for the
6 State, but I didn't testify.

7 THE COURT: Was that here or somewhere else?

8 JUROR 133: Greenville.

9 THE COURT: Is there anything about that experience
10 that would affect your judgment in this case?

11 JUROR 133: No, sir.

12 THE COURT: Thank you. Be seated.

13 Does any member of the jury panel belong to or do
14 you contribute time or money to any type of organization that
15 might be characterized as law enforcement support types of
16 organizations or victim's advocacy type groups? Do you belong
17 to any like Mothers Against Drunk Driving, Citizens Against
18 Violent Crime, Fraternal Order of Police, the Honorary
19 Sheriff's Association, the Troopers Association, or any other
20 similar type of organization?

21 Do you belong to such or do you contribute time or
22 money to any of those types of organizations? If so, let me
23 know. None responding.

24 Does any member of the jury panel know of any
25 reason whatsoever why you think you cannot be fair and

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1 impartial in this particular case if you were selected to
2 serve?

3 If so, let me know.

4 None responding. Any other questions requested by
5 the State?

6 MR. BROWN: None, Your Honor.

7 THE COURT: By the Defendant?

8 MS. WHITE: Other than the ones previously
9 submitted, Your Honor.

10 THE COURT: Tell me by number.

11 MS. WHITE: The only ones I believe that we didn't
12 maybe clarify were number three and number five. And then you
13 indicated, I believe, you would not ask six, eight or nine. Is
14 that correct?

15 THE COURT: If you say so.

16 MS. WHITE: If my memory serves.

17 THE COURT: I thought I covered three.

18 MS. WHITE: You may have.

19 THE COURT: I think it's covered. Or you're
20 protected.

21 MS. WHITE: Thank you, Your Honor.

22 THE COURT: We'll begin with jury selection. As
23 your names are called, you'll be asked to come forward. Each
24 side can present you for seating or they may ask that you be
25 excused. If both agree to have you accepted for service,

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1 you'll have a seat in the jury box to your right, to my left.
2 If either side asks that you be excused, you simply go back and
3 have a seat in the audience where you are now.

4 Please come forward as your name is called. And
5 you'll be instructed as to whether you've been accepted or
6 excused from service in the case.

7 THE CLERK: Number 137, Siobhan Rogers. What says
8 the State?

9 MR. BROWN: Please present the juror.

10 THE CLERK: What says defense?

11 MS. WHITE: Please present the juror.

12 THE CLERK: 137, William Meyer. What says the
13 State?

14 MR. BROWN: Please present Mr. Meyer.

15 THE CLERK: What says defense?

16 MS. WHITE: Please excuse this juror.

17 THE CLERK: 114, Emilee Mosso. What says the
18 State?

19 MR. BROWN: Please present Ms. Mosso.

20 THE CLERK: What says defense?

21 MS. WHITE: Please present this juror.

22 THE CLERK: Number 60. John Fullett. What says
23 the State?

24 MR. BROWN: Please present Mr. Fullett.

25 THE CLERK: What says defense?

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1 MS. WHITE: Please present this juror.

2 THE CLERK: 83, Bryshaun Jones. What says the
3 State?

4 MR. BROWN: Please present Mr. Jones.

5 THE CLERK: What says defense?

6 MS. WHITE: Please present Mr. Jones.

7 THE CLERK: 173, Katrin Wilson. What says the
8 State?

9 MR. BROWN: Please present Ms. Wilson.

10 THE CLERK: What says defense?

11 MS. WHITE: Beg The Court's indulgence.

12 (A pause transpired.)

13 MS. WHITE: Please present this juror.

14 THE CLERK: Number 19, Felisa Bowman. What says
15 the State?

16 MR. BROWN: Please excuse this juror just for this
17 case.

18 THE CLERK: 154, Stephanie Swingle. What says the
19 State?

20 MR. BROWN: Please present Ms. Swingle.

21 THE CLERK: What says defense?

22 MS. WHITE: Please present Ms. Swingle.

23 THE CLERK: Number 91, Steven Knight. What says
24 the State?

25 MR. BROWN: Please present Mr. Knight.

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1 THE CLERK: What says defense?

2 MS. WHITE: Please present this juror.

3 THE CLERK: 122, Karen Patterson. What says the

4 State?

5 MS. WHITE: Did you say 122?

6 THE CLERK: Yes, ma'am.

7 MR. BROWN: Please present Ms. Patterson.

8 THE CLERK: What says defense?

9 MS. WHITE: Beg The Court's indulgence.

10 (A pause transpired.)

11 MS. WHITE: Please present this juror.

12 THE CLERK: Number 8, Doris Ballard. What says the

13 State?

14 MR. BROWN: Please present Ms. Ballard.

15 THE CLERK: What says defense?

16 MS. WHITE: Please excuse this juror.

17 THE CLERK: 117, Laurie Neufeld. What says the

18 State?

19 MR. BROWN: Please present Ms. Neufeld.

20 THE CLERK: What says the defense?

21 MS. WHITE: Please present this juror.

22 THE CLERK: Number 24, Judy Brock. What says the

23 State?

24 MR. BROWN: Please present Ms. Brock.

25 THE CLERK: What says defense?

STATE OF SOUTH CAROLINA vs. TASHAN A. CARSON

1 MS. WHITE: I'm sorry, the number?

2 THE CLERK: 24.

3 MS. WHITE: Please present this juror.

4 THE CLERK: 121, Anthony Panzer. What says the
5 State?

6 MR. BROWN: Please present Mr. Panzer.

7 THE CLERK: What says defense?

8 MS. WHITE: Please present this juror.

9 THE CLERK: Number 110, Dee Dee Moorehead. What
10 says the State?

11 MR. BROWN: Please present Ms. Moorehead.

12 THE CLERK: What says defense?

13 MS. WHITE: Please present this juror.

14 THE COURT: First alternate.

15 THE CLERK: Number 42, Emily Cowan. What says the
16 State?

17 MR. BROWN: Please present Ms. Cowan.

18 THE CLERK: What says defense?

19 MS. WHITE: Please excuse this juror.

20 THE CLERK: Number 2, Paula Alcock. What says the
21 State?

22 MR. BROWN: Please present Ms. Alcock.

23 THE CLERK: What says defense?

24 MS. WHITE: Please present this juror.

25 THE COURT: Second alternate.

STATE OF SOUTH CAROLINA vs. TASHAN A. CARSON

1 THE CLERK: Number 35, Brian Cathcart. What says
2 the State?

3 MR. BROWN: Please present Mr. Cathcart.

4 THE CLERK: What says defense?

5 MS. WHITE: Please present this juror.

6 THE COURT: Those who have been selected, I'll ask
7 you to please go with the bailiff to a jury room. I'll bring
8 you back in just a few minutes.

9 THE BAILIFF: Follow me, please.

10 (The jury exited the courtroom.)

11 THE COURT: Are there any matters that need to be
12 addressed regarding jury selection by the State?

13 MR. BROWN: Not from the State.

14 THE COURT: By the Defendant?

15 MS. WHITE: No, Your Honor.

16 THE COURT: Those not selected, you're excused for
17 the balance for today and also excused for tomorrow. You'll be
18 asked to call back tomorrow night after 6:00. You should get a
19 piece of paper with a number on it, if you haven't already.
20 Call the number after six o'clock tomorrow night to receive
21 further reporting information.

22 Thank you again for your participation. Have a
23 good afternoon.

24 (The jury panel exited the courtroom at 4:25 p.m.)

25 THE COURT: I have a question from my jury

1 deliberating. I need Mr. Morin and Ms. O'Brien.

2 MR. BROWN: Can I step out and call Ms. O'Brien?

3 MS. WHITE: I'll check on Mr. Morin.

4 (A recess transpired.)

5 MR. BROWN: Ms. O'Brien is on her way down.

6 THE COURT: Let me bring this jury back. I'm going
7 to excuse them until the morning.

8 Bring in Mr. Carson's jury.

9 THE BAILIFF: Yes, sir.

10 (Other matters were held.)

11 (The jury entered the courtroom at 4:29 p.m.)

12 THE COURT: We're going to start this trial in the
13 morning beginning at 10:00. We have another jury out. They're
14 deliberating now. I have other matters to address unrelated to
15 this case.

16 We'll start this case in the morning at 10:00.

17 You're excused now, and asked to report back in the morning at
18 10:00. Bailiff will show you where to report.

19 In the meantime, you've already been selected. You
20 can't talk about the case with anybody. You can't go home
21 tonight and talk to family and friends about it. Can't even
22 talk to your fellow jurors about it. You can only do that when
23 you're involved in jury deliberation. That won't be until case
24 has been tried, the evidence has been received, I've instructed
25 you on the law, and I've asked you to begin deliberation.

STATE OF SOUTH CAROLINA vs. TASHAN A. CARSON

1 Remember, no discussions. Also, no research. No
2 investigation on your own about anything that might relate to
3 the case. Anytime you're involved in the trial of a case you
4 have to base your decision upon what you see and hear during
5 the trial. And you're not permitted to supplement your wealth
6 of knowledge by conducting outside research or talking to other
7 people about it. No discussions, no research, no independent
8 investigation.

9 Do have a good afternoon. Please report in the
10 morning at 10:00. You want them to jury assembly room?

11 THE BAILIFF: 2-B. That's the jury assembly. They
12 know.

13 THE COURT: You know where the jury assembly is?
14 That's where you'll be in the morning by 10:00. We'll bring
15 you up here after that.

16 Have a good afternoon. I'll see you in the morning
17 at 10:00.

18 THE BAILIFF: Follow me, please.

19 (The jury exited the courtroom at 4:30.)
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22
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STATE OF SOUTH CAROLINA vs. TASHAN A. CARSON

CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter
and Notary Public for the State of South Carolina at Large, do
hereby certify that the foregoing transcript is a true,
accurate, and complete record.

I further certify that I am neither related to, nor
counsel for, any party to the cause pending or interested in
the events thereof.

Witness my hand, I have hereunto affixed my official
seal this 14th day of November, 2024 at Spartanburg,
Spartanburg County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

1 STATE OF SOUTH CAROLINA IN GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA, VOLUME I
4 Plaintiff,
5 vs. CASE NO. 2022-GS-42-3798
6 2022-GS-42-3800
7 TASHAN ANTIONE CARSON, 2022-GS-42-3797
8 Defendant.

9
10 HEARING BEFORE: HONORABLE J. DERHAM COLE
11 DATE: March 27, 2024
12 TIME: 10:10 AM
13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306
16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:
20 ATTORNEYS FOR THE PLAINTIFF
21 TYLER BROWN, ESQ.
22 ATTORNEYS FOR THE DEFENDANT
23 SUZANNE H. WHITE, ESQ.
24
25

1

I N D E X

2

DIRECT CROSS REDIRECT RECROSS

3

WITNESS/EXAMINATION

4

PRETRIAL

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OFFICER JAMES HAYES

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BY MR. TYLER

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BY MS. WHITE

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TRIAL

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BRIAN BOURRET

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BY MR. BROWN

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BY MS. WHITE

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57, 73

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OFFICER JAMES HAYES

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BY MR. BROWN

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BY MS. WHITE

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OFFICER EDGAR GUTHRO

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BY MR. BROWN

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BY MS. WHITE

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OFFICER AUSTIN PEELER

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BY MR. BROWN

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BY MS. WHITE

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OFFICER SAVANNA FAIN

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BY MR. BROWN

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BY MS. WHITE

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E X H I B I T S

1		FOR I.D.	IN EVD.
2	STATE EXH. 1, Gun and magazines	4	26
3	STATE EXH. 2, Chain of custody and drugs	4	189
4	STATE EXH. 3, CD-Rom	4	27
5	STATE EXH. 4, CD-Rom	4	27
6	STATE EXH. 5, CD-Rom	4	27
7			
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10	COURT EXH. 1, Marriott receipt	60	60
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1 (STATE EXH. 1, Gun and magazines, was marked for
2 identification.)

3 (STATE EXH. 2, Chain of custody and drugs, was
4 marked for identification.)

5 (STATE EXH. 3, CD-Rom, was marked for
6 identification.)

7 (STATE EXH. 4, CD-Rom, was marked for
8 identification.)

9 (STATE EXH. 5, CD-Rom, was marked for
10 identification.)

11 THE COURT: Any matters to address before the jury
12 is brought in?

13 MS. WHITE: Yes, Your Honor. The defense would
14 have a motion that we need to be heard on, a motion to suppress
15 based on allegations that we make of illegal search and
16 seizure.

17 THE COURT: Why am I not told about pretrial
18 motions pretrial? Why am I told about pretrial motions after
19 the jury has been picked and ready to start? Then I've got to
20 waste the jury's time while we do the motions. I could've had
21 the jury come in later.

22 I'm not understanding why we're doing pretrial
23 motions at the time of the trial instead of pretrial like
24 they're called.

25 MS. WHITE: I apologize, Your Honor. It was a fast

OFFICER HAYES DIR BY MR. BROWN

1 and furious kind of getting ready for this.

2 THE COURT: There is nothing fast and furious about
3 it. This case has been on this docket for at least 20 days.

4 MS. WHITE: Right. And getting ready and finishing
5 up. It should not take long, Your Honor.

6 MR. BROWN: Your Honor, I can expedite by calling
7 one officer and playing nine minutes of body camera.

8 THE COURT: Let's do it. I have a jury back there.
9 I don't want to waste their time any more than I have to.

10 MR. BROWN: Your Honor, State will call Officer
11 James Hayes of the Spartanburg Police Department.

12 THE COURT: Could've done this yesterday afternoon.

13 OFFICER JAMES HAYES
14 being first duly sworn, testified as follows:

15 MR. BROWN: May it please The Court.

16 DIRECT EXAMINATION

17 BY MR. BROWN:

18 Q. Officer Hayes, I'm going to expedite this a little
19 bit just to move through this process. You understand
20 everything is being written down. Clear yes and no answers,
21 and no head shakes and head nods. You understand?

22 A. Yes, sir.

23 Q. Are you employed with the Spartanburg Police
24 Department?

25 A. Yes, I am.

OFFICER HAYES DIR BY MR. BROWN

1 Q. What are your duties at the Spartanburg Police
2 Department?

3 A. My current duties is to serve as a K-9 handler as
4 patrol capacity.

5 Q. March 22, '22, were you also employed with the
6 Spartanburg Police Department?

7 A. Yes, sir.

8 Q. What were your duties at that time?

9 A. Strictly patrol.

10 Q. You were an officer with that agency?

11 A. Yes, I am.

12 Q. On that particular day was there a point in time
13 where you were called out to the Marriott Hotel located just
14 about two blocks from here in downtown Spartanburg?

15 A. Yes, sir.

16 Q. Do you remember what you were called out in regards
17 to?

18 A. Yes, sir, for a trespassing.

19 THE COURT: Excuse me. Can you hit that button,
20 turn that microphone on.

21 THE WITNESS: Yes, sir.

22 MR. BROWN: May it please The Court.

23 THE COURT: Yes.

24 BY MR. BROWN:

25 Q. When you arrived on scene, were other officers

OFFICER HAYES DIR BY MR. BROWN

1 already on scene?

2 A. Yes, they were.

3 Q. Who was on scene?

4 A. Officer Peeler and Officer Fain.

5 Q. Those the two individuals sitting here in the
6 courtroom today?

7 A. They are.

8 Q. Was there a point in time where you made contact
9 with the Defendant, Mr. Tashan Carson?

10 A. Yes, sir.

11 Q. Is that the individual seated at the defense table
12 here today?

13 A. Yes, it is.

14 Q. Was contact already established when you arrived on
15 scene?

16 A. Yes, there was.

17 Q. Was there a point in time where y'all had contact
18 and something occurred that encouraged y'all that y'all needed
19 to make an arrest in this case?

20 A. Yes, there was.

21 Q. Can you please tell The Court about that incident.

22 A. Yes, Your Honor. Upon arrival, making contact with
23 the Defendant, officers attempted to identify the subject while
24 the Defendant was within the room. While advancing the room,
25 we know that we had already gotten complaints of the Defendant

OFFICER HAYES DIR BY MR. BROWN

1 already on the property throughout the day. So officers
2 already knew that he had been approached and told that he had
3 to leave the property.

4 So I arrived on property already knowing that there
5 was a very good possibility this subject was going to be
6 arrested.

7 Q. On the way up on the elevator, were you already
8 putting your gloves on with the intention of making an arrest?

9 A. Yes, sir.

10 Q. Once you arrived on scene and once you made contact
11 with Mr. Carson, were there additional things that occurred
12 prior to the search of this person that made y'all more
13 confident that y'all were making an arrest and ultimately had
14 y'all made an arrest?

15 A. Yes, sir.

16 Q. Please tell The Court about that.

17 A. Yes, sir. He showed non-compliance in walking away
18 from officers. Once he did so, for our safety along with the
19 civilians nearby, I did place Mr. Carson in the handcuffs.
20 When placing him in the handcuffs, he did make a threat towards
21 me that he was going to: I will fuck you up.

22 Upon that point I did state he was going to be
23 going to jail, placing him under arrest.

24 Q. Following that, did y'all search both his person as
25 well as the items that he had in his possession in that hotel

OFFICER HAYES DIR BY MR. BROWN

1 room?

2 A. We did.

3 Q. As a result of that search, did y'all locate either
4 you finding it or in your presence Officer Fain and/or Peeler
5 finding quantities of suspected drugs as well as a firearm?

6 A. Yes, sir.

7 Q. Do you wear body cam as an officer with the
8 Spartanburg Police Department?

9 A. Yes, I do.

10 Q. In advance of this trial, did you in my office
11 watch your body cam and able to confirm that it is the same
12 body cam that you turned over as a result of this incident?

13 A. Yes, I am.

14 MS. WHITE: No objection, Your Honor.

15 MR. BROWN: I'm showing exhibit number 5.

16 Permission to approach, Your Honor.

17 BY MR. BROWN:

18 Q. Is this the same body cam that you watched in my
19 office that reflected what happened March 22nd at the Marriott?

20 A. Yes, it is.

21 MR. BROWN: Your Honor, I believe this is going to
22 be without objection at trial, going into evidence. We ask to
23 publish that. It's nine minutes to play the video.

24 (Video played. Not transcribed.)

25 BY MR. BROWN:

OFFICER HAYES DIR BY MR. BROWN

1 Q. Pausing at 33 seconds. Is that Officer Fain as
2 well as Officer Peeler?

3 A. It is, sir.

4 Q. When we saw your hand going over that, is that you
5 turning your body camera on?

6 A. Yes, sir.

7 Q. Does it back up about 30 seconds before to show
8 what happened leading up to that?

9 A. Yes, it does.

10 (Video played. Not transcribed).

11 BY MR. BROWN:

12 Q. Was that when he said he was going to fuck you up?

13 A. Yes, it was.

14 Q. Is that you asking responsively whether or not
15 that's what he said?

16 A. Yes, it was.

17 Q. Is that when y'all decided he was definitely going
18 under arrest at that point?

19 A. Yes, sir, it was.

20 Q. In a short bit later, are you going to inform him
21 that he's under arrest?

22 A. Yes, sir.

23 MR. BROWN: For our court reporter, the time stamp
24 right now is 1 minute 64 seconds.

25 (Video played. Not transcribed.)

OFFICER HAYES DIR BY MR. BROWN

1 BY MR. BROWN:

2 Q. Time stamp is 4:13. It was a little quiet. Were
3 you taking him to jail, arrest, warrant for threatening life of
4 public official and trespass?

5 A. Yes.

6 Q. While we're paused, did y'all's office have a
7 policy before you take someone to the jail about searching
8 their person and the items you're going to be putting in your
9 patrol car to make sure you know what you're putting in there
10 and whether or not there's any contraband?

11 A. Yes, sir.

12 Q. Please tell The Court about that.

13 A. We have a policy that we always search incident to
14 arrest. Once someone is placed under arrest, we do search
15 their person and any property they have on them at the time,
16 any type of objects or anything of evidentiary value and/or
17 property before it goes into the jail for safety reasons.

18 Q. At this stage, did y'all open any bags? Did y'all
19 search his person, anything of that nature?

20 A. I did not.

21 Q. I saw Officer Fain opening some things. Was she
22 doing a protective sweep?

23 A. Yes, sir.

24 Q. Y'all had not opened his bags, not checked his
25 pockets or anything at this point?

OFFICER HAYES DIR BY MR. BROWN

1 A. No, sir, I did not.

2 Q. He's now under arrest?

3 A. Yes, sir.

4 (Video played. Not transcribed.)

5 BY MR. BROWN:

6 Q. You just said search incident to arrest?

7 A. Yes, I did.

8 (Video played. Not transcribed).

9 BY MR. BROWN:

10 Q. Time stamp 5:02. Officer Fain, did she just now
11 locate in your proximity a firearm in the bag that he had
12 recently picked up?

13 A. Yes, she did.

14 Q. Is that ultimately in evidence?

15 A. Yes, sir.

16 Q. This was after he was placed under arrest?

17 A. Yes, sir.

18 (Video played. Not transcribed.)

19 BY MR. BROWN:

20 Q. What you're handing there to Officer Peeler looks
21 like a headphone case or something to that effect?

22 A. Yes.

23 Q. Do you remember where you had taken that off the
24 Defendant?

25 A. Yes, sir, out of his left pocket.

OFFICER HAYES DIR BY MR. BROWN

1 Q. Our time stamp is 6:34. At a later point does the
2 Defendant acknowledge it came out of his left front pocket?

3 A. Yes, he did.

4 Q. Did you take that out of his left front pocket
5 after he was placed under arrest?

6 A. Yes, I did.

7 (Video played. Not transcribed).

8 BY MR. BROWN:

9 Q. It's somewhat quiet at seven minutes, 33 seconds
10 after Officer Peeler said: Where was that?

11 Was that you or the Defendant saying my front
12 pocket?

13 A. That was the Defendant.

14 Q. I think we can pretty much stop it there. Was that
15 the suspect drugs that was found on the person?

16 A. Yes, sir.

17 Q. Those were in your presence. You took them out of
18 his pocket. Officer Peeler, standing three feet away from you,
19 opened the phone case that had what was suspected to be and
20 we'll be later offering testimony was a large quantity of
21 methamphetamine?

22 A. Yes, sir.

23 Q. This all happened in Spartanburg?

24 A. Yes, sir.

25 Q. From the first second that y'all started searching

OFFICER HAYES CROSS BY MS. WHITE

1 him until the point you found the gun as well as the drugs,
2 this was all after he had been notified that he was under
3 arrest. Y'all's intentions were to take him to our detention
4 center for, bare minimum, trespassing but absolutely for
5 threatening the life of a public official?

6 A. Yes, sir.

7 MR. BROWN: Please answer any questions Ms. White
8 has for you.

9 CROSS-EXAMINATION

10 BY MR. WHITE:

11 Q. Officer Hayes, when you got there, are you aware of
12 how long it had been that Officers Fain and Peeler had been
13 there?

14 A. Approximately a few minutes.

15 Q. And were you aware of their conversations with him
16 in regards to him identifying himself and given a name to them?

17 A. Not until I arrived on scene.

18 Q. When you arrived on scene, you specifically asked
19 him what his name was; is that right?

20 A. Yes, ma'am.

21 Q. And he spelled his first name?

22 A. Yes, ma'am.

23 Q. And he was standing there talking to you. Officer
24 Peeler then kind of spoke up and said: Look, we know you're
25 lying, we know you didn't have a room. Just go ahead and tell

OFFICER HAYES CROSS BY MS. WHITE

1 us about it.

2 It appeared that the radio was kind of loud. So it
3 looked like Mr. Carson said: Can you turn the radio down. Is
4 that accurate?

5 A. Yes, ma'am.

6 Q. At that time Officer Peeler turned the radio up
7 actually. And then Mr. Carson made some, I guess, movement
8 towards his ears like it was too loud?

9 A. Yes, ma'am.

10 Q. Did you hear Mr. Carson at that point say: Fine,
11 I'll just get my bag and leave?

12 A. I did not.

13 MS. WHITE: Can you go back. It may be that it
14 might be easier heard on Officer Fain's video.

15 Can you go back to 110. This was on her body cam.

16 MR. BROWN: 106 is where we are starting.

17 (Video played. Not transcribed.)

18 MS. WHITE: Right there. If you would pause it.

19 BY MS. WHITE:

20 Q. At that moment, it was kind of soft. He directed,
21 pointed towards the back and indicated: I'll just get my bag?

22 A. I could hear: I'll grab my bag. I couldn't make
23 out anything else.

24 Q. At that point Mr. Carson had not been violent
25 acting to y'all?

OFFICER HAYES CROSS BY MS. WHITE

1 A. No, ma'am.

2 Q. You had not received any reports that he was acting
3 violent. In fact, you had just received a report that he might
4 be in a room he wasn't supposed to be; is that right?

5 A. Evasive.

6 Q. When you say evasive, you're saying evasive to you
7 or to others?

8 A. Marriott employees along with other officers per a
9 call earlier, prior to this one.

10 Q. We don't have any record of that call. There's no
11 reports?

12 A. Just my knowledge.

13 Q. I'm sorry?

14 A. Just my knowledge.

15 Q. So that was something you were told; right?

16 A. Yes, ma'am. I was on shift and heard it come out.

17 Q. At that point y'all didn't know if he had a room;
18 is that right?

19 A. No, ma'am.

20 Q. Or if he had a room or had a room that night?

21 A. No, ma'am, I did not.

22 Q. You immediately, as he goes into the room to say,
23 I'll get my bags and leave, you go in the room and say: He's
24 going into cuffs?

25 A. Yes, ma'am.

OFFICER HAYES CROSS BY MS. WHITE

1 Q. As you start to put him in cuffs, he has the bag
2 over his shoulder. All indications look like he was just
3 putting the backpack over his shoulder. He never tried to
4 reach in it; right?

5 A. No, ma'am.

6 Q. He didn't unzip it?

7 A. No, ma'am.

8 Q. It appeared that he was putting on the shoulder,
9 turning around to leave as he indicated?

10 A. He did put it over his shoulder.

11 Q. At that point he did ask you what he was going in
12 cuffs for; is that right?

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

14 Q. You said you're going into investigative detention?

15 A. Yes, ma'am.

16 Q. Officer Peeler said: You refused to identify
17 yourself. Do you recall him saying that?

18 A. I don't recall his exact verbiage, no, ma'am.

19 MS. WHITE: Can you pull it up to 122.

20 (Video played. Not transcribed.)

21 BY MS. WHITE:

22 Q. Right there, did you hear him say: You didn't
23 identify yourself?

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

25 Q. You weren't aware that previously he had given his

OFFICER HAYES REDIR BY MR. BROWN

1 name to Officer Peeler?

2 A. No, ma'am, not clearly anyway.

3 Q. Maybe once or twice 'cause you came after that;
4 right?

5 A. Yes, ma'am.

6 Q. In fact, when you got there, he was identifying
7 himself to you, at least spelling his first name?

8 A. Yes, ma'am.

9 MS. WHITE: Beg The Court's indulgence.

10 (A pause transpired).

11 BY MS. WHITE:

12 Q. At that point you're testifying that you placed him
13 in cuffs because of concerns with safety. He had identified
14 himself, had not indicated any kind of violence. There hadn't
15 been any report of violence. No indication of criminal
16 activity outside of perhaps a trespassing; is that right?

17 A. Yes, ma'am.

18 MS. WHITE: I believe that's all the questions I
19 have right now for Officer Hayes.

20 MR. BROWN: Briefly.

21 REDIRECT EXAMINATION

22 BY MR. BROWN:

23 Q. Trespassing is a criminal offense?

24 A. It is.

25 Q. You've just been asked a number of questions about

OFFICER HAYES REDIR BY MR. BROWN

1 things if you knew that you would've found out in an
2 investigation; correct?

3 A. Yes, sir.

4 Q. Were y'all investigating whether or not a
5 trespassing was occurring that day?

6 A. Yes, sir, we were.

7 Q. As you testified earlier, were you going to that
8 room with the intention of: I may very well be placing this
9 individual under arrest?

10 A. Yes, sir.

11 Q. Before y'all could finish your investigation, did
12 he walk away from you?

13 A. Yes, sir.

14 Q. Did he grab a bag?

15 A. Yes, sir.

16 Q. Do you have x-ray vision?

17 A. No, sir.

18 Q. Did you know what was in that bag?

19 A. No, sir.

20 Q. Ultimately, was a gun in that bag?

21 A. Yes, sir.

22 Q. Is that officer safety you're talking about?

23 A. It is.

24 Q. Were y'all investigating this offense?

25 A. Yes, sir.

OFFICER HAYES REDIR BY MR. BROWN

1 Q. By the way, did y'all just randomly walk into that
2 hotel that day, or were y'all called out by the hotel because
3 of allegations of trespassing?

4 A. We were called out.

5 Q. This wasn't y'all's, I guess, proactivity policing,
6 going after whomever is in any hotel room. Y'all were asked to
7 come out there?

8 A. Yes, sir.

9 Q. While y'all were investigating, he walked away from
10 you, grabbing a bag you didn't know what was in it. That's
11 when you placed him in detention, custody?

12 A. Yes, sir.

13 Q. It's at that point that he said he was going to
14 fuck you up?

15 A. Yes, sir.

16 Q. That's when he went under arrest?

17 A. Yes, sir.

18 Q. Prior to that, had y'all searched him?

19 A. We did not.

20 Q. After that, did y'all search him?

21 A. Yes.

22 Q. Ultimately, what's going to be State's 1 and 2, the
23 drugs and a gun, were those found that day?

24 A. Yes, sir.

25 MR. BROWN: No further questions.

OFFICER HAYES RECROSS BY MS. WHITE

1 MS. WHITE: Just briefly follow-up, Your Honor.

2 RECROSS-EXAMINATION

3 BY MS. WHITE:

4 Q. At the time you said -- again, at the time you
5 didn't know there was a gun. We're talking about after the
6 fact. We know that.

7 At the time you're determining if you're going to
8 put him in investigative detention, at that point you said he
9 walked away from you. He was in an enclosed room; correct?

10 A. Yes, ma'am.

11 Q. So he walked further into the room, not outside
12 like he was trying to escape or evade y'all or get away from
13 the police?

14 A. That's correct. He did walk further into the room.

15 Q. At that point there were three police blocking the
16 door; is that right?

17 A. We weren't blocking the door.

18 Q. Well, I mean, in the room, in the sense of in the
19 area between him and the hallway?

20 A. Yes, ma'am.

21 Q. Again, he grabbed his bag and put it over his
22 shoulder as a backpack. He did not reach in there, make any
23 indications that he was making any quick movements to unzip the
24 bag or try to open the bag to retrieve anything from it?

25 A. I can't say what he was going to do. I placed him

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1 in handcuffs before he could do anything further.

2 Q. At the time when you see him, you see him put the
3 bag over his shoulder and maybe take a step. That's about all
4 we see?

5 A. Yes, ma'am.

6 MS. WHITE: That's all I have, Your Honor.

7 MR. BROWN: I think we made our point. Your Honor,
8 State believes that's the evidence we need to establish
9 probable search.

10 THE COURT: You may step down. Thank you, sir.

11 (The witness exited the stand.)

12 MR. BROWN: Your Honor, may I return the disk back
13 to the court reporter so I don't accidentally hold on to it and
14 lose it.

15 THE COURT: Please do.

16 Any additional evidence to be presented by the
17 State?

18 MR. BROWN: Your Honor, the State would not offer
19 any additional evidence at this time.

20 THE COURT: The Defendant?

21 MS. WHITE: I'm sorry?

22 THE COURT: Do you have any evidence you would like
23 to offer?

24 According to my panel here, this microphone is at
25 full tilt. I don't understand why it's not broadcasting.

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1 MS. WHITE: We would have argument.

2 THE COURT: Okay. Let me hear your argument.

3 MS. WHITE: Our argument is that, at this point,
4 Mr. Carson -- there was a complaint, perhaps, that he had been
5 in the hotel, was in a room that he had not rented, I guess is
6 the best way to say it. There is some discussion that there
7 had been previously reports. Obviously, that's information we
8 don't have other than Officer Hayes saying that he had heard
9 that. There are no reports of any violent behavior. There's
10 no report of anything other than him being there and them
11 thinking he didn't belong, basically, is what I understand the
12 argument to be for why they went over there.

13 Your Honor, when they get there, they ask him to
14 identify himself. He did identify himself multiple times, to
15 our belief, trying to comply with officers. He stood there
16 very calmly. And as they continued to kind of say, we don't
17 believe you, we know you didn't have a room, he says: Fine,
18 I'll get my bag and leave.

19 He had told them in the video: I have a room. I
20 don't have a receipt.

21 And then he was trying to communicate with them
22 with the radios going off. He had given his name. He
23 identified himself. He had spelled his name. And then he
24 walked in the room and said: I'll get my bag and leave.

25 At that point they put him in handcuffs. Your

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1 Honor, we would argue that there wasn't a reasonable suspicion
2 that he was going to do anything that required any kind of
3 Terry frisk for safety or anything. There were no articulable
4 points that they made that he had done any behavior that would
5 cause them to think it was necessary to detain him at that
6 point more so than just continue to talk. And at that point,
7 Your Honor, we would argue that anything kind of that occurs
8 after that should be suppressed because that was, in our
9 opinion, an illegal detention, Your Honor.

10 THE COURT: Mr. Brown.

11 MR. BROWN: Your Honor, may it please The Court.
12 Your Honor seen the video, the officers arrived on scene. They
13 attempted to investigate, exactly the same questions that
14 Ms. White asked on her cross-examination about what information
15 they did or did not have. He, I would contend, was evasive to
16 that and ultimately walked away from investigators or from
17 officers who were trying to investigate whether or not he was,
18 in fact, not trespassing.

19 At this point their information is that he is. He
20 walked away, grabbed a bag. That's a clear officer safety
21 issue. They don't know, A, what he's going into that room to
22 get; B, what he has just now picked up. Their reasons for
23 detaining him are perfectly clear. It was enunciated by our
24 officer there's officer safety issues.

25 They are continuing the exact investigation that

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1 Ms. White in her cross-examination was asking what information
2 they did or did not have. They were trying to get that
3 information. He tried walking away.

4 Before they could continue, he made a threat, a
5 criminal offense under South Carolina law. He was informed he
6 was under arrest. It was only after that they searched. Your
7 Honor, we believe it was a lawful detention, we believe a
8 lawful arrest. And their policy is very clear for good reasons
9 they search incident to arrest.

10 THE COURT: Ms. White.

11 MS. WHITE: Your Honor, other than the fact we
12 would argue -- I know there is case law, I think, that says
13 when an illegal arrest or illegal detention has been held,
14 items that occur after that are not necessarily excluded.
15 There has to be some kind of intervening act.

16 I know they're arguing that the subsequent, what
17 they allege, threat is an intervening act. We would argue that
18 at that point he was responding to the unlawful detention that
19 he felt he was being placed in at that time.

20 We believe that anything that occurred after that,
21 essentially, is the fruit of the poisonous tree to use an
22 overused phrase. That should be excluded based on that illegal
23 detention that he did not indicate, make any kind of movements.
24 He didn't try to open a bag. He didn't try to speak loudly.
25 He was giving his name. He was complying with them. And then

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1 offered to get his bag and leave. That was the point that they
2 decided to put him in cuffs. We would argue that was improper.

3 THE COURT: Based upon the evidence presented, I
4 don't find anything unreasonable about the police conduct in
5 the case. The search, which produced the evidence that the
6 State intends to offer into evidence, was the result of a
7 search incident to a lawful arrest. And, therefore, your
8 motion to suppress is denied.

9 MS. WHITE: Thank you, Your Honor.

10 THE COURT: I would love the video to be louder.

11 (Off-the-record discussion.)

12 MR. BROWN: Your Honor, one brief housekeeping
13 before the jury comes in. Your Honor, there has already been
14 pre-marked five exhibits the State intends to offer. State 1
15 is firearm. Two is the drugs. Three, four, and five are the
16 body cameras, the three individual body cams.

17 I believe one, three, four, five are going to be
18 without objection. I'll still lay the foundation. I want to
19 have them into evidence so that there's no question.
20 Understandably Ms. White wants us to make sure we establish the
21 full chain on the drugs. We have all the witnesses to do that.
22 One, three, four, five I believe are without objection.

23 MS. WHITE: That is correct, Your Honor.

24 (STATE EXH. 1, Gun and magazines, was entered into
25 evidence.)

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1 (STATE EXH. 3, CD-Rom, was entered into evidence.)

2 (STATE EXH. 4, CD-Rom, was entered into evidence.)

3 (STATE EXH. 5, CD-Rom, was entered into evidence.)

4 THE COURT: Anything else to address before the
5 jury is brought in?

6 MR. BROWN: No, sir, Your Honor.

7 MS. WHITE: No, sir, Your Honor.

8 THE DEPUTY: Is there a gun in that box?

9 MR. BROWN: I asked evidence to make sure there's a
10 gun lock going through it. And the officer who is going to
11 show it, I will have him confirm the firearm is inoperable.

12 THE COURT: Let's have a look at it right now.

13 MR. BROWN: I'll aim it towards the ground.

14 THE COURT: Give it to Mr. Gibbs.

15 MR. BROWN: Out of habit, I still ask the officer
16 on the stand. I've already instructed any officer who touches
17 it, don't point anything. They will aim it towards the ceiling
18 or ground.

19 THE COURT: I feel confident that the officers know
20 that. I'm less confident that the lawyers know that because
21 I've had that happen in court and had to ask them not to do it.

22 MR. BROWN: I promise not to point.

23 THE COURT: Let's be certain that we don't point
24 even a locked and unloaded firearm at anyone.

25 MR. BROWN: We'll be following that rule strictly

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1 on our side

2 THE COURT: Bring the jury in.

3 (The jury entered the courtroom at 10:41 a.m.)

4 THE COURT: Good morning. We have a lot of
5 technology. We have a lot of microphones in the courtroom.
6 Right now this is turned up full blast. Yesterday it was
7 working fine. Today it's not. I don't know why. I don't know
8 anything about it. We're going to have somebody check on it --

9 If at any time there comes a time where you can't
10 hear clearly, let me know. Raise your hand. Because it's
11 important to hear everything. And I'm not exactly certain why
12 it's not working. It's working somewhat, not like it was
13 yesterday, which is odd to me.

14 Nevertheless, we are ready to begin with the trial
15 of the case for which each of you have been selected. And
16 Ms. Brock, I'm going to ask you to serve as the foreperson of
17 the jury. As the foreperson, you're going to have three
18 specific duties that the other jurors do not have.

19 Number one, you'll be asked to serve as the
20 spokesperson for the jury. That just means, if something
21 arises during the trial, you or a fellow juror have some
22 difficulty, problem or question, you're going to be the person
23 to let me know that fact. You do it directly if you're here in
24 the courtroom. Do it through the bailiff if you're outside the
25 courtroom.

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1 Secondly, you'll be called upon to preside over
2 jury deliberations when the time comes at the trial's end.
3 You'll be presiding over that process simply to ensure that the
4 jury deliberations are carried out in some orderly fashion.
5 All jurors are expected to participate in those deliberations
6 because the verdict is unanimous consensus opinion of all 12.

7 Thirdly, you'll be asked to actually write the
8 decisions of the jury. You'll do that on a verdict form or
9 verdict forms that I'll provide you at the trial's conclusion
10 on which you will indicate the jury's unanimous decision as it
11 relates to that particular charge.

12 As I said, the foreperson is going to have those
13 duties that I just indicated. That doesn't mean she's any more
14 important than any of you other jurors. That's because, as I
15 told you, any verdict the jury reaches has to be unanimous.
16 All 12 of you must be in agreement. All of you will have an
17 equal say and equal vote in what the ultimate decisions will be
18 in this case. Someone simply has to be delegated those duties
19 that I just indicated.

20 Ms. Alcock and Mr. Cathcart, each of you have been
21 selected as alternate jurors. And the function of alternate
22 jurors is to take the place of one of the original 12 if,
23 during the trial, one of these 12 cannot continue to serve.
24 One or both of you might be called upon to serve as the 12th
25 juror. In that event you would participate throughout the

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1 trial, including the jury deliberations at the trial's
2 conclusion.

3 However, if at the end of the trial the original 12
4 are all able to perform their functions as a juror, then your
5 service ends, and you don't get to participate any further.
6 That's because the decision of the jury is that of 12 and no
7 more than 12 are permitted to engage in that deliberation
8 process.

9 It is important that you pay just as careful
10 attention as we ask of all of the jurors in the case because it
11 does occur from time to time for one reason or another. One or
12 two of these may be unable to continue. In that event, one or
13 both of you will be called upon to become the 12th.

14 We do appreciate your participation as alternate
15 jurors just as we appreciate the participation of each of the
16 jurors who have been selected for the purpose of deciding the
17 verdicts in these particular cases.

18 You may swear the panel.

19 THE CLERK: Please stand and raise your right hand.

20 THE JURY

21 being first duly sworn.

22 THE CLERK: Thank you. You may be seated.

23 THE COURT: Ladies and gentlemen, as you know, you
24 have been selected to decide the verdicts in the case of State
25 versus Tashan Antione Carson. As you also know, he has been

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1 accused of having committed several and distinct separate
2 criminal offenses, even though they are alleged to have arisen
3 out of one particular event or a course of events which the
4 State alleges occurred back on March 22, 2022.

5 Each of these charges are separate and distinct.
6 And you will be rendering separate and distinct decisions or
7 verdicts as it relates to each charge. Your decisions or your
8 verdicts in these cases may be the same. They may be
9 different. That obviously will depend upon your determination
10 of facts as it relates to a particular charge and then your
11 application of the law as it relates to that particular charge
12 in deciding your decision or your verdict.

13 Mr. Carson has been charged with seven distinct
14 criminal offenses alleged in five separate indictments. One
15 indictment charges Mr. Carson with the crime of burglary in the
16 second degree. State alleges on March 22, 2022, he did
17 willfully and unlawfully enter a building located on North
18 Church Street here in Spartanburg, being the Marriott Hotel;
19 that he entered that structure without consent and intent to
20 commit a crime therein. And during the course of that burglary
21 he was armed with a deadly weapon.

22 Count 2 of that indictment alleges that, at the
23 time the burglary was committed, that Mr. Carson visibly
24 displayed or was in possession of a firearm during the
25 commission of that burglary.

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1 Second indictment charges Mr. Carson with a crime
2 of trafficking in methamphetamine and possession of a weapon
3 during the commission of a violent crime. The State alleging
4 in this indictment that Mr. Carson did on or about March 22,
5 2022, unlawfully have in his actual or constructive possession
6 more than 28 grams of methamphetamine, a Schedule II controlled
7 substance.

8 And they further allege in Count 2 that, on the
9 same date and time of the trafficking in methamphetamine, he
10 did possess a firearm during the commission of that crime.

11 A separate indictment charges Mr. Carson with the
12 crime of possession with intent to distribute methamphetamine
13 within one half mile of a school. The State's alleging in this
14 indictment that Mr. Carson did on or about March 22, 2022,
15 possessed a quantity of methamphetamine; that at the time he
16 possessed it he intended to distribute it, and that all
17 occurred within a half mile of a college, that being Wofford
18 College located here in the City of Spartanburg.

19 A separate indictment charges Mr. Carson also with
20 the unlawful possession of a pistol alleging on March 22nd of
21 2022, Mr. Carson did have in his possession a handgun; he not
22 being authorized under the law to have that handgun at that
23 time and place.

24 And the remaining indictment charges Mr. Carson
25 with the crime of threatening a public official, alleging on

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1 March 22nd of 2022, Mr. Carson did knowingly and willfully
2 deliver a verbal threat to take the life of or to inflict
3 bodily injury upon James Hayes, who is an officer with the
4 Spartanburg Police Department, which is defined as a public
5 official under the law.

6 Now, as to those allegations and as to those
7 charges and as to each of those indictments, Mr. Carson has
8 entered a plea of not guilty. A plea of not guilty places upon
9 the State, because they brought the charges, the State has the
10 burden of proving the allegations they have made by way of each
11 of these indictments.

12 The State has the burden of proving each of the
13 essential elements of the crimes that are alleged in each of
14 the separate indictments. Therefore, the State has the burden
15 of proving the Defendant to be guilty of a charge beyond a
16 reasonable doubt before a verdict of guilty can be returned as
17 to that particular charge.

18 Every person accused of a crime -- it doesn't
19 matter how serious the offense might be for which that person
20 stands charged -- that person shall always, under the law, be
21 presumed innocent of that charge. And that presumption of
22 innocence remains with any defendant as it does with this
23 Defendant from the time that he is placed under arrest and
24 throughout the course of the criminal process and even
25 throughout the course of the actual trial in the case.

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1 That presumption of innocence will be with
2 Mr. Carson even as you go back at this trial's conclusion to
3 begin with your deliberations in this case. That presumption
4 of innocence will be with him in that jury room and it will be
5 with him forever unless you 12 jurors determine that he's no
6 longer entitled to the presumption of innocence.

7 In other words, after you've carefully considered
8 all the evidence received during the trial of the case and from
9 that evidence you have been able to determine the material
10 facts as they relate to the allegations contained in each
11 indictment and after deciding those facts and applying the law
12 that I will have provided you, if you 12 jurors unanimously
13 determine that his guilt as to a particular charge has been
14 proven beyond a reasonable doubt, then he would no longer be
15 entitled to that presumption of innocence as it relates to that
16 particular charge.

17 But it is only if, unless and until you are
18 satisfied of his guilt beyond a reasonable doubt that the
19 presumption of innocence would no longer be applicable.

20 Now, the way the trial will proceed, in a moment
21 the lawyers are going to address you in what we call opening
22 statements. There are two occasions in the trial of a case
23 where lawyers are permitted to address the jury. And that is
24 at the beginning of the trial before any evidence is
25 introduced. Then again at the conclusion of the trial after

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1 all of the evidence has been received.

2 Please keep in mind, as I've just indicated, the
3 evidence comes in between the opening and closing statements.
4 There will be witnesses and exhibits that might be introduced.
5 The lawyers' statements are not evidence. That's because the
6 lawyers don't know anything about this case of their own
7 personal knowledge or perception like witnesses will be
8 testifying to, and they come and testify and provide
9 information to you from the witness stand.

10 The lawyers aren't going to take the witness stand.
11 They're not going to be placed under oath. They're not going
12 to be subjected to direct and cross-examination like each of
13 the witnesses will be. That's why you are not to consider the
14 lawyers' statements as being any evidence upon which you will
15 make your determination of fact in this case and ultimately
16 your decision.

17 You should listen to what the lawyers have to say
18 because the statements do serve a purpose. The opening
19 statements serve to provide you with the basic understanding as
20 to what this case is about from both the perspective of the
21 State and of the defense so that you'll have some context in
22 which to place the evidence that we will be receiving shortly
23 thereafter.

24 The closing statements occur after all of the
25 evidence has been received. And, again, while those statements

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1 are not evidence, the closing statements provide the lawyers
2 with an opportunity to discuss with you the evidence that you
3 have seen and heard during the course of the trial. And
4 through that discussion each will be trying to persuade you or
5 to convince you that the evidence in the case does or does not
6 support a particular decision, depending upon the perspective
7 of the lawyer.

8 It's in between those statements that we actually
9 receive the evidence upon which you will base your
10 determination of fact and ultimately your decision.

11 As you know and as you've been told, the State has
12 the burden of proof. They brought the accusation. They have
13 to prove it. They go forward first in their presentation of
14 evidence.

15 After the State has concluded in their presentation
16 of evidence, any Defendant or person accused of a crime has an
17 opportunity to call additional witnesses or to introduce
18 additional evidence or to testify himself or herself during the
19 trial.

20 Please understand that the burden is never upon a
21 person accused of a crime to prove that they're not guilty or
22 to prove that they're innocent because, in some cases, that
23 might not be possible. So there is never a burden upon a
24 person charged with a crime to take the witness stand and
25 testify, to call any additional witness or to introduce any

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1 additional evidence.

2 Should a defendant elect not to take the witness
3 stand and testify, that's a fact or circumstance that you may
4 not consider in the slightest degree against the Defendant or
5 in your determination as to whether or not his or her guilt has
6 been proven beyond a reasonable doubt. A defendant is always
7 afforded the opportunity to present evidence in the event he or
8 she wishes to do so.

9 After the evidence has been received, after you
10 hear the final summations of the lawyers, I will then instruct
11 you fully on the law as it relates to the criminal law
12 generally and as it relates to each of these separate and
13 specific crimes.

14 And then after, with that instruction, you'll be
15 asked to go back and begin your deliberation. You're simply
16 going to be called upon through the exercise of good judgement
17 and common sense, conscientiously applied to the testimony and
18 evidence received during the trial to determine the facts
19 relating to the allegations.

20 After deciding those facts, apply the law that I
21 will have provided to you and render a fair and impartial
22 decision based upon the law and evidence in the case. That's
23 your sole obligation and duty under your oath as a juror.

24 It's also important that you keep an open mind
25 throughout the course of the trial. That simply means you're

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1 not to begin making up your mind or formulating your opinions
2 as to what you think the ultimate decision ought to be in this
3 case. You have to listen to all the testimony, consider all
4 the evidence before you make any decision. And you'll do that
5 when you go back to begin deliberations.

6 That is the process that is designed for you 12
7 jurors to arrive at a fair and impartial decision in the case
8 or any other case that you might be called upon to participate
9 in.

10 I do want to thank you in advance for your careful
11 attention and your participation in the trial. Please give the
12 lawyers your attention now, as they give you their opening
13 statements. Mr. Brown.

14 MR. BROWN: Your Honor, may it please The Court.
15 Ms. White. Madam forelady. Ladies and gentlemen of the jury.

16 Good morning. My name is Tyler Brown. I know His
17 Honor introduced me yesterday. I want to take this opportunity
18 to introduce myself. I'm a prosecutor here for the Seventh
19 Judicial Circuit of South Carolina, the circuit that covers
20 Spartanburg and Cherokee County. I work for your elected
21 Solicitor Barry Barnette. Pleasure to be here today.

22 You're here today because of a case against the
23 Defendant, Tashan Carson. You've already heard from The Court
24 about the charges we're going to talk about briefly. This is
25 my opportunity to give you a bird's eye view of a case you're

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1 about to hear, the evidence you're about to hear, and what we
2 believe ultimately shows the Defendant is guilty beyond a
3 reasonable doubt of all charges.

4 Before I get into that, I'm going to tell you that
5 while Ms. White and I are going to disagree about a lot of
6 things, I want to tell you one thing we agree on, how much we
7 appreciate you being here. If I were a betting person, each
8 and every one of you wrote in your calendar month by month,
9 coming into the courtroom hearing trafficking, burglary,
10 weapons case, proximity case here in Spartanburg County
11 courthouse, although it's a beautiful new courthouse, probably
12 not on your bucket list of where you want to be today.

13 You being here is important to the State of South
14 Carolina, important to the defense, important to the Defendant,
15 it's important frankly to the Constitution and the State at
16 large. While I won't speak for Ms. White on anything, I do
17 think I can speak on her behalf that we thank you for being
18 here.

19 Mr. Carson is here today charged with seven
20 different charges. It's alleged -- we believe evidence will
21 show beyond a reasonable doubt that on March 22, 2024, (sic) at
22 the Marriott Hotel, the one that, if you walk out that door,
23 look out that window, you're going to see about two blocks
24 away.

25 The Defendant committed a burglary when he

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1 unlawfully entered a room that he had not rented with the
2 intent to commit a crime therein.

3 We believe evidence is going to show that, when
4 officers were called out -- and you're going to hear three
5 officers, Officer Peeler, Officer Fain, Officer Hayes. When
6 they responded to the scene and called out to the hotel --
7 you're going to have the manager, Mr. Bourret here in just a
8 brief bit to respond to this individual who was going around
9 the hotel without permission, evading law enforcement, going
10 into this room without permission.

11 We believe the evidence is going to show when they
12 made contact with him around 2:45, 2:40 in the afternoon of
13 March 22, 2022 at room 515 of the Marriott Hotel, two blocks
14 away from where you are right now, that the Defendant committed
15 a number of crimes.

16 Once they made contact, we believe you're going to
17 hear evidence the Defendant attempted, while they were
18 investigating, to walk away to grab a bag when the officers
19 stopped him in their investigation of what was going on in this
20 room.

21 We believe the evidence is going to be abundantly
22 clear he didn't have any right. You're going to see on body
23 cam that this room was currently being turned down by hotel
24 staff. The sheets were off the bed, the bed was unmade. This
25 was not a room that he was renting or anybody would believe he

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1 was renting.

2 He proceeded to walk away from those officers,
3 grabbing the bag. For officer safety, they detained him. When
4 they attempted to put him in handcuffs so they could
5 investigate this, he tells Officer Hayes: I'm going to fuck
6 you up. That's the threatening life of a public official,
7 which you have in the indictment before you.

8 You're going to hear from the officer about this
9 testimony, about this being said to him. More importantly,
10 you're going to hear the Defendant say that, because every one
11 of these officers from the moment they walked into that hotel
12 room and walked up to the fifth floor to go to room 515 of the
13 hotel, they tap their chest to turn on the mike. The entire
14 interaction is on body cam.

15 You're going to see the crime be committed. As a
16 result of his statement, you're going to hear evidence they
17 then arrested him. They arrested him at that point for
18 trespassing; still investigating. More importantly,
19 threatening the life of a public official indictment before you
20 today.

21 As a standard policy, you're going to hear law
22 enforcement searches people they arrest. They check pockets,
23 they check bags. They make sure before they put this stuff in
24 their car, before they take the Defendant to the jail, before
25 they take things to the evidence room, they know what they're

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1 carrying.

2 And what they found with the bag that the Defendant
3 had gone to and picked up and thrown over his shoulder in an
4 attempt to evade law enforcement was a Smith & Wesson MP 100
5 firearm, one round chambered, sitting at the top of the bag.

6 Before you today is unlawful carrying of a pistol.
7 He was not authorized to be in that room. You're going to hear
8 there's no evidence he was a concealed weapons carrier. You're
9 going to hear he had that firearm on his person when he picked
10 up that bag. He showed out.

11 You're also going to hear burglary, second degree,
12 violent, which he's ultimately charged with is a violent crime
13 pursuant to 16-160 South Carolina Code of Laws. He picked up a
14 charge possession of a weapon during the commission of a
15 violent crime.

16 You're going to see evidence and body cam in real
17 time from all three officers. As they continued to search and
18 empty out his pockets, Officer Hayes reached into his left
19 front pocket, takes out a number of items. One of the items
20 you're going to see on the body cam looks like a black
21 headphone piece.

22 Right prior to them taking him downstairs, you're
23 going to see, again on body cam, as Officer Peeler opens that
24 up and pulls out a bag of what is suspected to be -- you're
25 going to hear evidence later tested positive -- 41 grams of

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1 methamphetamine. This was taken off the Defendant's pocket.

2 And what you're also going to hear, I believe,
3 evidence is going to show when Officer Peeler looks to Officer
4 Hayes and says: Where did this come from? You're going to
5 hear the Defendant's voice say: From my front pocket. For
6 that reason he is here today charged with trafficking.

7 South Carolina law breaks trafficking into
8 categories from lowest level, 10 to 28 grams. You're going to
9 hear testimony there was 41 grams of methamphetamine he had in
10 his possession; trafficking 28 to 100 grams. That was taken
11 directly out of his front left pocket. That's the testimony
12 you're going to hear today.

13 More importantly, you're going to see in body cam
14 three officers that were all in a room probably about the size
15 of the well of this courtroom. You're also going to hear the
16 trafficking in methamphetamine is a violent offense pursuant to
17 South Carolina Code of Laws 16-160. Accompanying that
18 indictment is also another charge of possession of a weapon
19 during the commission of a violent crime.

20 Finally, you probably already know this, you're
21 going to hear testimony about how close that detail that you
22 can see out this window is to Wofford College, which you can
23 also pretty much see outside this window.

24 You're going to hear testimony from officers they
25 actually, in preparation for today, driven from Marriott Hotel

OFFICER HAYES RE CROSS BY MS. WHITE

1 to the edge of Wofford's campus. You're going to hear
2 testimony it was less than half a mile. They'll give you more
3 exact numbers. They will also say the circumstances going down
4 winding roads and on the straight line it would be even closer.
5 Even going down winding roads, you're going to hear testimony,
6 you're going to hear evidence that when this Defendant chose to
7 enter room 515 of the Marriott Hotel, when he chose to do so
8 with 41 grams of methamphetamine in his pocket and a Smith &
9 Wesson MP 100 firearm with a round chambered in his backpack,
10 he did so within half mile of Wofford College.

11 I'm not going to belabor much of this. Honestly,
12 His Honor is right. I can't give evidence. I wasn't there.
13 Y'all get to watch every single one of these crimes in live
14 action from multiple angles. From the angle of Officer Fain,
15 Officer Peeler, and Officer Hayes, who will testify here today.

16 We ask you to pay close attention. This case is
17 important. Very important for everybody in this room. We ask
18 you to pay close attention. We believe once you hear all of
19 the evidence, once you hear all the testimony and once you see
20 all the video, you will find beyond a reasonable doubt the
21 Defendant is guilty of each and every one of the crimes before
22 you today. Thank you.

23 THE COURT: Ms. White.

24 MS. WHITE: May it please The Court.

25 Good morning, y'all. I'm no expert in coming in.

OFFICER HAYES RECROSS BY MS. WHITE

1 I know that walk is a nice little piece of walk. When it's
2 raining, it's kind of gross. I appreciate y'all being here.

3 As Tyler said, we're here to represent different
4 people. He's here to represent the State. I'm here as a
5 Public Defender to represent Mr. Tashan Carson.

6 This is Mr. Carson's chance and this is his freedom
7 that we're discussing. We're here because we don't want a rush
8 to judgement. He has asserted that he's innocent of these
9 crimes.

10 You're going to hear the evidence presented through
11 the testimony. You're going to hear the evidence through the
12 video. There's no doubt about that. Our concern is that we do
13 not rush to judgement.

14 We believe that there was a rush to judgement on
15 behalf of, perhaps, the officers or perhaps the hotel manager
16 about why Mr. Carson was in that room. Did Mr. Carson belong
17 at the hotel? We believe there's going to be a rush to
18 judgement that you'll hear about what he meant when they allege
19 he threatened the life of a public official.

20 We're asking you to consider, and as Judge Cole and
21 as Mr. Brown stated, there's seven distinct charges. Just
22 because someone is considered guilty maybe on one, they may not
23 be guilty of the others. Consider each of the individual
24 charges.

25 It's going to be -- we're used to kind of hearing

OFFICER HAYES RECROSS BY MS. WHITE

1 what the statute requires and what the elements of each charge
2 are which the State has to prove each and every element.

3 As he said, a burglary. You're going to hear what
4 the law is from the judge as to what they have to establish to
5 prove that a burglary occurred.

6 And there's several things that will have to be
7 proven. Intent is one of those. You're going to have to make
8 the decision as to what the intent was when Mr. Carson was in
9 the room. You're going to have to make the decision: Was he
10 there unlawfully?

11 You're going to have to make a decision proximity.
12 Was there an intent to distribute drugs? Was there an intent
13 to threaten the life of a public official based on the
14 statement made?

15 We ask and Mr. Carson asks that you take your time,
16 review each of the charges independently and separately and
17 consider the evidence that you hear from each of the officers,
18 from the body cam, from the manager. As you go into the room,
19 after you've heard all of that, don't make a rush to judgement.
20 Look at each of them independently and think: Did the State
21 meet their burden of proof?

22 They are required to do that because they are the
23 ones that bring the charges. Everyone is presumed innocent
24 until proven guilty. And thankfully, we have that burden on
25 them because there are times when it works and times when it

BRIAN BOURRET DIR BY MR. BROWN

1 doesn't.

2 And Your Honor will tell you what the law is and
3 it's going to sound kind of complicated. There's going to be a
4 lot of words and a lot of information. You're going to have
5 the specific elements of each charge that they have to meet.
6 And we're going to -- we believe they haven't met those. They
7 will not meet those by the time the end of this has occurred.

8 We're asking you to listen, to listen with an open
9 mind, and to wait on making a decision until you-all gather
10 together to make those deliberations. Review each of the
11 charges independently and whether or not they have met their
12 burden on each individual charge. Don't rush to judgement.
13 Have an open mind. And review and consider each separately.
14 That's all we're asking; to give Mr. Carson a fair trial.
15 Thank you.

16 THE COURT: Mr. Brown.

17 MR. BROWN: Your Honor, may it please The Court.
18 State would call first witness Brian Bourret, former manager of
19 the Marriott.

20 BRIAN BOURRET

21 being first duly sworn, testified as follows:

22 MR. BROWN: May it please the Court.

23 DIRECT EXAMINATION

24 BY MR. BROWN:

25 Q. Can you please say your first name and spell your

BRIAN BOURRET DIR BY MR. BROWN

1 last name.

2 A. Brian Bourret, B-O-U-R-R-E-T.

3 Q. I've been mispronouncing. My apologies.

4 THE COURT: Get a little bit closer to that
5 microphone.

6 BY MR. BROWN:

7 Q. Before we begin asking you questions, do you mind
8 if I lay a couple ground rules while you're testifying?

9 A. Of course.

10 Q. Have you ever testified in a court in General
11 Sessions before?

12 A. No.

13 Q. The woman sitting right here, Ms. McDaniel, she is
14 a very fantastic court reporter. She is writing down every
15 word I say despite how fast I talk and every word you say.
16 There are certain things she cannot do. She cannot write down
17 head nods or head shakes, indicating yes and no. I've seen in
18 transcripts uh-huh and uh-uh do not translate well.

19 Can I please ask you kindly, whenever you answer a
20 question, just give a clear yes or no answer.

21 A. Yes.

22 Q. And a verbal one.

23 A. Yes.

24 Q. You're a little soft spoken. You're not doing too
25 bad. The microphones aren't picking up the way we would like.

BRIAN BOURRET DIR BY MR. BROWN

1 I'm going to stand as much as I can back here. If you see me
2 raising my hand like this, that's me giving you an indication
3 that I'm having trouble hearing you. I want to make sure the
4 jurors way back in the back can also hear you; okay?

5 A. Okay.

6 Q. I'm going to go ahead and do it for the first time.

7 A. Yes, sir.

8 Q. Can you please, for the ladies and gentlemen, let
9 them know who Brian Bourret is, where you grew up, where you
10 were born, where you went to school, what you do for a living.
11 Let them know who you are as a person.

12 A. I was born in Sioux City, Iowa in 1980. I grew up
13 in Nebraska, in Kearney, Nebraska. I went to high school in
14 Kearney, Nebraska. Then I switched. My parents moved from
15 Nebraska to Indiana my sophomore year in high school. I
16 finished high school in Batesville, Indiana.

17 After that I went to Purdue University. Graduated
18 from Purdue. Since then I have been working in the hospitality
19 field, restaurants, and hotels pretty much my entire career.

20 Q. The responsibility of hospitality management, does
21 that include helping manage hotels and living facilities,
22 things of that nature?

23 A. Yes.

24 Q. Are you currently employed?

25 A. Yes, I am employed.

BRIAN BOURRET DIR BY MR. BROWN

1 Q. Where do you work?

2 A. I work for a senior living facility in downtown
3 Greenville, Merrill Gardens.

4 Q. For our court reporter, spell Merrill just so we
5 have a clear record.

6 A. M-E-R-R-I-L-L.

7 Q. Thank you, sir.

8 When did you start working at Merrill Gardens?

9 A. June of 2023, this past year.

10 Q. That was after the events that brings us here
11 today?

12 A. Correct.

13 Q. In March of 2022, specifically March 22, 2022,
14 where were you employed?

15 A. At the Spartanburg Marriott.

16 Q. To be clear, Spartanburg Marriott, that is in
17 Spartanburg County as well as the city of Spartanburg?

18 A. Correct.

19 Q. Just to be even more clear, lawyers ask obvious
20 questions. I'm going to ask an obvious question. Is that the
21 big building if our jurors walked out and looked out the window
22 would be ahead of them to the left?

23 A. Yes, sir.

24 Q. What were your duties at the Spartanburg Marriott?

25 A. I was the assistant general manager.

BRIAN BOURRET DIR BY MR. BROWN

1 Q. What does the assistant general manager at the
2 Spartanburg Marriott do?

3 A. I oversaw all operations including front office,
4 housekeeping, engineering, food and beverage service.

5 Q. Little bit of everything?

6 A. Yes, sir.

7 Q. If there were complaints about unruly customers or
8 unruly guests or people who weren't supposed to be there, is
9 that also something you would deal with?

10 A. I did regularly.

11 Q. How long did you work at the Spartanburg Marriott?

12 A. Roughly, two years.

13 Q. You were employed there in March of 2022?

14 A. Yes.

15 Q. Were you working on March 22, 2022?

16 A. Yes.

17 Q. To be clear, that is the date in question?

18 A. Yes.

19 Q. Can you please tell these ladies and gentlemen of
20 the jury about what all transpired that ultimately led us here
21 today. Was there an event that included Mr. Carson that day
22 that leads us to this jury trial?

23 A. Yes.

24 Q. Please tell these jurors.

25 A. I don't know what time it was. One of my

BRIAN BOURRET DIR BY MR. BROWN

1 maintenance guys, one of the guys worked in our engineering
2 department came to me and said there was suspicious individual
3 --

4 MR. WHITE: Objection. Hearsay, Your Honor.

5 THE COURT: Sustained. You can rephrase it, get
6 the same information.

7 BY MR. BROWN:

8 Q. Were you given an indication by an employee of
9 yours that there was something that you needed to check on?

10 A. Yes.

11 Q. As a result of the information you were given, did
12 you make contact with Tashan Carson that day?

13 A. Yes.

14 Q. Please tell these ladies and gentlemen of the jury
15 about your specific contact with Mr. Tashan Carson.

16 A. I went up to, if I recollect correct, the sixth
17 floor. The Defendant was up there. He was walking around in
18 the hallway. When I asked him what his name was and what room
19 he was in, he did not tell me his name and he pointed to a door
20 and said: I'm in that room.

21 I said: Can you give me your name so I can verify.

22 He said: Go check your computer.

23 I don't know how many times he repeated that
24 phrase, but numerous times. He told me to go check my
25 computer, and started walking towards me and got very close to

BRIAN BOURRET DIR BY MR. BROWN

1 me.

2 Q. Was there anything particular that you remember
3 about your interaction with him? Was he doing anything in
4 particular when you approached him?

5 A. When I approached him he wasn't doing anything.
6 When I started talking to him, he started walking towards me in
7 an aggressive manner and got very close to my person.

8 Q. As you recall, this was on the 6th floor that this
9 occurred?

10 A. Yes.

11 Q. Once he began approaching you in what you perceive
12 as an aggressive manner, what did you do next?

13 A. I told him I was going to not talk to him anymore.
14 And I went to the back of the hotel, to the back hallway and I
15 called Spartanburg Police. I called 911.

16 Q. To be clear, when you say that it's the Defendant,
17 do you see the individual seated at the defense table here
18 today?

19 A. Yes.

20 Q. Does that appear to be the same person that you
21 made contact with earlier that day on that March 22, 2022?

22 A. Yes.

23 Q. At that point you called law enforcement because of
24 the interaction you had?

25 A. Correct.

BRIAN BOURRET DIR BY MR. BROWN

1 Q. What happened next?

2 A. The officers came out. And when we went back up to
3 the sixth floor, we did not see anybody. And the officers
4 walked around the entire hotel, walked the floors, walked the
5 stairwells. And it seemed as if the Defendant had gone,
6 disappeared.

7 Q. Upon law enforcement arriving, the Defendant is now
8 nowhere in sight?

9 A. Correct.

10 Q. Were you given instructions to let them know if he
11 re-appeared?

12 A. Yes.

13 Q. Was there a point in time later that same day where
14 you had a need to call law enforcement again?

15 A. Yes.

16 Q. Can you please tell these ladies and gentlemen of
17 the jury and His Honor about what happened.

18 A. After the officers left, I talked to the rest of
19 our housekeeping department and maintenance staff about the
20 situation. And I told them if they saw anything unusual, to
21 please let me know. Shortly after that, I was notified by an
22 employee that there was an individual in a hotel room that was
23 in our system as vacant, that nobody was supposed to be in.

24 Q. Was this room 515?

25 A. It was.

BRIAN BOURRET DIR BY MR. BROWN

1 Q. What was going on in room 515? This was around
2 2:40 in the afternoon; is that right?

3 A. Yes.

4 Q. What was going on in that hotel room around that
5 time? Was anybody checked into that room?

6 A. No. Nobody was supposed to be in that room.

7 Q. Was hotel staff doing anything with that room?

8 A. They were in the midst of cleaning it and flipping
9 it, getting it ready for a new guest.

10 Q. Did you have the occasion at some point in the
11 immediate aftermath of the Defendant being arrested, did you
12 enter that room?

13 A. Say that again.

14 Q. Did you have the opportunity after the Defendant
15 was arrested to go into room 515?

16 A. Yes.

17 Q. Were the beds made? What shape was the room in?

18 A. It was in the middle of being cleaned. The
19 housekeeping staff had previously gone through and taken out
20 all of the sheets and bedding and was getting ready to clean
21 the room, to clean the bathroom, remake the beds.

22 Q. Whether it's policy or not or is it possible that
23 the staff had left the room unlocked while they were moving
24 around, cleaning?

25 A. Our staff would regularly do that. They would prop

BRIAN BOURRET DIR BY MR. BROWN

1 the doors open with security latches enabling -- so that the
2 housekeepers could get in and out of the room without inserting
3 the key every time.

4 Q. At the time that law enforcement was called out
5 there, was that one of the rooms that was being cleaned?

6 A. Yes.

7 Q. As a result of you finding out information there
8 was a suspect in room 515, what action did you then take?

9 A. I called the police again.

10 Q. Did you have officers ultimately arrive on scene?

11 A. Yes.

12 Q. Do you recognize these three officers who are
13 standing behind me right now?

14 A. I do.

15 Q. Were they the three officers that arrived on the
16 scene --

17 A. Yes.

18 Q. -- on the afternoon of March 22nd?

19 A. Yes, sir.

20 Q. Did Mr. Carson have permission to be in that room?

21 A. No, sir.

22 Q. Did Mr. Carson rent that room?

23 A. No, sir.

24 Q. Are you aware of Mr. Carson having any room rented
25 that day?

BRIAN BOURRET CROSS BY MS. WHITE

1 A. No, sir.

2 Q. Did you have contact with him in the short period
3 of time before that where he disappeared once law enforcement
4 was called?

5 A. Yes.

6 Q. This all happened in Spartanburg?

7 A. Yes.

8 Q. On that particular day you took officers on up to
9 room 515 and they took over from that point?

10 A. I did.

11 MR. BROWN: Please answer any questions Ms. White
12 may have for you.

13 CROSS-EXAMINATION

14 BY MS. WHITE:

15 Q. If you would, tell me how to pronounce your last
16 name again. Bourret?

17 A. Bourray.

18 Q. Not the southern version; the more French version?

19 A. Correct.

20 Q. Let me ask you a couple of questions. You stated
21 that you had seen someone earlier that day and you indicated it
22 was Mr. Carson. And that he said he had a room, maybe pointed
23 to a room, then told you to check the records?

24 A. Yes.

25 Q. At the time you said you didn't have a name; is

BRIAN BOURRET CROSS BY MS. WHITE

1 that correct?

2 A. Correct.

3 Q. So you didn't check the records, I assume?

4 A. No, ma'am.

5 Q. There's nothing to check?

6 A. I didn't have a name nor an actual room number to
7 check. He was pointing to doors down the hall: In that room.
8 I didn't know what he was pointing to.

9 Q. You said you don't recall what time that was. It
10 was earlier.

11 The incident that we're here on today was about
12 2:30 in the afternoon?

13 A. Correct.

14 Q. So was this maybe an hour or two before?

15 A. Yes.

16 Q. Maybe close to noon?

17 A. Or close to, yes.

18 Q. What time do people generally check out of rooms at
19 the Marriott?

20 A. They're supposed to be out before noon.

21 Q. What time?

22 A. 12:00 is check out. Anytime before that.

23 Q. Check out is noon. The Marriott -- and I don't
24 know how many of our jurors have been in there before. They
25 have restaurants?

BRIAN BOURRET CROSS BY MS. WHITE

1 A. Yes.

2 Q. And they have bars?

3 A. Yes.

4 Q. They have space where they have meetings?

5 A. Yes.

6 Q. And those are open to public. You don't have to be
7 staying at the Marriott to eat at a restaurant there?

8 A. Correct.

9 Q. So you have a lot of people kind of coming in and
10 out at any given time?

11 A. Yes.

12 Q. You indicated that at the time the room appeared to
13 be -- it was unoccupied. It was being cleaned; is that right?

14 A. Yes.

15 Q. There wasn't a person that had rented that room
16 staying there at that moment?

17 A. Correct.

18 Q. And oftentimes you said the doors would be propped
19 open --

20 A. Yes.

21 Q. -- perhaps just to allow easier access?

22 A. Correct.

23 Q. You had housekeeping up there at that time; is that
24 right?

25 A. Yes.

BRIAN BOURRET CROSS BY MS. WHITE

1 Q. You said you weren't aware that he had permission
2 to be in that room or he had no permission to be in the room?

3 A. Correct.

4 Q. You said he had not rented that room?

5 A. Correct.

6 Q. And you said he had not rented any room?

7 A. Correct.

8 Q. Did you go back and check to see if he ever rented
9 a room?

10 A. I didn't look through history. I looked for that
11 day.

12 MS. WHITE: I'm going to -- Your Honor, if I may
13 approach.

14 May we approach, Your Honor.

15 (Off-the-record discussion.)

16 THE COURT: Ladies and gentlemen, I've got one
17 matter I'll need to take up outside your presence. Please go
18 to the jury room. Don't talk about the case. I'll bring you
19 back in just a few minutes.

20 (The jury exited the courtroom at 11:29 a.m.)

21 THE COURT: Defense Counsel is going to ask you
22 some questions.

23 (COURT EXH. 1, Marriott receipt, was marked for
24 identification.)

25 VOIR DIRE DIRECT EXAMINATION

BRIAN BOURRET DIR BY MS. WHITE

1 BY MS. WHITE:

2 Q. Mr. Bourret, I am going to show you a document, and
3 this is something obviously you didn't produce. Does it look
4 familiar to you, in the style of it?

5 A. Yes.

6 Q. Does that look like a copy of, if someone asked for
7 a copy of the receipt or record of their room that they had
8 rented?

9 A. Yes.

10 Q. In your work, when you were employed at the
11 Marriott as an assistant general manager, is that something
12 that you helped with operations, maintain the recordkeeping and
13 the front desk staff that did that?

14 A. Yes.

15 Q. If someone had come in and requested that, someone
16 that was under your employ could've done that or you could've
17 provided a document similar?

18 A. Correct.

19 Q. When you look at that document, can you tell me
20 obviously -- it appears to be a document that was printed out
21 as a duplicate. Is that correct?

22 A. Yes.

23 Q. Is that something that occurs occasionally when
24 people request a receipt?

25 A. Yes.

BRIAN BOURRET DIR BY MS. WHITE

1 Q. When people check out of hotels a lot of times
2 nowadays are they given receipts or done electronically?

3 A. Both. But, yes, electronically and print.

4 Q. A lot of times paperwork doesn't get provided as
5 the old days of checking out of a hotel?

6 A. Correct.

7 Q. And is this something that someone could come back
8 and get to indicate?

9 A. Yes.

10 Q. Does this one indicate there was a room rented by
11 Mr. Tashan Carson?

12 A. Yes.

13 Q. Can you tell me what room?

14 A. 713.

15 Q. Can you tell me what date it had been rented?

16 A. The night of March 21st.

17 Q. So the departure day, the checkout time would've
18 been the day of the 22nd that we're referencing?

19 A. Correct.

20 Q. And you can't tell me who provided this. This does
21 look as if it would've been something that your office or
22 someone who worked at the Marriott would provide if requested?

23 A. Yes.

24 Q. Have you ever -- obviously, I think I asked you if
25 you had checked later. You never went back and checked and

BRIAN BOURRET DIR BY MS. WHITE

1 determined that he had rented this room?

2 A. I looked for the name. I did not see his name in
3 the system at the time. I looked at the history of room 515;
4 did not see the name.

5 Q. Do you recall a conversation with Officer Fain of
6 the fact that he had a room key for 713 on his person when he
7 was arrested?

8 A. I remember talking about keys. I can't tell you
9 what keys we were talking about, the numbers. Hotel keys, when
10 guests leave, they leave their keys in the room, by the
11 elevator, and throughout the hotel.

12 Q. Obviously, we'll have to refresh your memory with
13 video. Could it be possible that you had said Mr. Carson had
14 told you that this was a room he had been in. But you thought
15 maybe he just got the keys out of the trash or something?

16 A. Yeah, like I said, keys are left all over the
17 place.

18 Q. You don't have any specific recollection right now,
19 as I'm talking to you of him -- of you stating to Officer Fain
20 that he had mentioned he stayed in room 713?

21 A. I do not remember him telling me that, no, ma'am.

22 MS. WHITE: Your Honor, if I'm allowed to, I know
23 they've already entered that video into evidence. I don't have
24 the ability to play it. If I could have Mr. Brown just to show
25 a brief moment so that Mr. Bourret --

BRIAN BOURRET DIR BY MS. WHITE

1 THE COURT: You're showing the witness. What
2 exhibit?

3 MR. BROWN: State's Number 4, Your Honor.

4 MS. WHITE: It's a copy of the body cam from
5 Officer Fain, Your Honor. Go to 11:45.

6 (Video played. Not transcribed.)

7 MS. WHITE: 11:25. I just want you to kind of
8 watch this and see if this refreshes your recollection, the
9 conversation you had.

10 (Video played. Not transcribed.)

11 BY MS. WHITE:

12 Q. Does that refresh your recollection?

13 A. Being two years ago, I don't remember the
14 conversation. I obviously said that.

15 Q. I know it's kind of hard to hear for some reason.
16 Some of the voices on the video are hard. Did you hear
17 yourself say: When I saw him earlier, that's the room he said
18 he was in?

19 A. I do. I don't remember him telling me that, to be
20 honest with you.

21 Q. Sure. You saw that on the video?

22 A. Yes.

23 Q. At that time you would've recalled things a little
24 better because it had just happened; correct?

25 A. Correct.

BRIAN BOURRET CROSS BY MR. BROWN

1 THE COURT: Can I interject something. I was
2 listening. I thought it said the front desk was told that was
3 the room.

4 MS. WHITE: There's two rooms, Your Honor. 713 is
5 the room my client rented that was referenced on the folio.

6 THE COURT: From the conversation he had, I thought
7 I heard him say the front desk was informed that was the room
8 he was in.

9 MS. WHITE: He said that Mr. Carson told him he was
10 in 713. Then he told the front desk he was in 515. The 515
11 was the room where they found him in, Your Honor, for
12 clarification.

13 BY MS. WHITE:

14 Q. After watching that, you would agree that he
15 previously told you that day he had rented room 713?

16 A. If that's what I told the officer.

17 Q. Obviously he was in room 515 when he was found?

18 A. Correct.

19 MS. WHITE: That's all the questions I have, Your
20 Honor.

21 MR. BROWN: Brief recross on this issue, Your
22 Honor.

23 VOIR DIRE CROSS-EXAMINATION

24 BY MR. BROWN:

25 Q. Have you ever seen that document before?

BRIAN BOURRET CROSS BY MR. BROWN

1 A. No.

2 Q. While it has Marriott's symbol on it, do you have
3 any way to know as we sit here today whether it's been
4 manipulated? I'm not challenging Ms. White. I think she is
5 highly integrity-wise. Do you have any way to know whether or
6 not it's been manipulated or modified in any way, shape or
7 form?

8 A. I do not.

9 Q. Did you produce that document?

10 A. I did not.

11 Q. Do you even know who produced that document?

12 A. I do not.

13 Q. Do you work at the Marriott any longer?

14 A. I do not.

15 Q. Do you have any idea who may have even produced
16 this document where we can confirm that's accurate?

17 A. Do I know?

18 Q. Do you even know who would've produced that
19 document?

20 A. I do not.

21 Q. This was room 713. What floor were you on when you
22 made contact with him?

23 A. Sixth floor.

24 Q. Was this after checkout?

25 A. Yes.

BRIAN BOURRET CROSS BY MR. BROWN

1 Q. What floor was it where officers made contact with
2 him?

3 A. The fifth floor.

4 Q. Room 515 to be precise?

5 A. Correct.

6 Q. He was in a room that the bed was unmade; correct?

7 A. Correct.

8 Q. It was being turned down?

9 A. Correct.

10 Q. Two floors below?

11 A. Correct.

12 Q. Well after checkout, even by what they have on
13 this, if this is a true document; correct?

14 A. Correct.

15 Q. Did you see anything on that form, if it's
16 accurate, to reflect that he had a room carrying over into the
17 night of the 22nd where he would actually have authorization to
18 be in that area?

19 A. No.

20 Q. To be clear, do you have any way to confirm that's
21 an authentic document produced by the Marriott here in
22 Spartanburg?

23 A. No.

24 Q. It has the seal on it?

25 A. Yes.

BRIAN BOURRET CROSS BY MR. BROWN

1 MR. BROWN: Court's indulgence.

2 (A pause transpired.)

3 MR. BROWN: Please answer any further questions
4 from Ms. White.

5 MS. WHITE: That's all, Your Honor. I'll return
6 this to the court reporter.

7 MR. BROWN: I'm returning State's Number 4 up to
8 the court reporter.

9 THE COURT: Do you have any arguments you want to
10 make?

11 MS. WHITE: Your Honor, we would argue, obviously,
12 although he's not currently present at the Marriott, in his
13 employment for two years as an assistant general manager, he
14 indicated that this was what would've been a copy or a
15 duplicate receipt had they printed it out from their records.

16 And he did acknowledge that it appeared to be what
17 they had given people for a receipt in the past as well as the
18 fact that the room 713 matches what the room key that they
19 referenced that he indicated Mr. Carson had told him he stayed
20 in. And that this record includes Mr. Carson's name as
21 checking in on the 21st and checking out on the 22nd.

22 We would ask that he be allowed to discuss this
23 before the jury. And that the document be able to be
24 introduced for purposes of allowing him to testify that
25 apparently Mr. Carson did have a room.

BRIAN BOURRET CROSS BY MR. BROWN

1 THE COURT: Mr. Brown.

2 MR. BROWN: May it please The Court, Your Honor.
3 Three points to make. First off, Rule 5 of South Carolina
4 Rules of Criminal Procedure require the State turn over
5 evidence. Also, has reciprocal discovery requirements.

6 Your Honor, we've never seen this before. This is
7 my first time seeing it, first time being able to even try
8 delving into authenticating it. This isn't the witness that
9 can do that. That's not a slight on him. He's not employed
10 with the Marriott. He's not a record custodian, he's not
11 someone who can testify to this hearsay evidence. He can't
12 authenticate anything more accurate than that's what the
13 Marriott seal looks like. It looks like what their receipts
14 might look like.

15 That, additionally, have the problem, honestly, I
16 would contend that this evidence would be overly confusing to
17 the jury to begin with; therefore, not admissible. Even by its
18 own admission that check-out was March 22nd. We were already
19 past the point of checkout where he is now on different floors
20 where rooms are, entering rooms that isn't room 713. I think
21 it compounds issues for the jury, introduces confusing issues
22 on facts that we've never seen in reciprocal discovery. And
23 this witness can't testify about.

24 MS. WHITE: Just briefly, Your Honor. Obviously,
25 we had not intended -- actually, I was under the belief that I

BRIAN BOURRET CROSS BY MR. BROWN

1 would be able to discuss this with Mr. Bourret, be able to talk
2 with him about this under cross-examination, just acknowledging
3 that he had a room and perhaps that was something that I should
4 not have assumed. That is why it was not turned over.

5 I did tell Mr. Brown months ago that we had
6 received a document that indicated he did have a room -- not
7 the 515 -- that I planned on trying to ask the manager about.

8 THE COURT: You said you complied with Rule 5. You
9 made Mr. Brown aware that you had such a document?

10 MS. WHITE: I told him about it, Your Honor. I did
11 not provide a copy to him because at the time I wasn't planning
12 on -- I didn't believe I was going to have to introduce it
13 during our case. I thought we would be able to discuss it
14 during cross without actually introducing the document.

15 THE COURT: How would anybody know what's in the
16 document unless the document was introduced?

17 MS. WHITE: Your Honor --

18 THE COURT: Are they reading from it?

19 MS. WHITE: Right. I was trying to do that for
20 purposes of the fact he said he had checked it and that he did
21 not have a room. And then I had a document to be able to
22 indicate otherwise. Obviously I know the authentication is the
23 issue for Your Honor and for The Court.

24 As it regards confusing the jury --

25 THE COURT: There's not any confusion.

BRIAN BOURRET CROSS BY MR. BROWN

1 MS. WHITE: There's mention --

2 THE COURT: I don't think there's any.

3 MS. WHITE: -- and the key, multiple times in the
4 body cams. That's going to be coming up anyway.

5 THE COURT: As it's been clearly established this
6 witness no longer works at the Marriott. He's no longer the
7 manager of the Marriott. Even if he were, that doesn't
8 necessarily make him the custodian of any record the Marriott
9 might produce. This witness has testified, while it looks like
10 something that the Marriott might produce, he doesn't know who
11 produced it, how it was produced or whether it's accurate.

12 Based upon the fact he's no longer the manager, not
13 the custodian, he doesn't know how the document was produced,
14 he doesn't know who produced it, he doesn't know if it was
15 accurate or not, the authenticity is not established for
16 admission, even though authenticity is a low bar to establish.
17 In this case it has not been. The State's objection to it is
18 sustained.

19 MS. WHITE: Thank you, Your Honor. I did want to
20 follow up. While we were under cross, I do want to be able to
21 address whether or not we can get into -- and I can follow-up
22 with him on the questions regarding the video that we reviewed.

23 THE COURT: As I understand, the video is in
24 evidence.

25 MS. WHITE: Correct.

BRIAN BOURRET CROSS BY MR. BROWN

1 THE COURT: Of course. You can use it for whatever
2 purpose you want to. It's in evidence.

3 MR. BROWN: Your Honor, the only clarification, I
4 just request, especially with the witness here, is that any
5 questions about whether or not he has knowledge of the person
6 being in the room, I don't want -- what she's shown him, we
7 can't authenticate to be something that he sees now, has to
8 rely on the fact that he does have information that he had a
9 room. I think it's going to be on what he personally has
10 knowledge of.

11 THE COURT: I understand.

12 Mr. Bourret, understanding we've had this
13 discussion outside the presence of the jury because Ms. White
14 has a document that she proposes comes from the Marriott and
15 she wants you to look at it to see if you can identify and
16 authenticate it, which you can't. That document is not in
17 evidence nor is any of that information in evidence because
18 it's been excluded.

19 The fact she's shown it to you doesn't mean you
20 have knowledge of it. It still hasn't been established as even
21 being credible or valid or an actual record of the hotel.

22 THE WITNESS: Okay.

23 THE COURT: The fact you've seen it doesn't give
24 you knowledge of it.

25 THE WITNESS: Okay.

BRIAN BOURRET CROSS BY MS. WHITE

1 THE COURT: Any objection to that comment?

2 MR. BROWN: I think that's perfectly well, Your
3 Honor. Thank you.

4 THE COURT: Let's take ten minutes before we
5 continue. I'm going to let you step down. You can't talk
6 about your testimony. Just have a seat back. If you need to
7 use the rest room, they will show you where it is. We'll come
8 back in ten minutes.

9 (A recess transpired from 11:47 a.m. until 11:57
10 a.m.)

11 THE COURT: Are we ready for the jury?

12 MR. BROWN: Yes, Your Honor.

13 MS. WHITE: Yes, Your Honor.

14 (The jury entered the courtroom at 12:02 p.m.)

15 THE COURT: Ms. White.

16 CROSS-EXAMINATION CONTINUED

17 BY MS. WHITE:

18 Q. Mr. Bourret, while we were talking about some
19 things, I think I asked you about, perhaps if you recall a
20 conversation you had with Officer Fain during the, I guess, the
21 event that transpired that day; is that correct?

22 A. Yes.

23 MS. WHITE: If we could, I'm going to introduce,
24 Your Honor, play a portion of State's Exhibit 4 for Mr. Bourret
25 to review to make sure that the jury sees the conversation.

BRIAN BOURRET CROSS BY MS. WHITE

1 MR. BROWN: I'm loading it up right now.

2 THE COURT: His screen is not working.

3 MR. BROWN: It's ready.

4 Your Honor, this is State's 4 in evidence.

5 (Video played. Not transcribed.)

6 BY MS. WHITE:

7 Q. Mr. Bourret, after watching that, do you recall
8 having that conversation with Officer Fain?

9 A. I honestly don't remember the conversation. I see
10 it. I believe it.

11 Q. You say at that time, pointing to the card that
12 they have in their hands that was discovered during the search
13 of Mr. Carson, you said: That's the room he told me he was in
14 earlier; is that right?

15 A. I believe that's what I heard, yes.

16 Q. And then you said: He told the front desk he was
17 in 515?

18 A. Yes.

19 Q. Your understanding is that Mr. Carson had gone to
20 the front desk at some point to go up to room 515?

21 A. Possibly.

22 Q. And based on you saying he told the front desk
23 that, your recollection at that time would be better obviously
24 than two years later; is that right?

25 A. Correct.

BRIAN BOURRET REDIR BY MR. BROWN

1 MS. WHITE: Beg The Court's indulgence.

2 (A pause transpired.)

3 BY MS. WHITE:

4 Q. Couple quick questions about, at the Marriott and I
5 guess process. I know when you check out of a hotel room, do
6 you get any paperwork?

7 A. Sometimes you do. If you go down and request a
8 statement or folio.

9 Q. Otherwise a lot of times it's done by phone or
10 electronically?

11 A. E-mail, yes.

12 MS. WHITE: That's all the questions I have, Your
13 Honor.

14 MR. BROWN: Permission to recross, Your Honor.

15 THE COURT: Yes.

16 REDIRECT EXAMINATION

17 BY MR. BROWN:

18 Q. Were you ever able to investigate whether or not he
19 was staying in a room when you first made contact at noon
20 thereafter that day?

21 A. Did I really investigate?

22 Q. Did you have any chance to?

23 A. I would've had a chance to.

24 Q. Would you have needed his name to do that?

25 A. Yes.

BRIAN BOURRET REDIR BY MR. BROWN

1 Q. Did he give you his name?

2 A. No.

3 Q. I believe you already described him earlier as
4 aggressive?

5 A. Correct.

6 Q. What floor was that when you made contact with him?

7 A. The sixth floor.

8 Q. Was it on the seventh floor?

9 A. No.

10 Q. What floor is room 713 on?

11 A. Seventh.

12 Q. What room did y'all make contact with him when law
13 enforcement got there?

14 A. 515.

15 Q. Again, lawyers have to ask obvious questions. I'm
16 not this dumb. What floor is room 515 in?

17 A. Fifth floor.

18 Q. What time is checkout at the Marriott?

19 A. 12:00.

20 Q. Is there any reason, based upon the status of the
21 room, room 515 where the Defendant was located, that anyone
22 would believe that room was being checked out at that point in
23 time?

24 A. No. I don't believe so.

25 Q. I'm going to show you the body cam. I'm going to

BRIAN BOURRET REDIR BY MR. BROWN

1 keep playing. This is the time period where you're in there.
2 We'll see if we can get Officer Fain to turn so you can see the
3 room.

4 (Video played. Not transcribed.)

5 BY MR. BROWN:

6 Q. Is that kind of Wofford College in the background?
7 Mostly tree line. Is that where Wofford College would be,
8 looking out that direction?

9 A. I'm really bad with directions. I don't know the
10 answer to that, sir.

11 Q. Fair enough.

12 (Video played. Not transcribed.)

13 BY MR. BROWN:

14 Q. I'm stopping this at 12 minutes 43 seconds. Is
15 that bed made up?

16 A. No, sir.

17 Q. Is there a pile of sheets on the couch next to the
18 bed?

19 A. Yes, I believe that's probably a duvet.

20 Q. Asking an obvious question I know the answer to, do
21 y'all check out rooms where they are unmade like that and where
22 hotel staff is currently doing turn down service?

23 A. No.

24 Q. Speak up?

25 A. I'm sorry. No, we do not.

BRIAN BOURRET REDIR BY MR. BROWN

1 Q. Again, I know it's an obvious answer to an obvious
2 question, we need it heard by the jury. Is there any reason
3 that a reasonable person would think that room was one that was
4 being checked out?

5 A. No.

6 Q. Was Mr. Carson a guest at room 515 that day?

7 A. No.

8 Q. Were you past check-out for that day?

9 A. Yes.

10 Q. At this point looks like our time stamp is around
11 3:00 in the afternoon. How many hours are you past checkout?

12 A. Three hours.

13 Q. You were asked whether or not there are public
14 places at the Marriott in Spartanburg. You were asked about
15 restaurants and about bars. How many restaurants and bars are
16 on the fifth floor?

17 A. Zero.

18 Q. How many restaurants and bars are on the 6th floor?

19 A. Zero.

20 Q. How many restaurants and bars are on any floor? Do
21 y'all have any above the first floor?

22 A. No. There's ballrooms on the second floor. No
23 restaurant or bars on the second floor.

24 Q. After the second floor, is there any public access
25 areas or is that all reserved for people who have rooms checked

BRIAN BOURRET RECROSS BY MS. WHITE

1 out in your hotel?

2 A. Just for guests at the hotel.

3 Q. Mr. Carson was not a guest of room 515?

4 A. No, sir.

5 Q. He entered that room after law enforcement had been
6 called?

7 A. Correct.

8 Q. After you had confronted him and he had been
9 aggressive?

10 A. Correct.

11 Q. Y'all are enjoined from going into that room?

12 A. Yes.

13 MR. BROWN: Please answer any more questions Ms.
14 White may have for you.

15 MS. WHITE: Just briefly, Your Honor.

16 RECROSS-EXAMINATION

17 BY MS. WHITE:

18 Q. Just to follow-up on the questions you were asked
19 by Mr. Brown, once someone checks out at 12:00, they're not
20 allowed on the floors? What if they lost some luggage? What
21 if they left something?

22 A. Typically if they left something, they would ask
23 hotel staff to go back up. Somebody from the front desk or
24 another department would go up to the room or call housekeeping
25 and bring it down.

BRIAN BOURRET REDIR BY MR. BROWN

1 Q. Somebody may say something to the front desk about
2 a room and maybe get it?

3 A. Typically the keys would stop working at check-out.
4 Nobody would be able to use their room key after 12:00, after
5 check-out. They would need a hotel staff member to let them
6 back in the room.

7 Q. If somebody was in a room after check-out time
8 period such as 515, the room was open as we indicated before
9 with the door locked or someone was let into that room by
10 staff?

11 A. Correct.

12 Q. Everybody wandering the halls of a hotel between
13 12:00 and 4:00, whenever checkout is, are not considered
14 trespassing; correct? To you, I mean if someone is in the
15 hallway, you don't automatically assume they're trespassing;
16 correct?

17 A. No, I would not assume that.

18 MS. WHITE: That's all I have. Thank you, Your
19 Honor.

20 FURTHER REDIRECT EXAMINATION

21 BY MR. BROWN:

22 Q. If you call law enforcement because they're being
23 aggressive, that becomes a different ball game, doesn't it?

24 A. Correct.

25 MR. BROWN: Nothing else.

OFFICER HAYES DIR BY MR. BROWN

1 Your Honor, that's it with this witness. We ask
2 that he be excused and released from his subpoena.

3 THE COURT: Thank you. You may be excused.

4 (The witness exited the stand.)

5 MR. BROWN: Your Honor, returning State's Number 4
6 back to our clerk.

7 Would you like us to call another witness before
8 lunch?

9 THE COURT: Yes.

10 MR. BROWN: Yes, Your Honor. State calls Officer
11 James Hayes of the Spartanburg Police Department.

12 THE CLERK: Place your left hand on the Bible and
13 raise your right hand.

14 OFFICER JAMES HAYES
15 being first duly sworn, testified as follows:

16 THE CLERK: You may be seated.

17 MR. BROWN: May it please The Court, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q. Officer, if you can please, for our court reporter,
21 state your name and spell your last name.

22 A. My name is James Hayes. Last name is H-A-Y-E-S.

23 Q. Were you in the courtroom for our first witness
24 when I gave him kind of the ground rules about speaking up,
25 making sure our jury can hear and making sure to give

OFFICER HAYES DIR BY MR. BROWN

1 affirmative yes or no without any head shakes, head nods, and
2 uh-huh and uh-uh?

3 A. Yes, sir.

4 Q. You understand those rules?

5 A. I do.

6 Q. Same way I started with our last witness, let the
7 ladies and gentlemen of the jury know who James Hayes is.
8 Please let them know where you were born, where you grew up,
9 where you went to school, what you do for a living. Let them
10 know who James Hayes is.

11 A. Yes, sir. Obviously, my name is James Hayes. I
12 was born in Greenville. Almost immediately moved with my
13 family, of course, to Spartanburg. Grew up and was raised in
14 Spartanburg. Went to high school over at Dorman, the old
15 Dorman where Wal-Mart is now. Went to Spartanburg Community
16 College. Spartanburg Tech then. Showing my age a little bit.
17 Went for graphic design, studied and practiced graphic design
18 for several years.

19 Always had a passion for law enforcement. Finally
20 I got to the point I wanted a change in life and became a law
21 enforcement officer.

22 Spartanburg City Police was gracious enough to give
23 me that opportunity. I since served in several capacities with
24 Spartanburg Police Department as a patrol officer, other
25 specialized units and now as a K-9 handler with the City of

OFFICER HAYES DIR BY MR. BROWN

1 Spartanburg.

2 Q. When were you first hired by the Spartanburg Police
3 Department?

4 A. 2019.

5 Q. And you now handle K-9. In 2022, what were your
6 duties with the Spartanburg Police Department?

7 A. I was assigned to a patrol unit which would be our
8 day shift unit.

9 Q. Patrol units are the ones, if any of our jurors
10 were to ever call law enforcement, y'all would be the first
11 people that came out?

12 A. Yes, sir.

13 Q. How long did you work in that position?

14 A. Again, probably about three-and-a-half years.
15 That's a rough estimate.

16 Q. Were you working on March 22, 2023?

17 A. I was.

18 Q. I'm sorry, 2022?

19 A. I was as well.

20 Q. Did you have the occasion on March 22, 2022 to
21 respond to a call at the Marriott in Spartanburg?

22 A. I did.

23 Q. Do you know the address of that hotel?

24 A. I do. 299 North Church Street.

25 Q. Is 299 North Church Street both in the city as well

OFFICER HAYES DIR BY MR. BROWN

1 as the county of Spartanburg?

2 A. It is.

3 Q. Is it the big hotel we can see right out the
4 window?

5 A. Yes, sir, it is.

6 Q. About what time did you respond to the Marriott in
7 Spartanburg?

8 A. It was a little past 2:00. I think it was
9 somewhere around 2:30-ish.

10 Q. We are going to be playing your body cam in a
11 little bit. Are those time stamps that are on the body camera,
12 are they accurate to the time you actually came out to the
13 scene?

14 A. Yes.

15 Q. When we play that video, you will be able to update
16 the jury exactly what time it was you arrived on scene at the
17 Marriott?

18 A. Yes.

19 Q. Do you know what you got called out in regards to?

20 A. Yes. A trespasser.

21 Q. Based upon this, did you respond and go immediately
22 to the hotel?

23 A. I did.

24 Q. Were you first on scene?

25 A. I was not.

OFFICER HAYES DIR BY MR. BROWN

1 Q. Do you know who was first on scene?

2 A. I'm not sure who was first on scene. I know I was
3 the third responding officer on scene.

4 Q. Who were the other two officers on scene when you
5 arrived?

6 A. Officer Fain and Officer Peeler.

7 Q. To your knowledge and information, had they been
8 there very long when you arrived?

9 A. They had not.

10 Q. When you arrived, did you take any steps to
11 document or to memorialize your interaction that you would have
12 in that hotel?

13 A. Repeat that question.

14 Q. Let me ask: Did you turn on body cam?

15 A. Yes.

16 Q. What is body camera?

17 A. It's body-worn camera. That way documents every
18 interaction that we have with, essentially, the public.

19 Q. I'm going to point to one of our officers here.
20 They have these little clips right here. Is that the body
21 camera?

22 A. It is.

23 Q. You're not wearing one right now; you're in a suit.
24 Were you wearing one that day?

25 A. I was.

OFFICER HAYES DIR BY MR. BROWN

1 Q. How do you turn it on?

2 A. Double tap it.

3 Q. When you double tap it, what does that body camera
4 do?

5 A. It begins recording 30 seconds prior to our double
6 tapping that button.

7 Q. If you tapped it right now, we would go back 30
8 seconds. It would have kept that memory and then continue to
9 record forward?

10 A. Yes.

11 Q. Did you turn on your body cam when you got to the
12 Marriott in Spartanburg?

13 A. I turned my body camera on once I saw that we had
14 made contact with the Defendant.

15 Q. Have you seen that body camera?

16 A. I have.

17 Q. The body camera that is on the disk that is already
18 in evidence, and we'll show in a bit, is it an accurate
19 representation of what happened on March 22, 2022?

20 A. It is.

21 Q. Before we get to that, can you go ahead and walk
22 these ladies and gentlemen through what happened when you got
23 to room 515 in the Spartanburg Marriott.

24 A. I arrived for what we call a call for service. I
25 knew that our other two officers have arrived on scene and were

OFFICER HAYES DIR BY MR. BROWN

1 attempting at this point to make contact with an individual
2 within 515 being on the fifth floor. I know that they were
3 trying to make contact but the individual had not opened the
4 door and spoke with officers yet.

5 Once I arrived on scene, I entered the elevator,
6 rode the elevator up. Once I exited the elevator, I walked
7 into the hallway, noticing that the custodial staff along with
8 carts was all within the hallway. I saw the assistant manager
9 of the Marriott as well near the doorway, looking at the two
10 officers reportedly having just made contact with the
11 individual inside, which is the Defendant, Mr. Carson.

12 Q. When you arrived at room 515, the door at that
13 point had been opened. You have visual of Mr. Carson?

14 A. Yes, sir.

15 Q. You also see these two officers who are here behind
16 me?

17 A. Yes, sir.

18 Q. Who are these officers, please?

19 A. Officer Fain and Officer Peeler.

20 Q. Are these people you've worked with for a while?

21 A. I have.

22 Q. The Defendant seated at the table, was that the
23 same individual that you saw standing in the doorway of 515?

24 A. Yes.

25 Q. Mr. Bourret, who was just now here, was he the

OFFICER HAYES DIR BY MR. BROWN

1 assistant manager that you saw also standing in the hallway?

2 A. Yes, he is.

3 Q. What happened next?

4 A. Since I saw that they had made contact, that's when
5 I activated my camera, backing up 30 seconds, obviously, as
6 previously mentioned.

7 Once we made contact with the individual, we
8 attempted to identify the subject. When asked what his name
9 was, he gave me his first name, his first name only, spelling
10 his first name. It is our job and our responsibility during an
11 active investigation, which this now was, to positively
12 identify a subject. And, unfortunately, a first name is not a
13 positive identification at that point so we're still
14 investigating at this time.

15 Q. Were y'all having to investigate a number of
16 things; who he was, why he was there, whether or not he had
17 reason to be there? Were y'all looking into all of these
18 things?

19 A. Yes, sir, we were.

20 Q. Have you got past the point of his first name was
21 Tashan before something else happened?

22 A. I'm sorry?

23 Q. Did you get past the point where he identified his
24 first name before another event occurred that changed the
25 dynamic in that room?

OFFICER HAYES DIR BY MR. BROWN

1 A. So he identified himself as Tashan and spelled it
2 for me. At that point he showed what I perceived as
3 non-compliance in walking away from officers. He appeared to
4 be irritated at that point and went into the room, away from
5 officers and grabbed a backpack, throwing it over his
6 shoulders.

7 For our safety, along with the civilians that was
8 just inside the doorway of the room and the hallway, and it
9 being an active investigation, I entered the room and placed
10 Mr. Carson in investigative detention, which is placing him in
11 handcuffs. And then removed the backpack from his shoulder at
12 that point.

13 Q. At this point was he under arrest?

14 A. He was detained at this point.

15 Q. Did something happen in the very near future
16 following that, that caused y'all to then place him under
17 arrest?

18 A. Yes. Once I was placing him in investigative
19 detention, placing him in handcuffs he became -- he started to
20 show indications of becoming irate, telling me that he was
21 going to fuck me up.

22 Once he made that threat, then I advised that he
23 will be going to jail for threats to a public official.

24 Q. Are you a public official?

25 A. I am.

OFFICER HAYES DIR BY MR. BROWN

1 Q. You work for the City of Spartanburg. You're an
2 officer with the Spartanburg Police Department; correct?

3 A. I am.

4 Q. Prior to him making that threat and he goes in and
5 gets the bookbag, did you have any idea --

6 A. I have no idea.

7 Q. Did you have any idea what else he might be
8 grabbing at that point?

9 A. No.

10 Q. Had y'all finished your investigation?

11 A. No, sir.

12 Q. Was it for that reason you placed him in detention
13 both for y'all's safety as well as to continue investigating?

14 A. Yes, sir.

15 Q. Once he was placed under arrest, did your office
16 have a policy about searching individuals?

17 A. We do.

18 Q. Can you please tell these ladies and gentlemen of
19 the jury about that policy.

20 A. Yes, sir, I can. Once someone is placed under
21 arrest, prior to transporting them to the Spartanburg County
22 Detention Facility, we search incident to arrest. For our
23 safety, the jail's safety and even for the Defendant's safety
24 we make sure there's nothing nefarious, nothing of evidentiary
25 value or that could cause harm for ourselves, the Defendant or

OFFICER HAYES DIR BY MR. BROWN

1 the jail staff once they're transported. We search their
2 person and we search any objects or bags or anything like that
3 they may have on their person at the time.

4 Q. Did y'all do that in this case?

5 A. Yes.

6 Q. As a result, were items found by you as well as
7 your colleagues that included a firearm as well as suspected
8 drugs?

9 A. Yes.

10 Q. Can I ask you about the room that y'all walked
11 into. What was the state of the room as y'all entered it?

12 A. Sure. So once I entered into the hallway, I saw,
13 again, the service staff. I could see other rooms being
14 attended to.

15 Walked inside that room. I saw that the mattress
16 was bare. No sheets. The bedding was on the couch. It
17 appeared as though the room had not been prepared to be rented
18 out yet again.

19 Q. Have you ever stayed in a hotel room before?

20 A. I have.

21 Q. Have you ever checked out a room and walked in to
22 see something like that?

23 A. I have not.

24 Q. Permission to approach. Showing you State's Number
25 5. Do you recognize this disk as something I showed you

OFFICER HAYES DIR BY MR. BROWN

1 earlier today in my office?

2 A. Yes, I do.

3 Q. Prior to coming here today at our request, did you
4 watch the body-worn camera associated with this case?

5 A. I did.

6 Q. Did you previously provide it to our office so our
7 office could provide it to defense?

8 A. Yes, I did.

9 Q. The body-worn camera that you watched in
10 anticipation of your testimony, was it an accurate reflection
11 of what happened on March 22, 2022, a little after 2:30 in the
12 afternoon?

13 A. It is.

14 MR. BROWN: Your Honor, at this time, I believe
15 it's already in evidence, we request permission to publish
16 State's 5.

17 THE COURT: You may.

18 (Video played. Not transcribed.)

19 BY MR. BROWN:

20 Q. Your hand just came up. Was that you doing the
21 double tap turning on the body camera?

22 A. Yes.

23 Q. That's right around 31 seconds where I have it
24 stopped at. It backs up 30 seconds?

25 A. Yes.

OFFICER HAYES DIR BY MR. BROWN

1 Q. Can you see in this body camera, room 515 is
2 indicating where you are?

3 A. Yes.

4 Q. Who is the individual with the glasses on the
5 opposite side?

6 A. Officer Peeler.

7 Q. This is Officer Peeler seated right here?

8 A. It is.

9 Q. We kind of already got off of it. Was there a
10 female that was right beside Officer Peeler?

11 A. Yes.

12 Q. Would that be Savanna Fain seated right here as
13 well?

14 A. It is.

15 Q. Who is the individual inside the doorway?

16 A. That's the Defendant, Mr. Carson.

17 Q. The same individual who's seated at the defense
18 table today?

19 A. It is.

20 Q. Playing at 31 seconds.

21 (Video played. Not transcribed).

22 BY MR. BROWN:

23 Q. Stopping at one minute 19 seconds. Is this at the
24 point you were indicating to the jury that he walked away and
25 went and picked up a bag while y'all were still trying to

OFFICER HAYES DIR BY MR. BROWN

1 investigate?

2 A. Yes, it is.

3 Q. Were you still asking for the spelling of his name
4 as he's walking away from you?

5 A. Yes, I was.

6 Q. Is he picking up a bag right here?

7 A. He is.

8 Q. Do you have any idea what's in that bag?

9 A. I do not.

10 (Video played. Not transcribed).

11 BY MR. BROWN:

12 Q. Stopping at one minute 46 seconds, you said you're
13 trying to double lock the cuffs so they don't seize up on you
14 were the exact words. What does it mean to double lock cuffs?

15 A. We check -- we're taught to check for fit when we
16 place handcuffs on an individual's wrists so it's not too
17 tight, cut off circulation, things like that.

18 Once we double lock handcuffs, that means that
19 those handcuffs are at that same diameter until those handcuffs
20 are unlocked and removed. That way, when we check for fit,
21 which is typically two fingers, they're not going to be
22 comfortable. They're also not going to cut off any circulation
23 for an individual that they're placed on.

24 Q. If I understand correctly, if you double lock cuffs
25 on me, my body hits the side of the cuffs, it's not going to

OFFICER HAYES DIR BY MR. BROWN

1 seize up even further and therefore hurt me?

2 A. Exactly.

3 Q. This is for people who you're detaining safety; is
4 that correct?

5 A. Yes.

6 Q. Playing one minute 46 seconds.

7 (Video played. Not transcribed.)

8 BY MR. BROWN:

9 Q. Did he just say: I'm going to fuck you up?

10 A. Yes.

11 Q. Are you about to confirm that's what he said?

12 A. Yes.

13 (Video played. Not transcribed).

14 BY MR. BROWN:

15 Q. Four minutes 11 seconds. Did y'all just now
16 clearly identify what y'all were taking him to jail for,
17 trespassing after notice and threatened life of public
18 official?

19 A. Yes.

20 Q. Had you done any search of his person or of his
21 property at this point?

22 A. No.

23 (Video played. Not transcribed).

24 BY MR. BROWN:

25 Q. Stopping 12:41. Is that crack pipe I heard you

OFFICER HAYES DIR BY MR. BROWN

1 call out?

2 A. Yes.

3 (Video played. Not transcribed).

4 BY MR. BROWN:

5 Q. Your body camera, I'll briefly show you at five
6 minutes 2 seconds, had Officer Fain just now indicated finding
7 something?

8 A. Yes.

9 Q. Did you have visual on what she had found?

10 A. Yes.

11 Q. What was it?

12 A. It was a gun.

13 Q. Did she give any indications about whether or not
14 there were any rounds in the gun?

15 A. I was able to observe her clearing the gun.

16 Q. I don't think we quite heard it yet. Did she
17 ultimately say there's one in the chamber?

18 A. Yes.

19 Q. What did you understand that to mean?

20 A. There was a bullet in the chamber of the firearm,
21 ready to be fired.

22 (Video playing. Not transcribed.)

23 BY MR. BROWN:

24 Q. Pausing at 5:10. I meant to ask, Officer: Is this
25 the same bag y'all had taken off his person that he picked up

OFFICER HAYES DIR BY MR. BROWN

1 right before placing him in detention?

2 A. Yes.

3 (Video played. Not transcribed).

4 BY MR. BROWN:

5 Q. I'm showing six minutes, 34 seconds. What is that?

6 A. That appears to be a headphone case.

7 Q. Had you opened it at this point?

8 A. I had not.

9 Q. Had you taken it off Mr. Carson's person in the
10 minute or so prior to this?

11 A. I did, after advising him that I was searching
12 incident to arrest. I removed it from his left front pocket.

13 Q. Body cam doesn't necessarily always capture
14 everything. It captures where you're pointed. Was that around
15 five minutes that you took that off of him?

16 A. Approximately.

17 Q. Had you seen what's in this case at this point?

18 A. At that point, no.

19 Q. Are you handing that to Officer Peeler to look
20 further into?

21 A. I am.

22 (Video played. Not transcribed).

23 BY MR. BROWN:

24 Q. Stopping at 7 minutes, 20 seconds, did he just now
25 look directly back at you?

OFFICER HAYES DIR BY MR. BROWN

1 A. He did.

2 Q. What is Officer Peeler doing right now?

3 A. About to open the headphone case that we removed
4 from his pocket.

5 Q. This is something you can see Officer Peeler doing
6 about three feet away from you?

7 A. Yes.

8 (Video playing. Not transcribed.)

9 BY MR. BROWN:

10 Q. Stopping now 15 seconds later, 7 minutes, 35
11 seconds. Has Officer Peeler opened that case?

12 A. Yes.

13 Q. Was a quantity of suspected drugs found in that
14 case?

15 A. Yes, it was.

16 Q. Officer Peeler asked you the question where was
17 this found. Was that you answering the question or the
18 Defendant answering the question: My front pocket?

19 A. The Defendant.

20 Q. Are you sure about that?

21 A. Yes.

22 Q. After opening the case that you took from his front
23 pocket, after looking inside of it and seeing a quantity of
24 suspected drugs, after being asked where that was found, when
25 you were being asked that, the Defendant volunteered it was his

OFFICER HAYES DIR BY MR. BROWN

1 front pocket?

2 A. It was.

3 (Video played. Not transcribed).

4 BY MR. BROWN:

5 Q. Stopping at eight minutes, 19 seconds. Did both
6 you and Officer Peeler at that point leave the hotel room?

7 A. Yes.

8 Q. Did y'all leave with the Defendant?

9 A. Yes.

10 Q. Did you leave Officer Fain in the room to maintain
11 the evidence that's just now been collected?

12 A. Yes.

13 Q. I can keep playing the next four minutes. Is there
14 anything else other than y'all taking him down to the patrol
15 car and talking with, I think, the shift supervisor or the
16 captain over the unit?

17 A. I think that's it.

18 Q. Nothing other substance-wise that you have with
19 this particular case?

20 A. Not that I can recall.

21 Q. Is it your understanding trafficking as well as
22 burglary second violent is a violent crime under South Carolina
23 law?

24 A. Yes.

25 Q. The firearm that was located in that bag, was that

OFFICER HAYES DIR BY MR. BROWN

1 the same bag that y'all had taken off of his person just a few
2 minutes prior?

3 A. Yes, it was.

4 Q. Have you ever been made aware of him having a
5 concealed weapons permit or any other right to carry that
6 firearm?

7 A. No.

8 Q. At my request, last night or this morning, did you
9 go to the front parking lot of Marriott and drive to the
10 Wofford campus?

11 A. I did.

12 Q. Can you please tell these ladies and gentlemen of
13 the jury about that and specifically how far of a drive it is.

14 A. Yes. When leaving the front parking lot of the
15 Marriott, I made sure my odometer was decimal zero. Once I
16 left the front parking lot, took a right onto North Church
17 Street, passed over Daniel Morgan and took a right on to
18 Memorial. You drive just a short distance until you arrive at
19 the parking lots adjacent to the housing that is on the Wofford
20 campus. That was right at .4 miles.

21 Q. When you triggered those .4 miles, did that include
22 a number of turns?

23 A. It did.

24 Q. If you had got out and walked a straight line,
25 would it have been likely a shorter distance?

OFFICER HAYES DIR BY MR. BROWN

1 A. Yes, it would probably be roughly about half that
2 distance.

3 Q. To be clear, we've alleged in the indictment it was
4 within half mile of Wofford. Are there any other schools and
5 parks in the nearby vicinity as well?

6 A. Yes, there are several. Barnett park. Churches
7 nearby that are classified as a school as well, due to daycare
8 and education programs that they have on campus.

9 Once you're within the city limits, specifically
10 the downtown area, it's more than likely you're going to be
11 within a half mile of just about any park or school.

12 Q. Specific to Wofford, which is alleged in the
13 indictment, your testimony is driving with lots of turns is .4
14 miles. In a straight line, it would likely be about half of
15 that?

16 A. Yes.

17 Q. This all happened in Spartanburg?

18 A. It did.

19 Q. The Defendant was ultimately charged with
20 threatening the life of a public official for saying he's going
21 to fuck you up?

22 A. Yes.

23 Q. Charged with burglary, second, violent?

24 A. Yes.

25 Q. Charged with proximity in relation to the

OFFICER HAYES CROSS BY MS. WHITE

1 trafficking case as well as the burglary, second, violent?

2 A. Yes.

3 Q. Charged with unlawful carrying of a pistol?

4 A. Yes.

5 Q. And charged with a weapon during a violent crime?

6 A. Yes.

7 Q. The same individual that you had contact with in
8 room 515 in the Marriott in Spartanburg, the one who told you
9 he was going to fuck you up, the one who reached for the bag
10 that ultimately the gun was found in, the one who had an
11 earphone case that had a quantity of suspected methamphetamine
12 in his left front pocket and claimed ownership of it saying it
13 was from his pocket, is that the same individual who's seated
14 at the defense table here today?

15 A. Yes, it is.

16 MR. BROWN: Please answer any questions Ms. White
17 has for you.

18 CROSS-EXAMINATION

19 BY MS. WHITE:

20 Q. Officer Hayes, initially when you arrived on the
21 scene -- I think we just watched the video. There may be a
22 portion I'm going to show you. I'm not going to go back
23 through all of it since we just saw the majority of it.

24 You stated that you weren't first on the scene,
25 obviously. But you came upon Officers Fain and Peeler;

OFFICER HAYES CROSS BY MS. WHITE

1 correct?

2 A. Yes.

3 Q. And you didn't know at that point if they had
4 communicated, received any information from him regarding his
5 name or identification?

6 A. No. All I had heard at that point was them
7 communicating via radio that he had not opened the door yet.

8 Q. By the time you arrived, the door was open. They
9 were standing there communicating with him. And you
10 immediately said: What's your first name?

11 A. Yes.

12 Q. He answered that with Tashan?

13 A. Yes.

14 Q. And he spelled it or asked if you needed him to
15 spell it or you asked him; is that correct?

16 A. He spelled a portion of it.

17 Q. He was spelling his name for you. At that point
18 Officer Peeler came back up and spoke; is that right?

19 A. Yes.

20 Q. Was that at the point that, as we heard, he
21 indicated: Look, we know you didn't have a room here. Don't
22 lie. We're going to find out some other things?

23 A. Yes.

24 Q. And was that also the time that Mr. Carson
25 indicated that he had a bag. I think there had been a question

OFFICER HAYES CROSS BY MS. WHITE

1 about: Do you have any luggage in the room?

2 He said: I've got a bag.

3 A. I don't recall his exact answer. He did respond, I
4 believe.

5 Q. There was a lot going on, obviously. There were
6 multiple officers. Obviously, Officer Peeler's radio was going
7 off. Would you acknowledge it's kind of hard sometimes to
8 answer questions, to listen and respond while there's
9 reports -- maybe for a lay person -- while reports are going on
10 and off on an officer's radio?

11 A. Yes.

12 Q. Did Mr. Carson say something to him about turning
13 it down?

14 A. He did.

15 Q. And at that point did Officer Peeler turn it up?

16 A. I believe so.

17 Q. And then he said: I'm sorry, I couldn't hear you?

18 A. Yes.

19 Q. Mr. Carson made a kind of indication to his ear,
20 either that hurt his ear or there was a problem?

21 A. He did.

22 Q. At that point Mr. Carson said, I'll just go get my
23 bag and leave, or something to that point?

24 A. Per the body cam footage.

25 Q. He turned around and he walked into the room. And

OFFICER HAYES CROSS BY MS. WHITE

1 the room was -- there was no other exit to the room?

2 A. No.

3 Q. And there were three officers essentially in the
4 room that would've been between him and the hallway?

5 A. Yes.

6 Q. When he entered the room, he wasn't trying to
7 escape because he couldn't go anywhere; right?

8 A. He was trying to leave the scene.

9 Q. He couldn't leave the scene from there; correct?

10 A. I can't state what didn't happen.

11 Q. There's no other exits than the door that y'all
12 were all standing between him and the door?

13 A. Correct.

14 Q. There was no other exit he could've taken from that
15 room beyond going back through the three officers?

16 A. Correct.

17 Q. When he went and got his backpack, he put it over
18 his shoulder?

19 A. He did.

20 Q. He didn't reach in it?

21 A. No.

22 Q. He didn't try to unzip it?

23 A. No.

24 Q. He didn't kind of scurry around with it like he was
25 doing something strange to it?

OFFICER HAYES CROSS BY MS. WHITE

1 A. No.

2 Q. He places the backpack on his arm and it appeared
3 he was going to voluntarily leave?

4 A. It did appear that he was going to attempt to
5 leave.

6 Q. At that point we already heard you tell Officer
7 Peeler: He's going in cuffs?

8 A. Yes.

9 Q. You went in and you began putting him in cuffs; is
10 that right?

11 A. Yes.

12 Q. At that point Mr. Carson seemed to be agitated?

13 A. Yes.

14 Q. And said: Why am I being placed into cuffs?

15 A. Yes, ma'am.

16 Q. And at that point, isn't it true that Officer
17 Peeler indicates: You didn't identify yourself?

18 A. He did make a statement in regards to that.

19 Q. He says -- my client says: I did identify myself;
20 is that right?

21 A. I don't recall that. I believe so.

22 Q. And basically y'all continued kind of back and
23 forth. He's expressing that he's being hurt; is that right?

24 A. That's what he expressed, yes.

25 Q. He's indicating that the cuffs are hurting him,

OFFICER HAYES CROSS BY MS. WHITE

1 that you're twisting his arm perhaps or hurting his arm; is
2 that right?

3 A. I don't recall him saying that he was hurting in
4 any way. He made the remark that I don't need to twist his
5 arm.

6 Q. He said he felt like you were assaulting him; is
7 that right?

8 A. I don't remember that.

9 Q. He said you've assaulted me or he's assaulted me at
10 one point?

11 A. I believe we would have to watch that.

12 Q. That was on the video. We can watch that again.
13 That's the time that Mr. Brown stopped for you to talk about
14 double locking cuffs and things?

15 A. Yes, ma'am.

16 Q. At that point you indicated -- and obviously we can
17 hear on the video there's some kind of mumbling; it sounds
18 like: I'll fuck you up?

19 A. It was.

20 Q. And you heard that and you said: All right.
21 That's threatening the life of a public official?

22 A. Threatening a public official, yes.

23 Q. At that point, obviously, you interpreted, I'll
24 fuck you up, to be physical harm?

25 A. Yes.

OFFICER HAYES CROSS BY MS. WHITE

1 Q. Not messing with your mind. Not trying to get you
2 fired.

3 A. No.

4 Q. That was your interpretation of his phrase, I'll
5 fuck you up. You interpreted that to mean it was a threat of
6 harm against you?

7 A. Yes.

8 Q. At that point he was in cuffs; correct?

9 A. He was. He was being placed in cuffs at that time.

10 Q. They were locked at that point, secured?

11 A. Yes.

12 Q. During the review of the video, you indicate at one
13 point you take something you found in his wallet and show it to
14 Officer Peeler. Do you recall that?

15 A. Yes.

16 Q. A card?

17 A. I believe so.

18 Q. That was a Marriott room key card; right?

19 A. I believe it was.

20 Q. And you asked Peeler: This is room 713. Do you
21 recall hearing that?

22 A. I don't. I'm sorry.

23 Q. Officer Peeler responded: No, this is 515?

24 A. Yes.

25 Q. You found a room key card on Mr. Carson's person?

OFFICER HAYES CROSS BY MS. WHITE

1 A. Yes.

2 Q. And Mr. Carson had stated before he had a room at
3 the hotel; correct?

4 A. He had.

5 Q. Obviously, y'all didn't believe him at the time.
6 You did find that card; right?

7 A. We did find the card for room 713, I believe.

8 Q. And at the time you're stating -- and I just want
9 us to re-watch the video of when you find the items of the
10 earbud case, I guess, on him. You state that he responded: It
11 was in my left front pocket?

12 A. He responded where it was that we found it: It was
13 in my left pocket or left front pocket. He responded it was in
14 his pocket. I don't remember the exact verbiage.

15 Q. At that point Mr. Carson had been -- we had seen
16 him kind of non-compliant with y'all in the sense that you said
17 sit on the bed, and he went down on his knees; is that right?

18 A. Yes.

19 Q. He didn't speak pretty much after that?

20 A. Correct.

21 Q. He wouldn't answer the question what his name was.
22 He wouldn't answer any other questions that y'all were asking
23 him; is that right?

24 A. It would be what I consider passive resistance.

25 Q. You're saying that he then voluntarily said: That

OFFICER HAYES CROSS BY MS. WHITE

1 was in my pocket?

2 A. Prior to the incident you're talking of when he
3 kneeled to the floor -- I'm sorry -- after.

4 Q. Once y'all reference and Officer Peeler said, where
5 did you find this, when you hear the words: The front left
6 pocket?

7 A. Yes.

8 Q. Y'all are testifying that's him saying that?

9 A. Yes.

10 MS. WHITE: Can you pull up that video?

11 MR. BROWN: What's the time stamp?

12 MS. WHITE: 6:29 I believe.

13 If we can, we're just going to watch a few more
14 seconds or a minute to confirm.

15 (Video played. Not transcribed).

16 MS. WHITE: You can stop it right there.

17 BY MS. WHITE:

18 Q. When you see that, you don't see his mouth move, do
19 you?

20 A. Not in this body cam.

21 Q. In fact, it kind of sounds like -- it doesn't
22 appear that the Defendant is speaking at all. In fact, he
23 hasn't even responded to something about his Nintendo switch at
24 that point; correct?

25 A. No, he's not speaking to that.

OFFICER HAYES CROSS BY MS. WHITE

1 Q. Do you believe there's a body cam that more
2 accurately shows him speaking?

3 A. I do. Officer Peeler's, if I'm not mistaken.

4 Q. We'll look at that and see. Officer Peeler is the
5 one that has his back to him at this point; right?

6 A. Yes.

7 MS. WHITE: Beg The Court's indulgence.

8 (A pause transpired).

9 BY MS. WHITE:

10 Q. One of the things you stated was you showed Officer
11 Peeler at that point, you said something about the room key.
12 And you said something about we can check that out later?

13 A. I did.

14 Q. Did you ever follow-up on that?

15 A. I saw no need to.

16 Q. So the answer is no?

17 A. No.

18 Q. In your report -- you write reports about
19 everything that happens; is that correct?

20 A. Correct.

21 Q. In fact, that's one of the, probably, the most
22 basic things they teach y'all at law enforcement academy?

23 A. It can be.

24 Q. That's to be able to accurately reflect -- and
25 obviously we have body cam. Sometimes there aren't body cams;

OFFICER HAYES REDIR BY MR. BROWN

1 is that right?

2 A. Correct.

3 Q. The report needs to accurately reflect what occurs
4 that day?

5 A. Yes.

6 Q. Would you agree with me that you never mentioned
7 anything in the report about finding the card?

8 A. I did not. It wasn't relevant to the incident
9 location at 515.

10 Q. Did you also indicate in there that he was
11 unwilling to provide information. At that point, he had
12 provided his first name. And you weren't aware yet if he had
13 provided any other information to Officers Fain or Peeler?

14 A. Correct. To my knowledge, it was only the first
15 name.

16 MS. WHITE: Beg The Court's indulgence.

17 (A pause transpired).

18 MS. WHITE: That's all I have, Your Honor.

19 MR. BROWN: May it please The Court.

20 REDIRECT EXAMINATION

21 BY MR. BROWN:

22 Q. Were you twisting his arm when you were placing the
23 handcuffs on him for detention purposes?

24 A. No, sir.

25 Q. Naturally, when you handcuff someone, you have to

OFFICER HAYES REDIR BY MR. BROWN

1 put their arms behind their back?

2 A. Yes, sir.

3 THE COURT: Mr. Brown, don't stand between the jury
4 and the witness.

5 MR. BROWN: My apologies, Your Honor.

6 BY MR. BROWN:

7 Q. Were you doing everything you can to be as gentle
8 as possible?

9 A. Yes.

10 Q. Is that reflected in the body camera that is
11 clearly just now shown to the jury?

12 A. Yes, I believe so.

13 Q. Do you have any misgiving about what his intent was
14 when he said: I'm going to fuck you up?

15 A. No.

16 Q. I have to find it in the video. Did he also go on
17 to make comments along the line, if you hurt me, I'm going to
18 get you back, or something to that reflect?

19 A. Yes. He stated that it works both ways.

20 Q. I'm going to go to that video so the jury can hear
21 that themselves.

22 (Video played. Not transcribed).

23 BY MR. BROWN:

24 Q. You're hurting me. It's going to go both ways?

25 A. Yes.

OFFICER HAYES REDIR BY MR. BROWN

1 Q. This was said after he told you he was going to
2 fuck you up?

3 A. Yes.

4 Q. To be clear, as we watched the body camera, was he
5 pulling away from you while you were trying to handcuff him?

6 A. Yes.

7 Q. You've been working this for a long time, working
8 as an officer. When they do that, does it mean it's a little
9 bit more of aggressive handcuffing?

10 A. Yes.

11 Q. Were you still doing everything you could to not
12 hurt him?

13 A. Absolutely.

14 Q. Were you trying to double lock the cuffs so it
15 wouldn't inch up?

16 A. Correct.

17 Q. Were y'all in room 713?

18 A. No.

19 Q. When he grabbed that bag, did you have any idea
20 what was in it?

21 A. I did not.

22 Q. Did you give him a chance to do anything with that
23 bag once he put his hands on it?

24 A. I did not.

25 Q. About how long do you think it was -- about how

OFFICER HAYES REDIR BY MR. BROWN

1 long was it from the time that he walked into the room and
2 picked up the bag until you had placed hands on him and began
3 to remove the bag from his person?

4 A. Within seconds.

5 Q. Was he free to leave at that point in time?

6 A. No, he was not.

7 Q. Was he free to leave when he started walking away
8 from y'all into the room?

9 A. No.

10 Q. You were asked about the report never mentioning
11 finding card 713. Does the body cam document everything that
12 happened that day?

13 A. It does.

14 Q. That's now before the jury?

15 A. Yes.

16 MR. BROWN: Nothing further.

17 THE COURT: You may step down.

18 (The witness exited the stand.)

19 THE COURT: We are going to recess for lunch. I
20 caution you, if I haven't already, you can't talk about the
21 case at any time until jury deliberation. Don't talk to
22 anybody outside the case. Don't talk to your fellow jurors
23 about the case. You can only do that when you're involved in
24 jury deliberations.

25 Also you can't do any research or do any

OFFICER HAYES REDIR BY MR. BROWN

1 investigation into any issue. You have to make your decision
2 from what you see and hear during the trial. You can't be
3 influenced by other extraneous information.

4 With that, have a good lunch. Please report to the
5 jury room at 2:30 this afternoon. Have a good lunch.

6 (The jury exited the courtroom at 1:00 p.m.)

7 THE COURT: Court is in recess until 2:30.

8 (A luncheon recess transpired from 1:01 p.m. until
9 3:26 p.m.)

10 THE COURT: Are we ready for the jury?

11 MR. BROWN: State is.

12 MS. WHITE: Defense is.

13 THE COURT: Bring in the jury.

14 (The jury entered the courtroom at 3:28).

15 THE COURT: Good afternoon. When we recessed for
16 lunch, the State was in the midst of their presentation. We'll
17 continue with that presentation this afternoon.

18 MR. BROWN: Your Honor, may it please The Court.
19 State will call Ed Guthro of the Spartanburg Police Department.

20 THE CLERK: Place your left hand on the Bible.
21 Raise your right hand.

22 OFFICER EDGAR GUTHRO
23 being first duly sworn, testified as follows:

24 MR. BROWN: I'm going to make sure the microphone
25 is turned on real fast.

OFFICER GUTHRO DIR BY MR. BROWN

1 May it please The Court.

2 THE COURT: Yes, sir.

3 DIRECT EXAMINATION

4 BY MR. BROWN:

5 Q. Mr. Guthro, can you please, for the ladies and
6 gentlemen of the jury, let them know your first and last name
7 and spell your last name for our court reporter.

8 A. Whole name is Edgar Victor Guthro, G-U-T-H-R-O.

9 Q. And Mr. Guthro, with whom are you employed?

10 A. Spartanburg Police Department.

11 Q. How long have you worked for the Spartanburg Police
12 Department?

13 A. Over 35 years.

14 Q. What all roles do you have as an officer with the
15 Spartanburg Police Department?

16 A. Worked as a patrol officer. Worked as complex
17 officer, criminal investigations, forensics. And now I work in
18 evidence.

19 Q. Evidence, can you tell these ladies and gentlemen
20 of the jury what that is.

21 A. When officers or investigators are working a scene,
22 whatever evidence they collect, they turn into us, and we log
23 it and file it.

24 Q. When you take in evidence and you log and file it,
25 do y'all give cases, particular case numbers so that you can

OFFICER GUTHRO DIR BY MR. BROWN

1 make sure that evidence stays associated with that Defendant as
2 it goes forward?

3 A. Yes, sir. That is given a number attached,
4 machine-generated program-generated, the case number is. And
5 all the items associated with that case.

6 Q. Does your office have a policy about, when
7 evidence is collected at a crime scene, how quickly it needs to
8 make it to you and the process by which it makes it to y'all?

9 A. Suppose to be before the end of shift. Like a
10 homicide, of course, it's much different. Normally just before
11 the end of shift they have to have their evidence turned in.

12 Q. At my request prior to coming here today, did you
13 pull evidence associated with a case against Tashan Carson?

14 A. Yes, sir.

15 Q. Did I provide you a law enforcement case number of
16 what evidence to pull?

17 A. Yes, sir.

18 Q. Did you send that evidence this morning through
19 Savanna Fain so it would be in the courtroom this morning?

20 A. I did. I pulled the evidence and placed a lock
21 through the firearm so it could be safely viewed here in court.

22 Q. Is this evidence from the date and time in which it
23 was turned into you, until the point in time where we made it
24 to the courtroom today, that you have maintained or else you
25 know exactly where it had gone when it was not in your custody?

OFFICER GUTHRO DIR BY MR. BROWN

1 A. Yes. The firearm was in our custody the entire
2 time. The Best bag was carried to the county lab to be tested
3 for drugs.

4 Q. I'm going to start with firearm. And this is in
5 evidence as State's Number 1.

6 MR. BROWN: Permission to approach, Your Honor.

7 BY MR. BROWN:

8 Q. Can you please, sir, open this box. Before doing
9 anything else, confirm to The Court that the firearm is secured
10 in a way it cannot be fired, manipulated or in any way make
11 anybody unsafe in this courtroom.

12 While you're opening that, I'll ask you also any
13 handling of it, please treat the firearm like it is loaded,
14 point it to the ceiling or to the floor.

15 A. Yes, sir. This is the gun associated with this
16 case that I pulled this morning. It has a padlock inserted
17 through the magazine well and through the ejection port so it
18 cannot be fired or loaded at this point.

19 Q. Is there anything else inside of that box?

20 A. Yes, the magazine; loaded magazine for the firearm.

21 Q. Does that firearm have an associated case number
22 that is printed on the front of that box?

23 A. Yes, sir. C22030672.

24 Q. When you say C, C as in Charlie?

25 A. Yes.

OFFICER GUTHRO DIR BY MR. BROWN

1 Q. Is this the firearm that was turned over to you by
2 Savanna Fain in March 22, 2022 associated with Tashan Carson?

3 A. Yes, it is.

4 Q. Does it actually have Tashan Carson's name on it?

5 A. It does.

6 Q. You see Savanna Fain's signature on there as having
7 turned it into you?

8 A. I do.

9 Q. Has it been in your custody since that point in
10 time until it came to this courtroom today?

11 A. Yes, since 3-22-22, I think.

12 Q. Was there other evidence that you acquired from
13 Ms. Fain or Officer Fain? My apologies.

14 A. Yes, sir. Best bag, which is what we call the
15 container that's used for drugs.

16 Q. Educate these jurors on what a Best bag is, how
17 it's used in y'all's office, what purpose it serves, and how
18 y'all maintain it.

19 A. Best bag, we obtain them from Spartanburg County.
20 Officers use them. Inside that envelope is a plastic bag that
21 has information that has to be filled out. And then they seal
22 that plastic bag so it can't be tampered with. And then there
23 is a chain of custody as well in that bag which is a sheet of
24 paper that's listing everybody who's had contact with the
25 actual drugs that are in that bag.

OFFICER GUTHRO DIR BY MR. BROWN

1 Now, there used to be a sheet in there they filled
2 out requesting the analysis. Now that's done on-line. Only
3 things in the bag nowadays is the Best bag itself and the chain
4 of custody.

5 Q. Are there ways to tell in the Best bag from the
6 time you received it to the time you take it to drug evidence
7 as to whether or not it's been manipulated, opened, tampered
8 with or in any way, shape or form somewhat different than what
9 Officer Fain turned in?

10 A. Yes, you can't get in that plastic bag without
11 tearing it up.

12 MR. BROWN: Permission to approach. Right now this
13 is for identification only.

14 MS. WHITE: No objection, Your Honor.

15 BY MR. BROWN:

16 Q. Can you look inside of that, tell us whether or not
17 the Best bag is in there as well as whether or not the chain of
18 custody form is in that bag. Don't publish it to the jury.
19 I'm asking if they're in there.

20 A. Yes, they are.

21 Q. Is that how you received it until it went to
22 somebody with the narcotics testing over at the Sumter County
23 Sheriff's Office?

24 A. It is. The only thing we do when we receive it was
25 sign the chain, mark the bag so we know which case number it

OFFICER GUTHRO DIR BY MR. BROWN

1 goes with. Hold it until it is transported to the lab.

2 THE COURT: Tell us what county that was.

3 THE WITNESS: Sir?

4 THE COURT: Tell us what county that was. He asked
5 you about it.

6 MR. BROWN: My sincere apologies. I probably said
7 Sumter. I meant Spartanburg.

8 THE WITNESS: Yes.

9 BY MR. BROWN:

10 Q. Is that the same case number on the firearm we just
11 identified?

12 A. It is.

13 Q. Do you recognize the signature on there as having
14 been received by you in March of 2022?

15 A. I do. It does.

16 Q. Following that, did you take that to the Sheriff's
17 Department drug analysis lab for further testing?

18 A. I did.

19 Q. Was anybody else other than you with it until it
20 went?

21 A. No, sir.

22 MR. BROWN: Please answer any questions Ms. White
23 has for you.

24 MS. WHITE: Your Honor, I don't have any
25 cross-examination for Mr. Guthro.

OFFICER PEELER DIR BY MR. BROWN

1 THE COURT: You may step down.

2 MR. BROWN: Your Honor, we ask that he may be
3 released from his subpoenas.

4 THE COURT: He may be.

5 (The witness exited the stand.)

6 MR. BROWN: May it please The Court, Your Honor.
7 State would now call Austin Peeler of the Spartanburg Police
8 Department.

9 OFFICER AUSTIN PEELER
10 being first duly sworn, testified as follows:

11 MR. BROWN: May it please The Court.

12 THE COURT: Please do.

13 DIRECT EXAMINATION

14 BY MR. BROWN:

15 Q. Officer Peeler, can you begin by letting the jury
16 know your name, first name, last name and also spell your last
17 name.

18 A. My name is Austin Peeler. Last name is spelled
19 P-E-E-L-E-R.

20 Q. Can you please let these jurors know who Austin
21 Peeler is, where you were born, where you grew up, where you
22 went to school, what you do for a living. Let them know who
23 you are.

24 A. I'm Austin Peeler. I went to Woodruff High School.
25 I was born and raised in Woodruff, South Carolina, just a short

OFFICER PEELER DIR BY MR. BROWN

1 drive down the road. Graduated, went to Greenville Technical
2 College where I went for criminal justice.

3 I started at the police department when I was 22.
4 Been there ever since. Seven years, coming up on eight years
5 I've been employed with the Spartanburg Police Department
6 exclusively.

7 Q. You said seven years with the police department?

8 A. Over seven years.

9 Q. What are your duties there?

10 A. Routine patrol. Did that for five. Now I'm
11 assigned to the downtown business district. I just work the
12 downtown district.

13 Q. Are you now in a patrol car or one of the bicycles?

14 A. Both. I have access to both. I drive a patrol
15 car. Primarily I operate a bike day-to-day.

16 Q. Both in your duties as a downtown patrol officer as
17 well as original patrol officer, did you respond to any calls
18 that came through?

19 A. Yes. If you called 911, I was on patrol and would
20 respond to the calls.

21 Q. Tell these ladies and gentlemen of the jury what
22 all that might include that you regularly saw?

23 A. Anything. Domestic violence calls. Any calls that
24 really came in through 911. Domestic violence. Trespassing.
25 Larceny. Shoplifting. If you called 911, we typically were

OFFICER PEELER DIR BY MR. BROWN

1 coming to the calls.

2 Q. Y'all would be the first on scene?

3 A. Correct.

4 Q. Were you working in March of 2022 on patrol?

5 A. Yes, I was.

6 Q. Specifically on March 22nd, were you on duty?

7 A. Yes.

8 Q. Did you have a chance to respond to a call at the
9 Marriott in Spartanburg?

10 A. Yes.

11 Q. Is that Marriott in both the city as well as the
12 county of Spartanburg?

13 A. It is.

14 Q. Tell these ladies and gentlemen of the jury what
15 time you responded and why you responded to a call.

16 A. I responded to 299 North Church Street, the
17 Marriott, located in the City of Spartanburg just after
18 2:00-ish, around approximately 2:30, in regards to what was
19 dispatched to us as a trespassing.

20 Q. Were you the first on scene?

21 A. I think. I can't recall exactly. I think myself
22 and Officer Fain were almost simultaneously on the scene.

23 Q. Will that be reflected in your body camera?

24 A. Yes.

25 Q. Were you one of the first ones up to the hotel

OFFICER PEELER DIR BY MR. BROWN

1 room?

2 A. I was.

3 Q. Can you tell these ladies and gentlemen of the jury
4 what happened when you arrived on the scene and when you went
5 to the hotel room in question?

6 A. We were informed that there was a guest in room 515
7 that wasn't supposed to be in that room. We were escorted up
8 there by staff. Went to the door. Knocked on the door.
9 Didn't get an answer. We were led into room 515, a room on the
10 500 floor. I can't recall exactly which room.

11 We were let in by staff with a key. We didn't get
12 an answer. We knew someone was in there.

13 Q. When you say staff, are you referring to the
14 manager who was here earlier today testifying?

15 A. Yes.

16 Q. Mr. Bourret?

17 A. Yes.

18 Q. When you arrived up to Room 515, did you arrive
19 there with Savanna Fain as well?

20 A. I was.

21 Q. Did you have body cam operating?

22 A. Yes.

23 Q. Did you ultimately end up making contact with an
24 individual inside of that room?

25 A. Yes.

OFFICER PEELER DIR BY MR. BROWN

1 Q. Can you tell these ladies and gentlemen of the jury
2 about that.

3 A. The door was unlocked by the manager that was here
4 earlier. And there was a male that had came to us and
5 ultimately made contact with him. Let him know why we was
6 there. We were previously informed this man wasn't supposed
7 to be there. We had prior knowledge he wasn't supposed to be
8 in that room. We were making contact. That's ultimately when
9 Officer Hayes arrived on scene shortly thereafter.

10 Q. Did Officer Hayes arrive before or after the door
11 was opened and contact was made with Mr. Carson?

12 A. Just after.

13 Q. Was contact made with the Defendant?

14 A. Yes.

15 Q. Was that the same one seated at defense table
16 today, Mr. Tashan Carson?

17 A. Yes.

18 Q. Were you making contact with him?

19 A. Yes.

20 Q. Can you tell these ladies and gentlemen of the jury
21 about the interaction that occurred after contact was made.

22 A. I'm sorry?

23 Q. Let us know what happened when he made contact with
24 you.

25 A. He opened the door. Ultimately he was somewhat

OFFICER PEELER DIR BY MR. BROWN

1 giving us his name, kind of being evasive to us. And
2 ultimately Officer Hayes arrived on scene. That's when
3 ultimately he aggressively walked into the room -- not Officer
4 Hayes but Mr. Carson had walked back into the room. For safety
5 reasons Officer Hayes had made the decision, hey, this guy
6 needs to be detained for his safety and for our safety.

7 Q. At this point when he detained him, had y'all at
8 any point finished your investigation?

9 A. It was not complete, no, sir.

10 Q. Did y'all know what he was going into the room for?
11 What he might be grabbing?

12 A. No.

13 Q. Based upon that, he was placed in detention; is
14 that correct?

15 A. That's correct.

16 Q. What happened next?

17 A. So he was placed into the investigative detention
18 by Officer Hayes. And while doing so, you guys saw the body
19 camera. He became hostile and agitated and had threatened to
20 fuck Officer Hayes up.

21 Officer Hayes then advised him he was under arrest
22 for, you know, threatening the life of a public official or
23 threatening a public official. And was subsequently searched
24 incident to arrest and produced a handgun in a bag along with
25 what presumably at the time was methamphetamine.

OFFICER PEELER DIR BY MR. BROWN

1 Q. Is it your office's policy and the police
2 department's policy when someone is placed under arrest, they
3 are searched prior to being taken to the holding facility or
4 prior to the detention center?

5 A. What?

6 Q. Do y'all always search when someone is taken into
7 custody?

8 A. Yes.

9 Q. Is that policy?

10 A. Yes.

11 Q. Y'all search both the person as well as his
12 belongings?

13 A. Correct.

14 Q. Is that what y'all did in this case?

15 A. Yes, sir.

16 Q. Following the search, were items located?

17 A. Yes.

18 Q. What items was that?

19 A. In the backpack there was a firearm, Smith & Wesson
20 that was loaded. And, again, it had one in the chamber, which
21 means it's ready to shoot at the pull of a trigger.

22 Inside a headphone case in Mr. Carson's front pants
23 pocket was approximately 41 grams of meth, presumably at the
24 time was located in his front left pants pocket was meth.

25 Q. Who located the firearm?

OFFICER PEELER DIR BY MR. BROWN

1 A. Officer Fain.

2 Q. Were you in close proximity when she did find that?

3 A. Yes.

4 Q. Who located the bag that ultimately contained the
5 suspected methamphetamine?

6 A. Officer Hayes located it.

7 Q. Who opened that bag to see what was inside of it?

8 A. Me.

9 MR. BROWN: Permission to approach with State's
10 Number 3.

11 BY MR. BROWN:

12 Q. Prior to taking the stand today, did you watch the
13 body camera from March 22, 2022?

14 A. Yes.

15 Q. It's already been entered into evidence as State's
16 Number 3. Is it an accurate representation of what happened
17 that day?

18 A. Yes.

19 MR. BROWN: Permission to publish, Your Honor.

20 THE COURT: You may.

21 MR. BROWN: Starting the video, sir.

22 (Video played. Not transcribed).

23 BY MR. BROWN:

24 Q. Real quickly. Is that the video along with Savanna
25 Fain?

OFFICER PEELER DIR BY MR. BROWN

1 A. Yes.

2 (Video played. Not transcribed).

3 BY MR. BROWN:

4 Q. Pausing at 40 seconds, you indicated earlier the
5 manager had to use his card to open the door. Is that what he
6 was doing there?

7 A. Yes.

8 (Video played. Not transcribed.).

9 BY MR. BROWN:

10 Q. Pausing at one minute 24 seconds, you just saw the
11 room. Is that how you walked in and saw it for the very first
12 time?

13 A. Yes.

14 Q. Was the bed made up?

15 A. No, sir.

16 Q. Did it appear as if the room was ready for renting?

17 A. It did not.

18 (Video played. Not transcribed).

19 BY MR. BROWN:

20 Q. I'm going to pause very quickly. At this point is
21 Officer Hayes on scene and in your body camera?

22 A. Yes.

23 Q. The time stamp is one minute 37 seconds.

24 (Video played. Not transcribed).

25 BY MR. BROWN:

OFFICER PEELER DIR BY MR. BROWN

1 Q. Pausing at 2:27, can you hear Mr. Carson make a
2 statement to the officer? Officer Hayes?

3 A. Yes.

4 Q. What did he say?

5 A. I'll fuck you up.

6 (Video played. Not transcribed).

7 BY MR. BROWN:

8 Q. Showing you seven minutes, 11 seconds. Were you
9 just now handed a case of some sort, black in color, round in
10 shape?

11 A. Yes.

12 (Video played. Not transcribed).

13 BY MR. BROWN:

14 Q. Based on your training and experience, did that
15 appear to be narcotics?

16 A. Yes.

17 Q. You don't know whether they're narcotics until
18 they're tested. Is that what it appeared to be?

19 A. Yes.

20 Q. Did the Defendant make a statement when you asked
21 where this was?

22 A. Yes.

23 Q. What did he say?

24 A. His pocket. Front pocket.

25 Q. At that same time did Officer Hayes make a pointing

OFFICER PEELER DIR BY MR. BROWN

1 gesture or respond in any way?

2 A. Yes.

3 Q. Tell us about that.

4 A. He gestured to the Defendant's front pocket.

5 (Video played. Not transcribed).

6 BY MR. BROWN:

7 Q. Showing 8:47. As you're leaving the hotel room,
8 did you leave all the evidence in there with Officer Fain?

9 A. Yes.

10 Q. Did you go down with Officer Hayes to escort the
11 Defendant down to a patrol car?

12 A. Yes.

13 Q. Did anything else substantive happen about 17
14 minutes in when Officer Fain came down?

15 A. No.

16 Q. Is it okay if I go ahead and skip to that point for
17 you?

18 A. Yes.

19 (Video played. Not transcribed.)

20 BY MR. BROWN:

21 Q. At 17:47, had Officer Fain just now arrived to the
22 lobby or front turn-around area of the Marriott?

23 A. Yes.

24 (Video played. Not transcribed.)

25 BY MR. BROWN:

OFFICER PEELER DIR BY MR. BROWN

1 Q. Just a few more brief questions. There was talk on
2 that between you and Officer Fain about the crack pipe that
3 y'all found that particular day. What do y'all do with drug
4 paraphernalia?

5 A. We don't charge for paraphernalia for the city
6 police department so it's typically destroyed.

7 Q. Is that what you're discussing that day about it's
8 just going to be destroyed?

9 A. Yes.

10 Q. Is that consistent with what y'all do as a policy?

11 A. Yes.

12 Q. There was another officer at the beginning of the
13 second part. He appeared to be some type of ranking officer.
14 Who was that?

15 A. One of them was Captain Suber, captain over the
16 patrol bureau. One of them was Lieutenant Gordon.

17 Q. There was a conversation y'all had about returning
18 clothes and going through it to determine what you keep. Can
19 you tell the ladies and gentlemen of the jury how y'all do that
20 and what you do and what evidence you would actually keep.

21 A. If it has evidentiary value to us, we, obviously,
22 keep it. It will get placed in evidence and logged and stored
23 from there. If it's clothing, things that doesn't have
24 anything of evidentiary value to us, it's typically taken to
25 the jail and put into property and get it upon release of the

OFFICER PEELER DIR BY MR. BROWN

1 jail.

2 Q. Is that what you did with a large amount of the
3 items recovered on March 22, 2022?

4 A. Yes.

5 Q. Did y'all keep the gun and drugs?

6 A. Yes.

7 Q. They're still here today?

8 A. Correct.

9 Q. Can you tell these ladies and gentlemen of the jury
10 once y'all receive drug evidence or once you receive a firearm,
11 how that's generally checked into the evidence room of the
12 Spartanburg Police Department.

13 A. Drugs are submitted to a Best envelope. We put it
14 in the Best envelope. From there it's sealed by us on the
15 scene. Signature. It's showing that the seal is good, not
16 tampered with. Submitted into evidence.

17 From that point I don't particularly know the
18 details of what evidence, their procedures are. I don't do
19 that. Firearms are always checked. They're checked to be
20 stolen, put into a box in a safe manner.

21 Q. Is that about the end of your involvement in this
22 case that day?

23 A. Yes, sir, pretty much.

24 Q. You work in the Spartanburg Police Department. You
25 know your region; correct?

OFFICER PEELER CROSS BY MS. WHITE

1 A. Yes.

2 Q. How far away is Wofford College away from the
3 Marriott Hotel?

4 A. Very close. Approximately .4 miles traveling on
5 the roadway.

6 Q. A straight away would be quicker?

7 A. It would be, yes.

8 Q. The quantity of suspected methamphetamine, was it
9 you that recovered it that particular day?

10 A. Yes.

11 Q. Were you the one that opened up the round
12 black-in-color case and found that methamphetamine?

13 A. Yes.

14 Q. Did you then turn that over to Officer Fain so that
15 she could then take it into evidence?

16 A. Yes.

17 Q. This all happened in Spartanburg?

18 A. Yes.

19 MR. BROWN: Please answer any of Ms. White's
20 questions.

21 CROSS-EXAMINATION

22 BY MS. WHITE:

23 Q. Officer Peeler, first thing I wanted to ask about,
24 one of the things that we get when you do an investigation is a
25 report. We don't have a report from you; is that right?

OFFICER PEELER CROSS BY MS. WHITE

1 A. Yes.

2 Q. And so the information we have obviously is just
3 your testimony and your body cam; right?

4 A. Yes.

5 Q. And normally a report is used to document the
6 things that happened that day; is that right?

7 A. Yes.

8 Q. And so the ones we have from Officer Hayes and
9 Officer Fain are from their perspective; right?

10 A. Yeah.

11 Q. You were the first person on the scene. And we saw
12 the video. You had the manager let you into the room or open
13 the door to the room?

14 A. Yes.

15 Q. When you approached, Mr. Carson voluntarily kind of
16 came towards you; is that right?

17 A. Yes.

18 Q. He didn't approach aggressively. He didn't
19 approach with a weapon or anything?

20 A. No.

21 Q. You began asking him if he had a room there?

22 A. Yes.

23 Q. And he said he had.

24 You said: Do you have any paperwork?

25 And he responded: No, they didn't give me a

OFFICER PEELER CROSS BY MS. WHITE

1 receipt. You can check the books; is that right?

2 A. Yes.

3 Q. At that point did anybody go down or try to verify
4 if he had a room there?

5 A. We didn't. Representative, the manager that was
6 here earlier, had advised us that he wasn't supposed to be in
7 there. He was up there on the fifth floor with us.

8 Q. The manager you're saying?

9 A. Correct.

10 Q. I guess you asked him, you know, what your name is.
11 He said ultimately Tashan Carson; correct?

12 A. Yes.

13 Q. He gave you his name. He actually even said:
14 Would you like for me to write it down; is that right?

15 A. Yes.

16 Q. He was being cooperative in that sense of giving
17 you his name, offering to write it down for the spelling?

18 A. Yes.

19 Q. There was some continued kind of conversation. At
20 that point you went into the room; correct?

21 A. Yes.

22 Q. And you kind of looked around?

23 A. Yes.

24 Q. And you were asking him about if he had any
25 luggage?

OFFICER PEELER CROSS BY MS. WHITE

1 A. Yes.

2 Q. And he told you he had a bag; right?

3 A. I can't recall.

4 Q. If it's on the video, and he said, yeah, I've got a
5 bag, you would agree that he told you that?

6 A. Yes.

7 Q. At that point you weren't concerned with him having
8 a bag in the room; correct?

9 A. I wouldn't say concerned. I asked. I guess I had
10 concern.

11 Q. You had said: Do you have any luggage for the
12 room? And he said: I have a bag?

13 A. Correct.

14 Q. At the time he told you he had a bag, you didn't
15 immediately rush in and say: All right, we got to put you in
16 cuffs, I'm concerned?

17 A. No, I did not.

18 Q. You continued to ask him about the room. And, in
19 fact, I think in the meantime, Officer Hayes has come in and
20 asked him and he has voluntarily spelled his first name for
21 Officer Hayes; is that right?

22 A. Yes.

23 Q. During that time period you come back up and say:
24 Look, we know you didn't have a room. Just tell us your name.

25 Is there a moment that he does try to speak to you

OFFICER PEELER CROSS BY MS. WHITE

1 about saying he's not lying about having a room?

2 A. Yes.

3 Q. And your radio is kind of going off; is that right?

4 A. Correct.

5 Q. That can be distracting to try to communicate for
6 both parties when you have a radio going off?

7 A. Yes.

8 Q. He told you to turn it down?

9 A. Yes.

10 Q. You actually turned it up?

11 A. Correct.

12 Q. That was on purpose?

13 A. It was.

14 Q. To annoy?

15 A. No, I wouldn't say to annoy.

16 Q. There is no other purpose. You were mad. He told
17 you to turn it down, so you turned it up?

18 A. I wasn't mad.

19 Q. You turned it up on purpose?

20 A. I did.

21 Q. And then said: I'm sorry, I couldn't hear you?

22 A. Yes.

23 Q. At that point Mr. Carson indicated it was too loud
24 for him or something. Did he not say: I'll get my bag and
25 I'll leave?

OFFICER PEELER CROSS BY MS. WHITE

1 A. I can't recall exactly what he said. I did hear
2 him say bag.

3 Q. At that point he started to walk into the room; is
4 that right?

5 A. That's correct.

6 Q. You were standing there. You didn't stop him from
7 walking back in the room to go get his bag?

8 A. No.

9 Q. And that didn't seem to present any immediate
10 concern to you?

11 A. It did. Again, at the time I didn't think it
12 through.

13 Q. You didn't respond immediately. You allowed him to
14 walk back in the room. He was going to get his bag to leave.
15 It was Officer Hayes who then proceeded to say: He's going in
16 cuffs; right?

17 A. Correct.

18 Q. At that point, had you believed there was an
19 immediate danger concern with him going to get that bag because
20 of your training and experience, you would've gone and
21 attempted to put him in detention; correct?

22 A. Yes. Typically I would have.

23 Q. You didn't do that at that time?

24 A. Not on this incident, no.

25 Q. Isn't there a time, at one point, obviously, the

OFFICER PEELER CROSS BY MS. WHITE

1 situation where he's handcuffed and he makes the supposed
2 threat to the life of Officer Hayes, he asked what I'm being
3 detained for. And you actually indicate to him: You wouldn't
4 identify yourself; correct?

5 A. I don't recall exactly my verbiage. If it was on
6 the video, then I said it. I don't think I would've said you
7 didn't identify yourself. I'm not too sure.

8 Q. Something about identifying yourself as the reason
9 he's being detained?

10 A. Yes.

11 Q. At that point he had already given his name twice
12 at least?

13 A. Yes.

14 Q. Once he's arrested, in fact, there was another kind
15 of interaction where you say: Look, you could've just given us
16 your name and this would've all been all over. It could have
17 gone two ways. And he said: I did give you my name. And you
18 said okay. Is that right?

19 A. Yes.

20 Q. Do you recall that?

21 In fact, when you were calling -- it appears you
22 called at some point to dispatch maybe is who you call on the
23 radio to check, you ultimately say something about: Carson,
24 can you confirm about Carson. At that point you knew his name
25 was Tashan Carson; correct?

OFFICER PEELER CROSS BY MS. WHITE

1 A. I was asking another officer on the radio on the
2 video. He is familiar with Mr. Carson.

3 Q. You knew the last name of Carson?

4 A. I knew the last name. I didn't know that last name
5 belonged to this individual at that time.

6 Q. He had given you that last name?

7 A. He did.

8 Q. He had given you Tashan at that point?

9 A. Yes.

10 Q. After he's arrested and we've seen video, nobody
11 gave Miranda warnings or anything; correct?

12 A. Not that I'm aware of.

13 Q. If you do that, normally people don't question
14 individuals if they haven't been Mirandized; is that right?

15 A. Typically.

16 Q. There were some questions of Mr. Carson, weren't
17 there?

18 MR. BROWN: Your Honor, may I object. May we
19 approach.

20 (Off-the-record discussion.)

21 MS. WHITE: Withdrawing the last question in
22 regards to Miranda.

23 BY MS. WHITE:

24 Q. I want to ask you a little more about my client's
25 interaction once he was arrested. At the point he was

OFFICER PEELER CROSS BY MS. WHITE

1 arrested, he became silent; is that right?

2 A. That's correct.

3 Q. He pretty much didn't answer anything or didn't
4 respond in any fashion; pretty much was kind of stone faced?

5 A. Yes.

6 Q. In fact, there were questions about just
7 conversation about his switch, different things like that.
8 Didn't respond to anything, even if it was a purely, I guess,
9 innocuous question?

10 A. Yes.

11 Q. You said, when you asked where did the drugs come
12 from, that my client, after remaining silent that whole time,
13 suddenly spoke up and said: My front left pocket?

14 A. Yes.

15 Q. You watched the video?

16 A. Yes.

17 Q. And you see my client's mouth move?

18 A. I mean, it's kind of hard to see, but yes.

19 Q. You believe you see my client's mouth move in that
20 video?

21 A. Correct.

22 Q. And Mr. Brown asked you about the gesture that
23 Officer Hayes made to the pocket. Did you observe Officer
24 Hayes' mouth at the time to see if perhaps his mouth made a
25 movement at that time?

OFFICER PEELER CROSS BY MS. WHITE

1 A. I don't recall.

2 Q. And the voice that said front left pocket was kind
3 of a quiet voice, would you agree?

4 A. I can't say.

5 Q. My client had not been quiet with anything he had
6 said after the interaction with the arrest; right?

7 A. Yes.

8 Q. You also saw the card that indicated there was a
9 room of 713 key card room or key card for the room 713; right?

10 A. Yes.

11 Q. Officer Hayes showed that to you?

12 A. He did.

13 Q. You confirm that's not this room. This is 515?

14 A. Correct.

15 Q. Was there an indication from either you or Officer
16 Hayes, we can check this later to see when he had that room or
17 if he had a room?

18 A. There was an indication, yeah.

19 Q. Was any follow-up done on that?

20 A. We didn't see a need to 'cause, again, the key card
21 was 713. We were not in room 713.

22 Q. Just the fact that he was there, the fact that he
23 was in the room, whether or not -- you didn't talk to any staff
24 members to see if anyone had let him in that room voluntarily?

25 A. We were brought to that room by the manager,

OFFICER PEELER REDIR BY MR. BROWN

1 advising already that he wasn't supposed to be in that room.

2 Q. You didn't do any additional investigation, I
3 guess, speaking with the maids that were out there to see if
4 they had let him in the room or if they had let the door
5 unlocked?

6 A. We were told by the manager who was alerted by the
7 staff on that floor that someone is in the room that wasn't
8 supposed to be in that room.

9 Q. That's what I'm saying. You didn't follow-up to
10 make sure or to talk to anybody. You just talked to the
11 manager and got that information?

12 A. That's correct.

13 MS. WHITE: That's all I have at this time, Your
14 Honor.

15 MR. BROWN: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. BROWN:

18 Q. If you were to investigate whether he had access to
19 that room, a reason to be in that room, who would you ask?

20 A. The manager.

21 Q. That's the person who told you he didn't have a
22 right to be in there; correct?

23 A. That's correct.

24 Q. You were asked extensively about whether or not you
25 investigated numerous things? When the Defendant entered the

OFFICER PEELER REDIR BY MR. BROWN

1 room and picked up the bag, were y'all attempting to
2 investigate many of the things that you're now being asked
3 about?

4 A. Yes.

5 Q. Was there a reason that he was not free to leave at
6 that point in time?

7 A. Yes.

8 Q. Were y'all investigating a potential crime?

9 A. Yes.

10 MS. WHITE: Your Honor, I object to leading. Ask
11 him to rephrase.

12 THE COURT: Go ahead.

13 MR. BROWN: I can rephrase. My apologies.

14 BY MR. BROWN:

15 Q. What were y'all investigating?

16 A. Originally there was a trespassing; someone in that
17 room that wasn't supposed to be in that room.

18 Q. Did y'all voluntarily choose to go out, or were you
19 called out?

20 A. We were called to the Marriott.

21 Q. Did the Defendant cooperate with y'all
22 investigating this issue?

23 A. No.

24 Q. As you went through this investigation or attempted
25 to, did the Defendant make the choice to go further into the

OFFICER PEELER REDIR BY MR. BROWN

1 room?

2 A. Yes.

3 Q. Ms. White referred to it as a supposed threat. Why
4 did y'all place the Defendant ultimately under arrest?

5 A. For the threat to Officer Hayes.

6 Q. What were his exact words to Officer Hayes?

7 A. I'll fuck you up.

8 Q. Does that strike you as supposed?

9 A. Can you --

10 Q. Did you believe that to only be a supposed threat
11 or perceive that to be a real threat?

12 A. I perceived it to be a real threat to Officer
13 Hayes.

14 Q. Did the Defendant go on and make other comments
15 about what he meant by he will fuck him up?

16 A. Yes.

17 Q. What did he say?

18 A. Something along the lines, if you assault me, I'll
19 assault you. It can go both ways.

20 Q. Ms. White asked you whether or not the Defendant
21 voluntarily came towards you. How did y'all get into the room?

22 A. We initially knocked. No answer. We were let in
23 by the manager that was here earlier.

24 Q. He didn't voluntarily open that door?

25 A. No.

OFFICER PEELER REDIR BY MR. BROWN

1 Q. At what point did y'all make contact?

2 A. Once the door was unlocked by the manager, I opened
3 the door.

4 Q. You were asked by Ms. White whether or not you
5 perceived a threat by him entering the room and grabbing that
6 bag. How long after he entered that room and went towards that
7 bag was it before Officer Hayes was already passing you and
8 making contact with the Defendant?

9 A. Almost simultaneous.

10 Q. You had an officer that you knew, that you worked
11 with already making that exact same action?

12 A. Yes.

13 Q. Did you assist him?

14 A. Yes.

15 Q. Finally, the question was asked about whether or
16 not the Defendant was the one to say: My front pocket. How
17 long have you worked with Officer Hayes?

18 A. At that point about two-ish years.

19 Q. Since then, have you continued to work with him in
20 the two-ish years that followed since that arrest?

21 A. Every day.

22 Q. Do you know his voice?

23 A. Yes.

24 MR. BROWN: Brief indulgence.

25 (A pause transpired.)

OFFICER PEELER REDIR BY MR. BROWN

1 MR. BROWN: For the record, 7 minutes, 57 seconds.

2 (Video played. Not transcribed).

3 BY MR. BROWN:

4 Q. Was that Officer Hayes' voice?

5 A. I don't believe so.

6 Q. At the time, did you perceive that to be Officer
7 Hayes' voice?

8 A. I didn't.

9 Q. Was it the words his front pocket or my front
10 pocket? I can play it again.

11 A. Can we do that.

12 Q. Sure.

13 (Video played. Not transcribed.)

14 THE WITNESS: I believe he says my front pocket.

15 BY MR. BROWN:

16 Q. Did those drugs come out of Officer Hayes' front
17 pocket?

18 A. They did not.

19 Q. Y'all didn't plant that evidence into that video or
20 anything, did you?

21 A. No, sir.

22 Q. Is that an accurate representation of what happened
23 on March 22, 2022 at around 2:50 in the afternoon?

24 A. It is.

25 MR. BROWN: No further questions.

OFFICER PEELER RECROSS BY MS. WHITE

1 MS. WHITE: Just brief follow-up, Your Honor.

2 RECROSS-EXAMINATION

3 BY MS. WHITE:

4 Q. When he asked you about my versus his front pocket,
5 could it have been he said: Left front pocket?

6 A. I'm not sure. It could've been. I'm not sure.

7 Q. It was kind of a quiet response; is that right?
8 Kind of muted?

9 A. Depending on how it's received. It could be quiet.

10 Q. It's kind of hard to hear, I guess, and clarify
11 since obviously there's some difference in possibly what we
12 could have heard?

13 A. Potentially.

14 MS. WHITE: Thank you. That's all I have.

15 THE COURT: You may step down.

16 (The witness exited the stand).

17 MR. BROWN: May it please The Court. Your Honor,
18 we call Officer Fain of the Spartanburg Police Department.

19 THE CLERK: Place your left hand on the Bible.
20 Raise your right hand.

21 OFFICER SAVANNA FAIN

22 being first duly sworn, testified as follows:

23 MR. BROWN: May it please The Court.

24 DIRECT EXAMINATION

25 BY MR. BROWN:

OFFICER FAIN DIR BY MR. BROWN

1 Q. Officer Fain, if you can start out with same
2 introduction. Go ahead and state your first name and spell
3 your last name for the court reporter.

4 A. Savanna Fain, F-A-I-N.

5 Q. Officer Fain, let them know a little bit about you,
6 where you were born, where you grew up, where you went to
7 school, what you do for a living.

8 A. I was born in Fayetteville, North Carolina,
9 military brat. We moved here, Inman, when I was two-ish. I
10 grew up in Inman.

11 THE COURT: Move up to the mike.

12 THE WITNESS: Went to Congress College, got a
13 degree in history and German studies. I wanted to do something
14 for the community. Joined the police department in 2019. Been
15 here ever since.

16 BY MR. BROWN:

17 Q. Right time for COVID?

18 A. Right time for COVID.

19 Q. What do you do at the police department?

20 A. I work routine patrol.

21 Q. Is that the similar type job description we've
22 already heard from Officer Peeler as well as Officer Hayes?

23 A. Yes.

24 Q. Were you also working on the date March 22, 2022?

25 A. Yes, sir.

OFFICER FAIN DIR BY MR. BROWN

1 Q. Were you -- I'm going to ask you to speak up. That
2 last little bit was a little soft.

3 A. Sorry.

4 Q. That's fine.

5 Were you also responding to a call-out to come to
6 the Sheraton hotel in downtown Spartanburg?

7 A. At the Marriott, yes.

8 Q. The Marriott, I apologize. Long day. Is that both
9 in the city and county of Spartanburg?

10 A. Yes, sir, it is.

11 Q. Did you respond to the call-out?

12 A. Yes, sir.

13 Q. When you arrived on scene, was anybody else there?

14 A. I believe me and Officer Peeler arrived about the
15 same time.

16 Q. Similar questions I already asked Officer Peeler as
17 well as Officer Hayes. As a part of your job, do you wear body
18 camera?

19 A. Yes, sir.

20 Q. Are you wearing it right now?

21 A. I am.

22 Q. Were you wearing it on March 22, 2022?

23 A. Yes, sir.

24 Q. Did you activate it?

25 A. Yes, sir.

OFFICER FAIN DIR BY MR. BROWN

1 Q. Before we get into body camera in the same way, can
2 you go ahead and walk these ladies and gentlemen of the jury
3 through what happened when you arrived at the hotel here in
4 downtown Spartanburg on March 22nd.

5 A. Me and Officer Peeler arrived at the Marriott. We
6 walked in from like the main door through the drive-around.
7 The manager took us up to the fifth floor where he said that
8 there was an individual in room 515 that was not supposed to be
9 there as nobody was supposed to be in that room.

10 Officer Peeler knocked, I believe, twice. And at
11 that point nobody answered. The manager let us in. He removed
12 his key card. At that point we made contact with a black male.
13 I believe he said his name. I'm not really sure.

14 I just know for officer safety, at this point
15 Officer Hayes walked up and Peeler walked into the room
16 further. At this point Peeler walked back. Officer Hayes was
17 speaking with the male.

18 Q. Can I pause you there. We can break all this
19 information down a little bit.

20 A. Yes.

21 Q. How long was it after you arrived at room 515 until
22 Officer Hayes arrived at room 515?

23 A. It was probably moments after the door got open.

24 Q. How did the door get opened that day?

25 A. The manager let us in with his key card.

OFFICER FAIN DIR BY MR. BROWN

1 Q. Who was present when the manager opened that door?

2 A. Myself and Officer Peeler and there were maids down
3 the hall.

4 Q. They were not right there at the door. It was you,
5 the manager, and Officer Peeler?

6 A. Right.

7 Q. You made contact with Mr. Carson. At this point
8 Officer Hayes is there. What happened next?

9 A. Officer Hayes is speaking with Mr. Carson. Peeler
10 walks further into the room, comes back. Speaking with
11 Mr. Carson again. Mr. Carson walks further into the room.

12 At this point Officer Hayes, probably a moment
13 later, maybe even seconds, Officer Hayes follows him. Just for
14 officer safety reasons, due to us still talking to Mr. Carson
15 and placed him into investigative detention.

16 Mr. Carson then makes threats towards Officer
17 Hayes. At this point Officer Hayes tells him he's under
18 arrest.

19 Q. I'm going to pause you right there. Again, you
20 said threats were made. What were those threats?

21 A. I will fuck you up.

22 Q. Did he also continue to clarify what he meant by:
23 I will fuck you up?

24 A. Yes, sir. He claimed Officer Hayes was assaulting
25 him. Okay, I'll do that back.

OFFICER FAIN DIR BY MR. BROWN

1 Q. All of this is on body cam. From your experience,
2 did you see Officer Hayes doing anything that struck you as out
3 of the ordinary, overly rough, or anything like that?

4 A. No, sir.

5 Q. Do y'all double lock handcuffs?

6 A. Yes, sir.

7 Q. Is that standard practice?

8 A. Yes, sir. It's two fingers. As you're fitting and
9 you double lock them so they don't tighten up.

10 Q. Does it make it more difficult if the person is
11 pulling away from you?

12 A. It does; severely more difficult.

13 Q. By the way, when we talk about Mr. Carson, are we
14 talking about the same individual who's seated at the defense
15 table here today?

16 A. Yes, sir.

17 Q. Do you recognize him as the same person that you
18 were in the hotel room with at the hotel that day?

19 A. Yes, sir.

20 Q. After he made threats that he will fuck you up,
21 speaking to Officer Hayes, what happened next?

22 A. So he was searched incident to arrest. At this
23 point I knew that both of them or Officer Peeler and Officer
24 Hayes for certain had Mr. Carson. I grabbed the backpack as
25 well as his jacket. Searched it, patted down the jacket, make

OFFICER FAIN DIR BY MR. BROWN

1 sure nothing was in that. I searched the backpack.

2 Q. Pause you for a second. You said you grabbed a
3 jacket and the backpack. Where were they at this point?

4 A. Officer Peeler had moved them. Or the backpack was
5 on Mr. Carson's person. It was taken off of him while he was
6 being handcuffed. They were all taken to the bathroom just to
7 get, separate everything.

8 Q. You were here a second ago when Officer Peeler's
9 body cam was played. Was that reflected in that body cam?

10 A. Yes, sir, it was.

11 Q. Once y'all determine y'all were arresting him,
12 y'all were searching him incident to arrest, did you then go
13 and retrieve those items that had been moved to the bathroom?

14 A. Yes, sir.

15 Q. Let the jury know what happened next.

16 A. While I'm searching the backpack, I found a loaded
17 firearm with one in the chamber.

18 Q. What do you mean when you say one in the chamber?

19 A. As soon as you pull the trigger, it's going to
20 fire. It's ready to go.

21 Q. Did you clear that gun to make sure that it no
22 longer had ammunition, can no longer fire?

23 A. Yes, sir.

24 Q. What happened after that?

25 A. At that point I ran the gun and made sure -- that

OFFICER FAIN DIR BY MR. BROWN

1 was after, I'm sorry. Officer Peeler came around with the
2 little black circle thing. He opened it. That's what I have
3 experience in my job as narcotics. And then so when they took
4 him down to the car, I ran the gun, secured the scene. And
5 that's about it.

6 Q. Did you ultimately collect all the evidence from
7 that room?

8 A. I collected all the evidence, all the property.
9 And I took it downstairs. And that's where we separated the
10 property. Mr. Carson was taken to the detention center. And
11 property was taken away from the scene as well.

12 Q. Who took it away from the scene? Where did they
13 take it?

14 A. It was taken -- it was 145 West Broad Street at the
15 time, taken back to our city hall, put in evidence.

16 Q. Who took it there?

17 A. I believe Jordan Peeler's car. He has a lock box.
18 That's where all the property, clothes and stuff.

19 Q. Did you take the narcotics?

20 A. Yes.

21 MR. BROWN: Permission to approach. State's Number
22 4.

23 THE COURT: You may.

24 BY MR. BROWN:

25 Q. At my request, prior to coming here today, did you

OFFICER FAIN DIR BY MR. BROWN

1 watch the body camera from that particular day, time stamped
2 2:48 as starting, that reflects what happened from your
3 perspective in room 515 of the hotel that day?

4 A. Yes, sir.

5 Q. And the body camera that is on this disk, is it an
6 accurate reflection of what you recall and what occurred that
7 day from your perspective?

8 A. Yes, sir.

9 MR. BROWN: Permission to publish, Your Honor.

10 THE COURT: You may.

11 (Video played. Not transcribed).

12 BY MR. BROWN:

13 Q. Pausing at 3:26. Did you hear him make the threat?

14 A. Yes, sir.

15 Q. Did he at the tail end of that also say: It will
16 go both ways?

17 A. Yes, sir.

18 (Video played. Not transcribed).

19 BY MR. BROWN:

20 Q. Showing you 5:48. Is that you going into the
21 bathroom to retrieve the jacket and the bag you mentioned
22 earlier in your testimony?

23 A. Yes, sir.

24 (Video played. Not transcribed).

25 BY MR. BROWN:

OFFICER FAIN DIR BY MR. BROWN

1 Q. Pausing six minutes, 40 seconds. Is that the
2 firearm that was recovered in this case?

3 A. Yes, sir.

4 Q. Where was it found?

5 A. In the backpack.

6 Q. Is this the backpack that Officer Peeler and
7 Officer Hayes removed off the Defendant's person --

8 A. Yes, sir.

9 Q. -- few minutes earlier?

10 MR. BROWN: Permission to approach with State's 1
11 in evidence.

12 BY MR. BROWN:

13 Q. Is that the same firearm you recovered that day and
14 later turned into evidence?

15 A. Yes, sir, it is.

16 Q. Can you identify what type of firearm that is?

17 A. Smith & Wesson.

18 Q. MMP100?

19 A. Yes, sir. It's just MMP.

20 Q. Was that turned into evidence bearing the law
21 enforcement case number that is blazoned on this and assigned
22 to Tashan Carson's case?

23 A. Yes, sir.

24 Q. Continuing to play 6 minutes, 40 seconds.

25 (Video played. Not transcribed).

OFFICER FAIN DIR BY MR. BROWN

1 BY MR. BROWN:

2 Q. 15 minutes. Were you just making sure there was
3 nothing in the pillows?

4 A. Yes, sir.

5 (Video played. Not transcribed.)

6 BY MR. BROWN:

7 Q. Was that the point where you turned your body cam
8 off?

9 A. Yes, sir.

10 Q. Did you have any more interaction with the
11 Defendant that day?

12 A. No, sir.

13 Q. Following your body camera turning off, what did
14 you do next?

15 A. Officer Peeler took the gun, and I took the drugs.
16 We went to city hall.

17 Q. When dealing with narcotics and checking that into
18 evidence, do y'all have a policy and procedure how you go about
19 that?

20 A. Yes, we have to weigh it and then put it in the
21 Best bag and turn that Best bag into evidence.

22 Q. Was that your responsibility on March 22, 2022?

23 A. Yes, sir, it was.

24 MR. BROWN: Your Honor, permission to approach with
25 State's Exhibit Number 2 for identification at this time.

OFFICER FAIN DIR BY MR. BROWN

1 BY MR. BROWN:

2 Q. First, at the top of this envelope right here,
3 State's Number 2, does it have the law enforcement case number
4 associated with Tashan Carson's case?

5 A. Yes, it does.

6 Q. Do you see your signature on the front of that?

7 A. Yes, I do.

8 Q. What does that signature represent?

9 A. That's my signature that I turned this into
10 evidence.

11 Q. That you turned it over to evidence?

12 A. Uh-huh.

13 Q. Do you see another signature there?

14 A. I do.

15 Q. Do you recognize that signature?

16 A. It's Guthro's.

17 Q. That's the individual who testified right after
18 lunch today?

19 A. Correct.

20 Q. Can you look inside that bag and see if you
21 recognize the items inside of it.

22 A. This is our Best bag. This is the powder stuff,
23 narcotics that was in the round thing.

24 Q. That was what was given to you to turn into
25 evidence?

OFFICER FAIN DIR BY MR. BROWN

1 A. This is the chain of custody that goes with the
2 Best bag.

3 Q. On that chain of custody, does it reflect who
4 turned that into evidence and where it went from there?

5 A. Yes, sir. I turned into Guthro, which is evidence.

6 Q. Do you have a signature there reflecting that?

7 A. Yes, sir, I do.

8 Q. Is it dated?

9 A. Yes, sir.

10 Q. What's the date?

11 A. 3-22-22.

12 Q. Then you have information about Guthro and when he
13 took that elsewhere?

14 A. Yes. He took it to the Spartanburg -- the
15 Sheriff's Department, wherever they tested it. I'm not sure
16 where they test it at.

17 Q. Is there any indication anything happened with that
18 evidence from the point in time you turned it over to Guthro to
19 the point in time when Guthro handed it over to the Sheriff's
20 Department?

21 A. No, sir.

22 Q. Does it have your signature somewhere on it to
23 reflect you're the one who sealed that Best bag?

24 A. Yes, sir.

25 Q. Is that standard practice for y'all to put your

OFFICER FAIN DIR BY MR. BROWN

1 signature on there, make sure it's clear, not tampered with it?

2 A. Yes, sir.

3 Q. Do you see any evidence that would reflect anything
4 nefarious from your perspective of what you saw that day?

5 A. No, sir, I do not.

6 Q. The events of March 22, 2022, did they all occur in
7 the city as well as the county of Spartanburg?

8 A. Yes, sir, it did.

9 Q. You've worked as uniform patrol officer since 2019;
10 is that correct?

11 A. Yes, sir.

12 Q. Are you familiar with the community you patrol?

13 A. Yes, sir.

14 Q. Are you familiar with where Wofford College's
15 campus is?

16 A. Yes, sir.

17 Q. On that particular day when y'all went to the
18 hotel, how far away were you away from Wofford?

19 A. Less than half a mile.

20 Q. Were there any other parks and schools nearby in
21 the vicinity as well?

22 A. Yes, sir.

23 Q. Is the firearm that you recovered, was that in the
24 bag that was taken off Mr. Carson?

25 A. Yes, sir, it was.

OFFICER FAIN CROSS BY MS. WHITE

1 Q. Is it your understanding that burglary, second
2 degree, violent, as well as trafficking are both violent
3 offenses under South Carolina law?

4 A. Yes, sir, they are.

5 Q. Did you hear the Defendant say that he was going to
6 fuck up Officer Hayes?

7 A. Yes, sir, I did.

8 Q. Is that reflected on your body cam?

9 A. Yes, sir, it is.

10 Q. Does the body cam accurately reflect what occurred
11 on March 22, 2022 from your perspective?

12 A. Yes, sir, it is.

13 MR. BROWN: Beg The Court's indulgence.

14 (A pause transpired).

15 MR. BROWN: Please answer any questions from
16 Ms. White.

17 CROSS-EXAMINATION

18 BY MS. WHITE:

19 Q. Officer Fain, just a couple questions. Obviously
20 we've looked at the video. They're all kind of the same
21 perspective. We've gotten a good idea of what happened that
22 day.

23 I wanted to ask you a little bit, just to follow
24 up. In regards to being let in the room, you and Officer
25 Peeler stated you had to have the manager use a key card; is

OFFICER FAIN CROSS BY MS. WHITE

1 that right?

2 A. Yes, ma'am.

3 Q. So you, without having access, had to have someone
4 let you in?

5 A. Correct.

6 Q. And at that point -- I guess I won't go through a
7 lot of the conversation that kind of happened -- one of the
8 things you found was a crack pipe?

9 A. Yes, ma'am.

10 Q. There's some talk about that. We see that on the
11 video. That's indicative of someone that uses drugs perhaps?

12 A. Correct.

13 Q. You didn't find any scales in the room?

14 A. No, ma'am.

15 Q. When I say scales, I'm referring to scales that a
16 lot of times officers will refer to as items that people use
17 who are selling drugs or distributing drugs?

18 A. Yes, ma'am.

19 Q. I'm sorry. You didn't find any of those in the
20 room?

21 A. No, ma'am.

22 Q. You went through the bag and you went through the
23 jacket?

24 A. Yes, ma'am.

25 Q. Did you find any individual baggies that might

OFFICER FAIN CROSS BY MS. WHITE

1 indicate that any of the drugs that were located were being
2 packaged for sale?

3 A. He did have the cigar or cigarillo, little baggie
4 things. And like a torch.

5 Q. The answer for the little baggies is no?

6 A. What kind of little baggies are you referring to?

7 Q. Small bags you would put individual amounts in.
8 You're saying he had the bag with cigars in them?

9 A. Some of them are empty. They have little seals on
10 them. You can reseal those.

11 Q. Were those the ones that look like they were about
12 that tall maybe?

13 A. Yes.

14 Q. Kind of cellophane. You heard the crinkling of
15 them?

16 A. Yes, ma'am.

17 Q. Those are the only bags he had on him?

18 A. Yes, ma'am.

19 Q. Some of them had cigars in them?

20 A. I think one of them did.

21 Q. You didn't go through his wallet. You don't know
22 if he had large amounts of cash?

23 A. I'm not sure. I believe on the video he does have
24 cash in his wallet.

25 Q. You don't have any idea how much, or if it was

OFFICER FAIN CROSS BY MS. WHITE

1 large amounts?

2 A. No, ma'am.

3 Q. You're taught, I guess, on routine patrol when
4 you're looking for things like that, there's certain things you
5 look for, for packaging or selling of drugs; is that right?

6 A. Yes, ma'am.

7 Q. And could some of these things that I mentioned be
8 some of the indicators of that?

9 A. Yes, ma'am.

10 Q. You ran the gun; is that right?

11 A. Yes, ma'am.

12 Q. When you say ran the gun, that means you check it
13 to make sure it's not stolen; right?

14 A. Yes, ma'am. We contact -- it's called records.
15 It's the records division of the police department. And they
16 take the serial number as well as the make and model of the gun
17 and run it through NCIC, which is a national database to check
18 if it's stolen.

19 When I ask if they had a printout, the printout is
20 actually in the box right there with the gun.

21 Q. There's no indication this was a stolen gun?

22 A. No, ma'am.

23 MS. WHITE: I think that's all I have, your Honor.

24 MR. BROWN: Briefly, Your Honor.

25 REDIRECT EXAMINATION

OFFICER FAIN REDIR BY MR. BROWN

1 BY MR. BROWN:

2 Q. You were asking about indication of intent to sell
3 specific to proximity charge. What were your words when you
4 saw those drugs pulled out of that particular container?

5 A. I said something along the line: That's a lot,
6 that's more than I've ever seen.

7 Q. When you were there that particular day, how long
8 had you been with the Spartanburg Police Department?

9 A. Two years. Three years.

10 Q. For three years you had been seeing drug cases
11 along with many others. And there that day, that was the
12 largest amount you've ever seen. Is that what your testimony
13 is?

14 A. Yes, sir.

15 Q. You repeated that multiple times; isn't that right?

16 A. Yes, sir.

17 Q. Is a large quantity also an indicator of intent?

18 A. Yes, sir.

19 Q. Do you know what the threshold amount is for intent
20 to distribute in South Carolina?

21 A. 15.

22 Q. If I were to suggest one gram?

23 MS. WHITE: Your Honor.

24 THE COURT: Sustained.

25 MS. WHITE: Thank you, Your Honor.

OFFICER FAIN REDIR BY MR. BROWN

1 BY MR. BROWN:

2 Q. This was the largest amount of drugs you've ever
3 seen?

4 A. Yes, sir.

5 MR. BROWN: Nothing further.

6 MS. WHITE: Nothing further.

7 THE COURT: You may step down.

8 (The witness exited the stand.)

9 THE COURT: We'll recess the afternoon. The jury
10 will keep in mind my instructions previously given. No
11 discussion, no research, no investigation. Have a good
12 evening. Please report to the jury room by 10:00 in the
13 morning. 10:00 in the morning. Have a good evening.

14 (The jury exited the courtroom at 5:05 p.m.)

15 THE COURT: Are there any matters we need to
16 address before we recess?

17 MR. BROWN: None from the State. We have one
18 witness ready to go at 10:00.

19 MS. WHITE: Nothing from the defense, Your Honor.

20 THE COURT: Court is in recess until 10:00 in the
21 morning.

22 (The hearing adjourned at 5:06 p.m.)

23

24

25

1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

IN GENERAL SESSIONS
7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

VOLUME II

6 vs.

CASE NO. 2022-GS-42-3798
2022-GS-42-3800
2022-GS-42-3797

7 TASHAN ANTIONE CARSON,
8
9 Defendant.

10 HEARING BEFORE: HONORABLE J. DERHAM COLE

11 DATE: March 28, 2024

12 TIME: 10:10 AM

13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 TYLER BROWN, ESQ.

22 ATTORNEYS FOR THE DEFENDANT
23 SUZANNE H. WHITE, ESQ.
24
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I N D E X

DIRECT CROSS REDIRECT RECROSS

WITNESS/EXAMINATION

DEPUTY JACOB JACKSON

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E X H I B I T S

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DEPUTY JACKSON DIR BY MR. BROWN

1 THE COURT: Any matters to address before the jury
2 is brought in?

3 MR. BROWN: None from the State, Your Honor.

4 MS. WHITE: None from the defense, Your Honor.

5 THE COURT: Bring in the jury.

6 (The jury entered the courtroom at 10:12 a.m.)

7 THE COURT: Good morning, ladies and gentlemen. As
8 you know when we recessed yesterday, the State was in the midst
9 of their presentation. We're going to continue with that
10 presentation this morning. Mr. Brown.

11 MR. BROWN: Your Honor, may it please The Court.
12 The State would call Jacob Jackson of the Spartanburg Sheriff's
13 Office.

14 DEPUTY JACOB JACKSON
15 being first duly sworn, testified as follows:

16 MR. BROWN: Permission to approach. I'm going to
17 make sure the microphone is on.

18 May it please The Court.

19 THE COURT: Yes.

20 DIRECT EXAMINATION

21 BY MR. BROWN:

22 Q. Good morning. Could you please for our court
23 reporter say your first name, spell your last name.

24 A. Jacob Corley Jackson, J-A-C-K-S-O-N.

25 Q. Mr. Jackson, for these ladies and gentlemen of the

DEPUTY JACKSON DIR BY MR. BROWN

1 jury, let them know who Jacob Jackson is, who you are, where
2 you were born, where you grew up, where you went to school,
3 what you do for a living.

4 A. I was born in North Carolina, lived there most of
5 my life, around the Tryon area. My father was military. We
6 spent some time in Charlotte, mainly hovered around Polk
7 County, North Carolina.

8 I am professionally a forensic chemist with the
9 Spartanburg County Sheriff's Office. I've been in my current
10 role for a little over three-and-a-half years.

11 Prior to which I worked in the private sector in
12 both chemistry and biological laboratories. I've been
13 certified in controlled substance analysis. That's
14 quantitative marijuana analysis.

15 I attended clandestine training through the DEA in
16 Columbia, South Carolina. Of course, I attend yearly training
17 and technical seminars as part of my continuing education.

18 I received my associate's from ICC and my
19 bachelor's from Gardner Webb University. Both institutions are
20 in North Carolina. I'm currently pursuing my master's in
21 science degree in chemistry from USC.

22 Q. You indicated that your current job is chemical
23 analyst for the Spartanburg Sheriff's Department?

24 A. Forensic chemist, yes.

25 Q. Thank you for the correction.

DEPUTY JACKSON DIR BY MR. BROWN

1 Tell the ladies and gentlemen of the jury
2 specifically what is that.

3 A. Sure. There is many different types. Could be
4 arson. Could be fire debris.

5 Q. Mr. Jackson, if I can get you to speak up just a
6 little bit. You're a little soft.

7 A. There's many different types of forensic chemists.
8 Mine is mainly focused on drug chemistry. That tends to lead
9 towards analytical chemistry and use of instruments to analyze
10 what a substance could be, what it is and where it's found.

11 Q. When drugs are found in Spartanburg County, are you
12 someone who likely may test them?

13 A. Typically an officer would submit that into
14 evidence and that would eventually come to my lab.

15 Q. You work with the Sheriff's Department; is that
16 correct?

17 A. I do.

18 Q. This case is a police department case. Can you
19 tell the ladies and gentlemen of the jury is that uncommon for
20 you to test drugs from another agency?

21 A. No. Our labs services many different agencies. We
22 have contracts with local PD, Inman, Cowpens, of course city.
23 We also service agencies in North Carolina, Rutherford County,
24 Polk County, Asheville, once or twice. And those cases, the
25 procedure is a little bit different.

DEPUTY JACKSON DIR BY MR. BROWN

1 Typically, if a case is submitted by one of our
2 officers at the Sheriff's Office, they will turn into evidence
3 and evidence personnel will issue it to us.

4 With outside agencies, they get a call, e-mail to
5 set the time in which one of their agency representatives will
6 bring us some cases. And in this case that's what happened
7 with the city. Typically, one of their agency reps will set up
8 a meeting and bring us a box of cases.

9 Q. In your role as a forensic chemist, have you ever
10 testified in court of General Sessions?

11 A. I have. Three times.

12 Q. In those, have you been asked to be qualified as an
13 expert witness?

14 A. I have in a particular field.

15 Q. Have you been qualified as an expert in those cases
16 in a particular field?

17 A. All three times.

18 Q. What field is that?

19 A. Forensic.

20 MR. BROWN: Your Honor, at this time we would offer
21 Mr. Jackson as an expert in the field of forensic chemistry.

22 MS. WHITE: Without objection, Your Honor.

23 THE COURT: He is so qualified.

24 MR. BROWN: Your Honor, permission to approach the
25 witness.

DEPUTY JACKSON DIR BY MR. BROWN

1 BY MR. BROWN:

2 Q. State's Exhibit 2, which is for identification
3 purposes. Mr. Jackson, do you recognize this envelope? If you
4 don't recognize the envelope, do you recognize the contents
5 inside?

6 A. May I?

7 Q. Yes.

8 A. I do recognize it. The case number is identical to
9 my report. Also, whenever I work a case, I sign my signature
10 on the Best bag itself. And the case I re-seal it into, I sign
11 and seal the case. I recognize it as a case number I worked.

12 Q. Inside that envelope, was there a chain of custody
13 for how those particular items got to be in your custody?

14 A. There is.

15 Q. On that chain of custody, do you see your name and
16 signature?

17 A. I do.

18 Q. Can you tell us what date and time, if there is a
19 time, what time you received custody of this particular item.

20 A. Yes, they brought it to me on May 5, 2022 at 10:00
21 a.m.

22 Q. You said they. Is there an individual above you as
23 authorizing turning over that evidence to your person?

24 A. Yes, my boss. Officer Edgar Guthro.

25 Q. Were you in court yesterday?

DEPUTY JACKSON DIR BY MR. BROWN

1 A. Yes.

2 Q. Was it the same Ed Guthro who sat here right after
3 lunch and our fire drill yesterday?

4 A. The same.

5 Q. Is there another name above Ed Guthro as who gave
6 it to him?

7 A. S. Fain.

8 Q. Is there any other names as being involved in that
9 chain of custody?

10 A. The suspect.

11 MR. BROWN: Your Honor, at this time the State
12 would offer State's Exhibit 2 into evidence. We believe we've
13 established a chain of custody.

14 MS. WHITE: Pursuant to the pretrial objection,
15 Your Honor, we would object.

16 THE COURT: It's been identified. The chain's been
17 identified. The substance has not been identified, which would
18 make it relevant.

19 MR. BROWN: Your Honor, we can go through it.

20 THE COURT: All right.

21 BY MR. BROWN:

22 Q. In that bag, can you identify what substances were
23 found?

24 A. Every time I work an item, I sign the item itself.
25 I can see my signature on there.

DEPUTY JACKSON DIR BY MR. BROWN

1 I see two bags containing crystal substance that
2 have been re-packaged into Ziploc, which is typical for what I
3 do. I don't re-tie the bags. I simply put it down in a new
4 Ziploc. I do see a plastic bag containing crystal substance
5 and another bag containing crystal substance.

6 Q. Once you finish testing an item, do you re-seal the
7 package to make sure it's not tampered with in any other way
8 following your taking ownership of it?

9 A. Yes. After I test all the items, I'm done with my
10 analysis, I take my samples. I put all the items as well as
11 the Best bag that it came from, down into this heat-sealed bag.
12 And I will sign the inside of the seal and seal on top of it
13 the date that I filled it, the date that I worked it, the
14 associated case number, and my signature.

15 Q. Is that done following your testing of the items
16 inside of there?

17 A. Following my taking of the samples, the testing
18 would happen then soon after. I just want to make sure it's
19 sealed before it leaves my bench top to make sure it's not been
20 touched.

21 Q. Did you test the items inside that Best bag?

22 A. I did.

23 Q. Do you have a report prepared?

24 A. I do.

25 Q. Can you walk us through the process of testing

DEPUTY JACKSON DIR BY MR. BROWN

1 those particular items.

2 A. Sure. Typically with a substance, depending on
3 form, could be a powder, could be a crystal, could be a liquid,
4 we do different things. Generally speaking it's two-step
5 process. We have a presumptive test and a confirmatory test.
6 The presumptive test, depending on the substance, typically
7 would be a microscopic examination or maybe a chemical test.

8 In the case of this substance, a crystal substance,
9 we typically do a chemical test with a Marquis reagent. We're
10 looking for some sort of color reaction when we do this test.
11 I will take a little bit of the Marquis, drop it onto the
12 substance in question. What I'm looking for: Do I see color?

13 With methamphetamine, for example, we see very
14 bright vivid orange color as a reaction. That doesn't tell me
15 it's methamphetamine; it gives me an idea of what I'm working
16 with and what further tests I need to do.

17 Q. If I can pause you right there. Is that kind of
18 the equivalent what we might have heard in the body camera as a
19 field test?

20 A. Very similar. The lab grade version is I do the
21 measurements. I mix the chemicals. I know it's accurate.

22 Q. Do you rely on any scientific level of authority
23 that is actually a positive test for methamphetamine?

24 A. It's a presumptive test. It's fairly commonly used
25 in the field. As many times as you do it, it's very common.

DEPUTY JACKSON DIR BY MR. BROWN

1 Q. Would you testify here today based on that
2 particular test?

3 A. No.

4 Q. Do you then, following doing that test, do a more
5 thorough and full test?

6 A. Always.

7 Q. Tell us about that.

8 A. Typically it's a confirmatory test with a piece of
9 analytical equipment. We have two in the lab that we typically
10 use for illegal substance that has fluorescent orange, NTIR or
11 the GCMS. More commonly it's the GCMS based on the logistics
12 how my work flow goes. In this case, it was the GCMS that I
13 used.

14 Q. Once you receive the GCMS analysis, how does that
15 go for you to ultimately determine what substance it is before
16 you?

17 A. Broadly speaking, GCMS is a two-part instrument.
18 The GC part and the MS is gas chromatography mass spectrometry.
19 The GC part of that instrument essentially will take the sample
20 that I inject. Maybe it's methamphetamine in solution or this
21 crystal substance in solution, my apologies. It will inject it
22 and separate all of the different substances individually so
23 that I can see what's in the solution.

24 Then it would go on to the MS part of the GC, the
25 mass spectrometer. At that point it gives a fingerprint

DEPUTY JACKSON DIR BY MR. BROWN

1 identity analysis to that molecule. It tells me exactly what
2 it is.

3 Q. When you use fingerprint, do drugs have a
4 particular identifier it will come out with every single time
5 if it's a particular drug?

6 A. Yes. I use it in reference to fragmentation
7 patterns. When it leaves the GC in an isolated form, what
8 happens in the MS, it's hit typically with whatever your
9 ionizer is. In our case, it's called the electron beam. It's
10 literally a beam of electrons. It will blast apart that
11 methamphetamine molecule into a bunch of smaller components.
12 That pattern that it breaks into is called fragmentation
13 pattern. That pattern is laid across a spectrum. That
14 spectrum is unique to methamphetamine.

15 If I were to analyze methamphetamine 100 times, the
16 fragmentation pattern will look exactly the same every time.
17 That's unique to methamphetamine.

18 Q. That would be the same if you were analyzing crack
19 cocaine or heroin or fentanyl or marijuana or anything else;
20 correct?

21 A. They each have their own unique fragmentation
22 pattern.

23 Q. The drugs that you tested in this case, did they
24 come back as methamphetamine?

25 A. They did.

DEPUTY JACKSON DIR BY MR. BROWN

1 Q. Do you have your report there in front of you?

2 A. I do.

3 Q. Did you break down the amount of drugs that came in
4 based on a particular itemization?

5 A. Yes. Typically, I will separate the individual
6 items. Let's say I have ten bags out of ten items. And I will
7 list the description of the item. It could be plastic bag
8 containing crystal substance. I don't know the identity of the
9 substance. I just define its characteristics.

10 What tends to happen is I get a bag, and it will
11 contain some items. It may be crystal substance, a tablet,
12 another bag containing crystal substance. I will separate
13 those into sub-items so it will be item one is the bag, item
14 1-A, B, and C is the crystal substance, the tablet, and the
15 other bag. And then I do my analysis on each of those
16 individual levels.

17 Q. Was that necessary to be done in this particular
18 case?

19 A. It was.

20 Q. Can you tell the ladies and gentlemen of the jury
21 when you received the items for testing, in what state it was
22 and how many subcategories you had to break it down into.

23 A. Item one was a plastic bag. When I opened it, I
24 saw that it was crystal substance in a plastic bag. In
25 addition to that, there was another bag that was tied and had

DEPUTY JACKSON DIR BY MR. BROWN

1 also crystal substance.

2 I separated those two into items 1-A and 1-B. And
3 I analyzed the crystal substance. And I also analyzed the tied
4 plastic bag containing the crystal substance.

5 Q. When you analyze, do you test the drugs on both of
6 them using this -- I'm going to get the acronym wrong -- the
7 spectrometer testing?

8 A. Yes, the GCMS.

9 Q. You didn't rely on one and then assume it was the
10 same for both. You tested each individual substance?

11 A. Correct.

12 Q. Did both of them come back as methamphetamine?

13 A. They did.

14 Q. Do you then do anything to determine weight?

15 A. I do.

16 Q. Can you tell the ladies and gentlemen of the jury
17 how you go about determining weight of those controlled
18 substances?

19 A. We have balances in our lab, analytical balances.
20 We get them checked weekly by our service, Certified Balance.
21 We also have someone come in yearly or twice a year to
22 calibrate analysis to make sure everything is working properly.

23 And when I get a sample, say a bag containing
24 crystal substance, I will get a weigh boat, a sterile plastic
25 container. I will put that on to the balance, I will tear it

DEPUTY JACKSON DIR BY MR. BROWN

1 so that it zeros it out.

2 Q. You used a term there, tear it. Does that mean you
3 press a button to say what's on top of that, don't include that
4 in the weight?

5 A. Correct.

6 Q. Is that a fair way to put it?

7 A. That's exactly.

8 Q. Go ahead.

9 A. I will then pour that crystal substance onto that
10 weigh boat. That will give me the weight of the crystal
11 substance alone, not the package. That's the weight I will put
12 on my report. This is done before the sample is taken and
13 before a spot test has been done.

14 Q. When you do this, to what degree or to how many
15 decimals does it show a weight? Does it do point X number of
16 points over grams?

17 A. That really depends on the balance I use. If I use
18 my most precise instrument, it would define decimal places. If
19 I use typically with these cases, I use two decimal places.
20 With the large cases, kilograms, I would use the big balance
21 which only goes to one decimal place. Two decimal places is
22 the most common.

23 Q. On item one, you had item 1-A and 1-B. Item 1-A,
24 you indicate tests positive for methamphetamine. Do you have a
25 weight that was done and the same weight you now described to

DEPUTY JACKSON DIR BY MR. BROWN

1 these jurors?

2 A. I do.

3 Q. What was the weight of the methamphetamine?

4 A. 22.46 grams.

5 Q. You also had an item 1-B. Was this a sub-bag that
6 was inside that same bag?

7 A. It was.

8 Q. Did you indicate that also tested positive for
9 methamphetamine?

10 A. I did.

11 Q. Do you have a weight that was derived in the same
12 method that was described?

13 A. I do.

14 Q. What was that weight?

15 A. 19.22 grams.

16 Q. Were there any other tests that resulted in a
17 finding of any other controlled substances in your report?

18 A. There was.

19 Q. Can you please tell the ladies and gentlemen of the
20 jury about that.

21 A. What we discussed is item one, 1-A and 1-B. Item
22 two was a Ziploc. It contained many, many different things.
23 One of those things was more crystal substance. And that also
24 came back as methamphetamine.

25 Q. The other items, just to be clear with the jury,

DEPUTY JACKSON DIR BY MR. BROWN

1 they didn't come back as a controlled substance. There was a
2 quantity of methamphetamine that was found there as well?

3 A. Correct. The rest of them were not controlled.

4 Q. Is that particular 2-A, B or C on your report?

5 A. 2-A, crystal substance, less than .01 grams.

6 Q. At my request prior to coming here to testify
7 today, largely because I'm bad at math, did you do the math to
8 add up --

9 A. I did.

10 Q. -- the quantity of methamphetamine that was found?

11 A. I did.

12 Q. Can you please tell the ladies and gentlemen of the
13 jury how much methamphetamine it was.

14 A. 41.6 grams truncated.

15 Q. When you say truncated, what you do mean by that?

16 A. If you remember in your education about rounding
17 up, if it was 5.87, you round up to 5.9. Truncating is the
18 opposite of that. If it's 5.87, the result would be 5.8.

19 Q. Give me that number one more time.

20 A. 41.6 grams.

21 Q. When you say 41.6 grams, it may have been slightly
22 above 41.61 or two. For argument's sake, it's 41.6 for sure?

23 A. Correct. We always truncate. We never round up.

24 Q. Following this, you indicated you then sealed the
25 bag. And what do y'all do with it then?

DEPUTY JACKSON DIR BY MR. BROWN

1 A. For outside agencies like Spartanburg, I will
2 reseal it into this heat-seal bag. I will sign my signature,
3 the date I sealed it and the lab number inside that before I
4 sealed it. Then it goes into our vault, and it will stay there
5 until the agency representatives come by to pick that up.
6 Typically it's also the officer who submitted it to me. In
7 this case E. Guthro.

8 Q. I missed one question, I want to make sure I cover
9 this. Is all of your work peer reviewed?

10 A. Yes. Everything that leaves our lab has been
11 reviewed by two chemists.

12 Q. You were the initial tester and the one who
13 actually issued the report in this case?

14 A. I was.

15 Q. Going back to y'all put it in your vault after
16 sealing it until the agency comes and picks it up, the items
17 that is there before you, does it appear in the same state once
18 you've sealed it to return to the agency?

19 A. It does.

20 Q. And inside of that package does it contain the
21 crystal-like substance that you tested and now testifying is
22 41.6 grams of methamphetamine?

23 A. It does.

24 Q. Does it appear to be tampered with in any way,
25 shape or form prior to coming to court today?

DEPUTY JACKSON CROSS BY MS. WHITE

1 A. It does not.

2 MR. BROWN: Your Honor, the State would offer
3 State's Number 2 into evidence.

4 MS. WHITE: With the same objection as made in
5 pretrial.

6 THE COURT: It's admitted, subject to objection.

7 (STATE EXH. 2, Drugs, was entered into evidence.)

8 BY MR. BROWN:

9 Q. Is that the end of your involvement with this
10 particular case?

11 A. Yes. Once it's done, it will be waiting for the
12 officer to pick it up.

13 MR. BROWN: Thank you. Please answer any questions
14 Ms. White has.

15 Do you need to keep the reports up here?

16 MS. WHITE: I do not.

17 CROSS-EXAMINATION

18 BY MS. WHITE:

19 Q. Just a couple questions, Mr. Jackson.

20 I know at this point you said you've worked for
21 about three-and-a-half years with the Sheriff's Department.

22 A. Little over that.

23 Q. At the time you actually tested the drugs, how long
24 had you been working for them?

25 A. I believe a little over a year-and-a-half.

DEPUTY JACKSON CROSS BY MS. WHITE

1 Q. Your major at Garner Webb was?

2 A. Biology, minor in chemistry.

3 Q. Biology is the study of life science. Is that a
4 generic way of putting it?

5 A. Yes.

6 Q. A lay person's phrase.

7 Chemistry was a minor that you have?

8 A. Uh-huh.

9 Q. You testified that you worked with some private
10 industry before you started working?

11 A. I did.

12 Q. Was that in what kind of capacity?

13 A. I worked for Milligan and Company, a subsidiary
14 called Milligan Chemical. I worked in two labs there. The
15 first was research and development lab, doing chemistry for
16 them, basically inventing new products, synthesizing new
17 molecules for them to sell as additives or coatings.

18 I was offered a promotion and transferred to their
19 biological applications lab where I did mainly mutagenicity and
20 toxicity testing with their products they made.

21 Q. How long did you do that before you started working
22 for the Sheriff's Office?

23 A. Over a year-and-a half. A year-and-nine-months, I
24 believe.

25 Q. You started working for the Sheriff's Office maybe

DEPUTY JACKSON REDIR BY MR. BROWN

1 about two years after you graduated college; is that close to
2 accurate?

3 A. Yes. Close to accurate, yes.

4 Q. When you say that you reviewed the items, you're
5 not told any information about where the items come from; is
6 that right?

7 A. Other than the chain of custody.

8 Q. Correct.

9 A. I don't read the case reports.

10 Q. You don't read the case reports. You don't read
11 incident reports. You don't talk to the officers generally
12 because you're getting it from Mr. Guthro; right?

13 A. Yes. They typically bring me a lot of files. We
14 can't discuss all the cases.

15 Q. You're not aware of any of the facts behind any of
16 the individual cases you test?

17 A. No.

18 MS. WHITE: I think that's all I have at this time,
19 Your Honor.

20 MR. BROWN: May it please The Court. Very briefly.

21 REDIRECT EXAMINATION

22 BY MR. BROWN:

23 Q. In addition to all of your training and experience,
24 anything that comes out of your lab, not only you test but it's
25 also peer reviewed?

DEPUTY JACKSON REDIR BY MR. BROWN

1 A. Correct.

2 Q. Who do you work with?

3 A. I work with Dr. Beth Stuart. She is the chief
4 chemist.

5 Q. Doctor of what?

6 A. Forensic chemistry.

7 Q. How long has she been doing this?

8 A. 14, 15, 16 years. Long time.

9 Q. Not only you tested this, she also reviewed your
10 work prior to coming here today?

11 A. Yes. She's up for retirement within a year. It's
12 been a long time.

13 Q. Are you about to be our next chief chemist?

14 A. Hopefully.

15 MR. BROWN: Good luck.

16 THE WITNESS: Thank you.

17 MS. WHITE: Nothing further.

18 THE COURT: You may step down. Thank you.

19 (The witness exited the stand).

20 MR. BROWN: May it please The Court, Your Honor.
21 State rests.

22 THE COURT: Ladies and gentlemen, that is all of
23 the testimony or evidence to be offered by the State, at least
24 in their case in chief. I have some matters I need to address
25 with the lawyers. It should take only a few minutes. After

DEPUTY JACKSON REDIR BY MR. BROWN

1 that I'll bring you back to continue with the trial.

2 Please retire to the jury room. Don't talk about
3 the case yet. It's not ready for deliberations.

4 (The jury exited the courtroom at 10:35 a.m.)

5 THE COURT: Any motions or other matters to address
6 before we continue?

7 MS. WHITE: The defense has a couple of motions,
8 Your Honor.

9 We would move for directed verdict on a couple of
10 issues. To start off with, Your Honor, I want to address the
11 charge of the proximity; possession with intent to distribute
12 within a proximity of a school, half mile.

13 THE COURT: That's indictment 22-03799.

14 MS. WHITE: I'll pull the indictments so I'll make
15 sure I give you the numbers as I make the argument.

16 THE COURT: I just gave you the number.

17 MS. WHITE: That's true, Your Honor. Under the
18 statutory requirements of that charge of 44-53-445-A, the State
19 is required to show couple of different things. One is that
20 the person that was in possession with intent to distribute
21 these drugs, number one, knew that they were within a half mile
22 of a school, park, or other area.

23 Also, they have to prove that they had the intent
24 to distribute. Your Honor, we would argue that, based on the
25 facts of this case, based on the testimony presented,

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1 Mr. Carson was in possession of the drugs. There is no
2 question, obviously, about that.

3 Yet we would argue that without additional
4 testimony or evidence presented, that there's not a material
5 issue of fact that can be presented to the jury even in the
6 light most favorable to the State that would present, that they
7 presented any evidence to support the intent to distribute more
8 so than just in possession. Obviously, trafficking can be just
9 possession based on an amount. Possession with intent to
10 distribute has to involve actions or something that can be
11 inferred as intent to distribute.

12 THE COURT: Doesn't the statute allow you to do
13 that?

14 MS. WHITE: The statute does allow you to infer,
15 Your Honor. We're arguing there wasn't any evidence that could
16 be inferred a crime. There were no scales presented.

17 THE COURT: Doesn't the statute say, if you have
18 more than one gram, you can infer it?

19 MS. WHITE: Your Honor, I think that -- I don't
20 think that it can be inferred just from possession of more than
21 one gram. I'm sorry. I may be incorrect.

22 For the proximity charge, I believe there has to be
23 more evidence to support that. And we would just argue that
24 there was not enough that could be presented to the jury for
25 that.

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1 THE COURT: Let me ask you this. 44-53-375 is
2 trafficking in methamphetamine. Do you agree with that?

3 MS. WHITE: Yes, Your Honor.

4 THE COURT: Doesn't 44-53-375(B) provide you may --
5 the jury may infer an intent to distribute from possession of
6 more than one gram of methamphetamine or am I mistaken?

7 MS. WHITE: I'm sure you're not.

8 THE COURT: I might be. Won't be the first time.

9 MS. WHITE: Let me pull up the statute. I only had
10 the trafficking portion. Give me just a second.

11 THE COURT: Of course.

12 MS. WHITE: You're saying 370-B, Your Honor?

13 THE COURT: 375.

14 MS. WHITE: I'm sorry.

15 THE COURT: Do you have it, Mr. Brown?

16 MS. WHITE: I have it here.

17 MR. BROWN: Right under 375(b)(3) there's a
18 paragraph after that.

19 MS. WHITE: Well, Your Honor, obviously I'll go
20 with what the law says. We would just argue, for presenting to
21 the jury, we don't think sufficient evidence has been presented
22 that would cause there to be an an issue of fact.

23 For the burglary second, Your Honor, burglary
24 second, he's charged with burglary second under the burglary
25 second, violent. And the indictment alleges it is a burglary

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1 second, violent because of the possession of a handgun when he
2 was present.

3 Burglary second, violent is going to require,
4 obviously, unlawful or entry into a building without consent.

5 There's a couple different concerns I have in
6 particular about this because the Marriott itself is considered
7 a building. Then they have the individual rooms.

8 I think that can be an issue because, although the
9 manager seems to indicate and the officer said that they
10 received a call that a person was trespassing. There's no
11 testimony presented that could have indicated as to whether or
12 not that he did not have permission from anybody.

13 They didn't present anybody from any of the staff
14 or front desk to absolutely -- in fact, the manager presented
15 and testified that there's an indication that he had talked
16 with someone at the front desk about room 515. He also
17 testified further he could not have entered that room without
18 either a staff member being there with him with a card or an
19 open door with the maid staff there.

20 We would argue there is no, in the light most
21 favorable to the State, evidence that was presented that he was
22 in that room unlawfully or without consent because there was no
23 indication otherwise of how he could have entered that room.
24 There was no force. The door had not been jimmied opened. The
25 door had not been broken.

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1 He, obviously, as the manager stated either had
2 someone with him or the staff was there, and the maid was there
3 with the door open, and he was allowed to go in. We would
4 argue they have not met that burden to be able to present that
5 to the jury, Your Honor.

6 Also, in light of that, they also have to show
7 intent to commit a crime. Obviously, he's possessing a gun and
8 drugs. Whether or not the jury would find that, you know, that
9 is up to them obviously, Your Honor. They can infer based on
10 behavior.

11 He's also charged with possession of a weapon
12 during the commission of a violent crime. That same weapon is
13 the only weapon that makes that a violent crime. It's kind of
14 a double. I think that part of the charge or that part of the
15 indictment, Your Honor, should be dismissed by directed verdict
16 based on the fact, you know, if you have possession of a weapon
17 during a violent crime, the only reason it's a violent crime is
18 because you have possession of that weapon. I think that's a
19 little duplicitous and a problem and should not be presented to
20 the jury as an option.

21 THE COURT: You're saying the intent to commit a
22 crime, the crime being in possession of a weapon.

23 MS. WHITE: I'm sorry. I jumped past to the
24 possession of a weapon during the commission of a violent
25 crime, part B of that indictment, Your Honor, or part A.

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1 They're alleging that he should also be found guilty and this
2 charge should be presented to the jury as possession of a
3 weapon during the commission of a violent crime. The weapon
4 they're alleging obviously is the gun.

5 The only reason this is a violent crime, they're
6 alleging, is because of the presence of the gun. And so I
7 think they can have one or the other. Essentially, if he has
8 the gun and that becomes a violent crime, you can't then kind
9 of bootstrap the argument that he also was in possession of a
10 weapon during the commission of a violent crime. That would be
11 our argument, Your Honor, that they have failed to establish
12 that for purposes of directed verdict, Your Honor.

13 And then as to the threatening a public official,
14 Your Honor, obviously it requires the threat to involve the
15 intent to take the life or inflict bodily harm. I think being
16 that he was in cuffs at the time, the threat was a kind of
17 generic. There was no specific threat of death or no specific
18 threat of weapon used or anything. It was a generic kind of,
19 I'll fuck you up, which could be interpreted different ways.

20 We would argue, because of that, there should be a
21 verdict granted in favor of the Defendant as well. Thank you,
22 Your Honor.

23 THE COURT: Mr. Brown.

24 MR. BROWN: If it please The Court. I'll try to go
25 in the same order that Ms. White did, beginning with indictment

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1 22-3799. This is the threatening verdict motion for proximity
2 charge. I think Your Honor is absolutely right. The law is
3 perfectly clear. The prima facie evidence of greater than one
4 gram -- my apologies. We're 41 times past that and change. I
5 certainly think the jury could infer just purely based on the
6 weight that the Defendant intended to distribute.

7 The only other question remains of knowledge of one
8 half mile. We are 2/10th of a mile away from the Wofford
9 College. Very prominent college, very close proximity to this.
10 Just right around the corner. I think that's a jury question
11 as to whether or not he knowingly did that or knowingly
12 possessed it within one half mile. It's right around the
13 corner.

14 Frankly, I think the evidence is clear within
15 proximity. He did know. A lot of that is to avoid the body of
16 case law where officers were making a traffic stop, just
17 happened to be right in front of a school, someone charging
18 proximity where, if they pulled him over half mile earlier,
19 you're not in proximity. We're not dealing with that. This is
20 a location the Defendant personally picked and choosing to go
21 to that location while trafficking those drugs.

22 By our intent, intending to distribute those drugs,
23 he chose that location. Very close proximity. I think that's
24 a jury question.

25 THE COURT: Motion for directed verdict as to the

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1 possession with intent to distribute is denied.

2 MR. BROWN: Your Honor, moving onto the burglary,
3 second degree, violent charge. Your Honor, I'll be very clear.
4 The specifics of what we're arguing, what will be argued to the
5 jury pertains to entering room 515. While there is certainly
6 an argument the hotel had made it pretty clear he wasn't
7 welcomed anywhere or on the private access area of the hotel.
8 Him entering that room is what really triggers the burglary.

9 I'm at a little bit of a loss. It seems like Ms.
10 White wants us to disprove a negative. We can't prove no one
11 offered or let him in when there's no testimony anyone did let
12 him in. Specifically, there's testimony from a manager that
13 they were trying to get him out, had to call the police to get
14 him out. I believe that does establish it.

15 If they want to argue jury charges, that's one
16 thing. I think the testimony and what the jury has heard was
17 the hotel staff was cleaning that area. They frequently will
18 leave the doors open, using the lock mechanism so the door
19 doesn't close so they can quickly move from room to room.

20 He entered without consent. They actually had to
21 use the manager's pass card just to get access to the room and
22 to ultimately arrest him.

23 Your Honor, I certainly think there's more than
24 enough evidence for that to be relied on, for it to be a jury
25 question as to whether or not he entered unlawfully and without

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1 consent. They heard from the manager, the person who's in
2 charge, indicating it was without consent. It's actually
3 explicitly a part of the record.

4 As to the weapons charge, Your Honor, that's the
5 law, possession of a weapon during a violent crime. The
6 Legislature has deemed burglary, second degree, violent and
7 also trafficking there's -- that charge is accompanying both of
8 those indictments. It has deemed those as violent crimes
9 pursuant to 16.60 South Carolina Code of Laws.

10 To that end, Your Honor, I believe that's just up
11 to the jury to determine whether or not he did possess that
12 weapon. And we contend there's clear evidence that he did. I
13 don't think it's duplicitous. I think they are separate and
14 unique charges; one stands on its own. One, yes, it adds to
15 it. It helps elevate it. It stands on its own, the weapon
16 during a violent crime charge.

17 THE COURT: And the statute provides it is an
18 additional criminal offense.

19 MR. BROWN: It does, Your Honor, yes, sir.

20 THE COURT: Anything else you want to talk about on
21 the burglary indictment?

22 MR. BROWN: Nothing else. Just for the record,
23 that's 23-4549 is the indictment.

24 THE COURT: The motion for directed verdict as to
25 that indictment is also denied.

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1 Ms. White, if you need to respond to Mr. Brown's
2 argument, let me know.

3 MS. WHITE: Thank you, Your Honor.

4 MR. BROWN: Finally, threatening the life of a
5 public official -- my sincere apologies, I don't have the exact
6 indictment number on that.

7 THE COURT: I have 22-03797.

8 MR. BROWN: Thank you, Your Honor. It's on tape.
9 I think it's clear. I'll fuck you up. That is a threat. The
10 statute does not require threat of death; threat of he's going
11 to use your weapon. It's a threat of physical harm.

12 He said it. And not only did he say it, he then
13 went on to enunciate something to the degree of you physically
14 hurt me, and I'll do it back to you. So there wasn't, at least
15 in the State's view, and I believe certainly enough for an
16 argument to the jury, there isn't I believe something that can
17 be inferred he just meant he's going to call a supervisor I
18 think was argued at one point or anything of that nature.

19 It was a clear threat to Officer Hayes, who is a
20 uniformed officer with the police department and is public
21 official under South Carolina law. That threat does constitute
22 a crime.

23 THE COURT: There is sufficient evidence. Motion
24 for directed verdict is denied.

25 Ms. White, anything else?

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1 MS. WHITE: Your Honor, that's all we have,
2 obviously, other than renewing our objection, making sure we're
3 protected on the record for that initial entry of the drugs
4 pursuant to our pretrial motion.

5 I don't know if Your Honor wants to address my
6 client. We have talked about whether or not he's going to
7 testify. It is my understanding he has chosen not to testify.
8 I would ask if Your Honor has a question for him, he could go
9 ahead and address it.

10 THE COURT: Mr. Carson, Ms. White tells me that you
11 and she have talked and that you have decided not to testify in
12 the trial of this case. Is that true?

13 MR. CARSON: Yes, sir.

14 THE COURT: Do you understand when you're charged
15 with a crime as you are, you do have an absolute right to
16 remain silent. Nobody can make you take the witness stand and
17 testify during the trial. You don't have to make any
18 statement. You don't have to answer any questions.

19 You only have one opportunity to take the witness
20 stand and provide this jury with any additional information, if
21 you wish to do that.

22 Do you understand that, if you choose to testify
23 before the jury, you'll have to answer all the questions to the
24 extent they're relevant, whether asked by your lawyer or by the
25 prosecutor. And you have to answer those questions even if

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1 they might tend to prove you guilty of some crime the State
2 claims you committed.

3 At the same time, if you choose not to take the
4 witness stand and testify, as you have a right to do, I will
5 instruct the jury that they can't consider that fact. They
6 can't hold that against you.

7 Have you and Ms. White had an opportunity to
8 discuss the advantages and disadvantages of your testifying as
9 well as not testifying?

10 MR. CARSON: Yes, sir.

11 THE COURT: Do you appreciate what those advantages
12 and disadvantages are?

13 MR. CARSON: Yes, Your Honor.

14 THE COURT: Have you had time to reflect upon your
15 decision?

16 MR. CARSON: Yes, I have.

17 THE COURT: Have you reached one?

18 MR. CARSON: Yes, sir.

19 THE COURT: What is it?

20 MR. CARSON: I wish not to testify.

21 THE COURT: Is that a decision that you made of
22 your own free will and accord?

23 MR. CARSON: Yes, sir.

24 THE COURT: Did anybody suggest it to you?

25 MR. CARSON: No, sir.

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1 THE COURT: Did anybody pressure you into it?

2 MR. CARSON: No, sir.

3 THE COURT: You made that decision on your own
4 after careful reflection?

5 MR. CARSON: Yes, sir.

6 THE COURT: And you're satisfied with it?

7 MR. CARSON: Yes, sir.

8 THE COURT: Do you have any additional witnesses
9 you would like Ms. White to call on your behalf?

10 MR. CARSON: No, sir.

11 THE COURT: Or any other evidence you would like
12 for her to introduce?

13 MR. CARSON: No, sir.

14 THE COURT: Do y'all have any instruction request?

15 MS. WHITE: I don't think there is anything
16 specific, Your Honor. I think the standard ones for each of
17 the charges are going to be sufficient. There was nothing
18 specific that I had that I thought we needed to be included.

19 THE COURT: Nothing peculiar to the case?

20 MS. WHITE: No, Your Honor.

21 MR. BROWN: Admittedly I've never had to charge a
22 jury. I've never heard -- the standard charge conference I'm
23 assuming are same ones the judges I'm used to use.

24 THE COURT: You can't assume that. I have my own
25 standard. They got their standard. I have mine.

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1 MR. BROWN: Your Honor, I'm assuming you're reading
2 the trafficking statute.

3 THE COURT: I'll read each statute applicable to
4 each indictment.

5 MR. BROWN: Your Honor, I think that would cover
6 it. I don't have anything to add.

7 THE COURT: How much time do you think you need to
8 argue?

9 MR. BROWN: Twenty minutes.

10 MS. WHITE: Fifteen.

11 THE COURT: Are y'all ready to do that?

12 MS. WHITE: Could I take a brief break to run to
13 the rest room?

14 THE COURT: We'll take ten minutes.

15 (A recess transpired from 10:56 a.m. until 11:17
16 a.m.)

17 THE COURT: We're ready for the jury?

18 MR. BROWN: The State is ready, Your Honor.

19 MS. WHITE: Yes, Your Honor.

20 THE COURT: Bring the jury in.

21 (The jury entered the courtroom.)

22 THE COURT: Anything offered by the defense?

23 MS. WHITE: The defense rests, Your Honor.

24 THE COURT: That's all the testimony and evidence
25 being received in the trial of the case. Therefore what

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1 remains to be done are the lawyers' final summations after
2 which I'll instruct you on the law that's applicable. Please
3 give the lawyers your attention as they give you their final
4 summations.

5 MR. BROWN: May it please The Court.

6 I can still say good morning. Always check my
7 watch. Sometimes in the trial you're thinking about all these
8 things. Kind of lose track of what's going on.

9 What I haven't lost track of is how important this
10 case is, how much I appreciate each and every one of you being
11 here. I'm not a big believer in staring the jury down and
12 checking to see if they're doing their job. That's on y'all.

13 What little bit I have seen of y'all, I've seen
14 y'all's attention every time we have a body camera, all of you
15 leaning forward. Y'all been paying attention. I think y'all
16 understand this case.

17 I think y'all understand for every person in this
18 room and, frankly, every person in this community, that you are
19 the voice of this community. This case matters. And to that
20 end, again, maybe the only time I can speak on both Suzanne and
21 my behalf, thank you. Y'all been here, doing your job, working
22 very hard. That's not lost on us, not lost on anyone in this
23 court. Thank you.

24 This case is important. On March 22, 2022, the
25 Defendant trafficked in 41.6 truncated grams of methamphetamine

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1 two blocks from where we're sitting at. He did so while
2 committing a burglary.

3 He did so while carrying a gun. He did so not very
4 far from Wofford College, although the testimony by road is .4
5 mile; the way the crow flies, half a mile. And he did so while
6 officers were trying to investigate the initial complaint.

7 He says: I want to fuck you up. This is
8 threatening. That may not be clear. I was going to start out
9 there are worse threatening official cases I've been doing.
10 I'm not going to say he threatened to get him or grab his gun.
11 That is a crime in South Carolina law.

12 That action is what unquestionably then ultimately
13 gets us here today when they placed him in cuffs or they were
14 placing cuffs; placing him under arrest when they found the
15 drugs. That's when they found the gun. Likely would've got
16 arrested regardless of burglary. That may have been it.

17 Why are y'all here? Y'all are here because of the
18 Defendant's choices, the Defendant's decisions and the facts in
19 evidence then led us to a court trial. What is Mr. Carson
20 charged with today?

21 I guess, first let's go through the evidence that
22 you've seen. On March 22, 2022, the Marriott just right down
23 the road -- I'm betting when you're driving to the courthouse
24 this morning probably noticed that. Because at this point
25 we've been talking about it for about a day-and-a-half.

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1 In that detail, law enforcement gets called out
2 because a man is being aggressive. He's on the floor. Really
3 isn't open to the general public. Won't tell names. At this
4 point raising concern. Manager doesn't feel safe. At this
5 point, they can't find him.

6 Just a little while later he's seen again. Hotel
7 staff sees him going into a room that he's not supposed to be
8 in; one that they're cleaning on the fifth floor, on 515, right
9 over here on North Church Street. He shuts the door. Locked
10 the door. Called the police.

11 We have three officers who were in the courtroom.
12 I think Officer Fain had to go back to work. Two of them are
13 still sitting in the courtroom. They go on to the scene. They
14 go to investigate. They go to see what's going on. They're
15 called out. They didn't just choose to voluntarily check and
16 see if anything is going on in room 515. They're called out by
17 the manager because there's a man sitting in that room. The
18 room I believe that it's very clear wasn't being rented, wasn't
19 being checked out. No way anyone would've thought this was my
20 room or anything like that. And they go to that room at the
21 request of management.

22 They get to this room and they knock on the door.
23 What happens? They don't get an answer. I suggest to you it's
24 because Mr. Carson knew he wasn't supposed to be in there.
25 Hoping they would just go away. Maybe it's just housekeeping.

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1 They will move along. Kind of, even though it's not out there,
2 just kind of stay in that room and continue to traffic these
3 drugs. Take over the room at this hotel. Use this for their
4 business.

5 Unfortunately for him, it's not a manager. It's
6 not housekeeping knocking. It is Officer Peeler. Been a long
7 day. Officer Peeler and Officer Fain right beside him. The
8 manager, Mr. Bourret, right there with a pass card to get them
9 in the door.

10 After they waited, after they don't hear a
11 response, they sit there and tap the pass card. And they open
12 the door. Ms. White has suggested to y'all he came up,
13 voluntarily cooperated. I would point out to you he didn't
14 come up to the door.

15 And I would also suggest to you he came up because
16 he was trying to get away from him where his gun was. He was
17 trying to get rid of it. He was hoping he could just refuse,
18 keep staying in there, trying to hide what was going on.
19 That's ultimately a question of fact. That's ultimately for
20 you to decide. I don't necessarily subscribe genial means to
21 it.

22 As officers were talking, 30 seconds to a minute --
23 y'all have the video, y'all can watch if you want -- Officer
24 Hayes comes up. He got very limited information. Name.
25 Checking in. Officer Hayes comes in. Defendant is agitated.

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1 Admittedly Officer Peeler agitated him a little bit. That
2 doesn't change the fact the drugs were already in his pocket.
3 That doesn't change the fact he was already in the room. That
4 doesn't change the fact he already had a gun in the bag. That
5 doesn't change he ends up threatening a completely different
6 officer.

7 That's my point. The Defendant, while they're
8 still investigating, going into the room, grab the bag with a
9 loaded gun. The gun that is State's Number 1. For His Honor's
10 knowledge, I will be sure to follow proper safety procedure.
11 Grabs State's Number 1. Grabs the bag carrying the gun. Tries
12 to walk away. Of course, these officers have no idea what's
13 going on in terms of what might be in that bag, whether this is
14 in the bag, whether the rounds chambered in this item. It's
15 sitting in that bag.

16 They're still trying to figure out what's going on
17 with the trespass and ultimately became a burglary in this
18 case. They go, and they place him into custody.

19 At that point they're placing him in detentive
20 custody. They're detaining him so they can keep trying to find
21 out what went on.

22 You know what happened next. You've seen the video
23 of what happens next. We're going to play that again.
24 Ms. Camp, if we can turn the video on.

25 Showing State's 5 at the 1:28 mark.

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1 (Video played. Not transcribed.)

2 MR. BROWN: I'm going to fuck you up. Defendant
3 chose to say those words. We're here about choices, we're here
4 about decisions. Simply we're here about the Defendant's
5 choices and decisions on March 22, 2022.

6 Defense suggests maybe this might be
7 misinterpreted, maybe he meant he's going to call the
8 supervisor. Maybe he's just going to report him, something to
9 that effect. I think the evidence is clear. Because he didn't
10 stop it. I'm going to fuck you up.

11 He took it that next step and said: You hurt me,
12 you do that, I'm going to get you back, or something to that
13 effect. Y'all saw the video. He makes it clear that, in
14 relation to him saying, I'm going to fuck you up, that he's
15 responding to a reaction to him saying, you physically harmed
16 me, therefore I'm going to harm you. By law, that is a
17 violation.

18 You're going to hear the jury charge threatening
19 life of a public official includes threatening death or also
20 threatening physical injury. He threatened physical injury.
21 He got arrested for that charge. That's how we win.

22 The officer pointed out to you -- y'all saw the
23 video. I love body cam. I love the fact that when, later on,
24 defense used to be able to say, oh man, they were jerking him
25 around, they were being really rough with him. Y'all saw

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1 putting him in cuffs, doing everything they can to double lock
2 it.

3 They're not being overly aggressive; doing the best
4 they can to put someone in cuffs. It's an unnatural,
5 uncomfortable situation to begin with, they're doing it in the
6 best possible way. The Defendant pulling away made it a worse
7 situation. Plain and simple. The officer's doing everything
8 they can to double lock the cuffs so the Defendant doesn't get
9 hurt and instead he draws a threat.

10 What happens next? Of course, the Defendant got
11 down on his knees, continued to look forward and they indicate
12 we're taking you down to the jail. And you hear Officer Hayes
13 say: We're going to do a search incident to arrest.

14 What do we find in the bag that was taken off of
15 him? State's Number 1, firearm. And then you see Officer
16 Hayes is searching the Defendant, taking things out of his
17 pocket. Making sure that what's in there, there's nothing
18 illegal. You actually can hear they determine certain things
19 are not illegal.

20 You see Officer Peeler putting the wallet back in
21 the Defendant's back pocket, after they're done looking in,
22 there's nothing in there, no reason for us to keep this. It
23 can go with him to the jail.

24 You saw him empty his front pockets. A lot of
25 items you saw him put on that camera, it really didn't matter.

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1 There was a black case. And you see it. You see it I think in
2 all three body cameras. Absolutely see it in Officer Peeler
3 and Officer Hayes' body camera. Black bag, the black case that
4 ultimately leads us here today on trafficking. Because you see
5 Officer Hayes about five minutes into his body cam -- y'all can
6 go back and watch this. We're going to play it in just a
7 second.

8 Five minutes into his body cam hands to Officer
9 Peeler to check. Officer Peeler, he goes over and puts on
10 gloves. He doesn't know what he's about to open up. He unzips
11 it. You see particular reactions both as the Defendant sees
12 him unzipping it and you also hear words from the Defendant.
13 Again, showing State's Number 5, starting 7 minutes.

14 Officially it's 6:55.

15 (Video played. Not transcribed.)

16 MR. BROWN: Just prior to unzipping, you see the
17 Defendant look over to Officer Hayes. He had been looking
18 stone cold straight ahead up to that point. Again, you have
19 to, you can go watch it yourself. Stone cold ahead right
20 before Hayes ultimately finds 41.6 grams of methamphetamine.

21 It's opened, revealed and now Defendant looks
22 directly at the officer who was there handling it. He knows
23 what's coming. You can see it in the video. He knows what's
24 about to happen. He knows what's about to be found because it
25 came off of his person.

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1 Then what happens? Officer Peeler says: Wow.
2 Where was this found?

3 I offer to you it seems kind of open question,
4 looking in the direction of both Officer Hayes and the
5 Defendant. I suggest to you I think the evidence is clear the
6 Defendant responded: My front pocket.

7 You heard me at the beginning. This has been a
8 point of contention. I point out first time it showed up,
9 Officer Hayes: We didn't see his lips move. Well, we don't
10 know who else is saying it. That's clear. There is no reason
11 for Officer Hayes to say it came from his front pocket. That
12 wouldn't make sense. It's not 41.6 grams of methamphetamine in
13 Officer Hayes' front pocket.

14 It was the Defendant who just now looked at it,
15 knowing what was about to come in indicating very clearly that
16 the drugs were removed from his front pocket. If you watch
17 Officer Peeler's body cam, you'll see very clearly Officer
18 Hayes is pointing to the Defendant's front pocket and response
19 as well.

20 My front pocket. The Defendant claimed ownership
21 right then and there.

22 Of course, you've heard the testimony of how close
23 we are to Wofford. That's really the point in time where the
24 Defendant is then taken down, taken into custody. That's
25 really the end of our interaction. Have a lot of charges in a

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1 very short period of time. Y'all will see everything. Y'all
2 see the crimes videotaped and reported and presented to y'all.
3 That is on the video.

4 You heard that the drugs then follow the proper
5 chain of custody. And Mr. Jackson here used a lot of very
6 fancy terms. I can't pretend I actual fully understand other
7 than he knows what he's doing. He tested the drugs. They came
8 out to 41.6. I think actually 41.68. They truncate down.
9 They round down. They give the benefit of the doubt. And it's
10 41.6 grams of methamphetamine. I'll accept that.

11 What charges come up? We have, burglary, second
12 degree, possession of a weapon during a violent crime,
13 burglary, second degree, violent. What that means is you
14 unlawfully enter a building without consent to commit a crime
15 therein. There's a number of elevating factors, many of which
16 don't apply to this case that could potentially trigger second
17 degree violent. This could be it happened at night.

18 State Legislature made it very clear, they don't
19 want burglaries occurring at night. It just raises risks when
20 we're dealing with homes. That's when people are home. That's
21 when people can get hurt, things of that nature.
22 Non-participate of a crime might trigger it. There's all sorts
23 of things that can elevate it. One thing that can also elevate
24 it is being armed and in your possession a deadly weapon during
25 the crime or arming yourself with a deadly weapon.

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1 The Defendant, as soon as law enforcement entered,
2 immediately went and grabbed his bag. Sitting right on top of
3 it is a Smith & Wesson MP firearm. One round chambered.

4 A gun is a deadly weapon. I don't necessarily know
5 that I need to say anything more about that. I think that is
6 self-evident. State's 1 is a deadly weapon. And he was armed.

7 Then there's a separate and distinct charge, that
8 being in possession of that weapon during the commission of a
9 violent crime. That is in itself a different charge. I will
10 tell you and His Honor will charge you burglary in second
11 degree violent and also trafficking, both constitute violent
12 crimes under South Carolina law. That's a codified statute
13 that makes it very clear that is, in fact, a violent crime.

14 If you find that he committed the violent crime of
15 burglary, second degree, violent and you further find that he
16 did have a weapon, then you can find he is guilty. You should
17 find he is guilty of that charge.

18 Threatening the life of a public official, I think
19 we kind of covered. Y'all understand this officer here,
20 Officer Hayes, is a public official. He's an employee of the
21 Spartanburg Police Department. He's a uniformed officer. He
22 was in uniform that day. He was acting in official capacity as
23 uniformed officer, at which point was threatened physical harm.

24 You'll hear the jury charge. You will hear His
25 Honor charge you that constitutes the crime. You'll hear that

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1 it can be that you threatened death or physical harm. In this
2 case we are certainly claiming physical harm.

3 Again, I'm not going to use too much puffering. I
4 know this might not be the very worse threatening the life of a
5 public official. In doing this job 13 years, I've certainly
6 seen worse. That doesn't mean that didn't happen and that
7 doesn't mean Officer Hayes should've been threatened. I think
8 the intent of what the Defendant meant is perfectly clear with
9 his follow-up response.

10 The Defendant is charged with trafficking 28 to 100
11 grams. You're going to hear a jury charge to that effect.
12 It's going to have a lot of language in there. If you
13 conspire, that you brought into the state, that you assisted in
14 bringing into the state, there's a lot of things that can
15 constitute trafficking. I want you to listen closely.

16 After that there's also additional language. That
17 you or by itself, that you were knowingly in actual or
18 constructive possession of trafficking quantities.

19 To say it differently, you heard Ms. White asking a
20 lot of questions yesterday and they were fair questions. I'm
21 not questioning why she was asking them.

22 You heard her ask a lot of questions: Did you have
23 scales? Did you see it divided into different baggies? Did
24 you see large sums of cash, things of that nature. These are
25 questions that are typically associated with the event of

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1 possession with intent to distribute because South Carolina law
2 makes it clear that anything over a gram is prima facia
3 evidence that y'all can consider they intend to distribute.

4 Oftentimes as prosecutors -- I am a narcotics
5 prosecutor. A lot of times we need to go ahead: Hey, there's
6 other things we can look to as well. The person had their
7 digital scales, they used that to weigh the drugs, so they can
8 equally sell it, things of that nature. Those are issues at
9 play when we deal with possession with intent to distribute.

10 Possession with intent to distribute is a lesser
11 included offense in trafficking. Trafficking is very clear.
12 We don't have to establish what you intended to do with it.
13 The law is clear with that. Cases on point with that. Most
14 important, the statute that His Honor is going to read to you
15 states that. It might seem like it gets lost a little in the
16 language.

17 That's why I personally wanted to point that out to
18 you. Just knowing actual constructive possession of
19 trafficking quantities of drugs is trafficking. To be clear,
20 there are different levels of trafficking. He is charged with
21 second level, ten to 28. He is charged under 28 to 100 grams
22 of methamphetamine. That is what the State has to prove.

23 You will hear those words, actual or constructive
24 possession. Just so you don't get lost in those words, actual
25 possession, I am currently wearing this tie. Constructive

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1 possession, I have a pen sitting over there. It's mine. I
2 have the ability to exhibit dominion and control over it. It's
3 my pen. It's not on my person. Either one of those can
4 constitute that. I think in this case we have actual
5 possession. My front pocket. It was taken directly off of his
6 person. This is actual possession.

7 Accompanying that is also possession of a weapon
8 during a violent crime. That is also in the same indictment.
9 That's State's Number 1. Again, trafficking in
10 methamphetamine, 28 to 100 grams, under South Carolina law it
11 is a violent crime under 16-160 South Carolina Code of Laws.
12 Again, you'll hear that from the judge.

13 And then finally we have threatening life of a
14 public official. I'm sorry -- we have proximity to Wofford
15 College. What have you heard about that? You heard or
16 officers testified, at my request, they went and determined the
17 distance from Wofford College to this hotel.

18 Point four miles. If you take all the roads, make
19 all the turns, sometimes going a little bit away from the
20 college to get closer to it, you're still within one half mile.
21 And while there are other parks nearby, we're more specifically
22 alleging Wofford. That's what we're specifically pointing to
23 just so we're perfectly clear.

24 What did the officer say? Point four miles, if you
25 turn down this street, make this turn, go around this little

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1 winding road, end up in the parking lot of dormitories. If you
2 went a straight line, probably about half a mile. Either one
3 gets us there.

4 I don't want you to think we're putting it close to
5 the line as possibly we can. We are all very close to Wofford.
6 Y'all know this. This is your community. Y'all know where the
7 hotel is. Y'all probably drove by it on the way here. Y'all
8 know where Wofford is, right across from Krispy Kreme.

9 We have to prove that he intentionally possessed
10 those drugs, knowingly, in proximity to that school. Ladies
11 and gentlemen, I point out to you that the Defendant chose the
12 location. The Defendant chose the hotel right on Church Street
13 to be a place where he was trafficking drugs.

14 The Defendant chose to go to a place that is very
15 clearly a landmark in this community and just point two miles,
16 point four miles, depending on whether the crow flies or the
17 crow flies away from this area. There's a big giant sign
18 literally right there, right in front of the campus. There is
19 no missing Wofford. It's a part of this community.

20 Finally, we have to prove he intended to distribute
21 within that one half mile. That's why I was asking, again,
22 fairly asking the questions about the statement. We don't
23 contend that this has been divided up into separate baggies.
24 There are two baggies; one was inside the bigger baggie. Both
25 of them were heavy; one is trafficking quantities of drugs.

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1 Combined 41.6 grams.

2 As was previously indicated, our Legislature has
3 made it very clear, statutory range, 44-53-375(B) to be
4 trafficking. That the possession of more than one gram is
5 prima facie evidence of intent to distribute. Ultimately that
6 still leaves it as a jury question.

7 I would not and would never try taking away from
8 you, as the jurors, the finders of facts, the fact that y'all
9 are the ones to get to find that fact. That's on y'all. Y'all
10 are able to consider -- y'all have every right to consider and
11 very heavy responsibility to consider whether or not, when the
12 Legislature says anything over one gram is prima facie
13 evidence, what happens when we're 41.6 times that? Or more
14 precisely 41.68 times that amount. Prima facie evidence.

15 This is a lot. This isn't 1.9 grams. This isn't 2
16 grams, where maybe just having a little bit of bulk just for
17 personal use. This is a very large quantity of narcotics to
18 the degree that it is a lesser included on two different levels
19 in the case. He's charged with trafficking. That's why it's
20 challenged.

21 I think really the biggest part of the defense are
22 going to be Officer Peeler was not as nice as he should've
23 been. I agree. Could've been nicer. Respectfully. Doesn't
24 mean that he didn't have the trafficking amount of drugs. That
25 doesn't mean he hadn't already chosen to go into the hotel

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1 room. Officer Peeler responded. In fairness, Mr. Carson, he
2 was being a little agitated to begin with. I think it was tit
3 for tat.

4 He was to be the adult in that situation. Again,
5 respectfully, that doesn't change it. Once you hang your hat
6 on that, that doesn't change it. They might contend the
7 burglary, we haven't fully proven he doesn't have consent to be
8 in that room. You've seen the body cam.

9 Again, I love body cam. It's not that Officer
10 Hayes is up here and Officer Peeler and Officer Fain up there
11 saying, yeah, that room looked like it was being made up.
12 Y'all get the full content. Body cam, sometimes it only
13 captures the investigation. Sometimes it captures everything
14 exactly how it is.

15 We can know, whether Officer Peeler wrote a report
16 or not, anything he wrote on his report is sitting right there
17 in that body cam. Back there, State's Number I believe 4, body
18 cam is 3.5. It has written on the front of it Fain, Peeler,
19 and Hayes.

20 You saw the shape of that room. That room was not
21 one anyone was going to make any mistake this is my room and I
22 stumbled into the wrong room. Sheets are stripped down, bed is
23 completely unmade, the changing sheets are sitting on the
24 couch. This is the hotel staff working on the room.

25 You heard from Mr. Bourret they had already tried

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1 to get him to leave and he became aggressive. Then they had to
2 call the police, and they couldn't find him. You heard from
3 him when the cleaning staff is cleaning, they sometimes prop
4 the doors open. That's what happened. Y'all have the evidence
5 to make that decision.

6 Your Honor is going to charge you beyond a
7 reasonable doubt. I'm wrapping up, I promise.

8 I want to remind you, you're charged, y'all swore
9 you would listen to His Honor. He's the law. He knows the
10 law. He's going to charge you on the law for you to consider.
11 Your job is to apply the facts.

12 He's going to tell you that your responsibility is
13 to look and determine if the State has proven their case on
14 each individual charge beyond a reasonable doubt. Not any and
15 all doubt. Beyond a reasonable doubt.

16 A reasonable doubt is one that would cause a
17 reasonable person to -- y'all are just reasonable people coming
18 off the street -- that would cause y'all to hesitate to act.

19 Go into the jury room. If you have any hesitation
20 on trafficking quantities of methamphetamine -- the same drugs
21 he had -- if you have any reasonable doubt that he entered that
22 room unlawfully without consent, intent to commit a crime
23 therein, that crime is trafficking drugs.

24 Also, in addition, hiding from law enforcement. Do
25 you have any doubt he threatened Officer Hayes? Is there any

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1 doubt that causes you to hesitate to act that he was within one
2 half mile of that school? That being Wofford College. And
3 distribute 41.6 grams. 41.6 times admissible.

4 If you have any reasonable doubt that he possessed
5 that firearm that came out of the bag that he picked up when he
6 walked away from the officers. That's the question.

7 Ms. White's opening was that she did not want y'all
8 to rush to judgment. This is not a rush to judgement. This is
9 a deliberative process that y'all can marinate on, thinking on,
10 watching at this point for a day-and-a-half. This is a
11 deliberate process. Y'all have seen in two hours the facts and
12 evidence and proof beyond a reasonable doubt of each and every
13 individual element, each and every individual crime that is
14 alleged.

15 This is not a rush to judgement. This is clear and
16 convincing proof. We ask you to find him guilty on all
17 charges. Thank you.

18 THE COURT: Ms. White.

19 MS. WHITE: May it please The Court.

20 I'm going to try to move this slightly. Thank
21 y'all for paying attention.

22 As Mr. Brown said, you know, this is important to
23 everybody. This is especially important to Mr. Tashan Carson.
24 They talked about his birthday. He's 37 on the body cam, when
25 they went through his identity and things. He's a 37-year-old

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1 man, and this is his freedom that we're considering.

2 And that's why we have asked y'all to be here to
3 not rush to judgment. I'm not saying to not ignore things
4 you've seen. To not pretend things didn't happen. I
5 definitely want you to review and, goodness knows, we've seen
6 the body cams. You're going to have them with you to review.
7 We want you to do that because that is the evidence.

8 The testimony is evidence and Judge Cole will tell
9 you testimony can be evidence. You can believe some, all, or
10 none of what you hear. That's up to you.

11 There are physical pieces of evidence that you've
12 seen. And then we have the body cams. And those are good. We
13 do like body cams, both the State and the defense like those.
14 They can be beneficial in both ways.

15 To start off with, when I mentioned Mr. Carson,
16 we've talked a little bit about the burglary. Let's just start
17 there. Burglary is entering into a building without consent
18 with the intent to commit a crime therein.

19 And Judge Cole is going to tell you that: The
20 State has the burden of proving he was there without consent.
21 The manager testified, yes, he testified that Mr. Carson
22 maybe he had encountered before, earlier that day around noon,
23 which is standard check-out time he said. He said he
24 encountered him. And at the time he told him he had been in
25 room 713. And, in fact, the officers found a Marriott room key

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1 card for room 713 on him. He told the manager he had been in
2 room 713.

3 Now at some point the manager says he talked to the
4 front desk staff and said something about room 515. At that
5 point, though, no one is able to testify what happened to --
6 how did Mr. Carson get in that room. You know, the State would
7 argue, well, he must have snuck in there while they're doing
8 the cleaning. The room was unlocked so he must have snuck in
9 there.

10 We don't know that. It's clear that even the
11 manager agrees he went down to the front desk and said
12 something about room 515.

13 I don't think most people trying to sneak into a
14 room are going to approach a front desk person to talk about
15 going in there. It's just a question. That is something that,
16 if you have a question about; did someone let him in the room.
17 The manager said: It's either got to be open or a staff member
18 has to have a key to let him in.

19 If you are wondering when you get back to the jury
20 room how did he get in, I wonder if somebody could've let him
21 in, that is what they have to prove to you that did not occur.
22 And I would argue that if you have that question in your mind,
23 that they didn't prove that. Because that is an essential
24 element of this charge.

25 They also have to prove that he intended to commit

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1 a crime therein. They enter the room. Mr. Carson is standing
2 there. Ultimately he says he wants to leave and puts his
3 backpack on and says: Fine, I'll leave. That's when
4 everything else kind of starts.

5 Have they proven that he entered that room with the
6 intent to commit a crime therein? What crime was he intending
7 to commit in that room? If you don't know, if you have a
8 question, if you're unsure, the burden is on the State.

9 We don't have to come in -- Mr. Carson doesn't have
10 to come in and bring all these witnesses to confirm what
11 happened or to tell you exactly what happened because that's
12 his right. His Constitutional right.

13 And the State has the burden. They generally have
14 to be honest. The more resources; they have the officers to
15 investigate. They have the people that have done the initial
16 investigation, the evidence, the law enforcement. They have
17 that, so it is their burden.

18 If they bring these charges against my client, they
19 are required to prove to you each and every element. And so I
20 would ask you to consider that. As I said, consider each of
21 these charges separately.

22 Don't just think, well, all this stuff happened so
23 he has to be guilty of all of this. That's not how it works.
24 Each charge is separate. And each charge is an individual
25 charge that has separate elements they have to prove. You

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1 can't just assume, if you think he's guilty of this, he must be
2 guilty of that. That's not the way it works.

3 I want you to look at the charge. See if you feel
4 like they have met their burden of proof of establishing he
5 entered without consent. No doubt. There is no way he
6 could've entered with consent of anyone. And he intended to
7 commit a crime when he got in that room.

8 Now, when it comes to the threatening the life of a
9 public official, yes, he stated that. There's no question. He
10 said: I'll fuck you up. And then there was some back and
11 forth.

12 I also want you to review the video, though, and
13 see the totality of the circumstances. Mr. Carson comes out.
14 He doesn't appear to be agitated. Doesn't appear to be trying
15 to get out of the way. He voluntarily provides his name. He
16 offers to spell his name. He's not trying to evade them in any
17 sense. He didn't give them the wrong name. You know, a lot of
18 people will give the wrong name. He gave them his name.

19 There were little situations that occurred that
20 probably agitated him a little more. The radio; not that big
21 of a deal. It's kind of annoying. Little immature. It didn't
22 do anything to the situation. But it probably did kind of
23 cause him to become a little annoyed. If you're asking me a
24 question and you want to know my name and I'm trying to answer
25 and then you cut the volume up on something to hear, are you

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1 really wanting to try to get that information or are you really
2 trying to address the situation?

3 That doesn't negate anything that happens later. I
4 think that it does show that Mr. Carson was making an effort.
5 Mr. Carson was present there. He was willing to give his
6 correct name. He was willing to spell his name. He was
7 willing to spell his name to Officer Hayes when he first got
8 there.

9 And then after he felt like, I guess, within a
10 minute or two nothing really was happening. He couldn't see
11 what was going on. He said: I'll get my bag and leave. Went
12 in, went past Officer Peeler. Didn't appear to be any concern
13 that he was going to get his bag and leave.

14 I would argue Mr. Carson thought at that point he
15 was going to be free to leave. He said: I'll get my bag and
16 leave if y'all have a problem with me being here, you know. At
17 that point he went to his bag. He didn't make any effort to
18 open it. He didn't make any effort to reach inside it. He
19 didn't suddenly run over there.

20 You know, Mr. Carson, is not a quick man. You can
21 see. He's a little probably, little slower. He's kind of slow
22 moving and slow talking a little bit until he gets agitated.
23 He just goes over there to get his bag and says: Fine, I'll
24 leave.

25 Now, at that point Officer Hayes puts him in cuffs

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1 and says: I'm going to detain him. Obviously, Mr. Carson
2 begins to get upset. I can't argue that. He gets loud. He
3 gets a little argumentative. He's saying you're hurting me.
4 He says: Why am I being put in cuffs?

5 And he's being told you didn't identify yourself.
6 I would argue at that point he's kind of confused, you know.
7 What in the world are they talking about? I have just given my
8 name a couple of times.

9 Now, he does say: I'll fuck you up. And then he
10 says later something about you're assaulting me, it goes both
11 ways. He didn't make those exact statements I think the State
12 indicated that he made. You will have to make the decision.
13 Obviously, we are not arguing he threatened death. The issue
14 is did he threaten to cause bodily harm? Did he intend to
15 threaten to cause bodily harm to Officer Hayes at that moment?

16 Mr. Carson was in cuffs. He was not free to leave.
17 He was in cuffs already at the time he made that statement. So
18 it's up to you to make the decision, if you think that
19 statement, your interpretation of it, based on the situation
20 was that he wanted to commit bodily harm or cause bodily harm
21 to the officer here. It's not what I think. It's not what
22 Mr. Brown thinks. It's going to be what you think based on the
23 circumstances. Does it meet the requirements of the law? And
24 did they prove beyond a reasonable doubt that he, Mr. Carson,
25 wanted to cause bodily harm to him at that point?

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1 About the trafficking. You know, Mr. Brown
2 mentioned there's some discussion about who said what. And I
3 hope y'all will go back and look at that. I hope you'll pay
4 attention to both body cams. Look at whose mouth moves, look
5 at my client who has refused to speak from the moment that they
6 put him on his knees or that he put himself on his knees,
7 refuses to answer about a Nintendo switch, which is a perfectly
8 just random question.

9 But then they insist that he suddenly decides to
10 say: Oh, yeah, drugs were in my front pocket. He's going to
11 open his mouth and confess to that.

12 I'm not saying the drugs were not located in his
13 pocket. That might not make any difference, a hill of beans.
14 The fact is it makes me uncomfortable that they're insisting
15 that my client said that when I believe and, again, I believe
16 this, they believe something different. It's what you believe.

17 I believe that was not my client. I believe it was
18 very clearly Officer Hayes based on the tone of voice, the
19 level of the volume, the gesture he makes to Officer Peeler
20 when he points to the left pocket. I don't think I hear: My
21 left pocket. I hear: Left front pocket.

22 It's up to you. Take the time. Again, don't rush
23 in there. Watch the video again. Take the time to look at it
24 closely. Look to see whose mouth moves. That might not make a
25 difference in the charge whatsoever. I believe it should make

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1 you question or make you feel a little uncomfortable if there's
2 been testimony presented perhaps that might not be accurate.

3 In regards to the proximity charge, the State has
4 to prove, again, separate charge that my client possessed drugs
5 with intent to distribute within half mile of the school or
6 park. First requirement is that he knew he was a half mile of
7 school or park. Okay. They have to prove that he knew that.

8 Now, the assumption is, of course, you would know
9 that. Wofford is right down the street. I've talked to a lot
10 of people in Spartanburg. They don't seem to know where
11 Wofford is.

12 I went to Wofford. I'm very aware of where Wofford
13 is in the grand scheme of things. I would argue I'm not sure
14 everybody is. I'm not sure that everybody is aware that
15 they're within a half mile of school or park. The State has to
16 prove that my client knew that. And that at the time he knew
17 that he also intended to distribute those drugs. Again, they
18 made a big point and they showed all the video where they found
19 the crack pipe.

20 My client uses drugs. He is a user. Therefore,
21 you found the crack pipe. You didn't find anything else. You
22 didn't find scales that drug dealers often use to weigh out
23 drugs to make sales. You didn't find individual little baggies
24 so that they can divide the drugs up to sell them to people.

25 They went through his wallet. They didn't remove a

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1 large amount of money. They kind of flipped through. I think
2 I saw a couple 20s. There was nothing else that they have
3 presented other than this simple presence of the drugs that
4 they want you to then interpret as he intended to distribute.
5 You can make that decision.

6 As he stated, more than a gram, it can be an
7 inference. You can use your common sense and your thoughts as
8 to, if someone is intending to distribute drugs, what they may
9 have with them. And whether or not they have proven beyond a
10 reasonable doubt that you don't have any question in your mind
11 and you wouldn't hesitate to add that he is guilty of intending
12 to distribute those drugs knowingly in a half mile of a school
13 or park or college.

14 They charged him with trafficking. Trafficking is
15 based on just the simple amount, the weight of drugs.
16 Trafficking doesn't involve intending to distribute. There
17 doesn't have to be any kind of transfer. That is a separate
18 charge just because, even if you find him guilty of one, you
19 don't have to find him guilty of the other.

20 I want you to, again, take your time, review each
21 of the charges. And you're going to get a lot of information.
22 I've heard Judge Cole do jury charges a long time. It's going
23 to be a lot of information coming in.

24 So you're going to have to take some time when you
25 get back to the jury room. You're going to have to kind of

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1 probably sit down and talk about some things, consider the
2 statutes, what each of the elements are that they have to
3 choose. And you, hopefully, will want to watch a little more
4 of the video just to confirm some things.

5 We are asking that you do all of that, and that you
6 take your time and that you find that the State has not met
7 their burden of proving my client guilty on all of these
8 charges. Thank you.

9 THE COURT: Ladies and gentlemen, you have now, of
10 course, heard and seen all the evidence in the case. You've
11 also heard the final summation accomplished by the lawyers. I
12 now will instruct you on the law that's applicable in the case.
13 You will then be asked to go back and begin your deliberation.

14 It is your exclusive duties to determine what the
15 facts are. You do that through your own common sense
16 examination and evaluation of all the testimony and the other
17 evidence received during the course of this trial.

18 You 12 jurors alone will decide what weight, value,
19 and effect to give any particular witness' testimony or other
20 evidence in the case. Your sole objective is to simply render
21 a fair and impartial decision based upon the evidence received
22 and the law that's applicable to the facts as you determine
23 those facts to be.

24 Because you are the judges of the facts, you are,
25 therefore, necessarily the sole judges of the credibility and

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1 the believability of any witness that has testified during the
2 course of the trial. And you 12 jurors alone, as I say, will
3 determine what evidence to accept as being credible and what
4 evidence, if any, to reject as not being credible.

5 There are a number of factors which you should
6 consider in arriving at your assessment and evaluation of a
7 witness' testimony. And I'll provide you with those particular
8 factors. You should consider the demeanor of the witness, that
9 is, how the witness appeared to you and the witness was
10 testifying from the witness stand.

11 Was the witness straightforward in responding to
12 questions or hesitant or evasive in responding to questions?
13 Simply put, did the witness appear to you to be telling the
14 truth, and to have knowledge of the facts to which that witness
15 has testified?

16 You should also consider whether or not the
17 testimony of a witness is consistent or is inconsistent with
18 that witness' own testimony provided here in court or maybe
19 some statement made outside of court by that same witness. You
20 should consider whether or not the testimony of a witness is
21 consistent or is it inconsistent with other testimony or other
22 evidence in the case.

23 You should also consider how the witness came to
24 know the facts to which that witness has testified. In other
25 words, what was that particular witness' opportunity and

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1 ability to perceive the existence of those facts to which that
2 witness has testified.

3 And then what is that witness' ability to be able
4 to come into court and accurately recollect to you as to what
5 they had previously perceived.

6 You should also consider any bias or prejudice or
7 interest that you find the witness has with respect to a case.
8 In other words, you find some reason that a particular witness
9 would come into court, would testify one way or another to help
10 or hurt one side or the other. And you may consider any
11 interest that a witness might have in the outcome if you
12 determine that witness does have such an interest and you
13 further find that interest would bear upon that particular
14 witness' credibility.

15 You should also consider whether the testimony of a
16 witness is strengthened or weakened by other testimony or
17 evidence received during the course of the trial. You, as the
18 finders of the facts, you, as the judges of the credibility of
19 each witness are permitted to believe as much or as little of
20 what a witness testifies to as you deem appropriate.
21 Therefore, you may believe everything that a witness testified
22 to or you may choose to believe none of it. You may believe
23 one portion of a witness' testimony and reject some other
24 portion of that same witness' testimony.

25 In a given case you can believe one witness as

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1 opposed to several or several as opposed to one, whatever your
2 good judgement and common sense tells you is the most
3 believable and credible testimony is the testimony you should
4 accept. And you should reject any evidence that you find not
5 to be credible or believable.

6 Again, your sole objective is to simply render a
7 fair and impartial decision based on the evidence presented and
8 the law that's applicable.

9 The same law that provides you as the judges of the
10 facts also provides that I'm the judge of the law. That simply
11 means nobody is going to tell you how to arrive at your
12 determination of facts in this case. You do that, as I've
13 already stated, through the exercise of good judgement and
14 common sense, conscientiously applied to the testimony and
15 evidence received during the trial.

16 You must, however, under your oath as a juror
17 accept the law as I provide it to you as being the law that you
18 are to apply in the case. In other words, you're never to
19 concern yourself with what you thought the law was before you
20 came to serve as a juror this week or what you think the law
21 ought to be. Under your oath as a juror you must accept the
22 law as I provide it to you as being the law that you are to
23 apply in the case.

24 Then you simply take that law and you apply it to
25 the facts as you 12 jurors determine those facts to be from

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1 your common sense evaluation of the evidence.

2 As you know, Mr. Carson has been charged with
3 several different offenses contained in five separate
4 indictments. He's charged with burglary in the second degree
5 on one indictment. Associated with that burglary in the second
6 degree is an accompanying charge of possession of a firearm
7 during the commission of the crime of burglary.

8 A second indictment charges Mr. Carson with
9 trafficking in methamphetamine, more than 28 grams. And
10 accompanying that indictment in Count 2 is possession of a
11 weapon during the commission of a violent crime. The violent
12 crime being the trafficking.

13 The third indictment charges Mr. Carson with
14 possession of intent to distribute within one half mile of a
15 school.

16 Another indictment charges Mr. Carson with the
17 unlawful possession of a pistol.

18 And the remaining indictment charges Mr. Carson
19 with threatening a public official.

20 As I've told you and as you know, the Defendant as
21 to those charges has entered a plea of not guilty. And that
22 plea of not guilty is placed upon the State the burden of
23 proving the allegations made, the burden of proving each of the
24 essential elements of the crimes charged; therefore, the burden
25 of proving the Defendant to be guilty to your satisfaction

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1 beyond a reasonable doubt.

2 It is a valiant, important, and cardinal rule of
3 law that every defendant in a criminal trial no matter how
4 great or serious that offense might be for which that person
5 stands charged, he shall always be presumed innocent of that
6 charge and that the presumption of innocence will be with this
7 Defendant as it would be with any defendant from the time he is
8 placed under arrest and throughout the course of the criminal
9 process and even throughout the course of the actual trial.

10 As I told you, that presumption of innocence will
11 be with Mr. Carson even when you go back to start with your
12 deliberations in this case and it will be with him in the jury
13 room, and it will be with him forever unless you 12 jurors
14 determine that he's no longer entitled to that presumption of
15 innocence.

16 In other words, after you carefully considered all
17 the testimony and evidence received during the course of the
18 trial, and from that evidence you have been able to determine
19 the material facts related to the allegation contained in each
20 of the separate indictments, if you 12 jurors unanimously
21 determine that his guilt as to a particular charge has been
22 proven beyond a reasonable doubt, then he's no longer entitled
23 to the presumption of innocence as it relates to that
24 particular charge.

25 But it is only if and unless and until you are

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1 satisfied of his guilt beyond a reasonable doubt as to a charge
2 that he would no longer be entitled to that presumption of
3 innocence.

4 As I've told you, because you have seven different
5 charges -- I'll talk about those in detail later. Because
6 there's seven separate charges contained in five separate
7 indictments, the verdicts with respect to the indictment may be
8 the same, they may be different. That obviously will depend
9 upon your determination of fact as it relates to that
10 particular charge and then your application of the law as I
11 will have provided it to you.

12 As I've told you, the State does have the burden of
13 proving the Defendant's guilt to your satisfaction beyond a
14 reasonable doubt. That does not mean the State has to prove
15 beyond all doubt or beyond any possible doubt. But it does
16 require that the State prove his guilt to your satisfaction
17 beyond a reasonable doubt.

18 The term reasonable doubt should be given its plain
19 and ordinary meaning. A reasonable doubt is the kind of doubt
20 that would cause a reasonable person to hesitate to act upon
21 the information provided.

22 And a Defendant in a criminal trial is entitled to
23 any reasonable doubt that arises from the evidence or lack of
24 evidence in the case. And if upon any factual issue essential
25 to a finding of a verdict of guilty you have some reasonable

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1 doubt as to how that issue should be resolved, that reasonable
2 doubt must be resolved in favor of the Defendant.

3 Now, while there are various forms of evidence such
4 as testimony, photographs, documents, videos, charts, and other
5 types of physical exhibits, there are really only two types of
6 evidence. And either or both of those types of evidence may be
7 used to prove any fact at issue. The two types of evidence are
8 direct evidence and circumstantial evidence.

9 Direct evidence is the testimony of a person who
10 testifies from actual knowledge of that fact. It is testimony
11 by a person who has perceived the existence of some fact by
12 means of his or her senses and then they come into court and
13 they testify as to what they have previously perceived. Direct
14 evidence proves the existence of a fact directly and it does
15 not require any deduction or inference in order to establish
16 that fact.

17 Circumstantial evidence, on the other hand, is
18 proof of some other fact or a chain of facts and circumstances
19 which taken singly or collectively may prove the existence of a
20 fact at issue by a deduction or inference. An inference is
21 simply a deduction of facts that may logically and reasonably
22 be drawn from the proof of some other fact or set of facts. In
23 other words, it's not a fact proven by the direct testimony of
24 a person based upon their personal perception but it is a
25 conclusion which might reasonably be drawn from the proof of

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1 other facts.

2 In other words, you may infer that a particular
3 event occurred or that a particular fact exists based upon the
4 proof of sufficient circumstances which would reasonably
5 warrant your arriving at a particular conclusion.

6 In the commission of a crime and any particular
7 element necessary to establish that crime may be proven by
8 direct evidence or by circumstantial evidence or by a
9 combination of both direct evidence and circumstantial
10 evidence.

11 The law makes no distinction between the weight or
12 value to be given to direct evidence or circumstantial
13 evidence. Nor is a greater degree of certainty required in
14 circumstantial evidence as opposed to direct evidence.
15 However, to the extent that the State relies upon
16 circumstantial evidence in order to establish the commission of
17 a crime, all of the circumstances proven must be consistent
18 with each other. And when taken together, point conclusively
19 to the guilt of the accused beyond a reasonable doubt.

20 If these circumstances merely portray the
21 Defendant's behavior as suspicious, the proof is insufficient
22 and it fails. The burden rests with the State regardless of
23 whether the State relies upon direct evidence or circumstantial
24 evidence or some combination of the two. They still must prove
25 the Defendant guilty beyond a reasonable doubt.

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1 Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the Defendant's guilt. There
3 are very few things in the world that we know with absolute
4 certainty. And in criminal cases, the law does not require
5 proof that overcomes every possible doubt. If, based on your
6 consideration of the evidence in this case and in the exercise
7 of good judgement and common sense, you are firmly convinced
8 that the Defendant is guilty of some crime for which he stands
9 charged, then you must find the Defendant guilty of that
10 particular crime.

11 If, on the other hand, you think there is a real
12 possibility that the Defendant is not guilty of a particular
13 crime for which he stands charged, then you must give him the
14 benefit of that doubt and find him not guilty of that crime.

15 We have five indictments. There are seven separate
16 charges. I'll begin with the burglary indictment followed by
17 the trafficking indictment followed by the possession with
18 intent to distribute indictment followed by possession of a
19 handgun indictment and then followed by threatening the life of
20 a public official.

21 Some of the law is going to be applicable to more
22 than one indictment. So for instance, in the burglary
23 indictment and the trafficking indictment, there's also a
24 possession of a weapon during the commission. I'll charge you
25 what possession means, what it means to be in possession of an

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1 item or substance. And I'll charge you what that means or how
2 possession of an object or substance may be proven. That's
3 going to be applicable to any indictment that alleges
4 possession of something. I'm not going to repeat it every
5 time. That will be applicable where that particular element
6 has to be established or that particular fact has to be
7 established.

8 I'm going to begin with the burglary indictment.
9 The indictment charges the Defendant with having committed the
10 crime of burglary in the second degree. And burglary in the
11 second degree is a statutory offense.

12 I don't have it in here but in the old courtroom we
13 had the Code of Laws in blue volumes. Every year the
14 Legislature meets in session. And during the course of those
15 meetings, they pass a number of laws and rules and regulations
16 that govern our conduct in a variety of ways.

17 Some of those statutes are criminal penalties
18 statutes. That just means the Legislature has defined a
19 circumstance that they have determined is a criminal offense,
20 that you can't engage in that conduct, in violation of that
21 particular statute. If you have been found guilty of engaging
22 in that conduct, then it subjects you to some form of
23 punishment or penalty as a result.

24 Please understand you are never to be concerned
25 with punishment or penalty. That's not something that you

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1 decide. And you're not to be concerned with it. Your sole
2 obligation and duty is to determine whether or not the
3 Defendant's guilt as to a particular charge has been proven
4 beyond a reasonable doubt. And you must do that without any
5 regard to any consequence of that decision as it relates to
6 punishment or penalty.

7 Burglary in the second degree is set forth in Code
8 Section 16-11-312, subsection B. It provides in its pertinent
9 part: A person is guilty of burglary in the second degree if
10 the person enters a building without consent and with the
11 intent to commit a crime therein. And when effecting entry or
12 while in the building or in immediate flight therefrom, he is
13 armed with a deadly weapon.

14 Based upon the statute, before you can return a
15 verdict of guilty as to the particular crime of burglary in the
16 second degree, it must necessarily be proven by the evidence in
17 this case four essential elements. Number one, it must be
18 established that the Defendant entered a building. Entry is an
19 indispensable element of the crime of burglary. Entry is the
20 act of going into the building. And it is not necessary that
21 actual physical force be used to accomplish any entry nor does
22 any door, window or other barrier have to be opened, broken or
23 removed in order to effect entry. The entry must also be into
24 a building. A building is defined in the statute as a
25 structure where any person lodges or lives.

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1 Secondly, there must be entry of a building without
2 consent. Entering without consent means to enter a building
3 without the consent of the owner or person otherwise in lawful
4 possession of the premises or is to enter a building by using
5 deception, artifice, trick, or misrepresentation.

6 Thirdly, there must be an entry of a building
7 without consent and with the intent to commit a crime therein.
8 There must be an intent to commit a crime, whether or not the
9 crime is actually committed, accomplished or completed. The
10 mere entering of a building without an intent to commit a crime
11 does not constitute crime of burglary. It is only when there
12 is an entering accompanied with an intent to commit a crime
13 therein that the crime of burglary is complete.

14 And a crime of any greater severity is sufficient
15 to satisfy this particular element of the crime of burglary.

16 And the term intent means the state of a person's
17 mind which directs his actions towards a specific object or
18 goal. The entry of a building without consent and with the
19 intent to commit a crime therein constitutes the crime of
20 burglary.

21 It's therefore -- there is a fourth element because
22 what's alleged is burglary in the second degree. And the
23 fourth element is that, when in effecting entry or while in the
24 building or immediate flight therefrom, the Defendant is armed
25 with a deadly weapon.

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1 In this case the State is alleging that the crime
2 of burglary in the second degree -- is in the second degree
3 because the burglary was committed by the Defendant who was
4 armed with a handgun.

5 I'll do Count 2 after I do the trafficking
6 indictment. You have two possession of a handgun during the
7 commission of a violent crime; one for the burglary, one for
8 trafficking. I'll charge you on that particular crime after
9 the trafficking. It's going to apply to both the burglary
10 indictment and the trafficking indictment.

11 Section 44-53-375 provides that any person who
12 knowingly is in actual or constructive possession of
13 methamphetamine in an amount of ten grams or more is guilty of
14 the crime of trafficking in methamphetamine. The State is
15 alleging in this particular case that the Defendant did traffic
16 in methamphetamine in that he did have in his actual or
17 constructive possession more than 28 grams of methamphetamine.

18 Before the Defendant may be found guilty of the
19 crime of trafficking in methamphetamine as alleged in this
20 particular case, it would be necessary that the State has
21 proven to your satisfaction beyond a reasonable doubt, that the
22 Defendant did knowingly had in his actual or constructive
23 possession a quantity of more than 28 grams of methamphetamine
24 or any mixture which contains methamphetamine.

25 Before a person may be found guilty of trafficking

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1 by possession of methamphetamine, it must be proven beyond a
2 reasonable doubt that the person did knowingly have in his
3 actual or constructive possession 28 grams or more of
4 methamphetamine.

5 Knowingly is defined in the law as having knowledge
6 of the fact. It connotes an act that is done willfully,
7 purposefully, and consciously and not by accident, mistake or
8 inadvertence.

9 Actual possession of a substance occurs when the
10 substance is shown to have been in the actual physical custody
11 or control of the person charged with possession and he had a
12 knowledge of its presence. As I say, this applies to both the
13 controlled substance allegation and the handgun allegation.

14 Constructive possession, on the other hand, occurs
15 when a person, although not in actual physical custody of the
16 item or substance, has the right to exercise dominion and
17 control over the substance or otherwise does exercise dominion
18 and control over the substance.

19 A person has possession of a substance within the
20 meaning of the law when he has both the power and the intent to
21 control the disposition or use of the item or substance.

22 The act of possession as well as the elements of
23 knowledge and intent may be proven by either direct evidence or
24 circumstantial evidence or a combination of both types of
25 evidence.

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1 And you are permitted to infer the act of
2 possession of a substance or an item as well and the elements
3 of knowledge and intent from evidence of acts, of declarations
4 or conduct of the person charged with possession and any other
5 circumstances established by the evidence in this case from
6 which you might reasonably infer such a fact.

7 The State further alleges that the Defendant not
8 only possessed a quantity of methamphetamine but that the
9 amount possessed was more than 28 grams. And, therefore, the
10 burden is upon the State to prove the amount of the
11 methamphetamine that they allege the Defendant possessed.

12 As I previously stated, the amount or the weight of
13 any controlled substance includes the substance in its pure
14 form as well as any compound or mixture which contains that
15 particular controlled substance.

16 I'm going to charge you on the criminal offense of
17 possession of a weapon during a violent crime. That particular
18 charge is set forth in both the indictments charging
19 trafficking methamphetamine as well as the burglary in the
20 second degree.

21 Possession of a weapon during the commission of a
22 violent crime is set forth in Section 16-23-490, subsection A
23 of the Code of Laws in South Carolina. That particular Code
24 section provides in its pertinent part: A person shall be
25 guilty of an additional criminal offense if a person is in

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1 possession of a firearm or what appears to be a firearm during
2 the commission of a violent crime and that person is convicted
3 of committing or attempting to commit that violent crime as
4 defined in Section 16-1-60.

5 16-1-60 is simply the statute that defines what
6 crimes are classified as violent. In that particular Code
7 section, that section does provide that the crimes of
8 trafficking in methamphetamine and burglary in the second
9 degree are both classified as violent offenses under the law of
10 this state.

11 Before the Defendant can be found guilty of a
12 violation of this particular provision of law, it would be
13 necessary that you have found the Defendant to be found guilty
14 of the crime for which the State alleges he committed while he
15 was in possession of the firearm. You have two separate
16 indictments; one is burglary in the second degree, one is
17 trafficking in methamphetamine.

18 Count 2, each of those are possession of a weapon
19 during the commission of a violent crime. In order to be found
20 guilty of possession of a weapon during the commission of a
21 violent crime, the jury has to find the Defendant guilty of a
22 violent crime. Then you'll be able to consider Count 2 as to
23 whether or not he possessed a weapon during the commission of
24 that violent crime.

25 Another way of stating it, if the jury finds the

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1 Defendant not guilty of trafficking of methamphetamine, then by
2 definition he cannot be found guilty of Count 2. That same
3 rationale applies to the burglary in the second degree
4 indictment.

5 Next, going to charge you on the law as to the
6 indictment charging possession with intent to distribute
7 methamphetamine within half mile of a school. That's also a
8 statutory offense set forth in Section 44-53-375. That statute
9 provides in its pertinent or relevant part: It is unlawful for
10 a person to possess with intent to distribute, dispense, or
11 deliver methamphetamine in violation of Section 44-53-370.

12 And that particular section I just referenced
13 provides that it shall be unlawful for any person to possess
14 with intent to distribute, dispense, or deliver a controlled
15 substance except when authorized by a statute and pursuant to a
16 valid prescription or order of a licensed professional
17 practitioner in the ordinary course of that practitioner's
18 practice.

19 A controlled substance means a drug or other
20 substance which is classified in Schedules I through IV in the
21 South Carolina Code of Laws which classifies various types of
22 drugs. Methamphetamine is classified in Section 44-53-210 as a
23 Schedule II drug and, therefore, it is declared to be a
24 controlled substance under the law of this state.

25 As I've already told you, the weight of any

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1 controlled substance includes the weight of that substance in
2 its pure form or any compounds or mixture thereof. In order
3 for the Defendant in this case can be found guilty of intent to
4 distribute a substance as alleged in the indictment, being
5 methamphetamine, it is necessary that the evidence in this case
6 has established to your satisfaction beyond a reasonable doubt
7 that the Defendant did knowingly and actually or constructively
8 possessed the controlled substance as alleged in the
9 indictment. And that the controlled substance alleged to have
10 been was, in fact, methamphetamine. And that at the time of
11 possession, the Defendant intended to distribute that
12 substance.

13 And the term intent means the state of a person's
14 mind which directed his actions towards a specific object or
15 goal. In this case, that refers to the specific intent to
16 distribute a controlled substance.

17 To distribute or deliver means to transfer a
18 controlled substance from one person to another, whether or not
19 in exchange for money or any other thing of value.

20 You are further instructed Section 44-53-375,
21 subsection B of the Code of Laws provides that you are
22 permitted to infer an intent to distribute upon proof of
23 possession of one or more grams of methamphetamine.

24 As I've already told you, inference is simply a
25 deduction of fact that may logically and reasonably be drawn

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1 from the proof of some other fact or set of facts. You are not
2 required to make such an inference. You are only permitted to
3 make such an inference should you find it appropriate in this
4 particular case.

5 With respect to the indictment for possession with
6 intent to distribute methamphetamine within one half mile of a
7 school, park, or playground, the statute provides that it is a
8 separate criminal offense for a person to possess with intent
9 to distribute within a half mile radius of a public or private
10 elementary, middle, or secondary school, public playground,
11 park, or public vocational or trade school or technical
12 education center or a public or private college or university.

13 In order for a person to be convicted of this
14 particular offense, it is also required that the person have
15 knowledge that he is or in or within one half mile radius of
16 the grounds of a public or private elementary or middle,
17 secondary school, a public playground or park, a public
18 vocational or trade school or technical education center or a
19 public or private college or university. And that he did
20 unlawfully possess with intent to distribute methamphetamine
21 within a half mile radius of that particular structure.

22 The next indictment charges the Defendant with the
23 unlawful possession of a pistol. That's a statutory offense.
24 And that's set forth in 16-23-20 of the Code of Laws. And that
25 particular Code section provides that it is unlawful for anyone

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1 to carry about the person any handgun, whether concealed or
2 not, unless particular exceptions do apply which are listed in
3 the statute. None of those exceptions have been raised as an
4 issue in this case. So it is unlawful for the Defendant to
5 carry about his person any handgun whether concealed or not, if
6 proven that he has done so.

7 And the remaining indictment alleges threatening a
8 public official. Again, that's a statutory offense set forth
9 in 16-3-1040 of the Code of Laws. And that particular section
10 provides in its relevant part: It is unlawful for a person
11 knowingly and willfully to deliver or convey to a public
12 official any verbal communication which contains a threat to
13 take the life of or to include bodily injury upon that public
14 official.

15 A police officer, who has been granted powers of
16 arrest by the state, county, municipality, or any other
17 political subdivision is by statute a public official within
18 the meaning of the law.

19 Ladies and gentlemen, I am not in any way
20 concerned with what your verdicts are. They must be unanimous
21 as I've already stated.

22 And as I have also previously instructed you at the
23 trial beginning, during the course of a trial, in the event a
24 Defendant does not take the witness stand and testify during
25 the trial of the case, such a fact or circumstance may not be

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1 considered by the jury in the slightest degree against the
2 Defendant. It may not be considered in your deliberations. It
3 may not be considered in your determination as to whether or
4 not his guilt has been proven beyond a reasonable doubt.

5 As I've told you, the burden is on the State to
6 prove the Defendant guilty beyond a reasonable doubt. The
7 burden is never upon a Defendant to prove he or she is not
8 guilty or to prove that he or she is innocent because in many
9 cases that might not be possible. Therefore, you are not to
10 draw any conclusion or any inference from the fact that a
11 Defendant does not testify during the trial of the case nor may
12 that fact even be discussed by you while you are engaged in
13 your deliberations.

14 During deliberations there may come a time where
15 you have a question about the facts or the evidence. I'm not
16 permitted to answer any questions that relate to issues of
17 fact. You simply have to determine those facts based upon your
18 review of the evidence received during the course of the trial.

19 If you have a question that could be answered by
20 having testimony of a witness reheard, you are permitted to
21 have that done. We'll have to bring you back into the
22 courtroom for that purpose. I don't have a transcript to give
23 you.

24 But should the jury have a question or a need to
25 have testimony of a witness reheard, we'll bring you back in

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1 the courtroom and have that testimony replayed in whole or in
2 part, depending on what the jury requires or needs.

3 No additional evidence can be received now that the
4 case is closed and you're getting ready to go back to begin
5 deliberation. Don't inquire or ask me about something else you
6 think might help you to resolve the case. If it was not
7 introduced during the trial, it cannot be introduced now. Even
8 if something exists out there that would help you, can't come
9 into evidence now because the case is closed. Don't ask me
10 about that.

11 All the exhibits that have been introduced will go
12 back. And we will verify all the exhibits before they go back,
13 but should we miss something and you think it was introduced
14 during the trial, you can let me know that fact.

15 You will have a computer back there with you to
16 look at the videos should you wish to. And I'm sure y'all can
17 figure it out better than I can. If you can't, you let me
18 know. We'll have someone help you with getting the video set
19 up.

20 If at any time you have a question about the law
21 that's applicable -- I know I provided you a lot of
22 information. If you ever have a question about the law that's
23 applicable, I am permitted to answer those questions. And if
24 you need a complete re-instruction, I can do that. If you need
25 simply some clarification or explanation of a particular point

DEPUTY JACKSON REDIR BY MR. BROWN

1 that I provided, I can provide you with that additional
2 explanation or clarification. So if you have a question about
3 the law, let me know. I'll provide you with additional
4 guidance.

5 Madam forelady, if at any time you or one of the
6 jurors have some issue you need to be addressed, write it on a
7 piece of paper, fold it up, give it to the bailiff and I'll
8 respond according to the question or inquiry.

9 During deliberations you can't smoke in the
10 courthouse and you can't vape in the courthouse. You can vape
11 during deliberations if you want to. You have to go outside.
12 And the reason I tell you that is because you can do that if
13 you want to. You have to let the bailiff know, and they'll
14 take you outside. Understand that deliberations cannot be
15 engaged in unless all 12 jurors are present so that all may
16 participate. If at any time a juror is absent from some
17 authorized purpose, then the deliberations have to stop and may
18 only resume when all jurors are present.

19 Madam forelady, in addition to the evidence, you're
20 going to have the indictments. As I've already told you, the
21 indictments are not evidence. They don't prove anything. They
22 don't establish anything. They do contain the charges, and
23 there are some guidance as to the items that you'll be
24 determining factually. So you can review them for that purpose
25 if you need to.

DEPUTY JACKSON REDIR BY MR. BROWN

1 The indictments are going to be in the jury room
2 for the purpose of serving as verdict forms. It's on the back
3 of each indictment you'll see the word verdict. And you may
4 not see it, but it's there. It's beneath the jury's unanimous
5 decision as it relates to that particular charge. And you'll
6 sign your name as the foreperson. You're the only juror that
7 needs to sign the verdict form. You'll also put the date on
8 it. Today is the 28th.

9 As to two indictments, burglary and the
10 trafficking, each of those indictments has two crimes alleged,
11 two counts. So I've written underneath the verdict form Count
12 1 and Count 2. So you'll be rendering separate verdicts as to
13 each of those separate charges.

14 As I've told you, if you determine the Defendant
15 has been proven guilty of burglary in the second degree, you
16 find him guilty, then you may consider Count 2, whether or not
17 he possessed a weapon during the commission of that violent
18 crime.

19 If the jury finds the Defendant not guilty of
20 burglary in the second degree, you have to find him not guilty
21 of Count 2 because Count 2 requires a conviction of Count 1,
22 because the burglary is the violent crime for which he's
23 alleged to have possessed the weapon. You have two separate
24 verdict forms. That same rationale applies in the trafficking
25 indictment.

DEPUTY JACKSON REDIR BY MR. BROWN

1 Then as to the other three indictments which are
2 possession with intent to distribute within half mile of a
3 school; unlawful possession of a weapon, and threatening a
4 public official, as to each of those indictments and the two
5 potential verdict forms, the verdict forms are guilty or not
6 guilty. Whatever your decision is, madam forelady, you'll
7 insert it in the space provided.

8 Once you have reached decisions in all the cases,
9 knock on the door, let the bailiffs know you've reached your
10 decision. You will hold on to the verdict forms. Do not give
11 those to the bailiff. I'll receive those from you upon the
12 jurors' return to the courtroom for us to receive your
13 verdicts.

14 You can give them the evidence and all that. You
15 hold on to the verdict form. I'll get those from you.

16 You've had your lunch ordered. When it gets here,
17 if it's not here now, it will be shortly. When lunch comes,
18 you can deliberate while you eat, you can stop and eat first,
19 whatever you want to do. I'll leave that to your discretion.
20 Your lunches will be provided.

21 Again, any decision reached has to be unanimous;
22 all 12 jurors must be in agreement. When you have reached
23 those decisions, madam forelady, indicate the decisions on the
24 verdict form, sign your name, and place the appropriate date.

25 I'm going to ask the primary jurors to retire to

DEPUTY JACKSON REDIR BY MR. BROWN

1 the jury room. Don't begin deliberations yet. I have some
2 matters I need to address with the lawyers. If I don't need to
3 bring you back, I'll simply send word by way of bailiff you can
4 begin deliberations. In that event he'll bring to the jury
5 room all the exhibits as well as the indictments, which are
6 serving as the verdict forms.

7 I'll ask Ms. Alcock and Mr. Cathcart to stay here
8 in the courtroom with me right now. 12 originals, please go to
9 the jury room. Do not begin deliberations until I send you
10 word to do so.

11 (The jury exited the courtroom at 12:53 p.m.)

12 THE COURT: Ms. Alcock and Mr. Cathcart, as you
13 know, you can't participate in jury deliberations because there
14 is no volunteer to be able to perform that function.

15 However, I never know whether or not something
16 might happen. I never know how long deliberations are going to
17 take. If for some reason one of these jurors was unable to
18 continue, one of you will still be called upon to take that
19 person's place. I'm going to ask you to remain with us.

20 You can't go to the jury room. The bailiff will
21 take you to a separate room. Y'all will stay together. You'll
22 be provided your lunches. You are not permitted to talk about
23 the case until you are called upon to become the 12th juror.
24 While you're segregated from the jury right now, don't talk
25 about the case.

DEPUTY JACKSON REDIR BY MR. BROWN

1 However, if a jury has a question that I need to
2 address, if I bring them back, you'll be brought back with
3 them. So you will have all the information I provided them.
4 If indeed you're called upon to assist, you'll have the same
5 information the jury has.

6 If you'll please go to -- bailiff, where are you
7 going to take them?

8 THE BAILIFF: One of the empty jury rooms.

9 THE COURT: Don't discuss the case. You can talk
10 about anything else.

11 (The alternate jurors exited the courtroom at 12:54
12 p.m.)

13 THE COURT: Are there any exceptions taken to the
14 instructions or request revisions to the instructions by the
15 State?

16 MR. BROWN: Your Honor, there is one very brief.
17 My sincere apologies. You charged burglary and you gave the
18 definition of building and 16-11-310. You referenced Section
19 1(a) where any person lodges, dwells or lives. That's followed
20 by or. I could be wrong. If I am, I withdraw it. I don't
21 think you charged part B. Part A is a catch-all, at least my
22 understanding of dwelling. And part B really defines, much
23 more broadly defines a building. I did want the jury to hear
24 that perspective. I'm so sorry.

25 THE COURT: That's all right. Let me get the

DEPUTY JACKSON REDIR BY MR. BROWN

1 statute. While you bring that up, I'll bring this back to the
2 clerk.

3 What's your issue?

4 MR. BROWN: Your Honor, when you charged it, I may
5 have misheard. I only heard you charge 16-11-310(1)(a).

6 THE COURT: You're correct about that. That's
7 true.

8 MR. BROWN: I've always understood part A to be a
9 catchall to say a dwelling is a building. That is the
10 definition of a dwelling. Part B, because this is a building,
11 I believe is more broad and actually covers more thoroughly
12 what building we had today, that being a hotel.

13 THE COURT: I think you're right about that. He's
14 not charged with burglarizing the hotel; he's charged with
15 burglarizing a room, isn't he?

16 MR. BROWN: Your Honor, just to get into the
17 charging decision, I charged it as a building under the concept
18 because no one was staying there at that time. That's why I
19 didn't charge burglary first, to be clear, which would've been
20 a dwelling.

21 I purposely went with a more broad and lesser
22 included offense of burglary, second degree, violent. I didn't
23 want to be caught up with whether someone was living there or
24 staying there at the time. I went with the building aspect,
25 which I believe The Court appropriately covered. My apologies.

DEPUTY JACKSON REDIR BY MR. BROWN

1 THE COURT: I understand. We have unique
2 situation. We have a hotel.

3 MR. BROWN: Yes, Your Honor.

4 THE COURT: As I understand it, he's not charged
5 with burglary of a hotel. He's charged with burglary of room
6 515.

7 MR. BROWN: When I researched that legal issue,
8 making a decision between burglary first and burglary second
9 degree, violent, at least in my research, maybe I was wrong,
10 what constituted a hotel room was a building or dwelling,
11 whether anyone was staying there at the time. I think I found
12 a case on that. That was what my thought was.

13 THE COURT: I understand that. I think you
14 could've charged him with a dwelling. I understand the
15 rationale for not. Because building means a structure where
16 any person lodges or lives. And room 515 is a structure where
17 people lodge or live even though it's on a temporary basis.

18 What I'm trying to convey to you, I thought that's
19 what he's charged with burglarizing. He's not charged with
20 burglarizing the hotel itself, is he?

21 MR. BROWN: We're aiming specifically for the room.
22 I just wanted to make sure you covered all the language. I'll
23 leave it in Your Honor's discretion.

24 THE COURT: That doesn't help you. Where does that
25 help?

DEPUTY JACKSON REDIR BY MR. BROWN

1 MR. BROWN: With it being a business, that room is
2 a part of the business of the hotel.

3 THE COURT: I think that's confusing to the jury.
4 We're talking about a room.

5 MR. BROWN: Yes, Your Honor. That's fine.

6 THE COURT: Ms. White, do you have any comments?

7 MS. WHITE: Your Honor, I would agree that in this
8 case with the fact that the Marriott is a hotel, you have
9 ballrooms, you have restaurants. You have things like that
10 whereas B says, assembled for the purpose of business,
11 government, or education. That would, to me, imply one of the
12 more general areas. And I think that would open it to him
13 being charged with burglary perhaps of the entire building.

14 THE COURT: That's what I'm saying.

15 MS. WHITE: Right.

16 THE COURT: Maybe I'm not being clear.

17 MS. WHITE: What I'm saying, I agree with Your
18 Honor. I think that's sufficient.

19 THE COURT: That's what I'm saying. I've never
20 understood the case about him committing a burglary of the
21 hotel. He was committing burglary of a particular room in the
22 hotel.

23 MR. BROWN: You're correct. That is our search, it
24 is specific to room 515. I just wanted to make sure. That's
25 fine.

DEPUTY JACKSON REDIR BY MR. BROWN

1 THE COURT: What I'm saying, adding that language
2 in B doesn't clarify that in any way. That adds a lot of
3 things you're not claiming. That's the point. I'm limiting my
4 instruction to those that are based upon the evidence
5 presented. There's no evidence he burglarized a building where
6 there was business, government, education, religion,
7 entertainment or whatever being stored or where goods are being
8 stored. You're not claiming any of that.

9 MR. BROWN: I'm not.

10 THE COURT: If a juror has a question about it,
11 I'll clarify. I think it's covered sufficiently.

12 MR. BROWN: Other than that, there's absolutely no
13 objection. I appreciate you hearing that motion.

14 THE COURT: Sure. Do you have anything, Ms. White?

15 MS. WHITE: I do not, Your Honor.

16 THE COURT: Let me ask y'all to verify the
17 exhibits, please. And be sure we have the computer.

18 MR. BROWN: Your Honor, this is my first time
19 sending the computer back. Do I need to turn off Wi-Fi or
20 anything like?

21 THE COURT: You don't use your computer.

22 MR. BROWN: This is the Solicitor's Office
23 courtroom computer.

24 THE COURT: Okay. Are all the exhibits accounted
25 for?

DEPUTY JACKSON REDIR BY MR. BROWN

1 MR. BROWN: They are, Your Honor.

2 THE COURT: Send them back, along with the verdict
3 form. Tell the jury to begin deliberations. Tell the jury not
4 to open exhibit number 2 -- not to open the heat sealed package
5 and not to put any bullets in the gun, although they can't.
6 Tell them if for any reason they need to open anything, they're
7 going to first talk to me about it.

8 THE BAILIFF: Yes, sir.

9 THE COURT: We'll be at ease while the jury is
10 deliberating.

11 (A luncheon recess transpired from 1:03 p.m. until
12 2:03 p.m.)

13 (The jury had two written questions, and it was
14 discussed off-the-record, after which the following proceedings
15 were had at 5:41 p.m.)

16 (COURT EXH. 2, Jury question, was marked for
17 identification and received into evidence.)

18 (COURT EXH. 3, Jury question, was marked for
19 identification and received into evidence.)

20 (COURT EXH. 4, Jury charges, was marked for
21 identification and received into evidence.)

22 THE COURT: I'm told the jury has reached their
23 decision. Are we ready to receive them?

24 MS. WHITE: We are, Your Honor.

25 MR. BROWN: Yes, sir, Your Honor.

DEPUTY JACKSON REDIR BY MR. BROWN

1 THE COURT: Bring them in.

2 (The jury entered the courtroom at 5:48 p.m.)

3 THE COURT: Madam forelady, have you and your
4 fellow jurors reached unanimous decisions on each of the
5 charges?

6 JUROR FOREPERSON: Yes, sir.

7 THE COURT: Did you reflect those decisions on the
8 back of the indictments as requested?

9 JUROR FOREPERSON: Yes, Your Honor.

10 THE COURT: Did you sign and date it?

11 JUROR FOREPERSON: Yes, sir.

12 THE COURT: Please hand those up by way of the
13 bailiff.

14 (A pause transpired.)

15 THE COURT: You may publish the verdicts.

16 THE CLERK: In the State of South Carolina, in the
17 court of General Sessions, indictment 2023-GS-42-4549, the
18 State versus Tashan Carson, indictment for burglary in the
19 second degree, Count 1, not guilty.

20 Possession of a weapon during the commission of a
21 violent crime or attempt to commit a violent crime, Count 2,
22 not guilty. Signed by the foreperson this 28th day of March
23 2024.

24 Indictment number 2022-GS-42-03799, indictment for
25 possession with intent to distribute methamphetamine within one

DEPUTY JACKSON REDIR BY MR. BROWN

1 half mile, not guilty. Signed by the foreperson this 28th day
2 of March 2024.

3 Indictment number 2022-GS-42-03800, indictment for
4 trafficking in methamphetamine, Count 1, guilty. Signed by the
5 foreperson this 28th day of March 2024.

6 Possession of a weapon during the commission of a
7 violent crime, Count 2, guilty. Signed by the foreperson this
8 28th day of March 2024.

9 Indictment number 2022-GS-42-03798, indictment for
10 unlawful possession of a weapon, verdict guilty. Signed by the
11 foreperson, March 28, 2024.

12 Indictment 2022-GS-42-03797, indictment for
13 threatening a public official, guilty. Signed by the
14 foreperson this 28th day of March 2024.

15 Ladies and gentlemen of the jury is this your
16 verdict and still your verdict? If so, please raise your right
17 hand.

18 (The jury complied.)

19 THE CLERK: So say you-all.

20 THE COURT: All have responded in the affirmative.
21 Does the Defendant wish to have the jury polled?

22 MS. WHITE: If you wouldn't mind, Your Honor.

23 THE COURT: Poll the jury.

24 THE CLERK: Ladies and gentlemen, at this time I
25 will pose a question. My question being: Is this your verdict

DEPUTY JACKSON REDIR BY MR. BROWN

1 and still your verdict? When your juror name and number is
2 called, please stand and respond to the question.

3 Juror 137, Siobhan Rogers. Is this your verdict
4 and still your verdict?

5 JUROR 137: Yes, ma'am.

6 THE CLERK: Juror 114, Emily Mosso. Is this your
7 verdict and still your verdict?

8 JUROR 114: Yes, ma'am.

9 THE CLERK: Juror 60, John Fullet. Is this your
10 verdict and still your verdict?

11 JUROR 60: Yes, ma'am.

12 THE CLERK: Juror 83, Bryshaun Jones, is this your
13 verdict and still your verdict?

14 JUROR 83: Yes, ma'am.

15 THE CLERK: 173, Katrin Wilson. Is this your
16 verdict and still your verdict?

17 JUROR 173: Yes, ma'am.

18 THE CLERK: 154, Stephanie Swingle?

19 JUROR 154: Yes.

20 THE CLERK: Number 91, Steven Knight?

21 JUROR 91: Yes, ma'am.

22 THE CLERK: Thank you.

23 122, Karen Patterson?

24 JUROR 122: Yes, ma'am.

25 THE CLERK: 117, Laurie Neufeld?

DEPUTY JACKSON REDIR BY MR. BROWN

1 JUROR 117: Yes, ma'am.

2 THE CLERK: Number 24, Judy Brock?

3 JUROR 24: Yes, ma'am.

4 THE CLERK: Thank you.

5 Juror 121, Anthony Panzer?

6 JUROR 121: Yes, ma'am.

7 THE CLERK: Thank you.

8 Juror 110, Dee Dee Moorehead?

9 JUROR 110: Yes, ma'am.

10 THE COURT: Any other matters that need to be
11 addressed with the jury present?

12 MR. BROWN: None from the State, Your Honor.

13 MS. WHITE: None from the defense, Your Honor.

14 THE COURT: Thank you, ladies and gentlemen.

15 That's going to conclude your service, not just for the trial,
16 also for the week. I did want to take this opportunity to
17 sincerely thank you for your willingness to serve as jurors
18 this week. And I hope that the service that you have provided
19 has been an educational and beneficial experience for you. And
20 I hope it has not been too much of a hardship or inconvenience
21 on you.

22 I believe you've already received the card that you
23 receive your pay on. And should you need a statement for an
24 employer, if you'll let the bailiff know, they will provide you
25 with that information. You won't need to call back. You won't

DEPUTY JACKSON REDIR BY MR. BROWN

1 need to come back any further this week. Again, thank you for
2 your assistance.

3 (The jury exited the courtroom at 5:54 p.m.)

4 THE COURT: Do either of you have a strong
5 objection to having the sentence first thing in the morning?

6 MR. BROWN: Your Honor, we are at your inclination.
7 Whatever you would like to do, we're fine with that. We don't
8 have an objection.

9 MS. WHITE: Your Honor, that's fine. I'll be here
10 for probation matters. I can step over.

11 THE COURT: What time does probation start?

12 MS. WHITE: Starts at 9:00.

13 THE COURT: We'll accommodate that. We'll do it
14 sometime tomorrow.

15 MS. WHITE: Okay.

16 THE COURT: What time do you think you're going to
17 be done? Any idea?

18 MS. WHITE: It's kind of hard to know. Sometimes
19 it will move quickly. We might be done by 11:00. Sometimes
20 we've gone through lunch.

21 THE COURT: We'll just play it by ear.

22 MR. HALL: We can shove over.

23 MR. BARNETTE: There is 50 of them.

24 THE COURT: That shouldn't be an issue. We can do
25 this one at 9:30 in the morning, if y'all like. I think

DEPUTY JACKSON REDIR BY MR. BROWN

1 motions start at 10:00.

2 MR. BROWN: We'll be here.

3 THE COURT: Court's in recess until 9:30 in the
4 morning.

5 MS. WHITE: Do you want me to make any
6 post-motions?

7 THE COURT: If you would like to.

8 MS. WHITE: Your Honor, I would like to make one
9 then. I don't know if this is of any concern or not. Juror
10 110, the last juror seemed to be sobbing.

11 THE COURT: She did seem to be.

12 MS. WHITE: She was wiping her face. I'm not sure
13 if that is something we need to address. She still said it was
14 her verdict, obviously.

15 THE COURT: It might be a difficult decision. She
16 made it. She confirmed it. That's all I need to know.

17 MS. WHITE: I just wanted to make sure we addressed
18 that. We are asking Your Honor to consider --

19 THE COURT: That tells me she's taking it very
20 seriously.

21 MS. WHITE: That's true. I do appreciate that.
22 They certainly take their time and consider everything.

23 On the charges that Mr. Carson was found guilty on,
24 obviously, pursuant to our pretrial motions and directed
25 verdict, we would ask Your Honor to consider a new trial based

DEPUTY JACKSON REDIR BY MR. BROWN

1 on our argument that there wasn't sufficient evidence for the
2 jury to find guilty on those charges.

3 THE COURT: That motion is again denied.

4 MS. WHITE: Thank you, Your Honor.

5 THE COURT: 9:30 in the morning.

6 (The trial adjourned at 5:37 p.m.)

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

IN GENERAL SESSIONS
7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

VOLUME III

6 vs.

CASE NO. 2022-GS-42-3798
2022-GS-42-3800
2022-GS-42-3797

7 TASHAN ANTIONE CARSON,
8 Defendant.

9
10 HEARING BEFORE: HONORABLE J. DERHAM COLE

11 DATE: March 29, 2024

12
13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
Spartanburg, SC 29306

15 REPORTED BY: LORA L. McDANIEL,
16 Registered Professional Reporter

17
18 APPEARANCES:

19 ATTORNEYS FOR THE PLAINTIFF
20 TYLER BROWN, ESQ.

21 ATTORNEYS FOR THE DEFENDANT
22 SUZANNE H. WHITE, ESQ.
23
24
25

1 (An off-the-record discussion occurred in reference
2 to State of South Carolina vs. Tashan Carson.)
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CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter
and Notary Public for the State of South Carolina at Large, do
hereby certify that the foregoing transcript is a true,
accurate, and complete record.

I further certify that I am neither related to, nor
counsel for, any party to the cause pending or interested in
the events thereof.

Witness my hand, I have hereunto affixed my official
seal this 18th day of August, 2024 at Spartanburg, Spartanburg
County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Tashan Antione Carson,) 2022-GS-42-3797;3798;3800
6 Defendant.) April 12, 2024
7 Spartanburg, South Carolina

8
9
10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE
12
13

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

15 TYLER BRYANT BROWN, ESQUIRE
16 Attorney for the State

17 SUZANNE H. WHITE, ESQUIRE
18 Attorney for the Defendant
19
20

21 Linda D. Moffitt
22 Circuit Court Reporter
23
24
25

INDEX

Sentence -- page 3.

No sworn testimony.

1

EXHIBITS

2

NO. DESCRIPTIONID. EV.

3

C-4 Copy of sentence sheet 2019-GS-42-6272

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1 (Proceedings April 12, 2024)

2 (Copy of sentence sheet for Indictment 2019-GS-42-6272
3 marked Court's Exhibit No. 4.)

4 THE COURT: We're here in the matter of the State vs.
5 Tashan Antione Carson, previously convicted of threatening
6 the life of a public official, unlawful carrying of a
7 pistol and trafficking in 28 to 100 grams of
8 methamphetamine. And it would be a second offense under
9 the applicable statutes.

10 MR. BROWN: May it please the Court.

11 THE COURT: Yes, sir.

12 MR. BROWN: Associated with the trafficking indictment
13 you also have a sentencing sheet directly behind it for
14 possession of a weapon during a violent crime.

15 THE COURT: Yes. And possession of a weapon during
16 the commission of a violent crime.

17 All right. Ms. White.

18 MS. WHITE: Thank you, Your Honor. May it please the
19 Court.

20 THE COURT: Are there any things we need to place on
21 the record before the imposition of sentence as far as the
22 record goes?

23 MS. WHITE: Your Honor, other than the fact that I'm
24 not sure that Your Honor wants me to address this now, but
25 we have indicated that we are, based on some information

1 received, going to file a motion for a new trial but we're
2 going --

3 THE COURT: Yeah, no. I'm not referencing that. I'll
4 leave that to you. But I'm just referencing there was -- I
5 know earlier we discussed an issue about whether or not you
6 had preserved some issue.

7 MS. WHITE: Yes. I'm sorry, Your Honor. Thank you.

8 At one point, Your Honor, there was a question. We
9 had made -- I had made a pretrial motion on behalf of Mr.
10 Carson to suppress the evidence that was found in the motel
11 or the hotel room that consisted of drugs and a gun.

12 Your Honor, when the testimony was presented, I did
13 raise and bring that back up during the testimony regarding
14 the entry of the drugs, but I wanted to ensure that the
15 record indicated that I also had objected or did object
16 because of that pretrial ruling to the introduction of the
17 gun as well based on that same argument.

18 THE COURT: Mr. Brown, are we in agreement that all
19 objections to the admission of evidence that was addressed
20 during the pretrial hearing were preserved?

21 MR. BROWN: Yes, Your Honor. While we maintain it was
22 properly entered, we also operate under the belief that she
23 had preserved all those arguments for appellate review.

24 THE COURT: Okay. Does that cover that?

25 MS. WHITE: Yes, Your Honor. Thank you.

1 THE COURT: All right. I've got two other things.

2 During the -- during the course of jury deliberations
3 there were two questions asked. One was -- and it's made
4 an exhibit -- the point being is I addressed any question
5 that the jury had with the lawyers in chambers, and the
6 lawyers consented to my responding to the questions in
7 written form rather than bringing the jury back into the
8 courtroom.

9 Are we in agreement that the lawyers agreed for me to
10 respond to the questions in written form without the jury
11 being returned to the courtroom?

12 MS. WHITE: We are, Your Honor.

13 MR. BROWN: Yes, Your Honor.

14 THE COURT: And there were two. One was a question;
15 then one was a request for actual copies of the statutes.

16 MS. WHITE: And, yes, Your Honor. We don't object to
17 that.

18 THE COURT: Okay. All right.

19 MR. BROWN: Your Honor, if I can also add, in
20 anticipation for sentencing on Friday -- that would have
21 been March 29th -- I had also marked some court exhibits.
22 Court's Exhibit No. 4. That was just the sentencing sheet
23 from his first conviction just so Your Honor did have
24 before you that there was a prior drug conviction, and I
25 believe that's before Your Honor.

1 THE COURT: All right. Ms. White, you're in agreement
2 that this -- the statutory provision for sentencing is for
3 a second or subsequent offense?

4 MS. WHITE: Yes, Your Honor.

5 THE COURT: Okay.

6 MS. WHITE: Thank you, Your Honor. May it please the
7 Court.

8 Mr. Carson is before you. Obviously, Mr. Carson and I
9 have interacted for the last couple of years.

10 Your Honor, he is 38 years old. He has suffered from
11 some mental health issues, predominantly dealing with
12 bipolar and some, I believe, mood resulting in some mood
13 and anger issues.

14 Your Honor, and, unfortunately, that's a combination
15 of that and some drug has kind of what's brought us here.

16 Your Honor, he has a minimal record, at least in my
17 understanding or my belief, Your Honor.

18 He does only have one prior drug offense. That was a
19 simple possession. He has a number of resisting arrest
20 charges that were as a result of -- I believe there's been
21 a couple of trespassing that's related to some family
22 conflicts. There was one related to a girlfriend and some
23 housing.

24 And then I believe he had a receiving stolen goods,
25 which was a magistrate level, 30-day offense.

1 Your Honor, in light of his minimal record, in light
2 of the fact that he, obviously, pursued his constitutional
3 right to go to a jury trial, and we understand that the
4 minimum, unfortunately, for him because of the level of
5 drugs, equated to a trafficking, that there is a minimum
6 sentence that Your Honor could impose of seven years on
7 that charge.

8 Your Honor, we're asking you to consider the
9 seven-year sentence for sentencing. I think Mr. Carson --
10 I believe we had 443 days of credit.

11 MR. BROWN: That's what we're reflecting too, Your
12 Honor.

13 MS. WHITE: And that -- and that would be on all of
14 the charges, Your Honor, the unlawful carrying, you know,
15 as a year, and the threatening the public official, zero to
16 five, and the possession of a weapon is a five day-for-day.
17 But we are asking Your Honor to consider maintaining him
18 based on the -- the minimal record, the issues he's had
19 with his mental health.

20 He is competent to plead or proceed with trial. He
21 was competent to proceed with these proceedings, I believe,
22 as well. He's been able to assist me the entire time.

23 But we would ask you to consider that seven-year
24 sentence in light of the facts of his record and of the
25 case. Thank you, Your Honor.

1 THE COURT: And the number of days was what?

2 MS. WHITE: 443, Your Honor.

3 THE COURT: And you agree with that, Mr. Brown?

4 MR. BROWN: Yes, Your Honor. I calculated those days
5 and that is -- that is right.

6 THE COURT: All right. I'll hear from the state.

7 MR. BROWN: Your Honor, you in chambers heard the
8 prior criminal history that was referenced by Ms. White.

9 2012, receiving stolen goods; 2013, assault and
10 battery second degree; 2019, unlawful use of 9-1-1 and a
11 resisting arrest; and 2021, possession of cocaine base
12 methamphetamine, entering premises after warning; and two
13 resisting arrests in 2021.

14 Your Honor, I will tell the Court that in December the
15 defendant was actually out on bond and acquired another
16 resisting arrest, which is pending in our office as we
17 speak.

18 Obviously, from judicial economy, I'm not sure if
19 we'll bring him back for that trial or not. I'll talk to
20 my coworkers about that after this. But one of the charges
21 is threatening the life of a public official.

22 I said it in my closing and I'll say it now. It's not
23 the worst threatening a life I've ever seen, but we are
24 bothered by the continued, not just opposition, but at this
25 point opposition that goes into threatening law enforcement

1 officers just doing their job.

2 This was not just at 28 grams. This was 41.68 grams
3 of methamphetamine.

4 And, Your Honor, he's absolutely entitled to and has a
5 right to trial, but, Your Honor, he's -- he's been found
6 guilty and we just leave the sentencing up to Your Honor.

7 THE COURT: Are y'all in agreement that the
8 trafficking sentence can be imposed and suspended, just not
9 less than the minimum?

10 MR. BROWN: I -- I believe that is correct, Your
11 Honor. I'd have to look at Strickler to see if there is
12 anything beyond that, but that is my understanding.

13 THE COURT: well, look at it, and let's check. I know
14 it can't be suspended less than the minimum, but I'm
15 wondering if you can -- if the law is still that you can
16 sentence greater and suspended to some number but not less
17 than seven.

18 MR. BROWN: And I have an electronic copy of Strickler
19 on my computer. With just the brief Court's indulgence, I
20 will pull that up.

21 THE COURT: while he is doing that, Mr. Carson, do you
22 have anything you'd like to add?

23 THE DEFENDANT: No, sir.

24 MR. BROWN: Your Honor, I'm showing it as violent,
25 serious, no suspended sentence, no probation and no parole

1 according to Strickler.

2 I do think you're right. I do think you -- I think
3 you can do a split sentence. I'm just not positive to be
4 honest with you.

5 MS. WHITE: And I don't have that knowledge in the
6 forefront of my mind either, Your Honor.

7 THE COURT: All right. Well, that's what we're going
8 to do. And then as soon as I do it, y'all review it, and I
9 will too.

10 MR. BROWN: Yes, Your Honor.

11 THE COURT: I think I'm permitted to. If I'm not,
12 we'll have to reconvene, but all right.

13 On Indictment 2022-03800 -- that's the indictment for
14 trafficking methamphetamine, wherein you have been found
15 guilty by a jury of that offense and it constituting a
16 second offense under the law -- Sentence of the Court is
17 you, Tashan Antione Carson, be confined to the South
18 Carolina Department of Corrections for a period of 15 years
19 and pay a fine of \$50,000.

20 However, that sentence is suspended upon the service
21 of seven years, plus the costs and assessments, followed by
22 three years of probation, credit being given for 443 days.

23 Count two of the same indictment, possession of a
24 firearm during the commission, five years concurrent,
25 credit for 443 days.

1 And also payment of \$500 for your appointed lawyer as
2 to the trafficking sentence.

3 Indictment 2022-03797, threatening the life of a
4 public official, Sentence is five years concurrent. Credit
5 for 443 days.

6 Indictment 2022-03798, unlawful carry, one year
7 concurrent, credit for 443 days.

8 Mr. Carson, you have a right to appeal the decisions
9 of the jury and the Sentence of the Court, but you must
10 file any notice of your intent to appeal those decisions
11 within ten days of today's date. Okay.

12 MS. WHITE: Your Honor, I did have one brief question.
13 This is a followup.

14 I don't know if it's possible or not. Is Mr. Carson
15 able to stay in Spartanburg County pending the filing of my
16 motion next week and any hearing if Your Honor desires?

17 THE COURT: Well, let's do this. Why don't you make a
18 motion now to reconsider?

19 MS. WHITE: Yes.

20 THE COURT: And then we'll hold him pending that
21 hearing.

22 MS. WHITE: Okay. And, Your Honor, the defense would
23 make a motion at this point to reconsider the sentencing in
24 this charge.

25 THE COURT: All right. We'll keep Mr. Carson present

1 until we can have that heard.

2 MS. WHITE: Thank you, Your Honor.

3 THE COURT: Keep him in the county.

4 MS. WHITE: Thank you, Your Honor.

5 END OF REQUESTED TRANSCRIPT OF RECORD

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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh 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 evidence introduced in the sentence of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 12th day of April 2024.

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

June 18, 2024

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
State of South Carolina,	)	
	)	Indictment Nos.: 2022GS4203797; 798:
	)	2022GS4203800; 800(A);
	)	
Tashan Antoine Carson,	)	MOTION FOR NEW TRIAL
	)	BASED ON AFTER DISCOVERED
DEFENDANT.	)	EVIDENCE

Defendant, Tashan Antoine Carson, through his undersigned attorney, pursuant to Rule 29(b) of the South Carolina Rules on Criminal Procedure, hereby moves for a new trial based upon after discovered evidence when a juror, unsolicited, approached Defense Counsel following the trial indicating that she felt pressured to vote guilty on one or more of the pending charges in contrast to her belief of not guilty, when she was informed that if she did not agree and reach a verdict on those charges, the Defendant could be retried on all charges, even those that the jury had determined him to be not guilty of.

Additionally, this same juror noted that a bailiff spoke to her during deliberations when she was upset that they could not reach a verdict. Juror noted that the bailiff asked her if they had decided on some charges or none and when juror advised that they would never decide on all of the charges, bailiff then indicated that they should just go back in and take some time to consider it some more. Juror indicates that at that time, based on the statement that they should take more time and her belief that it was impossible, she felt trapped and forced to decide to go along.¹ Upon information and belief, Defense Counsel believes that the juror spoke with bailiff Ben Alford.

"A defendant in a criminal prosecution is constitutionally guaranteed a fair trial by an impartial jury, and in order to fully safeguard this protection, it is required that the jury render its

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verdict free from outside influence.” State v. Johnson, 302 S.C. 243, 250, 395 S.E.2d 167, 170 (1990) (internal quotation marks omitted). “[W]hen the defendant presents a credible allegation of communications or contact between a third party and a juror concerning the matter pending before the jury” the defendant has an “entitlement to an evidentiary hearing.” Barnes v. Joyner, 751 F.3d 229, 242 (4th Cir. 2014) (citing Remmer v. United States, 347 U.S. 227 (1954)); see also Smith v. Phillips, 455 U.S. 209, 215 (1982) (“This Court has long held that the remedy for allegations of juror partiality is a hearing in which the defendant has the opportunity to prove actual bias.”).

If the defendant proves the alleged contacts occurred, the prosecution bears the burden to show they were harmless: In a criminal case, any private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial, if not made in pursuance of known rules of the court and the instructions and directions of the court made during the trial, with full knowledge of the parties. The presumption is not conclusive, but the burden rests heavily upon the Government to establish, after notice to and hearing of the defendant, that such contact with the juror was harmless to the defendant. Remmer, 347 U.S. at 229. The presumption is even stronger where the contact was made by a court official. Where “[t]here was the private communication of the court official to members of the jury, an occurrence which cannot be tolerated if the sanctity of the jury system is to be maintained . . . a new trial *must* be granted unless it clearly appears that the *subject matter* of the communication was harmless and could not have affected the verdict.” State v. Cameron, 311 S.C. 204, 207–08, 428 S.E.2d 10, 12 (Ct. App. 1993) (quoting Holmes v. United States, 284 F.2d 716, 718 (4th Cir. 1960)) (emphasis added).

Defendant acknowledges that our Supreme Court recently addressed this point in State v. Green, 432 S.C. 97, 851 S.E.2d 440 (2020). In Green, during jury deliberations a juror asked a bailiff

¹ A notarized affidavit of this juror is attached as Attachment #1.

“what would happen in the event of a deadlock, and he responded the judge would likely give them an Allen charge and ask if they could stay later.” State v. Green, 427 S.C. 223, 229, 830 S.E.2d 711, 713 (Ct. App. 2019), *aff’d as modified*, 432 S.C. 97, 851 S.E.2d 440 (2020) (citation omitted). The Court of Appeals held the bailiff’s comments were presumptively prejudicial because of his official position, but that the State rebutted that presumption by showing for various reasons that the remark did not in fact influence the outcome of the jury’s deliberations. *Id.* at 236, 830 S.E.2d at 717.

The Supreme Court affirmed but modified the decision to correct the Court of Appeals’ reasoning. The communication was not presumptively prejudicial because the subject matter of the communication was harmless: “The bailiff’s actions here— though improper—did not touch the merits but dealt only with the procedural question of how the judge might handle a jury impasse that apparently never materialized.” Green, 432 S.C. at 100, 851 S.E.2d at 441. Defendant acknowledges that in this situation, a bailiff telling the juror to keep deliberating is improper but likely harmless because the subject matter is procedural or logistical, rather than to the merits of the case. However, because it may invade the province of the Judge in the matter and could be prejudicial, Defendant requests a hearing on the matter.

While Rule 606, SCRE, does allow juror testimony “when extraneous influence is alleged,” if the alleged misconduct is internal, then courts traditionally allow juror testimony only in cases regarding “fundamental fairness.” State v. Hunter, 320 S.C. 85, 88, 463 S.E.2d 314, 316 (1995). The statements made by the juror in this matter, indicate a mistaken belief by at least one other juror, that if unanimous verdicts could not be reached on all pending charges, even those that were unanimous would be retried if a mistrial were decided. Defendant would argue that the mistaken belief directly affects the Defendant’s rights pursuant to the U.S. Const. Fourteenth Amendment and would violate the right to a fair and impartial jury pursuant to fundamental fairness.

Accordingly, Defendant respectfully requests that the Court grant Defendant a new trial, or

grant Defendant an evidentiary hearing on the motion for new trial.

Respectfully submitted,



Suzanne H. White
Attorney for the Defendant

Spartanburg, South Carolina

April 24, 2024

CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

2024 APR 24 AM 9:34

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STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

AFFIDAVIT

Personally appeared before me Dee Dee Moorehead, who first being duly sworn states:

I, Dee Dee M. Moorehead, do state that I was juror # 110 at the trial of The State of South Carolina v. Tashan Antoine Carson, the week of March 25, 2024.

We reached a guilty verdict on the threatening the life of a public official, but had been unable to reach a verdict on any of the other charges. At that point, the jury had asked and had both questions to the judge answered. A male bailiff knocked on the door and came in and asked, "how are y'all doing, have you reached a verdict yet?" I responded that we could not and would not reach an agreement on the remaining charges and he could go advise the judge. At that point he said, "can y'all not reach a verdict on one or two of the charges?" I informed him that we had reached a verdict on one. The bailiff asked if more time would help and I said, "No," while everyone else said "yes." The bailiff said, "I'll give y'all a little more time, knock on the door if you need me." At that point, I felt trapped in the room and almost as if everyone else was holding me hostage until an agreement was made.

We took more time and after approximately forty minutes, had finally agreed as to the not guilty on the burglary charge, associated gun charge and possession with intent to distribute within proximity charge. Regarding the verdict of guilty on the trafficking in methamphetamine charge, associated gun charge and unlawful carrying, I was not convinced beyond a reasonable

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doubt that he was guilty of the charges. However, after reaching a verdict of not guilty on the burglary, associated gun charge and possession with intent to distribute within proximity charges following much discussion and arguing, I was told by the juror that worked at PetSmart that if I did not agree on the guilty verdict for the trafficking, associated gun charge and unlawful carrying, then the Defendant would be retried on all charges, even the charges that we had found him not guilty of. At that point the other juror said another the jury could possibly find him guilty on all charges. I felt like after all the arguing and emotions spent on this verdict, that I risked him being potentially found guilty of all charges if we didn't come to a decision. I told the juror next to me, "how am I going to be able to hold myself together in the court room, what if I stand up and say something?" That juror told me, "you could get in trouble."

When the judge polled the jury and asked if this was our verdict, I wanted to say that I did not agree, but I was scared to say no because of what could happen to me if I disagreed at that time. That is why I was so emotional during the reading of the verdict and the polling of the jury.


Dee Dee M. Moorehead

SWORN TO and subscribed before me

this 12th day of April, 2024.


NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires 19 May 31

REC'D
SPARTANBURG COUNTY
CLERK OF COURT
2024 APR 24 AM 9:35

FILED

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
		Ind. No.: 2022GS4203797, 798, 3800, and
		3800(A)
State of South Carolina,	)	
	)	
v.	)	STATE'S REPLY TO DEFENDANT'S
	)	MOTION FOR NEW TRIAL BASED
Tashan Antoine Carson,	)	ON AFTER DISCOVERED EVIDENCE
	)	
Defendant.	)	

The State, through the undersigned attorney, moves that this Court deny the Defendant's motion for a new trial pursuant to rule 29(B), South Carolina Rules of Criminal Procedure. The Defendant asserts through his attorney that a juror - following multiple hours of deliberations, a returned verdict that included guilty and not guilty findings of fact by a unanimous jury, and a polling of the jury where each juror indicated that the verdict reflected their verdict and remained their verdict - approached defense counsel the morning after the verdict and just prior to the scheduled sentencing hearing to asserted that improper pressure from other jurors was the only reason she reached the verdict of guilty on some of the charges. The initial allegations on the morning of March 29, 2024 were that Jurors had made arguments inside of the jury room regarding what would happen if a unanimous verdict could not be reached, and this resulted in her finding guilty specifically to the trafficking in methamphetamine and weapons charge.

As a result of these allegations, the Court delayed sentencing for the Defense to research this issue, and on April 12, 2024, the Defendant was sentenced. At that time, the Defense informed the Court of additional allegations by the Juror indicating improper contact by a bailiff that was now also being asserted as improperly influencing her verdict. This was ultimately memorialized in an affidavit that was attached to the Defense Counsel's motion for a new trial.

The State contends that the allegations initially asserted by the Juror through Defense counsel does not give rise to misconduct, and further asserts that the allegations raised two weeks after this regarding the bailiff communication does not give rise to a Remmer v. United States¹ presumption of prejudice, and further does not give rise to a new trial. The State moves that this

¹ 347 U.S. 227, 74 S.Ct.450 (1954).

motion be dismissed and that the verdicts as pronounced by the unanimous jury on March 28, 2024 stand.

Beginning with the original allegations as asserted through Defense Counsel on March 29th, 2024, the Juror has asserted that another juror had made indications that if a unanimous verdict was not reached, then the State would re-try the case in its entirety and the State may convict on charges that included ones they had agreed to find not guilty on. The Defense relies on the case of State v. Hunter² to assert that this rises to the level of principles of fundamental fairness to therefore require the Court to consider the Affidavit of the Juror in support of overturning the conviction. Hunter holds that “as a general rule, juror testimony may not be the basis for impeaching a jury verdict. Normally, courts should not intrude into the privacy of the jury room to scrutinize how jurors reached their verdict.”³ The Court then goes on to recognize that when the allegations involve principles of fundamental fairness, that it is proper to consider the Juror testimony.⁴

It should be noted that in Hunter, the issue of fundamental fairness was one of racial prejudice, where the allegations asserted were that a fellow juror had used racially charged words multiple times during the deliberations of a black defendant in support of finding the defendant guilty. The Court held that “If a juror claims prejudice played a role in determining the guilt or innocence of a defendant, investigation into the matter is necessary.”⁵ As additional case law, the State would direct the Court to State v. Franklin⁶ in which a juror, following a conviction, asserted to the Court that her guilty verdict was coerced by gender-based comments, derogatory comments, and physical threats.⁷ In Franklin, the Court declined to follow Hunter, finding that there were no due process concerns. It should be noted that in both of the above cited cases, the verdict was not overturned.

The allegations made by the Juror in the case before this Court does not rise to the level of Hunter, and allegations of prejudice playing a role in determining guilt or innocence. The State would respectfully contend that the scenario in Franklin was much closer than anything asserted in the case at bar, and it is noteworthy that even in Franklin, the Hunter standard was

² 320 S.C. 85, 463 S.E.2d 314 (1995).

³ *Id.* At 88.

⁴ *Id.*

⁵ *Id.*

⁶ 341 S.C. 555, 534 S.E.2d 716 (Cl. App. 2000).

⁷ *Id.* At 558-559.

declined. This Court should do likewise and disregard any portion of the Juror's affidavit that goes to the issue of internal communications between Jurors. Doing so would allow us to follow the Court's long-standing protection of not scrutinizing how jurors reached their verdict and would protect the privacy of the jury room.

Moving on to the matter of the communications by the Bailiff during deliberations. It should first be re-emphasized that these were not in the original voiced complaints that were relayed to the Court on March 29th, and the Court and the State were only made aware of these new allegations on April 12th, just prior to sentencing. The State agrees with the Defense that the controlling case is State v. Green⁸. In this case, a juror asked a Bailiff what would happen if a unanimous verdict could not be reached, at which time the Bailiff indicated that the Judge may *Allen* charge the Jury. In Green, the Court ultimately held that this communication did not give rise to the presumptions of prejudice established in Remmer v. United States, and while the bailiff's comments were improper, that the requirement for the State to overcome this prejudice was not created. In the present case, the comments allegedly made by a Bailiff involved in the case did not even give rise to what occurred in Green. In Green, the Court found that the comment about an *Allen* charge only went to procedural issues of how a Judge might handle an impasse. In the current case, even in the light most favorable to the Defendant, it only rose to the level of the Bailiff asking if more time would help, and after all but the current juror indicated that it would, the Bailiff said he would give a little more time and to knock on the door if they needed him. State v. Green did not rise to the level of a Remmer analysis, and the State contends that the case currently before the Court also does not rise to that level.

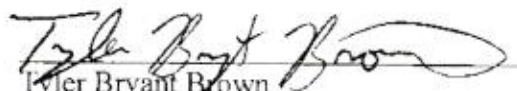
The State ultimately believes that the case that best captures what is going on in the current case is Shumpert v. State⁹. In Shumpert, a multitude of allegations were made by a juror to justify why the verdict they returned should now be overturned. The Court, after considering this, ultimately reached the conclusion that the assertions made "too closely resembled a case of buyer's remorse from a guilty verdict to be given much credence."¹⁰ The affidavit by the Court, which was first brought to the attention of the Court on the morning of March 29th, and further expanded upon on April 12th, is simply that. The Jury deliberated diligently for 5 hours. They returned verdicts that included guilty convictions and not guilty convictions. The Jury was

⁸ 432 S.C. 97, 851 S.E.2d 440 (2020).

⁹ 378 S.C. 62, 661 S.E.2d 369 (2008).

¹⁰ Id. At 68.

polled and the juror now submitting the affidavit indicated this was her verdict and remains her verdict. The well-founded case law cited above, and expanded on by multiple other cases in South Carolina Jurisprudence makes it clear that this verdict should stand outside very narrow and limited exceptions, none of which the Juror's allegations meet. As such, the State respectfully requests that the Defense's motion for a new trial be denied for all of the above stated reasons.


Tyler Bryant Brown
Assistant Solicitor
Seventh Judicial Circuit

May 14, 2024
Spartanburg, South Carolina

CLERK OF COURT
SOUTH CAROLINA
JUDICIAL SYSTEM
MAY 15 AM 9:17

1 STATE OF SOUTH CAROLINA IN GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

6 vs. CASE NO. 2022-GS-42-3798
7 2022-GS-42-3800
8 2022-GS-42-3797

9 TASHAN ANTIONE CARSON,
10 Defendant.

11 HEARING BEFORE: HONORABLE J. DERHAM COLE

12 DATE: May 16, 2024

13 TIME: 4:16 PM

14 LOCATION: Spartanburg County Judicial Center
15 180 Magnolia Street
16 Spartanburg, SC 29306

17 REPORTED BY: LORA L. McDANIEL,
18 Registered Professional Reporter

19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 TYLER BROWN, ESQ.

22 ATTORNEYS FOR THE DEFENDANT
23 SUZANNE H. WHITE, ESQ.

24

25

1 THE COURT: This is Tashan Carson.

2 MR. BROWN: While they bring him out, I will let
3 The Court know, I currently have a jury deliberating. I'm
4 hoping that won't interrupt anything in here.

5 THE COURT: How long have they been out?

6 MR. BROWN: They left at 4:00. They already had
7 one question. They wanted to see the statute.

8 THE COURT: Ms. White, you've made a motion to
9 reconsider the sentence. Have y'all done a new sentencing
10 sheet?

11 MR. BROWN: I do have a new sentencing sheet, yes,
12 Your Honor. Did you receive my reply of Defendant's motion for
13 a new trial? If not, I have an extra copy.

14 THE COURT: I have it.

15 MR. BROWN: I only prepared one for the sentencing
16 in trafficking. I think that was the one in question.

17 (A pause transpired.)

18 THE COURT: Let me address the motion to reconsider
19 the sentence first. Because after reviewing Section 44-53-375,
20 it has been brought to my attention that no type of suspended
21 sentence is permitted for a conviction for trafficking 28, less
22 than 100 grams of methamphetamine, even if it's not suspended
23 below the mandatory minimum. The motion to reconsider that
24 sentence is granted. And that sentence shall be amended to
25 reflect the sentence of The Court as being the mandatory

1 minimum sentence of seven years in jail and a fine of \$50,000.

2 MR. BROWN: Yes, Your Honor.

3 MS. WHITE: Thank you, Your Honor.

4 THE COURT: Ms. White, you have a motion.

5 Additional motion.

6 MS. WHITE: Yes, Your Honor. Your Honor,
7 procedurally, I don't know how much -- obviously, you've got
8 the information and both of our responses. As Your Honor is
9 aware, immediately following the trial, the next day I was
10 approached by one of the jurors. Just so Your Honor and the
11 State is aware, the juror is here today in case anyone would
12 have -- if we needed her testimony.

13 Ms. Moorehead is here in the courtroom. I know
14 Mr. Carson wanted to tell her thank you for being here and
15 following through on this.

16 We are arguing that, based on two different areas,
17 that there should be a new trial granted or, in the minimum, an
18 evidentiary hearing for a new trial based on the fact that, at
19 one point, Ms. Moorehead indicates there was some communication
20 between a bailiff and herself, not regarding the substantive
21 facts of the case but in regards to how they were proceeding,
22 how many cases they had resolved, if they needed more time and
23 a few other things.

24 I think the case law supports the fact that there
25 is presumptive prejudice. However, I know that, in this case,

1 it's up to the judge to determine if an evidentiary hearing is
2 allowed or if there was anything said that would cause any kind
3 of issue. I believe it then becomes the burden for the State
4 to show that would not have affected the outcome of the jury
5 deliberations.

6 In addition, the issue of internal communication.
7 The case law again states, regarding internal communication,
8 there really is no real discussion or testimony that can be
9 taken other than in areas regarding fundamental fairness.

10 In my research and in my even review of just
11 definitions of what's included, obviously, most of the case law
12 seems to reference race discrimination, that kind of forum as
13 something to do with fundamental fairness and due process of
14 law.

15 To ensure Mr. Carson had a fair and impartial jury,
16 Your Honor, we would make the argument and made the argument
17 that, in the case that we have, the issue became some cases had
18 been ruled upon or some cases had been decided on, there were
19 others that were undecided, an issue became whether or not
20 Mr. Carson would be given a mistrial or a hung jury on all
21 charges versus just those that were undecided. Our argument
22 obviously is that fundamental fairness in the realm of a fair
23 trial, we would argue that having the jury fully understand
24 what is involved or what the process is and make sure that they
25 understand correctly the fact that, if they found him not

1 guilty on some or guilty on others, they could still have a
2 hung jury on the ones that remained.

3 We would argue that does affect his due process
4 rights; therefore, should fall underneath the argument of
5 fundamental fairness. Based upon that, we would ask for a new
6 trial for Mr. Carson.

7 THE COURT: Mr. Brown.

8 MR. BROWN: Beginning with the initial information
9 that was brought to The Court on the morning of March 29th,
10 that was the allegations about what other jurors had said
11 inside the jury room. Your Honor, the case controls State v.
12 Hunter.

13 Your Honor, I point out State v. Hunter, when it
14 talks about fundamental fairness, I think Your Honor knows this
15 case very well, it wasn't just fundamental fairness. The case
16 law says the jury becomes prejudiced by a role in the guilt or
17 innocence of the defendant. Investigation in the matter is
18 necessary.

19 There's a supplemental case that came out later,
20 State v. Franklin, where allegations were made about
21 gender-based comments. In that case the court said that did
22 not rise to the Hunter level, just to be clear.

23 Your Honor, this isn't just about fundamental
24 fairness, it's about whether or not it gets into prejudice. In
25 this particular case, that's not the allegation being made.

1 In fact, I would submit the Franklin case is much
2 closer than the Hunter case. In the Franklin they declined to
3 do exactly what the defense is now asking. As to that point, I
4 would start by saying what happened in the jury room, the
5 courts have repeatedly said that is supposed to be more or less
6 sacrosanct, that we should not intrude on the privacy or
7 scrutinize how the jury reached their verdict. That's quoting
8 Hunter.

9 I think The Court is called to not scrutinize that
10 unless it goes into the fundamental fairness where prejudice is
11 being alleged, which is not being alleged here. Starting with
12 the aspects of what happened in the jury room, I just don't
13 think it rises to any level of Hunter. It doesn't even rise to
14 the level of Franklin where they declined to do a further
15 examination. I would start at that point.

16 Your Honor, I point out, following that, then we
17 get to the issue of bailiff communication. I point out,
18 starting with the fact that was not raised on March 29th. The
19 first time it was brought to your Court's attention or to the
20 State was at the bench on April 12th, the morning of
21 sentencing.

22 We were informed there existed additional
23 allegation. Now we have the affidavit supporting that. Two
24 points I think are important to that. First off, the
25 controlling case is State v. Green. I respectfully disagree

1 with defense Counsel. I don't think that State v. Green stands
2 for the idea there has to be a presumption of prejudice
3 pursuant to Remer. In fact, Remer rejects that in that
4 particular case where a bailiff said the judge may Allen charge
5 you if you can't reach unanimous verdict. They rejected the
6 Remer analysis in Green, and they instead declined to overturn
7 conviction.

8 This case isn't even that close. He didn't make
9 any substantive argument about what the judge may do. He heard
10 from 11 jurors saying more time will help. He said: I'll give
11 you more time.

12 May not be completely proper. Certainly doesn't
13 give rise of getting beyond procedural matters. I don't think
14 it gives rise certainly not to the presumption of prejudice
15 that the defense now asks This Court to do contrary to Green.

16 Your Honor, I think the case law is very clear what
17 the jury does in the jury room is to be protected in the
18 privacy of that. That is supposed to be protected outside of
19 very, very limited circumstances. The affidavit submitted by
20 the juror does not rise to that, respectfully.

21 THE COURT: Ms. White.

22 MS. WHITE: Just briefly reply, Your Honor. I know
23 Mr. Brown brought up the additional allegation. Obviously,
24 there was no additional allegation. It was after further
25 examination, having a chance to actually interview the juror.

1 Obviously, I had been approached in the middle of court
2 proceedings the next morning; had a brief moment which I then
3 shared with Counsel and with Your Honor and then took the
4 opportunity to do what is my responsibility for my client and
5 further talk to and having an investigator with me when I spoke
6 with Ms. Moorehead to clarify what she indicated and what she
7 was sharing with me.

8 And at that point when I could talk with her beyond
9 five minutes was when we got the additional information and
10 turned that over to The Court. That obviously is not an issue
11 in my mind.

12 I'm referencing Remer, the U.S. Supreme court case,
13 Your Honor, where it does say that any kind of private
14 communication with a juror about trial is deemed presumptively
15 prejudice, if not made in the presence of known Rules of the
16 court's instructions, directions of the court with full
17 knowledge of both parties.

18 It does say the burden rests heavily on the
19 Government to establish that such contact was harmless to the
20 Defendant. That is the case law that we were basing that on.

21 I do acknowledge and I think I said that in my
22 statement, that the information that she indicated that was
23 shared was not in regards to the substantive part of the case.
24 It did affect her and how she felt, she indicated, in regards
25 to making a verdict and what was required.

1 And so that would be our argument, Your Honor.

2 THE COURT: Anything else?

3 MR. BROWN: Nothing else. We ask to adopt what we
4 put in front of Your Honor.

5 MS. WHITE: Nothing else.

6 THE COURT: I'll review the memos that have been
7 submitted. I have the affidavit. Ms. White, if any additional
8 information is to be received by The Court, I'll notify you and
9 Mr. Brown to that effect. Otherwise I'll render a written
10 order based on what's been presented.

11 MS. WHITE: Thank you, Your Honor.

12 MR. BROWN: Thank you.

13 MS. WHITE: I'm going to ask for a copy of the
14 sentencing sheet. I'll provide that to Mr. Carson before we
15 leave.

16 THE COURT: Court is in recess until 10:00.

17 (The hearing was concluded at 4:30 p.m.)

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CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter
and Notary Public for the State of South Carolina at Large, do
hereby certify that the foregoing transcript is a true,
accurate, and complete record.

I further certify that I am neither related to, nor
counsel for, any party to the cause pending or interested in
the events thereof.

Witness my hand, I have hereunto affixed my official
seal this 18th day of August, 2024 at Spartanburg, Spartanburg
County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	)	
The STATE of South Carolina,	)	
	)	ORDER DENYING MOTION
Prosecutor,	)	For NEW TRIAL
-vs-	)	
	)	Warrant/Indictment Number(s)
	)	
Tashan Antione CARSON,	)	2022-GS-42-03797 / 2022-GS-42-03798
	)	2022-GS-42-03800 / 2022-GS-42-03800A
Defendant,	)	

The defendant is before the Court on motion by counsel pursuant to Rule 29(b), SCRCrP, for a new trial based upon after-discovered evidence. The defendant asserts in his motion that he is entitled to a new trial on two grounds; (1) that a juror felt pressured to vote guilty against her belief of not guilty on indictments for Trafficking Methamphetamine, Possession of a Firearm During the Commission of a Violent Crime, and Unlawful Carrying of a Pistol, after she was provided erroneous information during deliberations from a fellow juror regarding the potential consequences of the jury not reaching a decision on one or more of the indictments, and (2) that a bailiff posed improper questions, made improper comments, and provided improper instructions to jurors during deliberations. The allegations upon which the motion is based are founded upon statements made by a juror to the defendant's counsel after unsolicited contact was made with the defendant's counsel by the juror. Those allegations have been reduced to the form of an affidavit of the juror which has been filed with the motion alleging both internal and external misconduct.

Salient Facts

The defendant was tried on indictments charging him with Burglary 2nd Degree; Trafficking in Methamphetamine greater than 28 grams; Possession of a Firearm During the Commission of a Violent Crime; Possession With Intent to Distribute Methamphetamine Within One-half Mile Radius of a School or Park; Threatening the Life of a Public Official; and Unlawful Carrying of a Pistol. Assistant Circuit Solicitor Tyler B. Brown prosecuted the cases for the State. Assistant Public Defender Suzanne H. White represented the defendant. After a jury trial, the defendant was found guilty of Trafficking Methamphetamine, Possession of a Firearm During the Commission of a Violent Crime, Threatening the Life of a Public Official, and Unlawful Carrying of a Pistol and sentenced by the Court. He was found not guilty on the remaining indictments.

Applicable Law

Historically juror testimony was disallowed for impeachment of a jury verdict or to establish misconduct on the part of a juror occurring during deliberations. State v Hunter, 320 S.C. 85 (1995). Rule 606(b), SCRE, changed the traditional approach and provides that juror testimony may be accepted by the Court under limited circumstances where improper internal or external misconduct denies the defendant due process and fundamental fairness in the jury's deliberations and verdict. The rule provides that;

"Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict or indictment or concerning the juror's mental processes in connection therewith, except that a juror may testify on the question of whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror. Nor may a juror's affidavit of evidence of any statement by the juror concerning the matter about which the juror would be precluded from testifying be received for these purposes."

Every criminal defendant has the right to a fair and impartial jury in deciding his fate at trial. U.S. Const. Amend. VI; S.C. Const. Art. I, Section 14. "If a juror claims prejudice played a role in determining the guilt or innocence of a defendant, investigation into the matter is necessary." State v. Hunter, 320 S.C. 85 (1995). "Jury misconduct that does not affect the jury's impartiality will not undermine the verdict." State v. Pittman, 373 S.C. 527 (2007).

Internal Misconduct

A proper analysis for determining whether juror testimony or affidavit is permitted for impeachment of a jury verdict depends upon whether the allegations of misconduct establish the existence of an exception to the general rule of prohibition. "Rule 606 expressly prohibits the introduction of juror testimony regarding both the content and the effect of statements occurring during the jury's deliberations ..." Shumpert v. State, 378 S.C. 62 (2008). The Supreme Court has recognized that juror testimony may be received as an exception to the general rule of prohibition when internal juror misconduct denies a defendant fundamental fairness and the defendant can establish resulting prejudice. State v. Hunter, 320 S.C. 85 (1995). Ordinarily, a juror's misstatement or misapprehension of the law occurring during jury deliberations is not sufficient to impeach a jury verdict. State v. Pittman, 373 S.C. 527 (2007). (jurors expressed that they felt coerced into voting guilty but no testimony established coercive behavior on the part of any juror and jurors had a misunderstanding of law regarding the unanimity of the verdict); State v. Galbreath, 359 S.C. 398 (Ct.App.2004) (incorrect information provided to jurors by a fellow juror during deliberations regarding the potential sentence to be imposed upon a conviction did not deny the defendant fundamental fairness).

External Misconduct

That right to a fair and impartial jury is compromised when a party outside the deliberations makes improper contact with a juror and extraneous information is introduced into the deliberations that was not presented in the trial. External influence refers to situations where the jury is exposed to information during deliberations from an outside source. Galbreath. "Any private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is ... deemed presumptively prejudicial, if not made in pursuance of know rules of the court and instructions and directions of the court made during the trial, with full knowledge of the parties." Remmer v. United States, 347 U.S. 227 (1954). Although presumptively prejudicial, the presumption may be rebutted by the State where it establishes to the satisfaction of the court that any improper contact of a juror was harmless and did not prejudice the defendant. Where the improper contact or communication is substantive a presumption of prejudice arises. Where the improper contact or communication is

not substantive and the record establishes that there is no reasonable possibility that it influenced the verdict, it is deemed to be harmless. "Wayward bailiffs can improperly influence jurors by exposing them to the very things they are supposed to guard the jury against." State v. Green, 427 S.C. 223 (Ct.App. 2019) However, "not every inappropriate comment by a bailiff to a juror rises to the level of constitutional error" such that the Remmer presumption is applicable. State v. Green, 432 S.C. 97 (2020).

Discussion

In the instant case it is alleged in support of the motion that during deliberations a juror made a statement regarding the consequence of a failure to reach a verdict on all of the charges. Whether or not the statement was a correct one, a misstatement, a misunderstanding, or a misapprehension of law provided by a juror to other jurors during deliberations relating to a consequence of the jury's decision does not deny the defendant fundamental fairness and a new trial is not warranted. State v. Pittman, 373 S.C. 527 (2007); State v. Galbreath, 359 S.C. 398 (Ct.App.2004).

In the instant case it is further alleged in support of the motion that a bailiff when providing the jury with a written response from the judge to a question posed by the jury, asked, "how are y'all doing, have you reached a verdict yet?" Upon receiving the jury's response, he asked if more time would help in reaching a decision. The response was "no" by the one juror and "yes" by the remainder. The juror states that upon hearing their responses the bailiff replied, "I'll give y'all a little more time, knock on the door if you need me." The juror states at that point, "I felt trapped in the room and almost as if everyone else was holding me hostage until an agreement was made".

While it is preferable that such questions and comments alleged to have been made by a bailiff in this case not take place, there is nothing about the questions or comments alleged to have been made by the bailiff that could be construed as substantive nor can the questions or comments alleged to have been made by the bailiff be reasonably construed as oppressive or coercive nor is there a reasonable possibility that such questions or comments would have influenced the jury's verdicts. The facts alleged in the juror affidavit regarding an external influence created by bailiff contact do not trigger any Remmer presumption of prejudice and therefore no hearing is required to provide the State with an opportunity for rebuttal.

In this case any juror had ample opportunity to express to the Court the reservations and opinions that one juror now expresses. Upon the jury's return to Court for announcement and acceptance of the verdicts, the jurors were collectively asked by the Clerk of Court to raise a hand in a show of assent to the question of whether these were the verdicts of the jury and still the verdicts. Each juror raised a hand to show assent. Upon request of the defendant's counsel, the Court further instructed the Clerk of Court to conduct an individual polling of the jurors to indicate assent to the verdicts. Each juror stood in response and stated it was the verdict and still the verdict of each.

Conclusion

While "a juror may testify on the question of whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror", unless such is made evident, the statement of a juror through testimony or affidavit is not allowed to be accepted by the Court. Rule 606, SCRE. The juror affidavit presented in this case contains no particular allegation regarding any juror or jurors in

any fashion being threatening or coercive toward the juror in language or conduct nor do the allegations tend to establish that the verdicts were based upon any bias or prejudice on the part of any juror. There has been nothing presented this Court tending to show that a juror's impartiality was compromised or that any juror's decision was the result of any improper bias or prejudice. The affidavit submitted does not give rise to a denial of fundamental fairness to the defendant nor do the allegations contained therein give rise to any due process issue or concern. The Court therefore declines to accept the affidavit or conduct a hearing on the issues raised by way of the motion.

Having considered the arguments in support of and in opposition to the motion and the applicable rules and case law, this Court finds no reason to disturb the finality of these verdicts and therefore,

The **MOTION** for **NEW TRIAL** should be and **IS** therefore **DENIED**.

MAY 29, 2024

J. DERHAM COLE, PRESIDING JUDGE

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1980-29 PM 3:11

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2022 the
Grand Jurors of Spartanburg County present upon their oath:

THREATENING PUBLIC OFFICIAL

That Tashan Antione Carson, did in Spartanburg County on or about March 22, 2022 knowingly and willfully deliver a verbal threat to take the life of or inflict bodily harm to Officer James Hayes, a public official at Spartanburg City Police Dept, in violation of §16-3-1040, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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

Andrew Lipel

ASSISTANT SOLICITOR

WITNESSES

SPD

H. C. Mando

ARREST WARRANT NUMBER

2022A4210201678

ACTION OF GRAND JURY

True Bill*Daniella Woodward*Foreperson of Grand Jury
Date: **JUL 22 2022**

VERDICT

*Guilty**Shirley B. Brock*
Foreperson of Petit Jury
Date: **03/28/24****22-GS-42-3797**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2022

TERM

THE STATE

VS.

Tashan Antione Carson

Indictment for

THREATENING PUBLIC OFFICIAL

SC Code: 16-3-1040
CDR Code: 0541
Class FEL/F

FILED

2022 AUG -1 PM 3:33

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2022 the
 Grand Jurors of Spartanburg County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE

That Tashan Antione Carson, did in Spartanburg County on or about March 22, 2022, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase or bring into this State, or did knowingly actually or constructively possess, more than (28) twenty eight grams but less than (100) one hundred grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**POSSESSION OF WEAPON DURING COMMISSION
 OF A VIOLENT CRIME**

That the defendant, Tashan Antione Carson, did in Spartanburg County on or about March 22, 2022, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Trafficking in Methamphetamine, violation of Code §16-23-490, *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.

Andrew Dippel
 ASSISTANT SOLICITOR

WITNESSES

Spartanburg Police Department

H. O. [Signature]

ARREST WARRANT NUMBER

2022A4210201675 Count I (Direct Indictment)

2022A4210201680 Count II

ACTION OF GRAND JURY

True Bill

Danielle Woodward

Foreperson of Grand Jury

Date: JUL 22 2022

VERDICT

COUNT 1: Guilty

COUNT 2: Guilty

Andi Brock

Foreperson of Petit Jury

Date: 03/28/24

DOCKET NO.

22-GS-42-3800

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2022

TERM

THE STATE

vs.

Tashan Antione Carson

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

CDR: 0392

POSSESSION OF WEAPON

DURING COMMISSION OF

A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 549

FILED

2022 AUG -1 PM 3:33

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2022 the

Grand Jurors of Spartanburg County present upon their oath:

WEAPONS/UNLAWFUL CARRYING OF PISTOL

That Tashan Antione Carson, did in Spartanburg County on or about March 22, 2022, willfully and unlawfully have in his possession, a handgun, he not being authorized by law to so possess a pistol, in violation of §16-23-20, 50 (A) (2), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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

Andrew Sigel
ASSISTANT SOLICITOR

WITNESSES

SPD

H. C. Ward

ARREST WARRANT NUMBER

2022A4210201676

ACTION OF GRAND JURY

True Bill*Danville Woodward*

Foreperson of Grand Jury

Date: JUL 22 2022

VERDICT

*Guilty**Jackie Brooks*

Foreperson of Petit Jury

Date: 03/28/24

DOCKET NO.

22-GS-42-5798

The State of South Carolina

County of Spartanburg

Barry J Barnett, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2022

TERM

THE STATE

VS.

Tashan Antione Carson

Indictment for

WEAPONS/UNLAWFUL
POSSESSION OF PISTOL

SC Code: 16-23-20, 0050 (A) (2)

CDR Code: 0044

Class MIS-C

FILED

2022 AUG -1 PM 3:33

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

STATE

VS.

INDICTMENT/CASE#: 2022GS4203797

Tashan Antione Carson

A/W#: 2022A4210201678

AKA:

Date of Offense: 03-22-2022Race: Black Sex: Male Age: 38S.C. Code §: 16-3-1040CDR Code #: 0541

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Threatening Life, Person or Family of Public or School Official (0 – 5 and/or not more than \$5,000)In violation of § 16-3-1040 of the S.C. Code of Laws, bearing CDR Code # 0541☒ 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:

Tyler Bryant Brown 9078316 Tashan Carson
 Solicitor SC Bar # Defendant
 Tyler Bryant Brown Tashan Antione Carson

Imprisoned 78225
 Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; ~~provided that upon the service of~~ days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; ~~the balance is suspended with probation for~~

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.445 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tashan Antione CarsonINDICTMENT/CASE#: 2022GS4203797**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		\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ _____
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ _____
☐ 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			\$ <u>128.75</u>

 Clerk of Court/Deputy Clerk: T. Camp
 Court Reporter: L. Moffitt

 Presiding Judge: [Signature]
 Judge Code: 2023
 Sentence Date: 3/29/24 4/12/2024

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

STATE

VS.

Tashan Antione Carson

AKA:

Race: Black Sex: Male Age: 38

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022GS4203800A/W#: 2022A4210201675Date of Offense: 03-22-2022S.C. Code §: 44-53-375CDR Code #: 0389

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Trafficking, 28 – 100 Grams Methamphetamine, 2nd Offense (7 – 30 years and \$50,000)In violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 0389☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45The 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:

Tyler Bryant Brown 0078316 SC Bar # Defendant Tashan Antione Carson Attorney for Defendant 78225 SC Bar #
 Tyler Bryant Brown Tashan Antione Carson

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 7 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$5000 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 by445 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tashan Antione CarsonINDICTMENT/CASE#: 2022GS4203800**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\$ 5000\$ 53750

\$100

\$

\$100

\$

\$12

\$

\$25

\$

\$25

\$

\$150

\$

\$41

\$

\$50

\$

\$40/ea

\$

TBD

\$

\$500

\$

TBD

\$

\$ 3130.75**TOTAL**\$ 107145.75Clerk of Court/Deputy Clerk: T. CampCourt Reporter: L. McDanielPresiding Judge: [Signature]Judge Code: 2093Sentence Date: MAY 16, 2024

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

STATE

VS.

Tashan Antione Carson

AKA:

Race: Black Sex: Male Age: 28

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022GS4203800A/W#: 2022A4210201675Date of Offense: 03-22-2022S.C. Code §: 44-53-375CDR Code #: 0389

SENTENCE SHEET

*Vacated**CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☒ PLEADSTO: Trafficking, 28 – 100 Grams Methamphetamine, 2nd Offense (7 – 30 years and \$50,000)In violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 0389☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45The 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:

Tyler Bryant Brown 0078316 *Tashan Carson* *Imprudent* 78225
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
 Tyler Bryant Brown Tashan Antione Carson

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center.for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed 2 yearsand/or to pay a fine of \$ 5000 provided that upon the service of 7 days/months/years/Time Served and/or paymentof \$ —, plus costs and assessments as applicable*, the balance is suspended with probation for 3

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.443 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 § 18-25-30 it is unlawful for a person convicted of a violation of § 18-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tashan Antione CarsonINDICTMENT/CASE# 2022GS4203800

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	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☒ 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		\$ 798.25

Clerk of Court/Deputy Clerk: T. Camp
Court Reporter: L. DUGANPresiding Judge: [Signature]
Judge Code: 2023
Sentence Date: 3/29/24 4/12/2024

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

STATE

VS.

Tashan Antione Carson

AKA:

Race: Black Sex: Male Age: 34

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022GS4203800-AA/W#: 2022A4210201680Date of Offense: 03-22-2022S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Possession of Weapon During Violent Crime (5 years)In violation of § 16-23-2022 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ (CSC w/minor 1st or CSC w/minor 3rd)
Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

 0078316 
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
 Tyler Bryant Brown Tashan Antione Carson

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed 7 yearsand/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years/Time Served and or paymentof \$ 0; plus costs and assessments as applicable; the balance is suspended with probation for 0

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.44 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tashan Antione CarsonINDICTMENT/CASE#: 2022GS4203800-A

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 WE 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
\$14-1-211 (A)(2)(DUI Surcharge)	\$100
\$56-5-2995 (DUI Assessment)	\$12
\$56-1-286 (DUI Breath Test)	\$25
\$14-1-212 (Law Enforce. Funding)	\$25
\$14-1-213 (Drug Court Surcharge)	\$150
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41
\$50-21-114 (BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	TBD
☐ 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	\$ 1287.5

Clerk of Court/Deputy Clerk: T. Camp
Court Reporter: L. McDanielPresiding Judge: [Signature]
Judge Code: 2053
Sentence Date: 3/29/24

STATE OF SOUTH CAROLINA

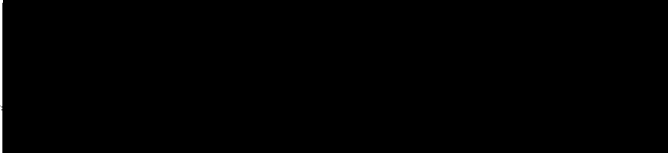
COUNTY OF Spartanburg

STATE

VS.

Tashan Antione Carson

AKA:

Race: Black Sex: Male Age: 39

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022GS4203800A/W#: 2022A4210201675Date of Offense: 03-22-2022S.C. Code §: 44-53-375CDR Code #: 0388

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☒ PLEADSTO: Trafficking, 28 - 100 Grams Methamphetamine, 2nd Offense (7 - 30 years and \$50,000)In violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 0388☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ (CSC w/minor 1st or CSC w/minor 3rd)
Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Tyler Bryant Brown 0078316 Tashan Antione Carson 78225
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
 Tyler Bryant Brown Tashan Antione Carson

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 7 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$5000 provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.44 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tashan Antione CarsonINDICTMENT/CASE#: 2022GS4203800

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: _____

*Fines:

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)

\$56-1-288 (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

	\$	50000
	\$	53750
\$100	\$	
\$100	\$	
\$12	\$	
\$25	\$	
\$25	\$	
\$150	\$	
\$41	\$	
\$50	\$	
\$40/ea	\$	
TBD	\$	

\$500	\$	
TBD	\$	3120.15
TOTAL	\$	107145.15

Clerk of Court/Deputy Clerk:
Court Reporter:T. Camp
L. McDanielPresiding Judge:
Judge Code:
Sentence Date:

20593
MAY 16, 2024

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

STATE

VS.

INDICTMENT/CASE#: 2022GS4203798

Tashan Antione Carson

A/W#: 2022A4210201676

AKA:

Date of Offense: 03-22-2022Race: Black Sex: Male Age: 38S.C. Code §: 16-23-30CDR Code #: 0044

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Unlawful Carrying of Pistol (0 - 1 and/or not more than \$1,000)In violation of § 16-23-30 of the S.C. Code of Laws, bearing CDR Code # 0044☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45The 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:

Tyler Bryant Brown 0078316 Tashan Carson Signature 78225
 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 1 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.443 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tashan Antione CarsonINDICTMENT/CASE#: 2022GS4203798**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		\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ _____
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ _____

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 1,287.75

Clerk of Court/Deputy Clerk: T. Camp
 Court Reporter: L. Moffitt

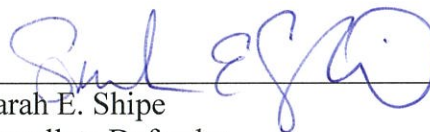
Presiding Judge: [Signature]Judge Code: 2053Sentence Date: 3/29/24

4/12/2024

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



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

RECEIVED

Jul 11 2025

SC Court of Appeals

This 11th day of July, 2025.

RECEIVED

Jul 11 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

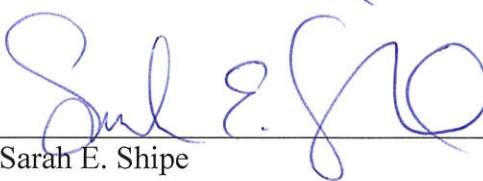
TASHAN ANTIONE CARSON,

APPELLANT.

APPELLATE CASE NO. 2024-000975

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 J. Benjamin Aplin, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 11th day of July, 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

Warren, Kaylynn

From: Warren, Kaylynn
Sent: Friday, July 11, 2025 8:45 AM
To: Ben Aplin
Cc: Shipe, Sarah; Susan Spencer
Subject: 2024-000975 The State v. Tashan Antione Carson
Attachments: 2024-000975 The State v. Tashan Antione Carson Record on Appeal.pdf

Good Morning,

Attached for service in the above-referenced case is the Record on Appeal which will be filed today, July 11, 2025, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330