

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Charleston County

Honorable R. Kirk Griffin, Circuit Court Judge

ALEXANDER REID,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000439

APPENDIX

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	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
The State of South Carolina,	)	CASE NO. 2017-GS-10-06300
	)	2017-GS-10-06457
PLAINTIFF,	)	2017-GS-10-06458
	)	2016-GS-10-01947
	)	2016-GS-10-01948
	)	2016-GS-10-01949
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
	)	
Alexander Reid,	)	
	)	
DEFENDANT.	)	
	)	

October 12, 2017

Charleston, South Carolina

B E F O R E:

The Honorable R. Markley Dennis, Jr.

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

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I N D E X

(SW) - DENOTES STATE'S WITNESS

(DW) - DENOTES DEFENSE WITNESS

(IC) - DENOTES IN CAMERA

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1 (WHEREUPON, begin hearing 10/12/17, 10:12 a.m.)

2 THE COURT: All right. Which motion are you prepared
3 to go forward with first?

4 MS. LINDER: Your Honor, we can go forward with a
5 number of them; but what I would do for our availability of
6 our witness is we have for -- the defendant makes three
7 statements. We can argue about whether they were in custody
8 or Miranda or not. But we have one witness to a very short
9 statement that we would like to put up so he can get out of
10 here.

11 THE COURT: Let's go ahead and do that. That will be
12 great.

13 MS. LINDER: All right. The State calls Sergeant Tony
14 Winstead.

15 THE COURT: Okay. This is basically -- assuming it is
16 a Jackson v -- subject to a Jackson v. Denno hearing this is
17 for purposes of this hearing?

18 MS. LINDER: Yes, Judge.

19 THE COURT: Okay. Thank you.

20 (WHEREUPON, the witness was duly sworn.)

21 THE CLERK: If you can state your first and last name
22 and spell out your last name, please.

23 THE WITNESS: Tony Winstead, W-I-N-S-T-E-A-D.

24 **DIRECT EXAMINATION BY MS. LINDER OF SERGEANT TONY WINSTEAD:**

25 Q Good morning, Sergeant Winstead.

1 A Good morning.

2 Q Can you please tell the judge your occupation?

3 A I am a police officer with the Town of Mt. Pleasant. I
4 am the sergeant over the narcotics unit.

5 Q And how long have you been in law enforcement?

6 A Twenty years.

7 Q And what about military?

8 A Twenty-five.

9 Q All right. So back in August and September of 2015
10 were you the acting supervisor for narcotics, Mt. Pleasant?

11 A I was, yes.

12 Q And were you involved with this case, the State versus
13 Alexander Reid, back at that time?

14 A I was the supervisor over the case, yes.

15 Q And back in September 11th, 2015, I want to bring you
16 to that date. Do you recall a search warrant being executed
17 on Old Georgetown Road?

18 A I do.

19 Q And do you recall if the defendant was arrested on that
20 day?

21 A He was, yes.

22 Q And was the defendant transported back to the station?

23 A He was.

24 Q At any point after the search warrant execution did you
25 go back to Mt. Pleasant Police Department to the station?

1 A I did.

2 Q And where was the defendant when you went back to the
3 station?

4 A In the interview room section of the Police Department.

5 Q And was he in custody?

6 A He was.

7 Q Was he in handcuffs?

8 A He was.

9 Q Was anyone with him inside that interview room when you
10 went there?

11 A By policy, yes, there was. I cannot tell you which
12 detective or officer it was. But, yes, there would have
13 been somebody in there with him.

14 Q All right. And typically does the lead or case agent
15 do the interviewing of any potential witness or defendant in
16 the case?

17 A Typically, yes.

18 Q And so in this case upon waiting on the interview to
19 begin is it typical to have an interview room door open ---

20 A Yes.

21 Q --- since no interview is being conducted?

22 A It is.

23 Q And in this case while the interview room door was open
24 and no interview had taken place yet did you hear the
25 defendant in this case say anything?

1 A Referring to when we walked his other half, Ms.
2 Jefferson, into the station in custody at the time, passing
3 by his interview room he made some type of utterance of what
4 is she doing here, why is she in handcuffs, why is she
5 arrested.

6 And he was explained because she has charges also based
7 on what was found in the house.

8 Q All right. So he was upset that she was there. Did he
9 say anything about that drugs at that time?

10 A Say again.

11 Q Did he say anything about the drugs at that time?

12 A Yeah, he said that she shouldn't be arrested because
13 that was his drugs.

14 Q And was this in response to any interview that was
15 being done of the defendant?

16 A No, that is just -- nobody had started interviewing him
17 yet. That was he had just seen her walk by and made that --
18 that statement.

19 Q So the defendant -- I just want to make sure. The
20 defendant is this defendant in the plaid shirt, Alexander
21 Reid?

22 A It is.

23 Q And you were there that day and you saw him there that
24 day?

25 A I did.

1 Q And it was at Mt. Pleasant Police Department, correct?

2 A Correct.

3 Q On September 11th, 2015?

4 A Correct.

5 Q And this defendant was in an interview room?

6 A Correct.

7 Q An interview had not been started?

8 A No, it had not.

9 Q And the door was open to the interview room?

10 A It was.

11 Q And then what did the defendant say?

12 A Something to the fact that why was his girlfriend or
13 wife in custody, why was she being arrested, why was she in
14 cuffs, that she had nothing to do with it, those drugs were
15 his that was found in the house.

16 Q I have nothing further. Please answer anything Mr.
17 Mayer may have.

18 THE COURT: You may cross-examine.

19 MR. MAYER: Thank you, Your Honor.

20 **CROSS-EXAMINATION BY MR. MAYER OF SERGEANT TONY WINSTEAD:**

21 Q Good morning, Sergeant.

22 A Hey.

23 Q Aaron Mayer here for Mr. Reid. Do you know if Mr. Reid
24 had been Mirandized at that time?

25 A I -- I don't -- I don't know. I -- no, I couldn't

1 answer that one; no.

2 Q And was there anyone in the room with him at the time?

3 A No.

4 Q And you were walking by approximately how far away from
5 that door?

6 A It is a narrow hallway. Two feet.

7 Q Okay. But you were not escorting Ms. Jefferson?

8 A I was with Ms. Jefferson, yes.

9 Q You were with Ms. Jefferson. Okay. Was there an audio
10 recording of the room?

11 A No.

12 Q Was there a video recording of the room?

13 A No.

14 Q Did you in some way document what you heard?

15 A No.

16 Q So you are telling the court that you just remember
17 this statement from over two years ago and you ---

18 A That is correct.

19 Q --- are basically ---

20 A In some cases. This was a big case. Absolutely you
21 remember things like that.

22 Q It is my understanding that those charges remained on
23 Ms. Jefferson. Why would those charges remain on Ms.
24 Jefferson if you guys had had this statement from Mr. Reid?

25 A Which -- which ones? Because she was charged with

1 multiple charges.

2 Q The charges pertaining to the cocaine, Sergeant.

3 A Well, there was -- there was also charges pertaining to
4 the cocaine dealing with children in the house. So are you
5 just talking to the quantity of cocaine found in the house,
6 or are you talking -- talking other charges?

7 Q Let me ask it another way, Sergeant. Did you dismiss
8 any charges from Ms. Jefferson after you heard the statement
9 allegedly?

10 A No.

11 Q And she was charged with trafficking cocaine, wasn't
12 she?

13 A Correct.

14 Q Okay. No further questions.

15 THE COURT: Redirect?

16 MS. LINDER: No redirect.

17 THE COURT: Thank you.

18 You may step down.

19 THE WITNESS: Thank you.

20 (WHEREUPON, the witness steps down.)

21 THE COURT: Do you have any additional witnesses on
22 this particular issue?

23 MS. LINDER: We do, but it is going to be a lengthy.
24 Lengthy, Your Honor.

25 THE COURT: On his statement? Or the one he just ---

1 MS. LINDER: There is a second one on that -- that
2 portion of the statement, yes.

3 THE COURT: All right. Well, let's have that. Because
4 frankly this statement needs to be dealt with separately I
5 think from anything else.

6 MS. LINDER: All right.

7 THE COURT: Because I think there were some
8 circumstances that really take it out of the need for
9 Jackson v. Denno hearing. But anyway. But I want to have a
10 full -- full -- and so the defendant can have a full
11 opportunity to question anybody that will be used on that.

12 MS. LINDER: Absolutely. And the next witness is
13 actually the case agent. He was present for this. He was
14 the one who conducted an interview where there was a second
15 statement. He was the search warrant suppression person.

16 THE COURT: So he is not here yet?

17 MS. LINDER: He -- I have the other witnesses here. We
18 can start ---

19 THE COURT: Well, let's just take -- just isolate ---

20 MS. LINDER: This?

21 THE COURT: This -- this particular statement. And
22 then we will -- and then we can finish that and I can make a
23 ruling on that and then we can move on from that.

24 MS. LINDER: Yes, Judge.

25 THE COURT: Thank you.

1 MS. LINDER: All right. The State calls Special Agent
2 Blake.

3 THE COURT: Is that -- is that agreeable with you, Mr.
4 Mayer to take ---

5 MR. MAYER: Yes, Your Honor. Thank you.

6 THE COURT: To sort of break it out?

7 MR. MAYER: Yes, it makes sense.

8 THE COURT: Thank you very much.

9 And I appreciate your willingness to do that as well,
10 sir.

11 (WHEREUPON, the witness was duly sworn.)

12 THE CLERK: If you can state your full and last name
13 and spell out your last name, please.

14 THE WITNESS: Alexander Blake, B-L-A-K-E.

15 **DIRECT EXAMINATION BY MS. LINDER OF AGENT ALEXANDER BLAKE:**

16 Q Special Agent Blake, how long have you been in
17 law-enforcement?

18 A Ten years.

19 Q And were you working with Mt. Pleasant Police
20 Department back in the summer of 2015?

21 A I was.

22 Q And were you the case agent of this case, the State
23 versus Alexander Reid, which cumulated on September 11th of
24 2015?

25 A Yes, ma'am.

1 Q And were you involved in the search of the residence on
2 Old Georgetown Road back on this date?

3 A I was.

4 Q Are you aware of this defendant getting taken into
5 custody that day?

6 A Yes, ma'am.

7 Q And was he transported to the station?

8 A He was.

9 Q What was the purpose of him being transported to the
10 station?

11 A He was being transported to the station after being
12 taken into custody to be interviewed by me in regards to a
13 quantity of cocaine that was found in the residence where he
14 resides.

15 Q And were you there at the station already when he
16 arrived at the station?

17 A No, I wasn't.

18 Q Where were you?

19 A I was at [REDACTED] Old Georgetown Road.

20 Q You were conducting the search?

21 A Yes, ma'am.

22 Q So in this case were you also the person who collected
23 and processed all of the evidence?

24 A I was.

25 Q When did you go back to the station; what did you bring

1 with you?

2 A I brought all of the evidence from the residence that
3 we collected during the search warrant. And Ms. Jefferson,
4 a co-defendant, was also with -- in my direct location when
5 we brought her to the station as well.

6 Q When you walked into the station where was Mr. Reid
7 located?

8 A He was in an interview room.

9 Q And was he cuffed?

10 A Yes, ma'am. In the front.

11 Q He was in custody?

12 A Yes, ma'am.

13 Q And what was the first thing that you heard from Mr.
14 Reid?

15 A So I was walking into the station carrying a bag
16 containing evidence that was collected from the residence.
17 Ms. Jefferson was just in front of me walking in. She was
18 in handcuffs as well and in custody.

19 As I walked by Mr. Reid stated something to the effect
20 of why -- why is my girlfriend -- why is my girlfriend in
21 cuffs, why is she under arrest.

22 Q Okay. And what happened after that?

23 A I just kind of stuck my head to the front of the
24 interview room. Didn't even go inside of the room. And
25 said because there were drugs located in the house.

1 Q And so what did the defendant then say?

2 A He said everything located in that house was mine,
3 everything belonged to me.

4 Q And when he said everything located in the house was
5 his what did you take that to mean?

6 A I took that to mean drugs, guns, anything that might be
7 illegal located in the house. He said that, and he also
8 said that his girlfriend didn't need to go to jail for it.

9 Q And did you start the interview at this point?

10 A No, ma'am.

11 Q Were you sitting in the interview with him at this
12 point?

13 A No, ma'am.

14 Q Okay. That's all the questions I have for you. You
15 can answer anything Mr. Mayer has.

16 THE COURT: You may cross-examine.

17 **CROSS-EXAMINATION BY MR. MAYER OF AGENT ALEXANDER BLAKE:**

18 Q Officer Blake ---

19 MR. MAYER: Judge, may we approach.)

20 (WHEREUPON, bench conference was had 10/12/17, 10:24 a.m.)

21 THE COURT: Thank you. No questions. Thank you very
22 much. We will excuse you. But you are not free to leave.
23 We will resume your testimony.

24 THE WITNESS: Yes, sir.

25 THE COURT: Thank you very much.

1 (WHEREUPON, witness steps down.)

2 THE COURT: I have had a side bar concerning this
3 statement. I don't - I don't think that -- really the
4 Miranda warnings and issues are not applicable to this
5 because clearly at this point this is typically a voluntary
6 statement.

7 It doesn't matter that he was arrested. The key factor
8 as I read these cases is custodial interrogation, answering
9 questions that have been propounded to him. That is not
10 here. So I think the statement is a voluntary statement and
11 would allow it notwithstanding the objection of counsel to
12 that. Thank you.

13 Anything else you want to supplement that ruling on?

14 MS. LINDER: No, Judge.

15 THE COURT: Anything else, Mr. Mayer, that you want to
16 add to support it? Your position is noted that you objected
17 to it.

18 MR. MAYER: Thank you, Judge.

19 THE COURT: Okay. All right. Let's do this. Let's
20 recess this one for right now so we can start on the bond
21 docket and move these people.

22 Aaron, thank you very much. And y'all can chat and do
23 what you need and then we will come back and we will resume
24 the extensive testimony.

25 MR. MAYER: Thank you, Your Honor.

1 THE COURT: Thank you for your patience.

2 Mr. Reid, thank you very much. We will be at ease,
3 sir.

4 (WHEREUPON, break was had 10/12/17, 10:25 a.m., for other
5 matters before the court.)

6 (WHEREUPON, resumed hearing 10/12/17, 2:48 p.m.)

7 THE COURT: Okay. We are ready to continue. Do you
8 want to -- call your next witness. However you want to do
9 it. And if you want to call the one we stopped on that is
10 fine too.

11 MS. LINDER: All right, Judge. I guess what I would
12 like to do is to kind of address Mr. Mayer's motions. I
13 have witnesses here. And I can ask Your Honor your
14 preferences.

15 First Mr. Mayer has a motion to obtain the name and
16 file of the CI.

17 THE COURT: And there wasn't one.

18 MS. LINDER: Pardon?

19 THE COURT: There was no CI.

20 MS. LINDER: Correct, Judge. And on Page 2 of his
21 argument the whole time he is talking about Edwin Pearsey,
22 that he was an informant, that he is the one who identified
23 the defendant, that there is a video of a transaction, that
24 there were two stops, all of these are actually facts in a
25 case that I was involved with that the City of Charleston

1 Police Department did a number of years ago.

2 So I am happy to put up a little bit of testimony about
3 the tipster or if you would like argument or however you
4 would like that.

5 THE COURT: I will defer to you as to what you think is
6 necessary concerning the disclosure. Certainly that would
7 be -- probably cover any possible issue.

8 But I don't -- I have read the file at least to the
9 extent that I can read it and read the brief. So I don't
10 see a CI involved in this.

11 I see somebody that gave them some information. But
12 apparently that information according to what I have read
13 was available from a lot of people so.

14 MS. LINDER: Right. And then, Judge, another motion
15 that he had ---

16 THE COURT: Because I think one of the arguments he
17 argues is there are lots of people that have missed -- have
18 said things that aren't truthful about it.

19 MS. LINDER: And that is part of another motion they
20 made was a motion to suppress the search of the house.

21 And in this I wanted to ask the court how you would
22 like to proceed just because these are a little different
23 from I guess the standard motions that I am used to seeing
24 in drug prosecution.

25 And in this he specifically names Officer Blake and he

1 said some pretty harsh things about racially profiling,
2 spreading rumors ---

3 THE COURT: Well, let me address that. I really and
4 truly from your standpoint you have in my opinion you have
5 an affidavit.

6 You have -- you have what appears to be - and I use
7 this word loosely because I don't know what normal means -
8 but a normal approach to obtain a search warrant; what I
9 would say an officer obtains information, goes and swears
10 out an affidavit, makes some statements apparently to the
11 judge. That in my eyes is kind of likened to -- to me it is
12 exactly what when you have service of process in a civil
13 case it is presumed to be proper ---

14 MS. LINDER: Correct.

15 THE COURT: --- unless somebody shows you something
16 specifically.

17 MS. LINDER: Correct.

18 THE COURT: I don't quarrel that maybe -- and I am
19 paraphrasing; but it appears one of the things that he is
20 asserting is a targeting type situation, selectively
21 enforcing the law - and those are my words - singling out
22 certain groups of people.

23 If he has evidence that the judge was aware or knew
24 about these types of situations maybe there is something
25 there. But I don't know what the evidence is.

1 MS. LINDER: Right.

2 THE COURT: So to me I would say that would come --
3 your witnesses that you have to -- is going to depend on
4 what he is going to present ---

5 MS. LINDER: Right.

6 THE COURT: --- as a reply to what he has got to say.
7 Because at this point you put up how the warrant was
8 obtained ---

9 MS. LINDER: Absolutely.

10 THE COURT: --- and that's -- that is it.

11 MS. LINDER: Okay.

12 THE COURT: As far as I am concerned. And then it will
13 shift to Mr. Mayer and he can call witnesses and ask them
14 whatever he wants to, and you can cross-examine them. And
15 then if that warrants you recalling then you will have the
16 opportunity.

17 MS. LINDER: Perfect, Judge. All right. Well, then I
18 am going to proceed, you know, as we typically do. And in
19 this case right now I am going to call Special Agent
20 Alexander Blake.

21 THE COURT: Okay.

22 I would remind you, sir, that you are still under oath.

23 THE WITNESS: Yes, sir.

24 (WHEREUPON, podium moved.)

25 **REDIRECT EXAMINATION BY MS. LINDER OF AGENT ALEXANDER BLAKE:**

1 Q So just as a refresher and -- you currently work for
2 law enforcement?

3 A Yes, ma'am.

4 Q Where do you work?

5 A I work for the South Carolina Law Enforcement Division.

6 Q And how long have you been a special agent with SLED?

7 A Approximately coming up on one year.

8 Q And before working for SLED did you also work in
9 law-enforcement?

10 A I did.

11 Q For how many years?

12 A Prior to that nine years.

13 Q So you have been in law enforcement about ten years of
14 your life?

15 A Yes, ma'am.

16 Q And during that time did you work at Mount Pleasant
17 Police Department?

18 A I did.

19 Q And did you work at Mount Pleasant Police Department in
20 2015?

21 A I did.

22 Q And in 2015 what unit were you assigned to?

23 A The narcotics unit.

24 Q And as far as your education I mean you have been to
25 the Academy, you have a bachelor's degree; you actually also

1 were law-enforcement in Georgia; you have done all of their
2 items?

3 A Yes, ma'am.

4 Q You go through training classes all the time?

5 A Correct. Yes. I have been through numerous classes on
6 basic narcotics investigations, advanced narcotics
7 investigations, undercover narcotics investigations, and
8 undercover techniques, surveillance techniques, surveillance
9 classes, management of confidential informant classes, as
10 well as drug identification classes, numerous interdiction
11 classes, and many other classes I haven't named.

12 Q All right. So is it fair to say you have been
13 associated with hundreds of thousands of drug cases within
14 your career?

15 A I would say easily thousands, yes, ma'am.

16 Q All right. So I am going to bring your attention to
17 why we are here today which is the State versus Alexander
18 Reid. And were you involved in that case?

19 A Yes, ma'am.

20 Q And how were you first brought into the case?

21 A We first received I believe it was around the end of
22 April of 2015 a Crime Stoppers tip which is an anonymous tip
23 that comes in online was received by the Mt. Pleasant Police
24 Department.

25 That tip was forwarded to the narcotics unit

1 supervisor, and that tip was dispersed throughout the unit.
2 The information was dispersed and that there was a tip
3 regarding Alexander Reid, aka Batman.

4 Q Okay. All right. And that tip named specifically
5 Alexander Reid; is that right?

6 A Yes, ma'am.

7 Q And named the alias of Batman?

8 A It did.

9 Q Had a physical description of Alexander Reid?

10 A It stated that he was a black male.

11 Q All right. And then did it -- was it -- say that he
12 used to hang out at a second -- at a location off of North
13 Highway 17, it looks like somewhere next to a church?

14 A Yes, ma'am, the tip was pretty descriptive. It stated
15 that Mr. Reid did - hung out and I believe did some of his
16 illegal drug distribution right beside a church. It is
17 called the Olive Branch AME Church. It is near the
18 intersection of Venning Road and Highway 17 Road in Mt.
19 Pleasant.

20 It stated that numerous individuals hang around in that
21 area, that there are fire barrels there, and that Mr. Reid
22 does a lot of his -- his business there.

23 Q All right. So -- so the Crime Stoppers tip, that was
24 from an anonymous person received online to you?

25 A Yes, ma'am.

1 Q And did -- was that person an informant or was that a
2 tipster?

3 A It was a tipster. I have no idea who it was.

4 Q And did you ever receive any other tips as far as
5 Alexander Reid is concerned?

6 A Yes, ma'am, I did.

7 Q What did you receive?

8 A I received a tip from a subject that I met with in
9 person - they wished to remain anonymous - that stated that
10 a subject named Alexander Reid he goes by the nickname
11 Batman, lived with a girlfriend, maybe possibly wife, named
12 Emma Jefferson, at [REDACTED] Old Georgetown Road in Mount
13 Pleasant. Stated that he drives a silver Infinity,
14 silverish tan Infinity SUV, as well as sometimes a black
15 BMW.

16 It stated that Mr. Reid stores large quantities -- or
17 stores, excuse me, quantities of cocaine and possibly crack
18 cocaine as well as large quantities of U.S. currency at the
19 residence on Old Georgetown Road and that Mr. Reid
20 distributes the illegal drugs often times directly beside
21 Olive Branch AME Church.

22 Q At the time that you met with this second individual
23 were they signed up as a confidential informant at that
24 time?

25 A No, ma'am.

1 Q Did they execute a CI agreement at that time?

2 A No, ma'am.

3 Q Did you start an activity log that is typically done
4 with a CI at that time?

5 A I did not.

6 Q And did you have any other contact with this second
7 tipster during the course of the surveillance that you
8 conducted?

9 A No, I did not.

10 Q Did you have any contact with this second tipster
11 during the course of the trash pulls that you conducted?

12 A No, ma'am.

13 Q Did you have any contact with this second tipster any
14 other time prior to the execution of this search warrant and
15 arrest of this defendant?

16 A I did not.

17 Q All right. So after you received this information from
18 your two tipsters can you tell me what if anything you did
19 to corroborate the information that you received?

20 A Yes, ma'am. At that point it was merely information.
21 I attempted to corroborate. The first thing I did was I ran
22 a check through numerous databases we have available to us
23 for [REDACTED] Old Georgetown Road.

24 I found that Niemma Jefferson is a resident of that
25 address. I then did some physical surveillance on the

1 address. I observed a silver Infinity SUV parked in that --
2 in the driveway of that residence. The tag mistakes me.

3 I did run the tag on that vehicle, and it was
4 registered to an Alexander Reid. I then cross-referenced
5 through the South Carolina DMV database for any other
6 vehicles owned by Mr. Reid and I found that there was a BMW
7 owned by Mr. Reid as well.

8 I then began surveillance on the residence as well as
9 continue surveillance on the residence. I observed who I
10 knew through a DMV photograph at that point to be Alexander
11 Reid entering into the vehicle and leaving the residence of
12 [REDACTED] Old Georgetown Road, enter into the silver Infinity
13 SUV.

14 I should mention I never saw the BMW sedan at that
15 residence. Entered to that Infinity SUV. I observed
16 through loose tail and following surveil- -- mobile
17 surveillance Mr. Reid drive to a location, Olive Branch AME
18 Church, a location directly beside there where there were
19 numerous individuals hanging out and kind of going about.

20 On August 27th of 2015 from a somewhat concealed
21 location across the street I observed Mr. Reid outside of
22 the silver SUV. And it appeared to be -- he appeared to be
23 conducting what I knew based on my training and experience
24 to be hand-to-hand drug transactions with people at that
25 location.

1 I also observed Mr. Reid's vehicle parked at the
2 residence on numerous nights. And it was as well there
3 again the following mornings. Typical to me with someone
4 who may be staying at that residence overnight.

5 Q All right. And so just -- I know there is a lot of
6 information there and a lot of work that you did. So you
7 received a tip that an Emma Jefferson, and when you did all
8 of the DMV checks a Niemma Jefferson, lives to that address?

9 A Correct.

10 Q And so you checked the address, you checked the cars,
11 you conducted surveillance. And so after you did all of
12 this at any point did you learn the defendant's age?

13 A Yes, ma'am. Through the DMV I learned he was in his
14 early to mid-40's.

15 Q And did you ever run a rap sheet to know if he has any
16 sort of criminal history?

17 A I did. Yes, ma'am. I ran his criminal history and
18 found that he has previous drug convictions both in -- at
19 the state level as well as the federal level, to include
20 some violent convictions.

21 Q Okay. So the two tips provided; you had -- you
22 verified information about the BMW; did you do -- were you
23 familiar with or through your investigation did you learn
24 anything about that nickname Batman they came in through the
25 first tipster through the Crime Stoppers?

1 A Yes, ma'am. I was able to ask people throughout the
2 Mount Pleasant Police Department, people who had been there
3 longer than me, if they were familiar with the name Batman.
4 And several individuals throughout the department were
5 familiar with that name. They were familiar with previous
6 investigations and cases involving that subject, and they
7 knew him to be Alexander Reid.

8 Q All right. So then you have the information on the
9 Infinity, the drugs, and the time at the house. Okay. So
10 based on the tip you received, your surveillance and all of
11 the corroborating work that you did, what action did you
12 take next to advance the investigation?

13 A The next thing I did was on August the 28th of 2015 I
14 conducted a trash pull at the residence.

15 Q All right. And can you just explain briefly how do you
16 go about doing a trash pull?

17 A Yes, ma'am. The first thing I do is I am going to
18 locate the actual trash pickup date for the residence. I am
19 going to make sure the trash is to be picked up on a certain
20 date.

21 So in that area Waste Pro is the contracting trash
22 company. I called Waste Pro. I confirmed that the trash
23 pickup on that date was on Fridays. So I knew that the
24 trash should be out at that date.

25 I next about five o'clock in the morning on the date of

1 August 28th observed the trashcan placed just in the grassy
2 area at the edge of the curb of the roadway awaiting pickup
3 from Waste Pro Trash Company.

4 Myself and another detective obtained bags of trash
5 through -- from the trashcan. We placed it into the back of
6 a pickup truck. We then took that to our narcotics office
7 where we were able to actually go through the trash.

8 Q All right. So you picked up these bags. When you went
9 up was there a whole bunch of trashcans all gathered
10 together?

11 A There was not. This was the only trashcan in that
12 area. It was the only trashcan at that residence that you
13 could even see.

14 Q All right. At this time if I could show you -

15 MS. LINDER: I have already shown the defense. Where
16 this is going to be State's Exhibit 1 for purposes of this
17 hearing.

18 (WHEREUPON, State's Exhibit 1, photograph, was marked for
19 identification.)

20 Q Now can you look at this?

21 A Yes, ma'am.

22 Q Do you recognize it?

23 A That is [REDACTED] Old Georgetown Road.

24 Q And you recognize this from working there for years and
25 this investigation?

1 A Yes, ma'am.

2 Q And on this picture does it depict -- this -- it looks
3 like there is one house that you see with the driveway?

4 A That's correct.

5 Q Can you describe what that house looks like?

6 A It looks like a tannish-brown siding on the home. It
7 has got a front porch and a driveway that comes out. It is
8 a two-car garage. The driveway comes out directly to Old
9 Georgetown Road.

10 Q And is this the house that was searched back in
11 September of 2015?

12 A It is.

13 Q All right. And this right here that I am pointing out,
14 this is a paved driveway; it is a white, paved driveway; and
15 then it goes to asphalt?

16 A Correct.

17 Q And at the end of that driveway is that where the
18 trashcan was?

19 A Yes. If you are looking at this driveway from the
20 roadway from Old Georgetown Road looking towards the
21 residence the trashcan was directly beside the driveway in
22 the grassy area, right at the corner of the driveway and the
23 road.

24 Q Okay. So if you are facing the house from the driveway
25 it was more toward the left side?

1 A Yes, ma'am.

2 Q And that was the only item that was there?

3 A That is correct.

4 Q The only trashcan that was there?

5 A That is correct.

6 Q All right.

7 MS. LINDER: Your Honor, may I approach just so you can
8 see this, or I can put it toward the end.

9 THE COURT: That is fine. It is -- do you want it
10 admitted?

11 MS. LINDER: Yes. I would seek to admit State's
12 Exhibit 1.

13 THE COURT: Any objection?

14 MR. MAYER: No objection.

15 THE COURT: Without objection. It is admitted for
16 purposes of this -- State's 1 for purposes of this
17 proceeding. Thank you.

18 (WHEREUPON, State's Exhibit Number admitted for this
19 proceeding.)

20 Q All right. So you did this first trash pull. When you
21 are doing a trash pull what are you looking for, and more
22 specifically what did you find with this trash pull on
23 August the 28th of 2015?

24 A Yes, ma'am, generally what we are looking for near the
25 trash pull are items related to that we can -- we can relate

1 to possible drug paraphernalia, drug use, and drug
2 distributions.

3 So items such as plastic baggies or torn plastic
4 baggies, digital scales, packages, inner -- innards of
5 cigars, cigarillos which are commonly discarded the
6 innards - you insert marijuana and you smoke them - cut
7 straws; as well as mail that shows that that trash did come
8 from with the address whatever residence it is that we are
9 pulling the trash from and possibly names on any of those
10 items, mail, paperwork, with names and residence or
11 addresses.

12 Q And with this -- in the first trash pull do you find an
13 empty bottle of Inositol?

14 A We did. And ---

15 Q What is Inositol?

16 A Inositol is -- it is labeled as a dietary supplement.
17 It is a white powder substance. You buy it at GMC and any
18 kind of vitamin shop, anything like that. It runs about 11,
19 \$12.

20 It is labeled as use for anything from high blood
21 pressure to headaches to ADHD. There has been no confirmed
22 studies from what I understand that prove its usefulness in
23 any of those.

24 But I more importantly in my line of work know it to be
25 a cutting agent which is added to cocaine to increase the

1 quantity of the cocaine.

2 Q And is that a typical cutting agent?

3 A It is.

4 Q And then did you find any box or anything or sandwich
5 baggies in that trash pull?

6 A I did. We found an empty box of sandwich baggies
7 during the trash pull. We also found a small amount of what
8 appeared to be marijuana residue within a small cigar which
9 is commonly referred to as a roach, a marijuana roach. That
10 was field tested and it tested presumptive positive for THC.

11 Q And now as a result of this first trash pull did you
12 get a search warrant?

13 A Yes, ma'am.

14 Q And you got a search warrant signed in Mount Pleasant?

15 A I did.

16 Q And did you execute that search warrant?

17 A I did not.

18 Q Why not?

19 A Well, the search warrant was good for ten days. I
20 wanted to take that ten-day period to continue the
21 investigation, see if I could further the investigation.
22 And if not, the search warrant likely would have been
23 executed at that -- near the end of that time period.

24 Q All right. So did you -- what did you do to further
25 that investigation?

1 A Continued surveillance on the residence. And it didn't
2 offer anything more than we had already noticed. I think
3 conducted a second trash pull on September 3rd, 2015.

4 Q And trash pull, same information as before, same
5 location, no other trash cans, end of the curb, driveway;
6 all of that?

7 A Correct. The trash can was actually in the same exact
8 spot. Every -- all of the details of the actual collecting
9 of the trash were the exact same.

10 Q What did you find in the second trash pull?

11 A In the second trash pull I found a Sam's Club credit
12 card bill that was addressed to Alexander Reid at [REDACTED] Old
13 Georgetown Road. I found a hospital bracelet with Alexander
14 Reid and the date of birth of the defendant and what I knew
15 and had corroborated through the DMV.

16 I found several corner cut plastic baggies. They had a
17 white powder residue on them. That was field tested and
18 tested presumptive for cocaine.

19 I believe that was it during that trash pull.

20 Q Okay. What did you do based on this second trash pull
21 and all of your continued investigation?

22 A Got another search warrant signed by a Mt. Pleasant
23 municipal judge. And it was the same details as before. I
24 was going to take the ten-day period to attempt to further
25 the investigation. If not if nothing else happened it was a

1 likelihood that the search warrant would have been executed.

2 Q So you ended up doing a third trash pull?

3 A Correct.

4 Q Three weeks in a row?

5 A Yes, ma'am.

6 Q All right. So trash pull September 11 of 2015; same
7 scenario where it was, only trash can. All right. What if
8 anything did you find in the third trash pull?

9 A In the third trash pull I located an insurance card,
10 insurance document, for that was -- the names on it were
11 Alexander Reid and Niemma Jefferson.

12 It was for a silver Infinity. I don't remember the
13 model. It was an SUV. As well as a BMW. I think it was a
14 five series BMW. And they came back registered to [REDACTED] Old
15 Georgetown Road on that document.

16 I located a second -- or excuse me, another empty
17 bottle of Inositol power. I located some plastic baggies I
18 believe in that one as well and some lose marijuana shake
19 and stems as well as some small -- some more marijuana
20 roaches.

21 Q And those roaches had some marijuana in it?

22 A They did. And that was field tested and tested
23 presumptive for THC as well.

24 Q All right. So after the third trash pull and all of
25 your continued surveillance based off of these two tips,

1 what did you do?

2 A Yes, ma'am. I obtained another search warrant on that
3 date -- or I began drafting the search warrant. At that
4 point I spoke with my supervisor and we were attempting to
5 formulate a plan to go ahead and actually execute the search
6 warrant on that date, after the search warrant was signed of
7 course.

8 Se we -- I began drafting a search warrant and began --
9 obtained as much information as I could about the residence
10 at that address.

11 I had units in place as early as I believe nine o'clock
12 in the morning conducting surveillance on the residence and
13 on the defendant whose Infinity SUV was there.

14 We began formulating an operations plan at that time.
15 For the operation plan we -- a lot of things go into it.
16 When we begin to put together an operation plan the first
17 thing we do for a search warrant is it is called a threat
18 matrix. It is a point system based on a defendant or a
19 potential person who we believe is going to be at the
20 residence, his criminal history, based on the history of
21 that residence and things like that.

22 What that does is that determines our manpower needs.
23 Based on this when I am doing the point system I found that
24 Mr. Reid did have some violent tendencies in his past to
25 involve guns. So we began putting together a team.

1 The way we were going to execute is we had a five-man
2 team which is comprised of members of the SWAT team. We
3 would make entry into the residence when we actually
4 executed the search warrant.

5 Had patrol officers and narcotics units who would be on
6 perimeter at the residence. We had canine officers on
7 perimeter at the residence as well.

8 I then had a roving team because our formulation of our
9 plan was that we thought it may be a good idea possibly if
10 Mr. Reid left the residence to attempt to execute the search
11 warrant while he was not at the residence to attempt to
12 minimize any possible conflict there, any possible dangerous
13 situation.

14 The plan was to possibly get Mr. Reid away from the
15 residence and possibly detain him while the search warrant
16 was executed. And so then I had to also assign manpower to
17 roving surveillance for Mr. Reid when and if he left the
18 residence.

19 Q Okay. So I just want to make sure we have got the
20 timeline. Five a.m. on that Friday morning is when you
21 pulled the trash?

22 A Yes, ma'am.

23 Q And you searched right after that?

24 A That is correct.

25 Q After finding it you started surveillance on the house,

1 kind of all at once in the morning; I think you said about
2 9:00?

3 A Right.

4 Q Surveillance on the house. You were drawing up the
5 search warrant. You talked to your supervisor. You said
6 the ops plan with the threat matrix. After all of that was
7 finalized did you still have surveillance going?

8 A Correct.

9 Q All right. And then tell me about getting the search
10 warrant signed that day.

11 A Yes, ma'am. I first had the search warrant signed by
12 Judge Michelle with the Mt. Pleasant -- a Mt. Pleasant
13 municipal judge that morning. I would assume that was
14 probably about 10:00 or 11 o'clock in the morning.

15 We then had the operations plan approved. It had to go
16 through my supervisor. It had to go up through our chain of
17 command and then come back down with the okay for us to
18 execute the operation.

19 At that point we began discussing that the Old
20 Georgetown Road area could possibly be in a county contract
21 area and we decided there was probably a need out of an
22 abundance of caution to have a magistrate judge countersign
23 the warrant.

24 Q So when you decided or the chain of command decided
25 about a magistrate judge signing it did you end up going to

1 a magistrate judge?

2 A Yes, ma'am, I did. It took me a little bit to locate
3 one. I ended up going and seeing Judge Young at bond court,
4 and the search warrant was countersigned by her at
5 approximately 1:43 p.m.

6 Q And you say 1:43. Judge Young when she signed it she
7 put the time and her signature?

8 A She put her time on there, yes, ma'am.

9 Q All right. And when you talked to her did you present
10 the affidavit in silence; or did you present the affidavit
11 kind of verbally, supplement, and answer questions?

12 A No, ma'am, I presented the affidavit to her and
13 verbally supplemented, answering any questions that she had
14 and just giving her a brief background on the case.

15 Q All right. So the search warrant was signed at 1:43.
16 Approximately what time was it executed that day?

17 A The search warrant was executed approximately 2:50 p.m.

18 Q And the return was completed in compliance with the law
19 on September 14th; is that correct?

20 A Yes, ma'am, it was complete I believe it was -- it was
21 three days later.

22 Q All right.

23 MS. LINDER: And, Judge, just to kind of keep him on
24 the stand I am going to switch over to his part of the Denno
25 hearing statement.

1 THE COURT: Sure.

2 MS. LINDER: But he will be available if we need him
3 for later.

4 THE COURT: That is no problem.

5 Q All right. For the same case we are here on we are
6 talking back on September 11th of 2015. This is about
7 Alexander Reid, Old Georgetown Road.

8 Okay. So are you aware that there was a traffic stop
9 that was conducted on the defendant that day?

10 A Yes, ma'am.

11 Q And in that traffic -- when that traffic stop was
12 conducted you had the search warrant and y'all were about to
13 execute the search warrant?

14 A That is correct. It was pretty much simultaneous with
15 our execution of the search warrant.

16 Q Okay. And then after executing the search warrant --
17 after executing the search warrant did you locate - just a
18 yes, no, here - did you locate any drugs?

19 A Yes.

20 Q And at that point did you make the determination that
21 this defendant Alexander Reid was going to be charged?

22 A Yes, ma'am.

23 Q Did you tell anyone who was at the scene of the traffic
24 stop about this situation?

25 A I did. I immediately called Officer Plyler.

1 Q Okay. So when you told Plyler what did you direct him
2 to do; what did you instruct him to do at that point?

3 A Yes, ma'am, I directed Officer Plyler. I advised him
4 that drugs were located, that Mr. Reid was going to be
5 arrested for trafficking cocaine and possibly some other
6 offenses as well.

7 I asked him to place him into custody and advised him
8 he was under arrest. I advised Officer Plyler to take that
9 subject to the Mt. Pleasant -- to transport him to the Mt.
10 Pleasant Police Department.

11 I also told Officer Plyer that he could go ahead and
12 Mirandize the subject however I did not want him to
13 interview the subject until I was there to do that myself.

14 Q All right. So after you conducted the search warrant
15 did you end up going back to the station?

16 A I did.

17 Q Kind of piggybacking off of your testimony earlier
18 today, you went back to the station with all of the
19 evidence?

20 A Correct.

21 Q And you went back to the station with the intention of
22 interviewing this defendant, correct?

23 A Yes, ma'am.

24 Q Okay. So as you were first coming in with the
25 evidence -- and correct me if -- I am paraphrasing from

1 earlier today: You came in; as you were coming in with the
2 evidence the defendant was sitting in the interview room; he
3 was cuffed in the front; the door was jarred or open; and he
4 hollered out something to you claiming drugs, asking why
5 girlfriend getting arrested; right?

6 A Yes, ma'am.

7 Q Okay. We have already gone through that. So what I
8 would like to go through next is did you ever conduct an
9 interview with the defendant?

10 A I did.

11 Q And when you -- did you go into the interview room for
12 this?

13 A Yes, ma'am.

14 Q And was the defendant in custody?

15 A He was.

16 Q And was he cuffed?

17 A Yes, ma'am. He was cuffed in the front.

18 Q In the front. And to your knowledge had he already
19 been given his advisements -- advisement of rights?

20 A Yes, ma'am.

21 Q And was he given his waiver of rights?

22 A No, he was not.

23 Q And did you give him his waiver of rights?

24 A I did. Yes, ma'am. I did it on a written Mt. Pleasant
25 Police Department advisement of rights as well as a waiver

1 of rights form.

2 And during that I also asked Mr. Reid if he understood
3 the advisement portion. He stated he did. We then went
4 over the waiver portion. He signed that and dated that
5 stating that he was willing to waive his rights and speak
6 with me.

7 Q All right.

8 MS. LINDER: At this time State's Exhibit 2 for the
9 purposes of this hearing.

10 THE COURT: Very well.

11 (WHEREUPON, State's Exhibit Number 2, advisement of rights
12 form, was marked for identification.)

13 Q If you can take a look at this please. Do you
14 recognize it?

15 A I do.

16 Q And how do you recognize it?

17 A I filled out the bottom of this form. It is the form
18 that was used on that date.

19 Q And what is this?

20 A This is a Mt. Pleasant Police Department written
21 advisement of rights form.

22 Q And at the top this person indicates the name is
23 Alexander Blake?

24 A Alexander Reid.

25 Q Alexander Reid.

1 A Yes, ma'am.

2 Q I can't -- Alexander Blake is you. It is a long day.

3 THE COURT: Tell me about it.

4 Q Okay. So at the bottom half here where it says waiver
5 of rights ---

6 A Yes, ma'am.

7 Q --- can you read that portion aloud?

8 A I can: Waiver of Rights. I fully understand each of
9 these rights which have been explained to me. Having these
10 in mind I wish to waive these rights. No threats, force or
11 promises of any kind have been made to me by anyone to
12 induce and cause me to waive these rights and answer
13 questions.

14 Q And here it says witnesses. What is that scribbildy
15 scrabble?

16 A It is my signature.

17 Q And what is this number (pointing)?

18 A It was my badge number with Mt. Pleasant.

19 Q And what does this say (pointing)?

20 A The date and time. It is 9/11 of 2015. And it is 5:15
21 p.m.

22 Q And what is over here (pointing)?

23 A This was Alexander Reid's signature. And it says 9/11
24 of 2015.

25 Q All right.

1 MS. LINDER: At this time for the record the State
2 would like to admit State's Exhibit 2 into evidence.

3 MR. MAYER: No objection.

4 THE COURT: Without objection it is admitted for
5 purposes of this proceeding.

6 (WHEREUPON, State's Exhibit Number 2 was admitted into
7 evidence for use in this proceeding.)

8 Q And as far as that advisement of rights form, when you
9 were in that interview room with Mr. Reid you said he was
10 cuffed in the front. Did he appear to have bloodshot eyes?

11 A No, ma'am.

12 Q Did he appear under the influence?

13 A He did not.

14 Q Did he have slurred speech?

15 A No, ma'am.

16 Q Did he appear to have any mental impairment --
17 impairments?

18 A He did not.

19 Q Any physical impairments?

20 A No, ma'am.

21 Q Did he appear to understand what you were saying?

22 A He did.

23 Q Did he indicate that he understood what you were
24 saying?

25 A Yes, ma'am, he did.

1 Q And did the defendant waive his rights?

2 A He did.

3 Q And did he decide to speak with you?

4 A Yes, ma'am.

5 Q And did you threaten him in any way during the course
6 of this in the interview room?

7 A Absolutely not.

8 Q And did you promise him any leniency of any sort if he
9 spoke to you?

10 A I did not.

11 Q Did you promise him anything on the solicitor's behalf?

12 A No, ma'am.

13 Q What did the defendant say to you in that interview
14 room?

15 A So we began discussing -- obviously first I explained
16 to him why he was in custody and what his charges were and
17 what charges he was facing.

18 The defendant at that time stated that again that
19 everything in the residence that we located, all of the
20 drugs, were his.

21 I began discussing with him the quantity of drugs. The
22 defendant told me and advised me that he had purchased three
23 ounces of cocaine, he used the Inositol powder to increase
24 the quantity of the cocaine to six ounces. And ---

25 Q And just to interrupt, ---

1 A Yes, ma'am.

2 Q --- about how many ounces of cocaine did you find at
3 the residence?

4 A Six ounces.

5 Q Okay.

6 A He stated he converted that to approximately six ounces
7 of cocaine, he intended to sell that to make a little bit of
8 quick money.

9 We then discussed a handgun that was located in the
10 residence. It was in the left nightstand bed of the master
11 bedroom which is the side of the bed we believe Mr. Reid
12 slept on.

13 Mr. Reid stated he was aware that the handgun was in
14 that drawer, in the nightstand drawer. He stated the gun
15 was supposed to be registered to his girlfriend. And he was
16 also -- stated that he was aware he was not supposed to be
17 around handguns and they were supposed -- not supposed to be
18 in his possession.

19 Q Did he tell you anything about if he ever stayed or
20 laid his head at that Old Georgetown address?

21 A Yes, ma'am, he said he had been staying there for off
22 and on for quite a while with his girlfriend.

23 Q And did you offer to let him give a written statement?

24 A I did. He indicated he did not wish to give a written
25 statement.

1 Q And at any point during this interview did he stop
2 speaking with you?

3 A No, ma'am.

4 Q And did he ask at any point during this interview with
5 you in that interview room that he would like a lawyer?

6 A He did not.

7 Q I have no further questions. If you could answer
8 anything that the defense may have.

9 THE COURT: Cross-examine.

10 MR. MAYER: Judge, may it please the court.

11 THE COURT: Certainly.

12 MR. MAYER: I only received the Crime Stoppers thing -
13 Ms. Linder had found it yesterday and emailed it to me. I
14 only saw it this morning.

15 THE COURT: Okay.

16 MR. MAYER: But I would like to offer it as an exhibit
17 here in this hearing.

18 THE COURT: That is fine.

19 MR. MAYER: May I approach?

20 THE COURT: Yes, sir. Defendant's 1.

21 (WHEREUPON, Defendant's Exhibit Number 1, Crime Stoppers
22 two-page form, was marked for identification.)

23 **CROSS-EXAMINATION BY MR. MAYER OF AGENT ALEXANDER BLAKE:**

24 Q Special Agent Blake, I am handing you what has been
25 marked for identification as Defense Exhibit 1.

1 A Yes, sir.

2 Q You talked in your testimony with Ms. Linder earlier
3 about a Crime Stoppers' tip that had come through. This is
4 in a different format I supposed than it gets to you; is
5 that right?

6 A Yes, it -- more or less. I mean it is the same
7 information.

8 Q Okay. All right. Does that look to be what you
9 testified about earlier when you were testifying about ---

10 A Yes, sir, it does.

11 Q Okay.

12 MR. MAYER: Judge, at this time we would ask that it be
13 admitted into evidence.

14 MS. LINDER: No objection.

15 THE COURT: Without objection it is admitted. Thank
16 you.

17 (WHEREUPON, Defendant's Exhibit Number 1 was admitted into
18 evidence.)

19 Q Detective Blake -- or Burke; I'm sorry. On that Crime
20 Stoppers form it has got several different items listed
21 above the item that you were talking about earlier with Ms.
22 Linder.

23 All of the other items, you know, when a tip is called
24 in it seems to be like a little one line, say hey you know
25 we think it is so-and-so or we think there is bad activity

1 at this place.

2 The tip that you relied on went into great level of
3 detail. And I wonder. You testified earlier you had
4 nothing to do -- or didn't know anything about who made that
5 tip. Did I hear that correct?

6 A Yes, sir.

7 Q So -- and have you -- you have received other tips kind
8 of from Crime Stoppers like that?

9 A In the past, yes.

10 Q Have they been with this level of detail; is this
11 unusual or is this common?

12 A Sometimes they are full of detail. Sometimes they are
13 very vague.

14 Q Okay. And when you received this tip was this the
15 first tip you got about my client?

16 A Yes, sir, it was the first one I received.

17 Q Okay. And tell us about how then you proceeded to
18 develop this second tip if you would.

19 A An individual -- I met with an individual in person.
20 They stated that they wanted to provide information and
21 remain anonymous. And they gave me the information that I
22 provided earlier.

23 Q Okay. And how did you find that individual?

24 A They were -- they were arrested.

25 Q Okay. So it was someone who was charged with a drug

1 crime and you did the thing where you say, hey, you know if
2 you help us with something, you know, I can help you?

3 A No, sir. They volunteered the information themselves.

4 Q Okay. All right. So it wasn't any sort of deal that
5 you were offering them?

6 A No, sir.

7 Q And you are saying they did not get a deal then as a
8 result of cooperating with you?

9 A No, sir. There wasn't cooperation. They were
10 simply -- they provided the information I stated earlier
11 saying that the person was poison in the community.

12 Q Okay. And you went on to prosecute that person you
13 arrested?

14 A They were charged, yes, sir.

15 Q And were they convicted?

16 A I do not recall whether they were or not.

17 Q Okay. And so at this house at Old Georgetown Road,
18 [REDACTED], it looks like a nice residence. There is actually a
19 shared driveway to that house; isn't there?

20 A No.

21 Q Okay, but you sat there a lot; I mean you would have --
22 you would have -- you should be aware that there is another
23 residence behind it, right, that shares the same driveway or
24 road or however you want to call it?

25 A Yes, sir, there is a gravel road with an actual street

1 sign that goes down to that residence.

2 Q Okay. And is that -- is that indicated in the picture
3 that Ms. Linder showed you earlier?

4 A It is.

5 Q Okay. And that area is where you did your trash pulls
6 from, correct?

7 A Correct, from direct -- directly in front of [REDACTED]; yes,
8 sir.

9 Q Okay. And at no point -- I was listening to your
10 testimony pretty closely. I didn't hear you say that Mr.
11 Reid had pulled that trashcan out there, that you saw him do
12 that?

13 A I did not see him do that.

14 Q Okay. You did testify that there was a hospital
15 bracelet earlier. Do you know what Mr. Reid was in the
16 hospital for at that time?

17 A I have no idea.

18 Q When you were getting this statement from Mr. Reid
19 after he signed waiving his rights did you have an audio
20 recording going of that?

21 A That is a qualifying no.

22 Q Please explain.

23 A Yes, sir. We had audio -- there were audio and video
24 capabilities in the room; so that had to be actually turned
25 on by the CIB coordinator, the regular investigations

1 coordinator.

2 It is common practice for narcotics agents and
3 detectives when they are conducting an interview not to run
4 audio and video at the time because that often leads into a
5 debriefing as well as cooperation that gets offered by the
6 defendants.

7 Q Okay, what do you mean it leads into a debriefing?

8 A Oftentimes when you are interviewing someone they
9 indicate that they would like to provide information or
10 cooperate with law enforcement, and the last thing we would
11 want is that person's statement and their cooperation caught
12 on video to be somehow released to a defense in a future
13 case.

14 Q And so when you were -- went in with Mr. Reid was it
15 your plan or intention to ask him to cooperate with you?

16 A If he would have indicated what he would like to
17 cooperate that would have been possibly would have been
18 handled completely different.

19 Q Okay. But you testified earlier that you didn't ask
20 him to cooperate?

21 A No, sir, he didn't indicate he wished to.

22 Q Okay. And so are you saying that that is the only time
23 that kind of broached the subject of working with someone
24 you have arrested is if they -- if they bring it up?

25 A No, sir.

1 Q Okay. Isn't in fact part of your kind of custom or
2 habit as an officer is to ask the people who you catch ---

3 A It is a case by case ---

4 Q --- and say who can you tell me about?

5 A --- basis.

6 Q Okay.

7 A Case by case.

8 Q So -- so there were capabilities in the room but you
9 didn't turn them on?

10 A Correct.

11 Q And you said it was audio and video capabilities?

12 A Correct.

13 Q But surely to make sure that it wasn't just your word
14 against the defendant's word surely you had another officer
15 in the room with you at least as a witness?

16 A We did not on that date. No, sir. We had officers
17 strewn doing lots of other things. And I was the case
18 agent, therefore I was handling the interview.

19 Q But you had something like 15 or 20 officers it seems
20 like doing the search warrant and stuff. You couldn't just
21 get one more in that room with you that ---

22 A We did not on that date, no, sir.

23 Q So all the court has to go on as to whether my client
24 really made this statement that you claim he made that is
25 completely against his self-interest about I was going to

1 cut this cocaine and sell it, all we have to go on for that
2 is the prosecuting officer's word; is that right?

3 A Yes, sir.

4 Q Are you aware that the time difference between the time
5 that Judge Young signed this search warrant and the time
6 that the stop occurred when you and your team pulled over my
7 client?

8 A I don't think I understand your question.

9 MS. LINDER: I would object, Your Honor. I believe
10 that this witness has already indicated he executed the
11 search warrant. He was -- did not pull over ---

12 THE COURT: Well, he said he didn't understand it. So
13 he has to rephrase his question or go on to something else.
14 I don't know what that has to do with this hearing.

15 Q Isn't it true that you and your team actually stopped
16 Mr. Reid's vehicle before you had a signed search warrant?

17 A No.

18 Q Let me rephrase that. Isn't it true that you and your
19 team stopped Mr. Reid's vehicle before you had a search
20 warrant signed by Judge Young?

21 A No.

22 MR. MAYER: Court's indulgence.

23 THE COURT: Yes, sir.

24 (WHEREUPON, pause 10/12/17, 3:30 p.m.)

25 MR. MAYER: Okay. No further questions for this

1 witness, Judge.

2 THE COURT: Redirect?

3 MS. LINDER: No redirect.

4 THE COURT: You may come down. Thank you.

5 THE WITNESS: Thank you, Judge.

6 (WHEREUPON, witness steps down.)

7 MR. PATRICK: Your Honor, at this time the State would
8 call ---

9 MS. LINDER: Judge, we have one other witness. We can
10 argue the search warrant now or if you want to do another
11 witness and then we can argue search warrant and statement.
12 What would you prefer?

13 THE COURT: Why don't we go ahead and get -- let's get
14 it all. And then we will do that.

15 MS. LINDER: Thank you, Judge.

16 MR. PATRICK: The State calls Officer Plyler.

17 THE CLERK: Please state your first and last name and
18 spell your last name loudly and clearly into the microphone.

19 THE WITNESS: Officer Tommy Plyler, P-L-Y-L-E-R.

20 **DIRECT EXAMINATION BY MR. PATRICK OF OFFICER TOMMY PLYLER:**

21 Q Officer Plyler, where are you employed?

22 A I am employed with Mount Pleasant Police Department.

23 Q What is your exact position with Mt. Pleasant?

24 A I am a K-9 handler.

25 Q What was your position in September of 2015?

1 A I was still a canine handler; however, my dog, my
2 canine, was injured so I was assisting the narcotics unit at
3 that time.

4 Q How long have you been employed with Mt. Pleasant?

5 A Approximately ten-and-a-half years.

6 Q Have you ever served -- I know you said you were
7 assisting narcotics unit. Have you served in a narcotics
8 unit prior to being a canine officer?

9 A Yes, sir. Prior to my K-9 assignment I served in
10 narcotics unit for roughly five years.

11 Q Did you have the occasion to become involved in a
12 traffic stop of the defendant on September 11, 2015?

13 A Yes, sir, I did.

14 Q How were you brought into this case?

15 A I was assigned by Detective Blake to initiate
16 surveillance on the house over a period of probably two,
17 three weeks. I conducted stationary surveillance. I
18 conducted moving surveillance over that period of time.

19 I observed the defendant -- the silver Infinity that is
20 registered to the defendant parked in the driveway of the
21 [REDACTED] Old Georgetown residence on numerous occasions.

22 Observed ---

23 Q I'm sorry. As part of this investigation did you
24 assist in the traffic stop of the defendant?

25 A Yes, sir.

1 Q The traffic stop effected by Officer Parks?

2 A Yes, sir.

3 Q During this traffic stop did you have the opportunity
4 to detain and Mirandize the defendant?

5 A I did.

6 Q When you Mirandized him at this point was he in
7 custody?

8 A Yes, he was.

9 Q Was he free to leave?

10 A No, he was not.

11 Q At what point did you read him his Miranda warnings?

12 A I was in constant contact with Detective Blake from the
13 beginning of a stop, traffic stop, on a different channel
14 other than our operations channel.

15 Detective Blake advised that he had located
16 approximately six ounces of cocaine within the residence and
17 he told me -- instructed me to place Mr. Reid under arrest.

18 So I placed Mr. Reid -- told him he was under arrest
19 and advised him of his Miranda.

20 Q When you read him his Miranda warnings was it off of
21 the Miranda card?

22 A No, sir, it was not.

23 Q What it just from memory?

24 A I've read or provided Miranda I would estimate
25 thousands of times. Whether it was my arrest or somebody

1 else's arrest over my ten-and-a-half period. So it was just
2 by memory, yes.

3 Q When you read him his Miranda warnings did he appear to
4 have slurred speech?

5 A He did not.

6 Q Was he intoxicated?

7 A No, sir.

8 Q Did he have any physical or mental impairments?

9 A Not that I noticed.

10 Q Or bloodshot eyes?

11 A No, sir.

12 Q Did he appear to understand?

13 A He did.

14 Q Did he indicate to you that he understood his Miranda
15 warnings?

16 A Initially you can see a head nod in the yes motion.
17 And I actually instructed him that I needed a verbal
18 response. Which he gave me a verbal yes.

19 Q Throughout the course of his detention with you did you
20 do anything for his comfort?

21 A On several times. He had a passenger in the vehicle.
22 It was hot that day. So he was sweating. Allowed the
23 passenger to wipe his face and brow with his bottom of his
24 shirt. He wiped his brow several times. Allowed him to
25 smoke a cigarette. His -- we allowed his passenger to ash

1 his cigarette.

2 We actually moved him from the front of the vehicle to
3 a shaded area. Which luckily there was a small brick wall
4 there so he could sit on and rest in the shade.

5 Q Once you moved him into the shade did you ask him any
6 direct questions?

7 A Nah -- no, sir, not any direct questions.

8 Q Did you tell him anything?

9 A I did.

10 Q What did you tell him?

11 A I wanted to tell him why he was under arrest. And I
12 told him specifically that there was some cocaine located.

13 Q Did he respond to that statement?

14 A He responded with a statement. And I quote it: In the
15 jar?

16 And "in the jar" had a question tone to it.

17 Q Did you reply to that statement?

18 A I did not.

19 Q Did you know anything about a jar at that point?

20 A I did not.

21 Q Did you subsequently learn anything about the jar?

22 A I did.

23 Q What did you learn?

24 A When we got back to the Police Department once the
25 defendant was transported we followed -- followed behind

1 shortly. Detective Blake and several detectives arrived.

2 I observed the evidence seized from the search warrant
3 laying out on the table. And I observed a small glass jar
4 maybe about the size of this cup here (pointing) to have I
5 believe there was coke and maybe crack in the jar. At least
6 there was come coke in the jar.

7 Q When you arrived at the station -- did you travel with
8 the defendant to the station?

9 A I did not.

10 Q Where was the defendant when you arrived at the
11 station?

12 A In the interview room.

13 Q Was he in custody at that point?

14 A Yes, sir.

15 Q Was he free to leave?

16 A No, sir.

17 Q Did you go into the interview room?

18 A I did.

19 Q Was he handcuffed at that point?

20 A He was.

21 Q Was it in the front or the back?

22 A Behind -- behind his back.

23 Q Did you move it to the front?

24 A Yes, I did.

25 Q Did you offer him any water?

1 A I offered him water and a bathroom break.

2 Q Did you personally advise him of his rights at that
3 time again?

4 A I did.

5 MR. PATRICK: Your Honor, may I approach? I think you
6 have Exhibit 2.

7 THE COURT: Uh-huh. There you go.

8 (WHEREUPON, exhibit handed to counsel.)

9 MR. PATRICK: Thank you, Your Honor.

10 THE COURT: Yes, sir.

11 Q I am showing you what has been marked and admitted as
12 State's 2. Can you just walk us through the top of that
13 form.

14 A Yes. So on the top of the form it is the Mount
15 Pleasant Police Department advisement of rights. It is a
16 carbon copy. You have a yellow and a pink copy.

17 Up here on the page number I put Page 1. Didn't know.
18 Usually there are written statements. So I left that blank
19 in case there were a written statement. It would be Page 2
20 and so on.

21 This is the case number (pointing to form). And this
22 is the suspect, Alexander Reid (pointing to form).

23 He provided me the address of Quest Drive which is in
24 North Charleston, date of birth, and phone number. All of
25 that is in my handwriting.

1 Q And each of those questions I see there is an initial
2 by that. Is that your handwriting or his handwriting?

3 A That is Mr. Reid's handwriting.

4 Q When you ask those questions do you go through each one
5 of them individually or do you do it as a block?

6 A Again, this is my name (pointing). And it is basically
7 advising the defendant that I am a member of the Mt.
8 Pleasant Police Department and I am advising him of his
9 rights.

10 And when I instruct the defendant of his rights I start
11 with number one. And I explain number one. I ask if there
12 are any questions, do you understand.

13 Once I get a verbal response I understand, I have them
14 initial. And then I go to number two. So I read each
15 number, get an initial, and go to the next number.

16 Q And after you went through the advisement of rights
17 with the defendant was that -- complete your involvement
18 with this case?

19 A Yes, sir, once I had him sign saying that he understood
20 his rights.

21 MR. PATRICK: No further questions, Your Honor.

22 THE COURT: Cross-examine?

23 MR. MAYER: Just very briefly, Your Honor.

24 **CROSS-EXAMINATION BY MR. MAYER OF OFFICER TOMMY PLYLER:**

25 Q Officer Parks -- I'm sorry, Officer Plyler. When you

1 got involved in the traffic stop of my client isn't it true
2 that that was around one o'clock that day?

3 A No, sir.

4 Q Okay. What are you relying on to give me that answer?

5 A Watching the video and listing and looking at the
6 timestamp of the in-car and body-camera videos.

7 Q Okay. And do you remember what those said?

8 A I think the traffic stop was approximately 2:13 p.m.

9 Q 2:13 p.m. Okay. And was that the -- at what point in
10 the traffic stop was at 2:13; was that while he was sitting
11 on the side of the road, or was that the end of it, or is
12 that the middle of it or the beginning of it or when?

13 A The beginning.

14 Q That was the beginning of it. Okay. And you relied on
15 a video for that?

16 A Multiple videos and audio.

17 Q All right. Now while you were on the side of the road
18 there even though it wasn't your day to have your canine
19 with you isn't it true that y'all did bring a canine out?

20 A Officer Parks that initiated the traffic stop was a
21 canine officer.

22 Q Okay.

23 A He had his canine with him in the car.

24 Q Okay. And isn't it true that you guys asked to search
25 the car and my client didn't give you consent?

1 A I don't recall that part. But could very well have
2 happened.

3 Q Okay. And after not getting consent then y'all ran the
4 dog around the car checking for scents; is that accurate?

5 A Well, checking for odors; not scents, yes.

6 Q What is the difference?

7 A An odor is -- and it is just the terminology we use.

8 Q Okay.

9 A We check for odors. Odor of narcotics.

10 Q Terminology?

11 A Yes, terminology.

12 Q Okay. Fair enough. And after -- after, I guess it was
13 Officer Parks took his dog around; is that correct?

14 A Free air sniff, yes, sir.

15 Q Okay.

16 A And after the free air sniff y'all ended up doing a
17 search of that vehicle, right?

18 A Probable cause search, yes, sir.

19 Q Okay. And y'all's contention is that the dog kind of
20 hit on the car; is that the term you use?

21 A It provided a final response that the odor of an
22 illegal narcotic was present or had recently been present.

23 Q Okay. And in your search you didn't find anything in
24 that car, right?

25 A No, sir.

1 Q Okay. I mean, no, sir, like, yes, that is correct you
2 didn't find anything?

3 A We did not find anything.

4 Q Okay. All right. And you weren't in the -- you
5 weren't in the interrogation room when my client was being
6 questioned, correct?

7 A Correct.

8 Q Okay. Are you contending that my client made any
9 statements to you about who these drugs belonged to or what
10 the intention of these drugs was?

11 A Am I contending?

12 Q Yes.

13 A I don't understand.

14 Q Are you saying that you heard my client say any of this
15 stuff about these drugs?

16 A I did not.

17 Q Okay. No further questions.

18 THE COURT: Redirect.

19 MR. PATRICK: Briefly, Your Honor.

20 **REDIRECT EXAMINATION BY MR. PATRICK OF TOMMY PLYLER:**

21 Q Did you personally run your canine unit during this ---

22 A I did not. He was injured.

23 Q He was injured?

24 A Yes.

25 Q Were you with the defendant throughout that roadside

1 stop?

2 A Yes, sir. Officer Parks conducted a traffic stop on
3 Mr. Reid's Infinity. And I was there within seconds backing
4 him up.

5 Q As far as the timeline of when the stop occurred do you
6 recall dispatch like giving pretty frequent updates on the
7 time?

8 A Typically -- I don't recall it. But typically when an
9 officer keys up to say traffic stop or to just put any kind
10 of information out, dispatch will copy and provide a time --
11 a verbal timestamp on -- on the radio.

12 MR. PATRICK: Court's indulgence, Your Honor.

13 (WHEREUPON, pause 10/12/17, 3:43 p.m.)

14 MR. PATRICK: No further questions, Your Honor.

15 THE COURT: Recross.

16 MR. MAYER: Nothing, Judge.

17 THE COURT: Thank you. You may step down.

18 THE WITNESS: Yes, sir. Thank you.

19 (WHEREUPON, witness steps down.)

20 THE COURT: All right. Any additional witnesses?

21 MS. LINDER: No other additional witnesses from the
22 State.

23 THE COURT: Very well.

24 Do you wish to present any witnesses?

25 MR. MAYER: Yes, Judge, please.

1 THE COURT: Very well. You may proceed.

2 MR. MAYER: Thank you very much, Judge. We would call
3 Mr. Rouse to the stand, please.

4 MS. LINDER: Your Honor, I was -- I would like to
5 know -- I don't know what Mr. Rouse is here for.

6 THE COURT: I don't know either, but we are about to
7 find out. That -- he is bringing all the issues -- he is
8 going to come in and you will have a chance to reply if
9 necessary.

10 (WHEREUPON, the witness was duly sworn.)

11 THE CLERK: Please state your first and last name and
12 spell your last name loudly and clearly.

13 THE WITNESS: Khaleel Rouse. Rouse, R-O-U-S-E.

14 THE COURT REPORTER: And your first name again?

15 THE WITNESS: Khaleel, K-H-A-L-E-E-L.

16 THE COURT REPORTER: Thank you.

17 **DIRECT EXAMINATION BY MR. MAYER OF KHALEEL ROUSE:**

18 Q Mr. Rouse, please introduce yourself to the court. Let
19 them know what kind of work you do and a little bit about
20 yourself.

21 A My name is Khaleel Rouse. I work at Konteen (ph)
22 building out radiators for tractor trailers.

23 Q All right. And you have a history, I understand it,
24 with Mt. Pleasant police officers?

25 A Yes, sir.

1 Q Okay. And specifically with Officer Blake; is that
2 correct?

3 A Yes, sir.

4 Q Tell us what you encountered; I believe it was just
5 last year, is that accurate?

6 A Yeah, well, they so-called had a CI said that I sold
7 him something or whatever. So they had a search warrant to
8 come to my house. Which the arrest warrant wasn't signed
9 when they came to my house.

10 And they also claimed they found a bag of heroin in my
11 house which they so-called tested on the scene, field
12 tested; and they said it was test positive to be heroin.
13 But when I got my lab work back it test negative for drugs,
14 period.

15 Q All right.

16 A I was charged -- I was charged with that drug.

17 Q I am sorry to interrupt you. I just wanted to kind of
18 break it down a little bit more slowly. So you said that
19 there was a search warrant for your house; ---

20 A Yes, sir.

21 Q --- is that right, based on an alleged sale?

22 A Yes, sir.

23 Q Okay. And then your house was searched?

24 A Yes, sir.

25 Q And this is -- again, this is Detective Blake doing

1 this?

2 A Yes, sir.

3 Q And then during the search Detective Blake tested
4 two -- tested some white powder or something; right, ---

5 A Yes, sir.

6 Q --- field tested? Okay. And based on that the next
7 thing you knew you were getting arrested?

8 A Getting arrested for possess- -- distributing heroin.

9 Q Okay. And what ever happened to that charge?

10 A It was thrown out.

11 Q And why was it thrown out?

12 A Because it was tested negative for drugs.

13 Q When it was actually sent to a lab?

14 A Actually sent to the lab.

15 Q Okay. All right. And I believe you had a prior issue
16 with Officer Blake as well; is that accurate?

17 A Yeah, I also had another incident with Mt. Pleasant on
18 a so-called traffic stop.

19 Q Please describe that for the court if you would.

20 A I pulled in my yard one night from picking my daughter
21 up from work. And maybe like thirty seconds after I pulled
22 in my yard I saw -- I saw blue lights flashing, so I leaned
23 up.

24 An officer walked to my car and tell me driver's
25 license and registration. As he walked -- he walked in my

1 yard. So I am telling him why do you need a driver's
2 license and registration and you are -- I am -- I am in my
3 yard.

4 So he said he smelled alcohol on my breath. So I told
5 him to call the sergeant. Which he did. Called the
6 sergeant.

7 They wanted me to take a breathalyzer test. But they
8 didn't have a test in the car. So they wanted me to go down
9 to Mount Pleasant police station. I did that. I passed a
10 breathalyzer test blowing a double zero.

11 After I -- after I passed the breathalyzer test the
12 officer wanted me to go to the hospital to take a urine
13 test. I refused to take a urine test because I felt like if
14 I passed the breathalyzer test there is no need -- there is
15 no need to take a urine test.

16 I still got locked up because after that they came to
17 found some marijuana in my car. Once again they talked
18 about marijuana and DUI, simple possession -- paraphernalia
19 and simple possession of marijuana.

20 I went to court and they ended up dropping all of the
21 charges. I ended up beating all of the charges.

22 Q So it wasn't actually marijuana that they found?

23 A It wasn't no marijuana.

24 Q Okay.

25 A It was a bag with dust in it. It looked like dirt.

1 Q Please answer any questions that the prosecutor may
2 have for you.

3 A Yes.

4 THE COURT: Do you have questions?

5 **CROSS-EXAMINATION BY MS. LINDER OF MR. ROUSE:**

6 Q All right. Kakleel Antonio Rouse; is that correct?

7 A Yes, ma'am.

8 Q Date of birth 12/14/76?

9 A Yes, ma'am.

10 Q Okay. I just want to kind of clarify a few things.

11 You have been in trouble with the law before?

12 A Yes, ma'am.

13 Q I think you have already testified to that.

14 THE COURT: Solicitor, we don't need to go into all of
15 that. I don't need to hear that. I don't need to hear
16 that. This is me. A jury if he testifies - which I don't
17 think he will be able to - but we will see. But go
18 specifically.

19 MS. LINDER: Absolutely, Judge.

20 THE COURT: I don't need to know whether he has been in
21 trouble with the law before.

22 MS. LINDER: Right, Judge. Of course.

23 Q Where I was going was you said that last year Mt.

24 Pleasant Police Department and Special Agent Blake

25 specifically did a search warrant at your house and that was

1 last year and that was ---

2 A Yes, ma'am.

3 Q --- Mt. Pleasant, right?

4 A Yes, ma'am.

5 Q Your house in Mt. Pleasant?

6 A [REDACTED].

7 Q Okay. So what I am trying to find here as I am going
8 through this -- and it looks like you were arrested March
9 20th of 2017 by Mt. Pleasant Police Department; does that
10 sound right?

11 A It was in March.

12 Q Okay. Would it surprise you to know that Special Agent
13 Blake started with SLED in December of 2016, three and a
14 half months prior to this?

15 A He is the head of narcotics agent.

16 Q What?

17 A He is the head of narcotics agent.

18 Q Blake is the head of narcotics ---

19 A Well, ---

20 Q --- agent?

21 A --- he was -- well, he was the head of narcotics agent.

22 Q Okay. All right.

23 A I just ---

24 Q So this -- this arrest that you talked about in ---

25 MR. MAYER: Judge, we would ask that he be allowed to

1 finish his answer.

2 THE COURT: I will -- I have yet -- and I am going to
3 allow you some leeway, but I have yet to see the relevance
4 to any of this.

5 But anyhow that is what I am saying what questions you
6 want. You don't need to ask these questions. There is no
7 connection here yet.

8 MS. LINDER: Judge, I agree it is not relevant to ---

9 THE COURT: Okay. Well, then object to the relevance
10 and I will overrule your objection and allow him to do it
11 for the purposes of this proceeding. Do you understand what
12 that means?

13 MS. LINDER: Yes, Judge.

14 THE COURT: The weight of it to be given by the trier
15 of the facts?

16 MS. LINDER: Yes, Judge.

17 THE COURT: Okay. Thank you.

18 MS. LINDER: May I finish questions ---

19 THE COURT: You can ask any questions you want. Let's
20 just get to the point, okay.

21 MS. LINDER: No, I was asking him that the one he said
22 where Blake didn't start to work was at that time.

23 THE COURT: I understand.

24 A Both of them was narcotics agents. And I was -- I was
25 falsely accused of drugs on both times.

1 Q And you were falsely accused by Blake in 2017?

2 A I was falsely accused by Mt. Pleasant narcotics agents
3 by having drugs on both times and beat on both of the
4 charges. Because it was not drugs.

5 MS. LINDER: Okay. I am not going to have anything
6 further. I may ask for judicial notice at a later time
7 about items of this.

8 THE COURT: Thank you. Redirect.

9 MR. MAYER: No, Judge.

10 THE COURT: You can step down. Thank you, Mr. Rouse.
11 Any additional witnesses?

12 MR. MAYER: Yes, Your Honor. Just one who stayed
13 around from this morning. We have James Boykin.

14 THE COURT: Okay.

15 (WHEREUPON, the witness was duly sworn.)

16 THE CLERK: Please state your first and last name and
17 spell your last name.

18 THE WITNESS: James Boykin, B-O-Y-K-I-N.

19 THE COURT: You may proceed.

20 MR. MAYER: Thank you, Your Honor.

21 **DIRECT EXAMINATION BY MR. MAYER OF JAMES BOYKIN:**

22 Q Mr. Boykin, please just introduce yourself to the court
23 if you would.

24 A James Boykin, disabled veteran. I work ILA. I live in
25 Mt. Pleasant, [REDACTED].

1 Q Thank you, sir. And at some point you had an
2 interaction with Officer Blake; is that correct?

3 A Yes, I have. Several occasions.

4 Q Several occasions. Can you just briefly run through
5 one of those for the court.

6 MS. LINDER: I want to object to relevance, Your Honor.

7 THE COURT: I will allow it for the purpose of this
8 proceeding so he can built his record.

9 A Yes, it was like two or three years was coming up 41.
10 And then a friend of mine, two female friends, he stopped
11 us. Said that she didn't use her turn signals.

12 All of a sudden he was asking me for ID. I am in the
13 back seat. I am like what do I need an ID for, I am not
14 driving. But I gave it to him anyway. It came back with no
15 warrants.

16 He is telling me he wanted to search me. So now I
17 said, well, you can pat me down. He said, well, I am doing
18 this for my safety.

19 How are you in any kind of harm and you have got four
20 other narcotics unit officers with you how could you be in
21 any harm's way.

22 But he pulled me out of the car anyway after I objected
23 to a consensual search. Patted me down. He found a bill.
24 I had a little bit of cocaine in it. But my thing was ---

25 Q Where was that found?

1 A In my little duck pocket.

2 Q If you will stand up and describe that.

3 A In my little duck pocket, right here (pointing).

4 Q All right. Go ahead and sit back down.

5 A And so the first thing I sit here and listened to him
6 today him lie saying he don't ask people to cooperate with
7 him and to help set people up.

8 That is a lie because that is the first thing he asked
9 if you are willing to work a deal and set some people up who
10 is bringing the drugs in. And I told him no.

11 He took me to jail. He made up some kind of weight.
12 They threw it out because it was no consensual search. And
13 it was all caught on camera. So they eventually threw it
14 out.

15 Q Okay.

16 A Detective Blake is the type of guy he harasses
17 people ---

18 THE COURT: No, sir, I am not going to allow you to
19 testify.

20 THE WITNESS: Okay.

21 THE COURT: You are not making a statement, sir. You
22 are here to answer questions.

23 THE WITNESS: Okay.

24 Q Mr. ---

25 THE COURT: And that is not relevant, your opinion of

1 anyone, sir.

2 THE WITNESS: Okay.

3 THE COURT: Thank you.

4 Q Mr. Boykin, what year was that?

5 A It was in 2014 or '15.

6 Q And was there another time -- was there another time
7 when the concept of an informant came up between you and
8 Blake?

9 A Yes.

10 Q If you would just tell the court briefly about that.

11 A This was in about 2015 he came by a couple of times
12 wanting me to help him set -- I think it was Delaney and
13 somebody else up. And I kept denying him. I had Peter
14 Brown, the attorney Peter Brown, as my attorney.

15 Me and my girlfriend had gotten into an altercation. I
16 got arrested for a domestic. And he came again trying to
17 get me to -- telling me he could make it go away if I helped
18 him set some people up.

19 Q Okay.

20 A And I told Peter Brown to let him know I would rather
21 go to jail because if I got in trouble I am going to have to
22 do my time for whatever I did, I am not setting nobody up.

23 Q Okay. But nevertheless were you confronted by someone
24 who claimed that you had set them up?

25 A Yes. There was a guy that got arrested on my street on

1 York Street for breaking in a house or marijuana or
2 something. He said Blake told him that I gave him
3 information to lead to him.

4 Where he could have gotten me killed for lying on me
5 saying that I helped -- a little guy named Omar -- I don't
6 know his last name. But he lives farther down on York
7 Street.

8 And I was like, well, why would you do that; the guy
9 came approaching me hostile saying that I set him up because
10 Blake told him when they came to the house that I was the
11 one that gave them the information, and I did no such thing.

12 Q And at some point did you get so fed up with this
13 activity that you started a petition about this activity ---

14 A Yes, because of the stuff that he was doing was wrong.
15 I mean if I had done it then I would have admit to it saying
16 that I had set somebody up.

17 But I did no such thing. So he shouldn't lie saying
18 that I did it. Because if I had done cooperated with him I
19 would admit to saying, yes, I did cooperate and I helped set
20 someone up. But I did not.

21 MR. MAYER: Judge, may I approach?

22 (WHEREUPON, Defendant's Exhibit Number 2, was marked for
23 identification.)

24 Q I am handing you what has been marked for
25 identification only as Defendant's Exhibit 2. Do you

1 recognize that?

2 A Yes, sir.

3 Q What is that?

4 A It is a petition against racial profiling, civil rights
5 violation, police misconduct with Mt. Pleasant Police
6 Department.

7 Q And is that the petition you just described a few
8 minutes ago?

9 A Yes, sir.

10 Q When did you start that petition?

11 A On the 11th of 17th, 2016.

12 Q Okay. And would that be November of 2016?

13 A Yes, sir.

14 Q Okay. And you circulated that petition among your
15 neighbors out that way?

16 A Yes, sir.

17 Q Okay. And did a lot of that petition have to do
18 with the activities and the experiences that those signers
19 had ---

20 A Yes, sir.

21 Q --- with Officer Blake?

22 A Yes, sir.

23 Q Specifically?

24 A Yes, sir.

25 Q And you talked to them about that?

1 A Yes, sir.

2 MR. MAYER: Judge, we would offer this petition into
3 evidence.

4 THE COURT: Any objection?

5 MS. LINDER: Judge, I would object to irrelevance and a
6 whole number of things.

7 THE COURT: Let me ask a question. Any of the judges
8 that signed the arrest warrant sign that petition? Excuse
9 me, signed the search warrants in either -- any stage? Any
10 of the judges sign it?

11 MR. MAYER: I'm sorry, Your Honor ---

12 THE COURT: Any judge that signed a search warrant
13 allowing the officer to lead, did they sign that petition?

14 MR. MAYER: No, Your Honor.

15 THE COURT: Okay. Then it is relevant to nothing.

16 MR. MAYER: Okay.

17 THE COURT: Thank you. I sustain the objection.

18 (WHEREUPON, Mr. Mayer retained exhibit.)

19 THE COURT: It is part of the record. Mr. Mayer, you
20 need to leave it.

21 MR. MAYER: Oh, I am so sorry.

22 THE COURT: It is part of the record. I sustained the
23 objection. The court can review it as to whether it is
24 relevant or not. I don't find it to be relevant to this
25 proceeding at all.

1 (WHEREUPON, exhibit returned to court reporter.)

2 THE COURT: Nothing more than a character
3 assassination. And it is not relevant to this proceeding.

4 MR. MAYER: Judge, I have no further questions for Mr.
5 Boykin.

6 THE COURT: Thank you.

7 Do you have any questions of this witness?

8 MS. LINDER: Judge, I have no questions for the
9 purposes of this hearing. Thank you.

10 THE COURT: Thank you.

11 You may step down, sir.

12 (WHEREUPON, witness steps down.)

13 THE COURT: Any other witnesses?

14 MR. MAYER: Judge, we had several witnesses this
15 morning. I would like ---

16 THE COURT: You have no other witnesses then?

17 MR. MAYER: No, Your Honor, no other witnesses. I
18 wonder if I can read their names for the record.

19 THE COURT: No, sir. Thank you, sir.

20 Any reply witnesses?

21 MR. MAYER: No, Your Honor.

22 THE COURT: Thank you. I will be happy to hear from
23 you as to why I should suppress the evidence and why I
24 should suppress the statement.

25 And I will let you respond to Mr. Mayer.

1 MR. MAYER: Thank you, Your Honor. May it please the
2 court.

3 THE COURT: Sure.

4 MR. MAYER: With regard to the suppression of the
5 evidence the testimony from Officer Blake was that there was
6 a tip that he got, two different tips, and then he relied
7 largely on the trash pulls, Your Honor.

8 And even Officer Blake himself admitted that there was
9 additional resident -- or residence or residences along the
10 same location, behind the same house, Judge. And for that
11 reason -- and he also testified that he never saw my client
12 take this trashcan to the curb.

13 For that reason I would think that all of the materials
14 that were found in these trashcan pulls where there is a
15 situation where there is not just one clear residence, where
16 it is multiple residences, those are not reliable indicia of
17 reasons for a search, Your Honor.

18 So the only thing that it falls back on is an anonymous
19 tip through Crime Stoppers and then someone who Detective
20 Blake testified to that he had just collared on an arrest.

21 And although he claims he didn't ask him to inform, the
22 guy apparently just spontaneously wanted to get this off of
23 his chest and explained that well there is this Batman
24 character and you know he does XY and Z.

25 Judge, I just don't -- I don't find it believable as to

1 the credibility of Detective Blake. And so to allow -- to
2 allow this whole search to go forward based on what amounts
3 to a very very questionable spark for this to begin, I would
4 ask that it be suppressed.

5 THE COURT: Thank you, sir. Your position is noted for
6 the record. And I totally disagree with your assessment of
7 the credibility.

8 I find his testimony to be extremely credible. He not
9 only -- he got a tip and didn't just act on the tip, he went
10 and did a thorough investigation.

11 He did more investigation, surveillance. Went out and
12 did trash pulls. Analyzed it. Got -- I haven't heard one
13 iota -- maybe these other persons -- if I had heard some
14 testimony about this -- I didn't know who your witnesses
15 were going to be, but if there was testimony that none of
16 these drugs that were found were not drugs at all, were
17 nothing, then maybe you start to tie in some of this. But
18 it is not. We have drugs that he found.

19 He did a thorough trash pull. Beg to differ with you.
20 You can argue that. The jury can reach a determination as
21 to what they want.

22 This picture clearly shows a driveway in front of the
23 house. And that's where the trashcan was. Can we be
24 assured that nobody came by and stuck something in that
25 trashcan? Absolutely not. And that is a jury issue.

1 But is it a basis for probable cause? That is all we
2 are talking about for the issue of a search warrant. We are
3 not -- we are not talking about can we -- is this sufficient
4 to prove him guilty beyond a reasonable doubt because they
5 don't have to do that.

6 They have a reason to investigate to make an
7 investigation, which clearly was founded. And then further
8 confirmed by exactly what the tipster said.

9 So we have all of the indicia that supports the
10 accuracy of everything he got, notwithstanding his own
11 independent investigation which revealed it.

12 And then we have the statement which I have already
13 ruled on concerning the first statement. So I can rely on
14 that. I haven't ruled on the other statement yet. But we
15 have the first statement that I have already ruled on that
16 he sua sponte voluntarily said those are my drugs. And
17 there was no question they were drugs.

18 So the difference between that and the other witnesses
19 is those witnesses didn't -- they said there weren't any
20 drugs and those charges were dropped.

21 You know, again, we get to the process and I am not --
22 I was a lawyer too. But we all know as lawyers officers
23 aren't supposed to have their cases -- think that they have
24 a slam-dunk case. They are supposed to investigate fully.

25 But if they have something that warrants them taking an

1 action and he suspects there is, if it tested positive.

2 Can there be mistakes in that? Sure there are. They
3 are every day. That is why we have it further tested. If
4 it comes back that it wasn't, what happens?

5 What happened in those cases you testified to? They
6 were dismissed. Well, my goodness, how about that. Isn't
7 that exactly what should be done. But that is not his call.
8 That is the court's call.

9 Because the minute an officer starts dismissing it we
10 know what the next allegation is going to be. Oh, you
11 dismissed his because you liked him. Now the officer is in
12 a devil of a mess. So he did -- they did exactly what they
13 should do.

14 I understand people get upset with law enforcement. In
15 my lifetime I have too. But that doesn't discredit his
16 investigation which I find to be incredibly thorough in this
17 particular case. Very commendable how the officers went
18 about handling this taking into consideration all sorts of
19 aspects of it.

20 So I disagree with your assessment of it, but the jury
21 will have to -- that will be up to the jury because it
22 doesn't depend on mine.

23 But now let's -- let me hear you on the statement as to
24 voluntariness. Be happy to hear from you, Mr. Mayer.

25 MR. MAYER: Judge, thank you, Your Honor. And the

1 statement as I have it written up is the one that pertains
2 to Mr. Reid stated he was only going to sell the cocaine to
3 attempt to make some quick money to assist in the cost of
4 the funeral of his sister. And then also about where he
5 sleeps in that house, Judge.

6 Your Honor, it is unfortunate that there is no audio or
7 video or another witness to this, Judge. I feel like -- I
8 just -- I think it is such a shame that there is not there,
9 you know, for both sides.

10 But my client is adamant that this -- these words never
11 came out of his mouth he's -- he said from the get-go he
12 claimed the drugs, he claimed the drugs from the very
13 beginning.

14 And he has been a very straight shooter with me.

15 This -- this whole allegation about, oh, I said why I
16 had it, I said what I was going to do with it and how I was
17 going to make money from it and this sort of stuff, I just
18 feel like is -- is opportunistic by the investigating
19 officer.

20 THE COURT: You can argue that to your heart's content
21 to the jury as to whether they want to believe that. But
22 you have just confirmed that your client admitted that the
23 drugs were his. So therein lies the whole crux of this
24 case.

25 So and it really comes down to kind of what you asked

1 about the question of scent and odor. And I understand what
2 you were saying; it is a matter of semantics.

3 And maybe -- and he can -- he can get on the stand and
4 say I didn't tell him that, I told him they were my drugs
5 but I didn't tell him that.

6 But of course unfortunately that is -- isn't that the
7 crux of this entire case?

8 MS. LINDER: Yes, Judge. It is a trafficking,
9 possession ---

10 THE COURT: So but anyway be that as it may, I find the
11 statement to be freely -- again, let me make this clear too;
12 because you are exactly right, Mr. Mayer; you can argue
13 those points, and those are certainly points a jury may well
14 consider: You had an opportunity to record it; you had an
15 opportunity to video it; you didn't do that.

16 Whether the fact finder wants to put a lot of weight on
17 that, I don't know. That is up to them. Because I don't
18 make that call.

19 My -- my determination is based on the preponderance of
20 the evidence at this stage. I find the statement to be
21 freely, voluntarily, knowingly, and intelligently made. I
22 find the officer's testimony to be credible.

23 Clearly State's Exhibit 2 and the testimony concerning
24 State's Exhibit 2 concerning the Miranda warnings establish
25 that he was well aware of his rights. By your own admission

1 he knew what he was doing.

2 The totality of the circumstances that have
3 testified -- there has been testimony for me that this is
4 not his first involvement with drugs. He was clearly -- he
5 is not a novice to this. He understands fully. And he
6 acknowledged that clearly on the -- with the testimony. So
7 I find it to be consistent with a statement given after
8 fully being advised of Miranda warnings.

9 I find the statement to be freely and voluntarily made
10 without any threat or coercion, without any promise. So I
11 would allow it to go to the jury.

12 MR. MAYER: Judge, do you want to make a ruling on the
13 roadside statement as well?

14 THE COURT: That is all of them. I mean the statement
15 on the roadside is really -- I don't know that it -- it
16 could technically be in response to it.

17 But I am ruling -- he gave him his Miranda warnings.
18 We now have the Miranda warnings that the officer said I did
19 it from memory.

20 I assume -- I mean he has also gave -- went through the
21 same one. So there is no question that it was any
22 different. At the time of trial he will probably say -- you
23 know, he will spout them out just like I am sure he has done
24 100,000 times. So -- but, but -- so I find it to be after
25 full notice.

1 And, again, we are not talking about someone that has
2 never been involved in the law here. I mean with the law.
3 This man knew exactly what he was doing.

4 And when he was told we have got drugs he probably said
5 those things. At least I am fine about a preponderance of
6 the evidence that it did. And I find it to be freely and
7 voluntarily done and after fully being advised of his
8 Miranda warning.

9 So, but you know what, and with all due respect to any
10 of this, if you want to have that -- I don't know why you
11 would want to run the risk on that when you have got him
12 already admitting that the first statement is his. But
13 anyway do what you want.

14 MR. MAYER: Yes, Your Honor.

15 THE COURT: Thank you. But so I think I have addressed
16 all of the issues.

17 MS. LINDER: The CI versus the tipster.

18 THE COURT: There is no CI in this case. There is a
19 tipster. And there is no requirement -- my Lord, if there
20 is a requirement to do tipsters you might as well tell Crime
21 Stoppers quit calling, no need.

22 That is -- that is a useful, a very valuable law
23 enforcement tool. And I don't think there's any problem --
24 there is no question in this case we don't have a CI.

25 The witness had testified he asked him to be a CI. And

1 that is interesting. And if he had those -- that horrible
2 experience -- and I am sorry for that. I know that was
3 disturbing. It would be to me too when somebody threatens
4 you for that. But that doesn't have anything to do with
5 this case because there is no CI in this case. There is
6 simply a person that really and truly came to them.

7 I admire the person. Maybe he was arrested. I don't
8 have any evidence that he was given any kind of reward for
9 that. And the fact -- in fact the officer did not know the
10 outcome. I commend him for that.

11 Sometimes I think when they follow it through to the
12 end result you almost say you have got a vested interest in
13 what you did. That supports his credibility. I make the
14 case and whatever happens to it, happens to it. So I
15 commend him for that as well.

16 So there was no CI in this case. So it is clearly a
17 tipster. Thank you.

18 MR. MAYER: Thank you, Your Honor.

19 THE COURT: Now to memorialize this if you will prepare
20 an order so we can have this. Submit it to Mr. Mayer. If
21 you have any objections to the wording of the order just let
22 me know. But it doesn't have to be any great depth. So we
23 will have this.

24 But I think my ruling is on the record in detail and
25 you can rely on that. Okay.

1 MR. MAYER: Thank you, Judge.

2 THE COURT: Thank you all. Appreciate it very much.
3 Thank you very much. Sorry again for the confusion today
4 and having to take and stop and come back. Appreciate your
5 patience.

6 MS. LINDER: So Judge, we will be ready to go first up
7 on Monday then.

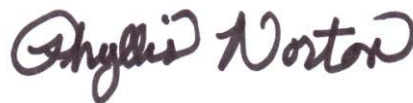
8 (WHEREUPON, the hearing concluded 10/12/17, 4:11 p.m.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth 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 proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on October 12, 2017.

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

A handwritten signature in dark ink, reading "Phyllis Norton". The signature is written in a cursive, flowing style.

PHYLLIS NORTON, CVR

Date: December 16, 2017

*Certified Transcript Provided For: SCCID
Certification Reference #121617 Original*

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
The State of South Carolina,	)	CASE NO. 2016-GS-10-01947
	)	2016-GS-10-01948
PLAINTIFF,	)	2016-GS-10-01949
	)	2016-GS-10-06457
	)	
Vs.	)	TRANSCRIPT OF RECORD
	)	
	)	
Alexander Reid,	)	
	)	
DEFENDANT.	)	
	)	

October 16, 2017

Charleston, South Carolina

B E F O R E:

The Honorable R. Markley Dennis

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

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For the State

Aaron Cole Mayer, Esquire
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I N D E X

HEARING - Guilty Plea -- 03

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT -- 26

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 THE COURT: You are here. As I understand, Mr. Reid
2 has decided to enter a guilty plea; is that correct,
3 Solicitor?

4 MS. LINDER: Yes, Judge.

5 THE COURT: Is that correct, Mr. Mayer?

6 MR. MAYER: Yes, Your Honor.

7 THE COURT: All right. If you will come forward.

8 (WHEREUPON, defendant and counselors come forward.)

9 THE COURT: All right. And it appears from looking at
10 the sentencing sheet that Mr. Reid has signed that it is an
11 Alford plea. Is that correct?

12 MR. MAYER: It is on everything except trafficking,
13 Judge.

14 THE COURT: All right. Okay.

15 (WHEREUPON, document presented to the court by the clerk.)

16 THE COURT: What are the terms of the negotiated
17 sentence, Solicitor?

18 MS. LINDER: Your Honor, the terms of the negotiated
19 sentence there are three firearm charges that are getting
20 nolle prossed and two proximities that are getting nolle
21 prossed as part of this case. And then he had another
22 arrest. And those cases are also going to get nolle
23 prossed.

24 And this is for a negotiated 20 years active. That 20
25 is only an eligible sentence for the two drug charges. And

1 we understand that unlawful conducts only carry up to ten.
2 And we ask that those be concurrent.

3 THE COURT: Very well.

4 Mr. Mayer, is that your understanding of the terms of
5 the negotiated sentence?

6 MR. MAYER: Yes, Your Honor.

7 THE COURT: Very well.

8 Mr. Reid, good morning, sir.

9 MR. REID: Good morning.

10 THE COURT: You have had the opportunity to discuss
11 with your lawyer these charges, correct?

12 MR. REID: Yes, sir (spoken softly).

13 THE COURT: And I need for you -- and I appreciate it.
14 You are communicating well with me, and not a problem. But
15 one of the things that we told the last person, the lady
16 seated to my right is taking down everything that we are
17 talking about.

18 MR. REID: Oh, okay.

19 THE COURT: And we need to speak loudly ---

20 MR. REID: Yes, sir.

21 THE COURT: --- so that she can hear us ---

22 MR. REID: Yes, sir.

23 THE COURT: --- and make sure that we speak.

24 MR. REID: Yes, sir.

25 THE COURT: Okay. Thank you, sir. And he has

1 apparently negotiated a sentence for you; ---

2 MR. REID: Yes, sir.

3 THE COURT: --- is that correct?

4 MR. REID: Yes, sir.

5 THE COURT: And the negotiated sentence as your lawyer
6 has explained to you is that -- we don't see these all the
7 time. It is not uncommon, but it is a situation where both
8 sides have talked and have worked out a sentence which they
9 are asking the judge to accept as the proper disposition of
10 these charges.

11 MR. REID: Yes, sir.

12 THE COURT: I -- my options are either to accept it or
13 reject it. I can't modify it in any fashion. Do you
14 understand that?

15 MR. REID: Yes, sir.

16 THE COURT: And you come today and this -- and it is
17 really unusual because you are asking me to impose a 20-year
18 sentence; is that correct?

19 MR. REID: Yes, sir.

20 THE COURT: And I -- you paused. And I wouldn't blame
21 you. As I told the last person, I have put myself many
22 times in your position. I don't take this job lightly. I
23 don't derive any great pleasure taking someone's freedom
24 from them.

25 MR. REID: Yes, sir.

1 THE COURT: But it is part of what I have to do in my
2 job as a judge. But you are asking me to sentence you to
3 jail for 20 years. You realize that?

4 MR. REID: Yes, sir.

5 THE COURT: And your lawyer has explained to you that
6 these 20-year sentences those are involving charges which
7 are non-parolable. Do you understand that?

8 MR. REID: Yes, sir.

9 THE COURT: Meaning that you have to serve at least 85
10 percent of the sentence that I will impose.

11 MR. REID: Yes, sir.

12 THE COURT: And if my math is correct that means a
13 17-year sentence that you would actually serve. Because
14 20 -- 20 years, 85 percent of 20 is 17 years. Do you
15 understand that?

16 MR. REID: Yes, sir.

17 THE COURT: And in addition to that you would be
18 required to complete a two-year community supervision which
19 is basically probation for two years. And if you aren't
20 successful a judge could return you to serve up to one year
21 at a time for the remaining three years or until you satisfy
22 that three years either through serving time or through
23 supervision. Do you understand?

24 MR. REID: Yes, sir.

25 THE COURT: It is your desire that I accept your

1 negotiated sentence, correct?

2 MR. REID: Yes, sir.

3 THE COURT: Indictment 2016-1949 charges you with the
4 offense of trafficking in cocaine; do you understand that?

5 MR. REID: The indictment was 2016?

6 THE COURT: That is the indictment. 2016-1949 is the
7 indictment.

8 MR. MAYER: The indictment.

9 MR. REID: Oh, okay. Yes, sir.

10 THE COURT: And the charge is trafficking in cocaine,
11 28 but less than 100 grams; do you understand that?

12 MR. REID: Yes, sir.

13 THE COURT: And it was actually for what, it was
14 actually ---

15 MS. LINDER: It was one to two hundred, third offense.
16 It is being reduced to 28 to 100 grams, second offense.

17 THE COURT: Second offense which carries a what,
18 ten ---

19 MS. LINDER: This is seven to -- seven to thirty is
20 what this carries.

21 THE COURT: Seven to thirty. Okay.

22 Do you understand that?

23 MR. REID: Yes, sir.

24 THE COURT: And you have negotiated a twenty-year
25 sentence which would be within the seven to thirty years.

1 Do you understand that?

2 MR. REID: Yes, sir.

3 THE COURT: Understanding -- and of course you are
4 pleading to the lesser included offense which is second, not
5 third.

6 Because third would be 25 to 30?

7 MS. LINDER: Yes, Judge.

8 THE COURT: Do you understand that?

9 MR. REID: Yes, sir.

10 THE COURT: Understanding the nature of the offense and
11 the possible punishment, that being 20 years for this
12 offense, what is your plea?

13 MR. REID: Guilty.

14 THE COURT: Okay. Now the remaining indictments you
15 are pleading guilty under Alford. Is that correct?

16 MR. REID: Yes, sir.

17 THE COURT: And basically as I am sure your lawyer has
18 explained to you, an Alford plea -- well, technically the
19 Alford plea which the gentleman that created that law really
20 didn't know whether he was guilty or not because he had
21 apparently become intoxicated through drugs or and/or
22 alcohol to the point that he couldn't remember. But based
23 on what the State was prepared to prove through testimony of
24 witnesses it was his belief that if he went to trial a jury
25 most probably would find him guilty beyond a reasonable

1 doubt.

2 That has sort of been expanded for use over the years
3 to include where a person said I am not guilty but I have a
4 benefit - just as Mr. Alford did - I have a benefit that I
5 want to take advantage of and avoid exposure to a more
6 serious possible punishment and therefore I am pleading
7 guilty under Alford.

8 Is that correct so far as it pertains to you?

9 MR. REID: Yes, sir.

10 THE COURT: In each of these cases based on what your
11 lawyer has shared with you and based on what you know of
12 your own knowledge it is your belief that if you go to trial
13 a jury most probably would find you guilty on these charges?

14 MR. REID: Yes, sir.

15 THE COURT: It is also your belief that the 20-year
16 sentence that you are asking me to impose is a benefit to
17 you?

18 MR. REID: Yes, sir.

19 THE COURT: And also having other charges dismissed is
20 likewise a benefit to you?

21 MR. REID: Yes, sir.

22 THE COURT: Do you understand that you will have a
23 conviction for each of these charges?

24 MR. REID: Yes, sir.

25 THE COURT: And you understand the significance of

1 that?

2 MR. REID: Yes, sir.

3 THE COURT: Let me revisit for just a second, the
4 trafficking you understand is a serious offense?

5 MR. REID: Yes, sir.

6 THE COURT: And you understand the significance of that
7 term and it is a violent offense?

8 MR. REID: Yes, sir.

9 THE COURT: Of course in this particular situation it
10 is a non-parolable so it really doesn't matter.

11 The charge 2017-6457 charges you with possession with
12 intent to distribute crack cocaine; do you understand that?
13 (WHEREUPON, no reply.)

14 MR. MAYER: He is not familiar with the indictment
15 numbers, Your Honor. But ---

16 THE COURT: Well, you have -- you are charged and
17 that -- what I am reading is the term indictment number.

18 MR. REID: Yes, sir.

19 THE COURT: But it says possession with intent to
20 distribute crack cocaine. Do you understand that?

21 MR. REID: In 2017?

22 THE COURT: No, sir; that is the indictment number.

23 MR. REID: Oh, oh, okay. Okay. I'm sorry.

24 THE COURT: It says on September -- you are going to
25 hear the facts.

1 MR. REID: Yes, sir.

2 THE COURT: September the 11th, 2015, you are accused
3 of having in your possession or had with intent to
4 distribute a quantity of crack cocaine. You understand that
5 you are pleading under Alford. You are not agreeing with
6 that ---

7 MR. MAYER: I think it was -- I think it was the
8 cocaine that was to our understanding.

9 THE COURT: Well

10 MS. LINDER: PWID is crack cocaine.

11 THE COURT: It is crack cocaine.

12 MS. LINDER: And the trafficking is cocaine. Because
13 in the jar ---

14 THE COURT: Look, let's do this ---

15 MR. MAYER: Okay.

16 THE COURT: --- so I don't deal with this. Because I
17 am getting very uncomfortable. And we have got a jury
18 downstairs and we can pick right now for Mr. Reid and we can
19 go to trial. Show him these. Show him the numbers so I
20 don't have this perplexed look on my face.

21 Because, Mr. Reid, you are not doing a good job of
22 convincing me of what you want to do.

23 MR. REID: I ---

24 THE COURT: Just talk to your lawyer and look at what
25 we are talking about so you can understand when I ask you

1 these questions.

2 (WHEREUPON, Mr. Reid conferred with counsel.)

3 MR. MAYER: Thank you for the court's indulgence.

4 THE COURT: Yes, sir. You bet. Thank you. And I -- I
5 just -- one of the things, Mr. Reid -- and you ask any
6 questions you want. Because this is important to you. It
7 is important to me that I -- when I accept a plea I want to
8 be convinced that that person really that is what that
9 person wants to do.

10 MR. REID: Yes, sir.

11 THE COURT: Because in this country, unlike many
12 countries in this world, you don't have to prove a thing.
13 The State has to prove you guilty beyond a reasonable doubt.
14 And when you give up the right to have a jury trial, the
15 right to confront the witnesses against you, and the right
16 to remain silent, which is really a critical release of a
17 constitutional right, I need to be convinced that is what
18 you want to do. Okay?

19 MR. REID: Yes, sir.

20 THE COURT: Okay. So I am not angry about it. I
21 just -- I just -- I don't -- and I will tell you that --
22 maybe Mr. Mayer has experienced it. I probably did some
23 pleas that were accommodation pleas just to get the case
24 over with for clients sometimes. And maybe I should take
25 the same philosophy I did as a lawyer. But I don't as a

1 judge. I don't do those. Personally got to convince me
2 they are guilty of it. Okay?

3 MR. REID: Yes, sir.

4 THE COURT: Thank you, sir. All right. We were
5 talking about the possession with intent to distribute crack
6 cocaine. That carries -- obviously he is pleading, again,
7 to -- well, he is pleading as indicted. But now so it would
8 be to, what, a third offense?

9 MS. LINDER: Third offense which carries 10 to 30
10 years.

11 THE COURT: Right. And so we give him on that one it
12 would be the 20-year sentence.

13 MS. LINDER: Yes, Judge.

14 THE COURT: Do you understand that, sir?

15 MR. REID: Yes, sir.

16 THE COURT: Understanding that if I accept the plea I
17 would sentence you to 20 years, run it concurrently. What
18 is your plea, guilty under Alford; is that correct?

19 MR. REID: Yes, sir.

20 THE COURT: Okay. And that you understand is a serious
21 offense as well?

22 MR. REID: Yes, sir.

23 THE COURT: Okay. And likewise a non-parolable
24 offense; it is again 85 percent; do you understand?

25 MR. REID: Yes, sir.

1 THE COURT: Okay. The next indictment is an
2 indictment - there are two of them - that each charge you
3 with the offense of unlawful conduct towards a child. Do
4 you understand that charge?

5 MR. REID: Yes, sir.

6 THE COURT: And, again, those -- each of those charges
7 carry a potential sentence of up to 10 years in jail. Do
8 you understand that?

9 MR. REID: Yes, sir.

10 THE COURT: And you have negotiated a sentence on that
11 which would be 10 years concurrent with the other charges
12 and you are pleading guilty under Alford on each of those as
13 well?

14 MR. REID: Yes, sir.

15 THE COURT: And the reason again, as previously stated,
16 you believe the State is prepared to present enough evidence
17 and if you went to trial a jury would most probably find you
18 guilty?

19 MR. REID: Yes, sir.

20 THE COURT: Okay. So indictments -- these are the
21 indictment numbers: 2016-1947, 2016-1948, are indictments
22 charging you with unlawful conduct towards a child. What is
23 your plea, guilty under Alford?

24 MR. REID: Guilty under Alford.

25 THE COURT: All right. Are you totally satisfied with

1 your lawyer?

2 MR. REID: Yes, sir.

3 THE COURT: Mr. Mayer, you have had the opportunity to
4 discuss this matter fully with your client?

5 MR. MAYER: Yes, Your Honor.

6 THE COURT: And of course we have had some hearings and
7 some meetings, and you are obviously prepared to go forward
8 with the trial if necessary?

9 MR. MAYER: Yes, Your Honor.

10 THE COURT: But your client had indicated that he
11 wished you to negotiate the best deal you could for him?

12 MR. MAYER: That is correct.

13 THE COURT: And now the record reflects the results of
14 your efforts in that regard?

15 MR. MAYER: That's correct.

16 THE COURT: Do you believe the negotiated sentence to
17 be in your client's best interest here?

18 MR. MAYER: I do, Judge.

19 THE COURT: And based on your assessment of the
20 evidence and what the State is prepared to present through
21 testimony of witnesses do you concur with his conclusion
22 that if he went to trial on these charges, ones to which he
23 is pleading under Alford, a jury most probably would find
24 him guilty?

25 MR. MAYER: Yes, Your Honor.

1 THE COURT: Has he been advised of rights that he would
2 be relinquishing and the consequences of my accepting his
3 Alford plea?

4 MR. MAYER: We have talked about giving up his right to
5 silence, not being able to pick a jury. So, yes, Your
6 Honor, we have discussed it.

7 THE COURT: And as well on the charge to which he is
8 pleading guilty as well?

9 MR. MAYER: Yes.

10 THE COURT: Mr. Reid, is all that correct, sir?

11 MR. REID: Yes, sir.

12 THE COURT: Do you understand and realize if I accept
13 your plea you will be giving up your right to have a jury
14 trial in each of these cases?

15 MR. REID: Yes, sir.

16 THE COURT: Your right to confront the witnesses
17 against you and the right to remain silent in each case; do
18 you understand that?

19 MR. REID: Yes, sir.

20 THE COURT: Have there been any threats made to you to
21 get you to plead guilty, sir?

22 MR. REID: No, sir.

23 THE COURT: Any promises been made to get you to plead
24 guilty?

25 MR. REID: No, sir.

1 THE COURT: Other than the promises which are contained
2 in the negotiated sentence, ---

3 MR. REID: Yes, sir.

4 THE COURT: --- those are the only ones?

5 MR. REID: Only ones.

6 THE COURT: All right. I want you to listen to the
7 facts as she tells me the facts. And I will need to ask you
8 some questions.

9 MS. LINDER: And, Your Honor, just for the record, we
10 had hearings last week about this; so Your Honor knows ---

11 THE COURT: I do.

12 MS. LINDER: --- a lot of the details of this already.
13 So I am just going to give a very brief recitation of the
14 facts.

15 THE COURT: Absolutely. I am very familiar with this
16 case. Thank you.

17 MS. LINDER: Yes, Judge. This case was an
18 investigation conducted by Mt. Pleasant Police Department.
19 It started with some tips. They then did surveillance and
20 conducted a number of trash pulls. All of this culminated
21 on September 11th of 2015 when they executed a lawful search
22 warrant at [REDACTED] Old Georgetown Road which is in Charleston
23 County.

24 When they conducted that search warrant they located
25 just under one hundred fifty grams of cocaine, just under

1 two grams of cocaine base, along with other items for
2 packaging, weighing, cut, and things like that for narcotics
3 packaging and sales.

4 During surveillance that day they also witnessed two
5 minor children who were coming in and out of the house at
6 this residence, and there were kid's toys throughout the
7 garage where the drugs were located and in close proximity
8 to them.

9 As far as a prior record he has 1991 two counts of
10 breaking and entering motor vehicle. 1996 he has pointing
11 and presenting a firearm, possession of crack, possession of
12 marijuana, a damage to private property. In 1998 he has
13 multiple federal convictions for drugs for including
14 distribution and conspiracy for crack and cocaine and
15 received a lengthy active sentence at that time. In 2008 he
16 has two ABHAN convictions. And then in 2013 he has a
17 possession of cocaine conviction.

18 And, Your Honor, for the record, as you know in
19 preparation for the trial we do have three members from Mt.
20 Pleasant -- well, now one SLED and three Mt. Pleasant Police
21 Department here. They are prepared to go forward in trial.
22 They are in agreement with this plea and they are just here
23 to kind of follow through.

24 THE COURT: Well, I appreciate them being here. And I
25 have already commented about the work done by them in this

1 case as being a credit to their profession and the way that
2 it should be done. And I thank them for that.

3 Mr. Reid, the factual recitation by the solicitor
4 concerning the cocaine is correct, sir; is that -- is that
5 right?

6 MR. REID: Yes, sir.

7 THE COURT: As to the other facts, you believe the
8 State is prepared to call a witness or witnesses who will
9 testify to those facts?

10 MR. REID: Yes, sir.

11 THE COURT: I heard the testimony of some of those
12 already, as you know. And you did as well. You understand
13 that?

14 MR. REID: Yes, sir.

15 THE COURT: And it is your belief that once a jury
16 hears that testimony they most probably would find you
17 guilty beyond a reasonable doubt?

18 MR. REID: Yes, sir.

19 THE COURT: You understand that we have a jury
20 downstairs and all they have to do is come up and we can
21 pick them and we can make the State prove its case as to
22 each one of these cases; do you understand that?

23 MR. REID: Yes, sir.

24 THE COURT: But you don't want to do that?

25 MR. REID: No, sir.

1 THE COURT: And you believe the offer that has been
2 made to you is a significant benefit to you?

3 MR. REID: Yes, sir.

4 THE COURT: Have you truthfully responded to all of my
5 questions here today?

6 MR. REID: Yes, sir.

7 THE COURT: Do you understand and realize I will be
8 relying on these as being your answers and they are complete
9 answers; is that correct?

10 MR. REID: Yes, sir.

11 THE COURT: And not something somebody has told you you
12 have to say to make me accept your plea?

13 MR. REID: Yes, sir.

14 THE COURT: Meaning it is accurate in every respect?

15 MR. REID: Yes, sir.

16 THE COURT: Very well. I find there is a sufficient
17 factual basis to support the plea in each case. And I
18 having heard the testimony I don't disagree with the
19 assessment made by Mr. Reid nor his lawyer. I think there's
20 no question a jury most probably would find -- have found
21 him guilty beyond a reasonable doubt.

22 There is no question given the exposure here the State
23 has been extremely gracious in making this offer. And I
24 appreciate that, to avoid a trial. And it gives Mr. Reid a
25 chance. Because there is no question given what you were

1 facing I think there is a reasonable probability -- well, I
2 know; because I was going to be the trial judge. There is
3 no question I would have sentenced you to more than 20
4 years. So it is a benefit to you, sir. Significant
5 benefit.

6 But that notwithstanding, Mr. Mayer, I find there are
7 sufficient facts, as I have stated, to accept the plea as
8 being freely, voluntarily, knowingly, and intelligently
9 made. But I need for you now tell me why I should accept it
10 on his behalf, sir.

11 MR. MAYER: Thank you, Judge. May it please the court.
12 Mr. Reid's case has become kind of an emotional one for me,
13 which is not my normal modus operandi, Judge.

14 Mr. Reid and I have worked together in this matter for
15 nearly two years now. And at every junction he has been
16 very professional. He has been very kind. And in all of my
17 interactions with him I know him to be a very kind person.

18 And so for me I feel like even though he is getting a
19 good situation here considering how bad it would be at
20 trial, I feel like it is a very tough statute and I feel
21 like the case law is very tough the way the prior
22 enhancements go.

23 You know, he has been a lifelong cocaine abuser. He
24 has in the last few years he has had a serious kind of
25 reckoning with his cardiologist and he has had -- he's only

1 46, Judge. And he has had to have a stent put in. And his
2 cardiologist has warned him time and time again against
3 using and abusing cocaine. But it is an addiction. And it
4 is one that has, you know, unfortunately guided him down
5 this path.

6 He was doing really well. He had gotten his license to
7 install natural gas stuff. For the last year-and-a-half or
8 so he worked installing gas grills and gas stoves out at
9 Cane Bay. He made in excess of \$60,000 a year doing this.
10 And so he was -- he was pulling himself up by his bootstraps
11 into the middleclass, Judge. And this is a guy without a
12 college degree.

13 And I have a ton of respect for Alex and really
14 appreciate his family being here who is here in the back of
15 the courtroom, Your Honor.

16 And I think -- I think that there is -- there is no --
17 there is no victory for the State in this. I just think it
18 is a tragedy that this is the way the laws go.

19 But I would -- I would because of what he would be
20 facing at trial because of the statute I would ask the court
21 to accept this plea.

22 THE COURT: Thank you, Mr. Mayer.

23 Mr. Reid, is there anything you wish to add, sir?

24 MR. REID: I am just, you know, concerned about my
25 health. That's it.

1 THE COURT: You and I have something in common. I have
2 a stent also.

3 MR. REID: Yes, sir.

4 THE COURT: And I hope you will do some things to
5 benefit yourself. Addictions are vicious. But if you want
6 to live I hope you will use this time and I hope the State
7 will do something positive in the sense -- I understand and
8 I don't disagree totally with your lawyer's statement. I
9 think there is a need for it.

10 I think the problem -- one of the problems is I don't
11 think people at large who are not in this profession really
12 truly appreciate and assess the exposure they are facing.

13 Now you have been in the system a while. I think yours
14 is probably driven more by your addiction than anything
15 else. And some of the other things that are associated with
16 it. You made some money. I mean there's no question about
17 that. So it is a risk reward. And you unfortunately now
18 are experiencing the risk.

19 But I hope that we will do something that we need to
20 do, and that is to make people deal with their addiction and
21 help them deal with that addiction.

22 Because if we can then once you start it -- and I
23 commend you for what you did. That is a very -- that is a
24 lucrative position as you well know. And it -- there are
25 going to be more and more of it. I mean it is -- we are a

1 society. We want conveniences. And that is -- people are
2 willing to pay for it. And you can make some money. But
3 you have got to deal with your addiction.

4 So, you know, you right now I think are, what, 46?

5 MR. REID: Yes, sir.

6 THE COURT: You are two years older than my son, my
7 oldest son. You will have a chance to get out of jail. You
8 will be 63. I can promise you -- I am about -- I will turn
9 70 in December, and I am taking the position that 70 is the
10 new 50. And so I hope you will look at that that way too
11 and deal with your life and get something going and be
12 positive for you for the whatever you are blessed to have on
13 this earth.

14 Solicitor, thank you. It was -- that is a fair -- very
15 fair resolution. And I will accept it. Sentence of the
16 court 2016-1949, that is trafficking, is 20 years. It is
17 concurrent. I will give him credit for -- did you have --
18 did he serve any time? I will just let them make the
19 computation.

20 MR. MAYER: Yeah ---

21 THE COURT: I don't think it was any significant ---

22 MR. MAYER: It wasn't significant.

23 THE COURT: The sentence of the court on 2017-6457 is
24 20 years. Concurrent. Credit for any time he served.
25 Twenty-four -- twenty -- 2016-1947 and 1948 is 10 years on

1 each of those. They are concurrent. And you likewise give
2 him credit for time served.

3 Good luck to you, sir.

4 Thank you, Mr. Mayer.

5 MS. LINDER: Thank you, Judge.

6 THE COURT: Thank you. Appreciate it.

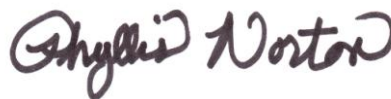
7 (WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth 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 proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on October 16, 2017.

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



PHYLLIS NORTON, CVR

Date: January 12, 2018

Joyce Rueger, Court Reporter (Appearance at Hearing)
Phyllis Norton, Court Reporter (Transcription)

Certified Transcript Provided For: SCCID

Certification Reference #011218 Original

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

GENERAL SESSIONS COURT
NINTH JUDICIAL CIRCUIT

FILED
2017 AUG 25 AM 10:00

Case No.: 2015A1010204047, 48, 51, 50 (x2), 53

STATE OF SOUTH CAROLINA
Plaintiff,

JULIE J. ARMSTRONG
CLERK OF COURT

Charge: Trafficking Cocaine

Vs.

ALEXANDER REID
Defendant.

MOTION TO SUPPRESS
UNCONSTITUTIONAL STOP AND SEARCH

RECEIVED
NOV 03 2017
SC Court of Appeals

INTRODUCTION

NOW COMES the defendant, Alexander Reid, by and through his counsel, moves this Court pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, for an Order suppressing the evidence in this matter regarding the facts and circumstances of the vehicle search and subsequent house search in this case. Reid was detained roadside for about two hours with no probable cause, no search warrant, and no arrest warrant, while an officer hurriedly cobbled together an affidavit based on an undisclosed informant, whose name still has not been provided, in violation of Rule 5, Brady, and two subpoenas (now the subject of a separate motion to compel).

FACTS

The arresting officer, Officer Burke, stopped Reid's Infinity after spotting him from the opposite direction of travel, making a U-turn and weaving through medium traffic to get behind Reid. Not only was Reid not speeding, but Officer Burke was not in any position to determine that: Officer Burke used no electronic speed detection device; a visual determination from the opposite direction of travel was not achievable because Reid was traveling with the speed of the traffic in his own direction; and Officer Burke did not tail Reid long-enough to match his speed to determine Reid's speed of travel. The real reason for the stop is that Officer Burke has targeted Reid without probable cause, and against the tenants of our South Carolina Constitution and the U.S. Constitution.

At the side of the road, the officer immediately asked Reid to exit the vehicle. Reid, an African American, asked the officer why he needed to get out of the car, and the officer began getting upset, so, given the climate in the country, Reid just got out of the car before the officer escalated things further. The officer then informed Reid, "I'm gonna search your car." Reid did not consent to the search. A K-9 officer was called, but before the K-9 arrived, police searched Reid's vehicle – without consent, and without probable cause. At that time, Officer Blake removed some U.S. currency from the car's center console.

When the K-9 officer arrived, the police told Reid that the dog signaled on the hood/front of the Infinity. The officers then popped the hood and removed several pieces of engine hardware. They found no contraband and did not properly replace the hardware. When that second search of the vehicle yielded no results, the officers then scrambled and typed up a bogus affidavit to search a residence that is not and never has been Reid's – all while continuing to detain Reid on the side of Hwy. 17 in Mt. Pleasant.

Officers continued to detain Reid while they typed up an affidavit to search his friend's home, claiming it was his. Reid was kept on the side of the road while the officers alleged in the affidavit that a C.I. said drugs were sold from Reid's friend's house; he was kept there while an officer went to a magistrate and, using an erroneous affidavit, obtained the signature of a magistrate judge; and Reid continued to be held while officers went to the friend's house and searched for contraband. Only after all of these machinations was Reid arrested.

ARGUMENT

Reid never should have been arrested, and the results of the search should be suppressed.

I. The Traffic Stop Was Improper, Unconstitutional

When Reid was pulled over, the police lacked the probable cause required as a precondition to initiating a traffic stop. A traffic stop is "subject to the constitutional imperative that it not be 'unreasonable' under the circumstances." State v. Pichardo, 367 S.C. 84, 97, 623 S.E.2d 840, 847 (Ct. App. 2005) (quoting Wren v. United States, 571 U.S. 806, 810 (1996)).

Probably cause for a traffic stop exists when there is an articulable violation of a law. “Probable cause is defined as a good faith belief that a person is guilty of a crime when this belief rests on such grounds as would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise.” State v. Blassingame, 338 S.C. 240, 250, 525 S.E.2d 535, 540 (Ct. App. 1999) (quoting Wortman v. City of Spartanburg, 310 S.C. 1, 425 S.E.2d 18 (1992)). Such grounds must be factual. “In determining the presence of probable cause for arrest, the probability cannot be technical, but must be factual and practical considerations of everyday life on which reasonable, prudent and cautious men, not legal technicians, act.” Gist v. Berkeley County Sheriff's Dep't, 336 S.C. 611, 521 S.E.2d 163 (Ct.App.1999).

Reasonable suspicion is a more narrow, restricting standard than probable cause. “A police officer may stop and briefly detain and question a person for investigative purposes, without treading upon his Fourth Amendment rights, when the officer has a reasonable suspicion supported by articulable facts, short of probable cause for arrest, that the person is involved in criminal activity.” State v. Taylor, 388 S.C. 101, 109, 694 S.E.2d 60, 64 (Ct. App. 2010), reh'g denied (June 24, 2010) (quoting State v. Blassingame, 338 S.C. 240, 248, 525 S.E.2d 535, 539 (Ct.App.1999)); *see also* U.S. v. Sokolow, 490 U.S. 1, 7, 109 S.Ct. 1581, 104 L.Ed.2d 1 (1989); Terry v. Ohio, 392 U.S. 1, 30, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968).

Here, Reid was operating a recent-model Infinity sedan in perfect repair. The officer claimed that he stopped the vehicle due to speeding. However, Reid and his passenger both state that he was not speeding. In this case, Reid and his passenger are more credible than the officer. Consequently, the stop was unreasonable and violated the Reid's Fourth Amendment rights.

Terry governs the limits of police conduct during a traffic stop. United States v. Rusher, 966 F.2d 868, 875 (4th Cir. 1992). The relevant inquiry is “whether the officer's action was justified at its inception.” Terry at 20. Here, because Reid operated his vehicle properly within the speed limit, the officer's stop of Reid's Infinity was unconstitutional.

In the absence of speeding, the officer did not have probable cause to stop Reid; the Constitution requires that subsequent evidence found cannot be used against Reid. “When the initial traffic stop is illegal, the subsequent evidence found is excluded from trial under the ‘fruit of the poisonous tree doctrine.’” United States v. Rusher, 966 F.2d 868, 875 (4th Cir. 1992); *see, e.g.*, Wong Sun v. United States, 371 U.S. 471, 484, 83 S.Ct. 407, 415, 9 L.Ed.2d 441 (1963). Here, the subsequent evidence found – personal use amounts of cocaine – was obtained only as a direct result of the unconstitutional stop, and should be suppressed under the fruit of the poisonous tree doctrine.

II. Officer Blake Never Obtained a Warrant, Nor Probable Cause to Search Reid’s Car

Warrantless searches and seizures are presumptively unreasonable. The Fourth Amendment to the U.S. Constitution is incorporated through the Due Process Clause of the Fourteenth Amendment and thus applies to state action. *See Mapp v. Ohio*, 367 U.S. 643 (1961). The Fourth Amendment provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend IV. The purpose of the Fourth Amendment is to safeguard individual privacy against government invasions. *See Michigan v. Tyler*, 436 U.S. 499, 504 (1978). Under the Fourth Amendment rule, “a search of private property is ‘unreasonable’ unless it has been authorized by a valid search warrant.” Camera v. Municipal Court, 387 U.S. 523, 528-29 (1967). The “entry” of a government actor into a home is analyzed the same as a “search.” *See Georgia v. Randolph*, 547 U.S. 103, 109 (2006). A “jealously and carefully drawn” exception to the Fourth Amendment rule “recognizes the validity of searches with the voluntary consent of an individual possessing authority.” *Id.* A prosecutor has the burden of proving that consent “was, in fact, freely and voluntarily given.” Bumper v. North Carolina, 391 U.S. 543, 548 (1968);

State v. Middleton, 268 S.C. 152 (1977). “This burden cannot be discharged by showing no more than acquiescence to a claim of lawful authority.” Bumper at 549.

The colloquy between the officer and Reid, witnessed by a third-party, and the great lengths that Officer Blake went through to gin-up a basis to arrest Reid, conclusively demonstrate that the reason for the stop was not speeding. Office Blake had no other justification

to search the Infinity, and should not have detained Reid on the side of the road.

III. Detention of Reid During Traffic Stop Was Unconstitutional

Reid should have been released from the seizure by Officer Burke prior to the K-9 search of his vehicle. Although prior Supreme Court precedent held that a dog sniff during a traffic stop did not violate the Fourth Amendment, the question in Rodriguez v. United States was whether the Fourth Amendment tolerates a dog sniff conducted after completion of a traffic stop. Rodriguez v. United States, 135 S. Ct. 1609, 191 L. Ed. 2d 492, (2015) (holding a police stop exceeding the time needed to handle the matter for which the stop was made violated the United States Constitution’s shield against unreasonable seizures).

In Rodriguez, a human officer, with a K-9 officer, stopped Rodriguez for driving on a highway shoulder. After the human officer attended to everything relating to the stop, including, *inter alia*, checking the driver's licenses of Rodriguez and his passenger and issuing a warning for the traffic offense, he asked Rodriguez for permission to walk his dog around the vehicle. When Rodriguez refused, the officer detained him until a second officer arrived. The first officer then retrieved his dog, who alerted to the presence of drugs in the vehicle. The ensuing search revealed methamphetamine. Seven or eight minutes elapsed from the time Struble issued the written warning until the dog alerted.

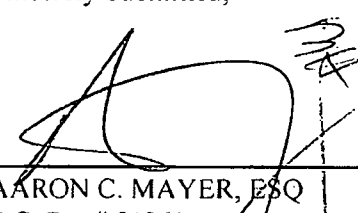
Here, the traffic stop almost immediately ceased to pertain to any alleged speeding by Reid, and quickly morphed into this free-for-all, keep-Reid-by-the-roadside, city wide endeavor by Officer Burke. Much more than eight minutes elapsed between the time any attention was given by the officer to the speeding allegation/investigation, and when the K-9 officer conducted the dog sniff of the vehicle. After the K-9 officer and the subsequent search of Reid's vehicle found no contraband, the illegal stop continued with Reid still detained/seized by Officer Burke for no reason whatsoever connected to the speeding allegation.

There is no case law that supports Officer Burke's subsequent continued seizure of Reid while officers scrambled to draft a faulty search warrant – not an arrest warrant – for a home he did not own. But for his stop for speeding, no such search warrant would have issued at that time. Consequently, the poison fruit of that search warrant should be suppressed.

CONCLUSION

For the foregoing reasons, Reid respectfully requests that this Court suppress the evidence found subsequent to the illegal stop and continued seizure of his person and his vehicle.

Sincerely Submitted,


 AARON C. MAYER, ESQ
 S.C. Bar # 81261
 2000 Sam Rittenberg Blvd., Ste. 201
 Charleston, SC 29407
 T: (843) 225-7240
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Charleston, SC
 August 24, 2017

2017 AUG 25 AM 10:00
 JUDGE J. M. STRONG
 CLERK OF COURT

FILED

EXHIBIT 2

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)

COURT OF GENERAL SESSIONS
 NINTH JUDICIAL CIRCUIT

CASE NO.: 2015A1010204047, 48, 51, 50 (x2), 53

STATE OF SOUTH CAROLINA)
 Plaintiff)

Charge(s): POSS OF A FIREARM DURING
 A COMM. OF A VIOLENT CRIME,
 UNLAWFUL CONDUCT TOWARDS A
 CHILD X2 TRAFFICKING COCAINE, PWID
 COCAINE PROX. TO A SCHOOL,
 UNLAWFUL POSS OF A FIREARM BY A
 PERSON CONVICTED OF A VIOLENT
 OFFENSE

Vs.

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MOTION TO OBTAIN NAME AND FILE OF C.I.

ALEXANDER REID

NOV 03 2017

Defendant

90 Court of Appeals

TO: MARK BOURDON, ASSISTANT SOLICITOR, NINTH JUDICIAL CIRCUIT:

The Defendant, Alexander Reid, by his undersigned attorney, will move before the Presiding Judge, Court of General Sessions, Ninth Judicial Circuit, Charleston, South Carolina, for the State to reveal the identity, contact information and file for the confidential witness in this case. In support of this motion, the Defendant shows the following:

1. The Defendant is currently charged with Trafficking Cocaine.
2. The alleged probable cause for a search warrant is search of a trash can supposedly corroborated by an unnamed informant.
3. The confidential informant information is necessary for the Defense to fight the charges.
4. The State alleges the confidential informant has knowledge about the Defendant's relevant activities.

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 CLERK OF COURT
 BY: [Signature]

5. Counsel for the Defendant is in need of this witness information in order to adequately prepare Defendant's case, particularly with regard to exploring and developing any bias, motive, and impeachment material as it relates to the confidential informant.

ARGUMENT

Both the United States Supreme Court and the South Carolina courts have held that the State must disclose an informant's identity in cases in which the informant actively participated and/or was a percipient witness to the underlying act or transaction which serves as a basis for prosecution. Roviaro v. United States, 353 U.S. 53 (1957); State v. Wright, 322 S.C. 484, 488 (1996). The State must reveal the identity of an informant if the Defendant demonstrates that the identity of the informant would be helpful to the Defendant's defense. United States v. Sanchez, 908 F.2d 1443 (9th Cir. 1990).

Here, the ability to subpoena Edwin Pearsey, is of crucial importance in that the State's case appears to rest entirely on the actions of this confidential informant. According to the State's file, the confidential informant allegedly knows the Defendant and identified him at the time of the transaction. Thus, the best evidence of the state is the confidential informant, not the blurry, inaudible video that the police collected after the alleged transaction.

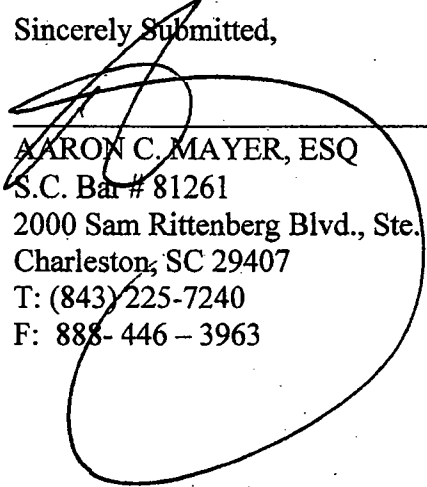
Additionally, Mr. Pearsey made at least two stops between leaving the police officers who loosely supervised the alleged transaction, and the Defendant requires the opportunity to examine Mr. Pearsey about what he did on those stops – specifically, whether it was on one of those stops at which Mr. Pearsey got the alleged marijuana that he returned to the police later. An examination of Mr. Pearsey may reveal that he got the marijuana during a stop that did not

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 CLERK OF COURT
 DISTRICT OF COLUMBIA

involve the Defendant. In short, the ability to examine the informant would likely help the Defendant's case.

For the reasons stated above, the undersigned requests that the confidential informant's identity, contact information and file be revealed to the Defendant's counsel.

Sincerely Submitted,


AARON C. MAYER, ESQ
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Charleston, SC
July 14, 2016

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2016 JUL 15 AM 11:20
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

EXHIBIT 3

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

GENERAL SESSIONS COURT
NINTH JUDICIAL CIRCUIT

Case No.: 2015A1010204047, - 51, 2015A1010204053

STATE OF SOUTH CAROLINA)
Plaintiff,)

Charge: Trafficking Cocaine

Vs.)

ALEXANDER REID)
Defendant.)

MOTION TO SUPPRESS
SEARCH OF HOUSE

RECEIVED

NOV 03 2017

SC Court of Appeals

INTRODUCTION

NOW COMES the defendant, Alexander Reid, by and through his counsel, moves this Court pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, for an Order suppressing the evidence in this matter regarding the facts and circumstances of the search of 2439 Old Georgetown Rd. Mount Pleasant, a house search, in this case. The Mount Pleasant community has documented multiple repeated misrepresentations by the officer who swore out the search warrants. According to that officer, the search of the house was allegedly based on trash pulls from a garbage can shared between multiple properties, and an undisclosed informant.

Probably cause for a search exists when there is an articulable violation of a law. "Probable cause is defined as a good faith belief that a person is guilty of a crime when this belief rests on such grounds as would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise." State v. Blassingame, 338 S.C. 240, 250, 525 S.E.2d 535, 540 (Ct. App. 1999) (quoting Wortman v. City of Spartanburg, 310 S.C. 1, 425 S.E.2d 18 (1992)). **Such grounds must be factual.** "In determining the presence of probable cause... the probability cannot be technical, but must be factual and practical considerations of everyday life on which reasonable, prudent and cautious men, not legal technicians, act." Gist v. Berkeley County Sheriff's Dep't, 336 S.C. 611, 521 S.E.2d 163 (Ct.App.1999).

Here, a Mount Pleasant petition to stop Officer Blake from racially profiling and spreading false rumors – often of cooperation with the police, a dangerous accusation – garnered about 400 signatures,

and the attention of at least one TV news channel. Among the allegations by signatories to the petition were that Officer Blake commonly claimed that an informant said a person Blake initiated contact with was dealing drugs. Apparently, Officer Blake made this claim as his reason for contacting some individuals, but those contacted knew full well they were innocent. Over the course of time as members of the community talked with one another, they pieced together this component of Officer Blake modus operandi.

The inaccuracies, and to categorize them most kindly, the confusing representations set forth in the affidavits to the search warrants for the Old Georgetown Road house render the search based thereon unconstitutional.

CONCLUSION

For the foregoing reasons, Reid respectfully requests that this court suppress the evidence found subsequent to the illegal search the Old Georgetown Road house.

Sincerely Submitted,


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 F: 888-446-3963

Charleston, SC
 October 5, 2017

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

ALEXANDER REID,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

**ORDER DENYING DEFENDANT'S
PRE-TRIAL MOTIONS**

Arrest Warrant #2015A1010204047

Arrest Warrant #2015A1010204050

Arrest Warrant #2017-GS-10-06457

Indictment #2016-GS-10-01944

Indictment #2016-GS-10-01949

Indictment #2017-GS-10-06457

Charges: Trafficking in Cocaine (100 grams < 200 grams), PWID Cocaine Base 3rd, Possession of a Weapon During the Commission of a Violent Crime

This matter came before me at a hearing on October 12, 2017, on Defendant's pre-trial motions. Present at the hearing was Aaron Mayer on behalf of the Defendant Alexander Reid, and Charles W. Patrick and Stephanie Linder on behalf of the State. After careful review of submitted documents and the testimony present by the State and the Defense, this Court hereby denies the Defendant's Motions.

As to the Motion to Reveal Identity of Confidential Informant, this Court hereby determines that there was no confidential informant in this case, but rather two separate anonymous "tipsters," and that the State shall not be required to reveal the identity of these individuals.

As to the Motion to Suppress the Search Warrant, this Court determines that the search warrant was lawfully obtained and executed by the Mount Pleasant Police Department. The affidavit was based on information obtained from two independent anonymous tips, surveillance and independent investigation of MPPD, and three separate trash pulls. The affidavits presented

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CLERK OF COURT
J. J. STRONG

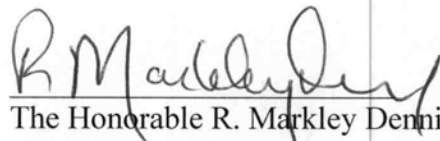
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to the magistrate were lawfully sworn based on factual evidence and a good faith belief that criminal activity was occurring at this residence.

As to the *Jackson v Denno* statements, this Court determines that the statements given by the Defendant are admissible. The first statement, made on the side of the road by the Defendant to Officer Plyler, was given after the Defendant was advised his Miranda warnings by the Officer, and was not made as a response to any questioning by the Officer. The second statement was a spontaneous utterance by the Defendant, and was not made as a response to any questioning by the Officer. Finally, the third statement was made after a knowing and voluntary waivers of rights by the Defendant, and was not coerced by law enforcement.

For all the above reasons, each motion by the Defendant is hereby DENIED.

AND IT IS SO ORDERED.


The Honorable R. Markley Dennis
Chief Administrative Judge
9th Judicial Circuit

Charleston, South Carolina
October 13, 2017

RM/2

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2017 OCT 16 AM 9:24
JULIE J. ARMSTRONG
CLERK OF COURT

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF GENERAL SESSIONS

THE HONORABLE R. MARKLEY DENNIS, JR. CIRCUIT COURT JUDGE

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OCT 23 2017

SC Court of Appeals

Case No. 2015A1010204047, 48, 51, 50 (x2), 53

Alexander Reid,

Appellant,

v.

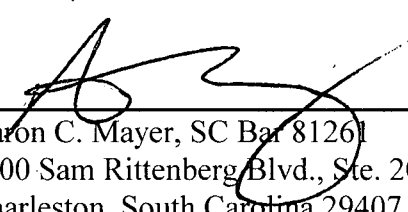
State of South Carolina,

Respondent,

NOTICE OF INTENT TO APPEAL

Notice is hereby given that Alexander Reid hereby appeals to the South Carolina Court of Appeals from the Guilty Plea entered October 16, 2017 and to the rulings of the prior motions from the hearings held on October 12, 2017.

October 20, 2017
Charleston, SC



Aaron C. Mayer, SC Bar 81261
2000 Sam Rittenberg Blvd., Ste. 2011
Charleston, South Carolina 29407
(843) 225-7240
Attorney for Appellant

Other Counsel of Record:
Charles W. Patrick III, Esq.
Assistant Solicitor: Ninth Judicial Circuit
Charleston County Office
101 Meeting St.
Charleston, SC 29401
Phone: (843) 958-1900
Fax: (843) 958-1905

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OCT 23 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALSAPPEAL FROM CHARLESTON COUNTY
COURT OF GENERAL SESSIONS

THE HONORABLE R. MARKLEY DENNIS, JR. CIRCUIT COURT JUDGE

Case No. 2015A1010204047, 48, 51, 50 (x2), 53

Alexander Reid,

Appellant,

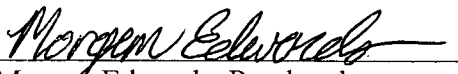
v.

State of South Carolina,

Respondent,

PROOF OF SERVICE

I, Morgan Edwards, a paralegal in the office of the attorney for the Appellant, certify that I have served the within Notice of Intent to Appeal on November 23, 2015 by mailing, postage pre-paid, a copy of the same to Julie Armstrong, Clerk of Court, 100 Broad Street, Ste. 106, Charleston, South Carolina, 29401, Charles W. Patrick III, Esq., Assistant Solicitor for the Ninth Judicial Circuit, 101 Meeting Street, Charleston, South Carolina, 29401, and South Carolina Attorney General Alan Wilson, Rembert Dennis Building, 1000 Assembly St., Room 519, Columbia South Carolina, 29201.


Morgan Edwards, Paralegal
Mayer Law Practice

This 20th day of October, 2017.
Charleston, South Carolina



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 24, 2017

Mr. Aaron Cole Mayer, Esquire
2000 Sam Rittenberg Blvd.
Suite 2011
Charleston SC 29407

Re: The State v. Alexander Reid
Appellate Case No. 2017-002193

Dear Counsel:

This Court has received your notice of appeal. Since this is an appeal from a guilty plea, nolo contendere plea, or plea pursuant to *Alford*, Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules requires you to provide "a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal." **Failure to make a sufficient showing may result in dismissal of this appeal.**

The explanation should be served and filed within ten (10) days of the date of this letter.

Please be advised the time limits for ordering the transcript are held in abeyance.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Charles William Patrick, III, Esquire
John Benjamin Aplin, Esquire
Robert Michael Dudek, Esquire

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF GENERAL SESSIONS

THE HONORABLE R. MARKLEY DENNIS, JR. CIRCUIT COURT JUDGE

Indictment No. 2016-GS-10-01947, 2016-GS-10-01948, 2016-GS-10-01949,
2017-GS-10-06457

The State,

Respondent,

v.

Alexander Reid,

Appellant,

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SC Court of Appeals

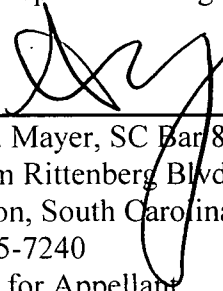
CORRECTED NOTICE OF INTENT TO APPEAL, CURING DEFICIENCY

Notice is hereby given that Alexander Reid hereby appeals to the South Carolina Court of Appeals from the Guilty Plea entered October 16, 2017 and to the rulings of the prior motions from the hearings held on October 12, 2017.

Appellant hereby provides an explanation showing there are issues which can be reviewed on appeal, pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules. On or about October 12, 2017, the Circuit Court ruled on three motions, at least one of which was dispositive: a motion to suppress an illegal automobile stop and search (Exhibit 1); a motion to obtain the name of a confidential informant (Exhibit 2); and a motion to suppress a search of a residence (Exhibit 3). On all three motions the Circuit Court ruled against the Appellant. The clearly dispositive motion was to suppress the search of the residence where cocaine was found. This search was the only way the authorities would have encountered the cocaine; there was no other avenue to this discovery. Therefore, pursuant to the Fruit of the Poisonous Tree Doctrine, had the search been suppressed the evidence located therein would have been inadmissible, and the operative charge, Trafficking Third Offense, would not have been prosecutable.

November 2, 2017
Charleston, SC

Other Counsel of Record:
Charles W. Patrick III, Esq.
Assistant Solicitor: Ninth Judicial Circuit



Aaron C. Mayer, SC Bar 81261
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Attorney for Appellant

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Phone: (843) 958-1900
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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF GENERAL SESSIONS

THE HONORABLE R. MARKLEY DENNIS, JR. CIRCUIT COURT JUDGE

Indictment No. 2016-GS-10-01947, 2016-GS-10-01948, 2016-GS-10-01949,
2017-GS-10-06457

The State,

Respondent,

v.

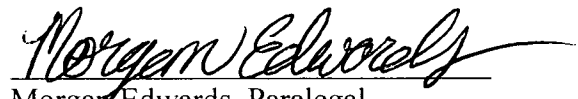
Alexander Reid,

Appellant,

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NOV 03 2017
SC Court of Appeals

PROOF OF SERVICE

I, Morgan Edwards, a paralegal in the office of the attorney for the Appellant, certify that I have served the within Notice of Intent to Appeal, Curing Deficiency on November 2, 2017 by mailing, postage pre-paid, a copy of the same to Julie Armstrong, Clerk of Court, 100 Broad Street, Ste. 106, Charleston, South Carolina, 29401, Charles W. Patrick III, Esq., Assistant Solicitor for the Ninth Judicial Circuit, 101 Meeting Street, Charleston, South Carolina, 29401, and South Carolina Attorney General Alan Wilson, Rembert Dennis Building, 1000 Assembly St., Room 519, Columbia South Carolina, 29201.


Morgan Edwards, Paralegal
Mayer Law Practice

This 2nd day of November, 2017.
Charleston, South Carolina

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALEXANDER REID,

APPELLANT

APPELLATE CASE NO 2017-002193

ANDERS BRIEF OF APPELLANT

RECEIVED
MAR 19 2018
SC Court of Appeals

WANDA H. CARTER
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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The trial judge erred in accepting appellant's guilty pleas because appellant was not advised that he would waive his right to cross-examine his accusers by pleading guilty to the state's charges against him.	3
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STATEMENT OF ISSUE ON APPEAL

The trial judge erred in accepting appellant's guilty pleas because appellant was not advised that he would waive his right to cross-examine his accusers by pleading guilty to the state's charges against him.

STATEMENT OF THE CASE

Appellant Alexander Reid entered Alford¹ guilty pleas to trafficking in cocaine,² possession with intent to distribute crack cocaine, and two counts of unlawful conduct towards a child during the October 2017 term of the Charleston County General Sessions Court before Judge R. Markley Dennis. Appellant was sentenced to imprisonment for an aggregate period of twenty years. Aaron Cole Mayer represented appellant at the plea proceeding and Assistant Solicitor Stephanie Bianco Linder appeared on behalf of the state.

Appellant appealed his guilty pleas and sentences.³ This brief follows.

¹ Alford v. North Carolina, 397 U.S. 952 (1965).

² Appellant was indicted for trafficking in cocaine, third offense, but per plea negotiations pled guilty to trafficking, second offense. See ROA p. 101, lines 6-23.

³ Appellant hereby provides an explanation showing there are issues which can be reviewed on appeal, pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules. On or about October 12, 2017, the Circuit Court ruled on three motions, at least one of which was dispositive: a motion to suppress an illegal automobile stop and search (Exhibit 1); a motion to obtain the name of a confidential informant (Exhibit 2); and a motion to suppress a search of a residence (Exhibit 3). On all three motions the Circuit Court ruled against the Appellant. The clearly dispositive motion was to suppress the search of the residence where cocaine was found. This search was the only way the authorities would have encountered the cocaine; there was no other avenue to this discovery. Therefore, pursuant to the Fruit of the Poisonous Tree Doctrine, had a search been suppressed the evidence located therein would have been inadmissible, and the operative charge, Trafficking Third Offense, would not have been prosecutable. ROA 121-139.

ARGUMENT

The trial judge erred in accepting appellant's guilty pleas because appellant was not advised that he would waive his right to cross-examine his accusers by pleading guilty to the state's charges against him.

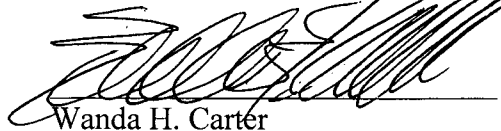
During the plea proceeding, the plea judge advised appellant that his pleas would waive his right to have the state prove his guilt beyond a reasonable doubt, and to have a jury trial, and to confront the witnesses against him, and to remain silent at trial. ROA 106, lines 11-19; ROA 113, lines 7-25. However, the plea judge failed to advise appellant that his pleas would waive his right to cross-examine his accusers. Therefore, appellant did not voluntarily and understandably enter his guilty pleas because he was unaware of all of the constitutional rights he waived by pleading guilty in the case. In Boykin v. Alabama, 395 U.S. 238 (1969), the United States Supreme Court outlined the rights a defendant waives at a guilty plea proceeding in order to assess the voluntariness of a plea as follows:

Several federal constitutional rights are involved in a waiver that takes place when a plea of guilty is entered in a state criminal trial. First, is the privilege against compulsory self-incrimination guaranteed by the Fifth Amendment and applicable to the States by reason of the Fourteenth. Malloy v. Hogan, 378 U.S. 1, 84 S.Ct. 1489, 12 L.Ed.2d 653. Second, is the right to trial by jury. Duncan v. Louisiana, 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491. Third, is the right to confront one's accusers. Pointer v. Texas, 380 U.S. 400, 85 S.Ct. 1065, 13 L.Ed.2d 923.

The right to cross-examine witnesses also falls under the Sixth Amendment right to confront witnesses. See California v. Green, 399 U.S. 149 (1970). Appellant was not advised regarding this right that he waived, which in turn meant that his guilty pleas entered at his plea proceeding were not voluntarily given in the case.

CONCLUSION

Based on the foregoing argument, counsel would request that appellant's convictions and sentences be reversed and this case remanded to the lower court for a new proceeding.

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', written over a horizontal line.

Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 19th day of March, 2018.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ALEXANDER REID,

APPELLANT

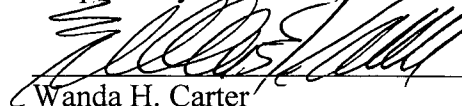
 PETITION TO BE RELIEVED AS COUNSEL

Counsel for Alexander Reid states that:

1. She is Deputy Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge R. Markley Dennis, which was held on October 12, 2017, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, She asks the Court to relieve her as counsel for Alexander Reid.

Respectfully Submitted,



Wanda H. Carter

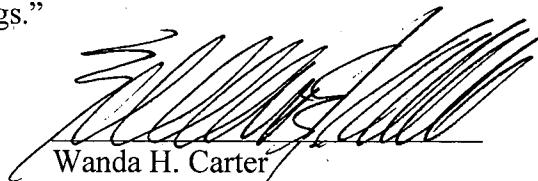
Deputy Chief Appellate Defender
ATTORNEY FOR APPELLANT

This 19th day of March, 2018.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and 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."

March 19, 2018.



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston CountyHonorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT,

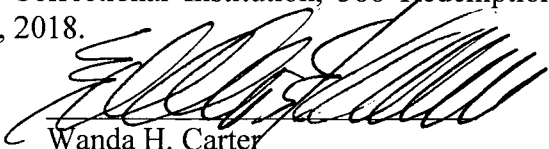
V.

ALEXANDER REID,

APPELLANT

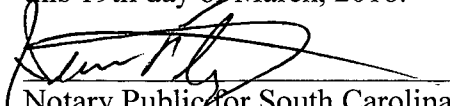
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter have been served on Alexander Reid, #204023, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 19th day of March, 2018.


Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 19th day of March, 2018.



Notary Public for South Carolina
My Commission Expires: 10/30/2022.

RECEIVED
MAR 19 2018
SC Court of Appeals

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

State of South Carolina, Respondent,

v.

Alexander Reid, Appellant.

Appellate Case No. 2017-002193

Appeal From Charleston County
R. Markley Dennis, Jr., Circuit Court Judge

Unpublished Opinion No. 2019-UP-005
Submitted November 1, 2018 – Filed January 4, 2019

APPEAL DISMISSED

Deputy Chief Appellate Defender Wanda H. Carter, of
Columbia, and Alexander Reid, pro se, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General John Benjamin Aplin,
both of Columbia, for Respondent.

PER CURIAM: Dismissed after consideration of Appellant's pro se brief and review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.¹

APPEAL DISMISSED.

LOCKEMY, C.J., and THOMAS and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

FORM 5

STATE OF SOUTH CAROLINA

County of DorchesterAlexander Reid #204023

Full name and prison number (if any) of Applicant

v.

State of South Carolina

2019-CP-10-394
IN THE COURT OF COMMON PLEASAPPLICATION FOR
POST-CONVICTION RELIEF2019 JAN 24 PM 3:09
FILE J. ARMSTRONG
CLERK OF COURT

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Litcher Correction Institution / 136 Wilborn Drive / Ridgeville
South Carolina 29472
2. Name and location of Court which imposed sentence Charleston County General
Sessions
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 17-25-10-6300-6457-6458-1947-1948-1949
 - (b) 2016

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) October 12th, 2017
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Denied
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance Of Counsel
- (b) Involuntary Guilty Plea
- (c) Prosecution misconduct
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Applicant was denied counsel at a critical stage of Proceedings
- (b) Counsel advice to Plead Guilty after inadequate marshaling of law and facts
- (c) Prosecution interfered with counsel during critical stage of Proceedings
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. Not Applicable
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. Not Applicable
- iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

Not Applicable

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

Not Applicable

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

Not Applicable

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Not Applicable

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

Not Applicable

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

Not Applicable

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) _____ *NOT Applicable*
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes
 (b) your trial, if any? No
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Aaron C. Mayer

ii. South Carolina Appellate Defense

iii. _____

(b) the proceedings at which each such attorney represented you:

i. Guilty Plea / Sentencing

ii. Appeal

iii. _____

19. State clearly the relief you seek in filing this application:

vacate Guilty Plea

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of Dorchester)

VERIFICATION

I, Alexander Reid, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Alexander Reid

SWORN to and subscribed before me this 18th
day of January, 2019.

Lechean Bryant (L.S.)
Notary Public

My Commission Expires: May 26, 2020

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Alexander Reid, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Alexander Reid
Applicant

SWORN or affirmed to and subscribed before me this
18th day of January, 2019.

Ludeman Bryant
Notary Public

My Commission Expires: May 26, 2020

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Alexander Reid, #204203,)

Case No.: 2019-CP-10-394

Applicant,)

RETURN

v.)

State of South Carolina,)

Respondent.)

FILED
2019 APR -1 PM 2:54
JULIE J. ARMSTRONG
CLERK OF COURT
BY SB

Respondent, making its Return to the application for Post-Conviction Relief ("PCR") filed on January 24, 2019, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. In March 2016, the Charleston County Grand Jury indicted Applicant for trafficking in cocaine, one hundred grams or more (2016-GS-10-1949) and unlawful conduct towards a child (2016-GS-10-1947 and 2016-GS-10-1948) and in September 2017 for possession with intent to distribute (PWID) crack cocaine (2017-GS-10-6457). Aaron C. Mayer, Esquire, of the Ninth Circuit Public Defender's Office, represented Applicant at his plea hearing. Assistant Solicitors Stephanie B. Linder and Charles W. Patrick prosecuted the case. On October 16, 2017, Applicant pleaded guilty to trafficking in cocaine, 28g but less than 100g and possession with intent to distribute crack cocaine and entered an Alford Plea to the unlawful conduct towards a child charges before the Honorable R. Markley Dennis, Jr. Judge Dennis sentenced Applicant to imprisonment for concurrent terms of twenty years each for trafficking cocaine and possession with intent to distribute cocaine and concurrent terms of ten years for each of the unlawful conduct towards a child charges.

Applicant filed a timely notice of appeal. On March 19, 2018, Wanda H. Carter, Esquire, of the Office of Appellate Defense filed an Anders Brief of Appellant. The South Carolina Court of Appeals dismissed Applicant's appeal on January 4, 2019. State v. Reid, Op. No. 2019-UP-005 (S.C. Ct. App. filed October 31, 2012). The remittitur was returned to the circuit court on January 24, 2019.

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, Applicant's appellate records, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel," due to "applicant was denied counsel at critical stage of proceedings"
2. "Involuntary guilty plea" in that "counsel advice to plead guilty after inadequate investigation of law and facts"
3. "Prosecution Misconduct" because "prosecution interfered with counsel during critical stage of proceedings"

III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as

having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel’s performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also asserts his plea was involuntary. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, "[a] guilty plea is a solemn,

judicial admission of the truth of the charges” against the applicant; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant’s plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered

at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCRCP.

VI.

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to "support each ground" or to explain with any specificity whatsoever the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VII.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VIII.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

IX.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of plea counsel and involuntary guilty plea.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

BENJAMIN HUNTER LIMBAUGH
Assistant Attorney General

By: *Benjamin Limbaugh*
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

March 27, 2019

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

ALEXANDER REID, #204023

Applicant,

v.

State of South Carolina

Respondent,

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

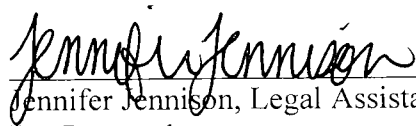
Case No.: 2019-CP-10-394

Affidavit of Service by Mail

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Christopher L. Murphy, Esquire
Murphy Law Offices, LLC
234 Seven Farms Drive, Suite 128
Charleston, SC 29492

DATED this 27th day of March, 2019.



Jennifer Jennison, Legal Assistant
For Respondent

2019 APR - 1 PM 2:57
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

FILED

STATE OF SOUTH CAROLINA
County of ☒ Charleston ☐ Berkeley

COURT OF COMMON PLEAS
Case No. 2019-CP-10-00394

Alexander Reid
Applicant / Petitioner
vs.
State of South Carolina,
Respondent.

ORDER

2019 NOV 20 PM 12:11
JULIE
CLERK

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: _____ denied _____ granted _____ under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:
The motion to dismiss and/or for summary judgment is hereby _____ granted _____ denied _____ under advisement, based upon the _____ statute of limitations and/or _____ the successive nature of the application or _____ other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

_____ Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

_____ The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or _____ no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed _____ with prejudice _____ without prejudice.

✓ 5. Other: The Record in this case will be left open for 90 days from today. The attorney who originally rep. the A is not cooperating with anyone. So the State has 90 day to attempt to secure his testimony by deposition or otherwise. After that - both sides have 30 day to submit proposed orders. This order may be extended by the Court for Good Cause Shown

6. The court further orders:
_____ The _____ Attorney General _____ Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within _____ days.
_____ Both sides are directed to submit proposed orders to the court and to serve the orders on each other within _____ days.
_____ The court does not request proposed orders.

IT IS SO ORDERED.

Date: 11 / 20 / 19
Charleston, S.C.

Re Hood
Presiding Judge

Court Reporter: Karen Andersen
Attorney for ~~Plaintiff~~ Benjamin Limbaugh The State
Attorney for ~~Defendant~~ Christopher L. Murphy
Applicant

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Alexander Reid,

Applicant,

v.

State of South Carolina,

Respondent.

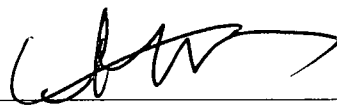
IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2019-CP-10-0394

**MOTION FOR ORDER GRANTING
APPLICATION FOR
POST-CONVICTION RELIEF**

Applicant, Alexander Reid, moves the Court to grant his Post-Conviction Relief Application based on the November 20th, 2019 Order which the Court left the matter open for ninety (90) days to allow the State to track down his attorney. Ninety (90) days has since past and the State has failed to secure his trial attorney's testimony by deposition or otherwise.

Thus, the State has not presented any evidence in opposition to the applicant who moves for order granting his Post-Conviction Relief Application.

Respectfully Submitted,



CHRISTOPHER L. MURPHY
RESNICK & LOUIS, P.C.
146 Fairchild Street, Suite 130
Charleston, South Carolina 29492
Phone: (843) 800-1147
Email: cmurphy@rlattorneys.com
Attorney for Alexander Reid

2020 DEC 21 AM 11:08
JULIE J. ARISTOTON
CLERK OF COURT

FILED

Charleston, South Carolina
12 / 14, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO: 2019-CP-10-0394
COUNTY OF CHARLESTON	)	
	)	
Alexander Reid,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CERTIFICATE OF SERVICE
	)	
State of South Carolina	)	
	)	
Defendant.	)	
	)	

2020 DEC 21 AM 11:08
JULIE J. AUSTIN
CLERK OF COURT

FILED
CLERK OF COURT

I, Ashley Murrell, an employee of Resnick and Louis, P.C., do hereby certify that a true and correct copy of *Defendant Alexander Reid's Motion for Order Granting Application for Post-Conviction Relief* has been provided by U.S Mail, postage pre-paid, and/or via electronic mail to all other counsel of record, on this 16th day of December, 2020 to the following:

Benjamin Limbaugh A.A.G. S.C. Attorney General's Office Rembert C. Dennis Building 1000 Assembly St. Columbia, SC 29201 (803)-734-4124 blimbaugh@scag.gov ATTORNEY FOR DEFENDANT	
---	--

/s/ Ashley Murrell

Assistant to Christopher L. Murphy, Esq.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Alexander Reid, #204203,)

Case No.: 2019-CP-10-394

Applicant,)

v.)

State of South Carolina,)

Respondent.)

**RETURN TO MOTION FOR ORDER
GRANTING APPLICATION FOR
POST-CONVICTION RELIEF**

2021 MAR 19 AM 10:31

Respondent, making its Return to Applicant's motion for order granting application for post-conviction relief, filed on December 14, 2020 would show this Court:

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. In March 2016, the Charleston County Grand Jury indicted Applicant for trafficking in cocaine, one hundred grams or more (2016-GS-10-1949) and unlawful conduct towards a child (2016-GS-10-1947 and 2016-GS-10-1948) and in September 2017 for possession with intent to distribute (PWID) crack cocaine (2017-GS-10-6457). Aaron C. Mayer, Esquire, of the Ninth Circuit Public Defender's Office, represented Applicant at his plea hearing. Assistant Solicitors Stephanie B. Linder and Charles W. Patrick prosecuted the case. On October 16, 2017, Applicant pleaded guilty to trafficking in cocaine, 28g but less than 100g and possession with intent to distribute crack cocaine and entered an Alford Plea to the unlawful conduct towards a child charges before the Honorable R. Markley Dennis, Jr. Judge Dennis sentenced Applicant to imprisonment for concurrent terms of twenty years each for trafficking cocaine and possession with intent to distribute cocaine and concurrent terms of ten years for each of the unlawful conduct towards a child charges.

Applicant filed a timely notice of appeal. On March 19, 2018, Wanda H. Carter, Esquire,

of the Office of Appellate Defense filed an Anders Brief of Appellant. The South Carolina Court of Appeals dismissed Applicant's appeal on January 4, 2019. State v. Reid, Op. No. 2019-UP-005 (S.C. Ct. App. filed October 31, 2012). The remittitur was returned to the circuit court on January 24, 2019.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel," due to "applicant was denied counsel at critical stage of proceedings"
2. "Involuntary guilty plea" in that "counsel advice to plead guilty after inadequate investigation of law and facts"
3. "Prosecution Misconduct" because "prosecution interfered with counsel during critical stage of proceedings"

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit and he has failed to meet his burden of proof on this issue as the record currently stands. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney

provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Respondent submits Applicant has not satisfied neither requirement of the Strickland test as the record currently stands and the testimony of Applicant’s counsel is necessary for a complete record on the issue. Applicant’s counsel is now fully cooperating with Respondent and will be available to testify as soon as this case is set. Respondent intends to set this matter for the next Ninth Circuit roster, which would be March 22-26, 2021.

Applicant also asserts his plea was involuntary. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not “within the

competence demanded of attorneys in criminal cases.” Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, “[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing.” McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, “whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases.” Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both.” Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error

by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant’s plea. Applicant has failed to meet his burden of proof regarding this allegation as the record currently stands. The record needs to be fully developed with the testimony of plea counsel. Plea counsel is now fully cooperative and will be available to testify when this hearing is set, which will be for the term of March 22-26, 2021.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law. Applicant’s motion is premature, as he has failed to present evidence sufficient to meet his burden of proof in this matter. Applicant has presented no evidence on his ineffective assistance of counsel claim and his involuntary guilty plea allegation is directly refuted by the record. Plea counsel’s testimony is necessary for both sides to have a complete record and for Applicant to have his issues fully heard. Therefore, Respondent requests that the matter be fully heard and an evidentiary hearing be scheduled for the week of March 22-26, 2021.

Respectfully submitted,

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Attorney General

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March 8, 2021

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Alexander Reid, #204023

Applicant,

v.

State of South Carolina

Respondent,

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2019-CP-10-394

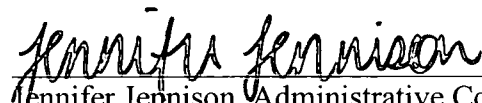
Certificate of Service by Mail

2021 MAR 10 AM 10:31
CLERK OF COURT
BY PL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return to Motion for Order Granting Application for Post-Conviction Relief in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Christopher L. Murphy, Esquire
Murphy Law Offices, LLC
146 Fairchild Street, Suite 130
Charleston, SC 29492

DATED this 8th day of March, 2021.



Jennifer Jennison, Administrative Coordinator
For Respondent

STATE OF SOUTH CAROLINA	) COURT OF COMMON PLEAS
	)
COUNTY OF CHARLESTON	) NINTH JUDICIAL CIRCUIT

ALEXANDER REID	) NO. 2019-CP-10-00394
	)
VS.	) <u>TRANSCRIPT OF RECORD</u>
	)
THE STATE OF SOUTH CAROLINA	) PCR Hearing

B E F O R E:

The Honorable R. Kirk Griffin, Judge

DATE: Wednesday, April 19, 2023

1:54 p.m.

Charleston, South Carolina

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

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

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COURT REPORTER LEGEND:

dash -- intentional/purposeful interruption; change in thought

ellipses ... trailing off

[ph] phonetically written

[sic] written as said

[indiscernible] unable to be understood due to low volume or
quality of audio

-- P R O C E E D I N G S --

ATTORNEY DIXON: May it please the Court.

THE COURT: Yes, ma'am.

ATTORNEY DIXON: I'm Danielle Dixon, Assistant Attorney General for the State of South Carolina. This is the case of Alexander Reid v. State, Docket No. 2019-CP-10-393. Mr. Reid is currently serving a 20-year sentence.

He was indicted in March of 2016 by the Charleston Grand Jury for trafficking cocaine, 100 grams or more; and two counts of unlawful conduct towards a child. Those are Indictment Nos. 2016-GS-10-1949, -1947, and -1948. He was later indicted in September 2017 for possession with intent to distribute crack cocaine. That's Indictment No. 2017-GS-10-6457.

Ultimately following a motion to suppress the drug evidence, he pled guilty before The Honorable R. Markley Dennis, Jr. He was represented by Aaron Mayer, and Assistant Solicitor Stephanie B. Linder represented the State. And he pled to the lesser-included offense of trafficking, 28 to 100 grams of cocaine, and then he did an *Alford* plea to the two counts of unlawful conduct towards a child, and then he also plead to the PWID crack cocaine.

And this was a negotiated sentence, and he was sentenced concurrently for 20 years for trafficking and PWID, and then 10 years for each of the unlawful conduct towards a child count.

He did file a direct appeal, and Wanda H. Carter of

1 Appellate Defense filed an *Anders* brief on his behalf. The Court
2 of Appeals dismissed this pursuant to *Anders*. The remittitur was
3 sent January 24th, 2019. He filed this PCR application timely,
4 February 12th, 2019, raising complaints related to ineffective
5 assistance of counsel.

6 This was previously continued in July of 2019. And, Your
7 Honor, for the record, it did convene for an evidentiary hearing
8 in November of 2019 before Judge Hood. At that time the State
9 had not been able to locate Mr. Mayer, and Judge Hood gave the
10 State an additional, I believe it was, 90 days to locate him and
11 then an additional 30 days for everyone to submit proposed
12 orders. And then, of course, COVID happened, and so this kind
13 of -- I don't know what happened after that.

14 But, at any rate, I spoke with Mr. Murphy, and he was
15 amenable to us just putting it on the docket before Your Honor
16 today and just starting fresh. We do have the transcript from
17 that November hearing. The applicant did testify at that time.
18 And I don't know if Your Honor wants to review that or if you
19 would like for him to testify today. I think Mr. Murphy has
20 indicated he's fine with whatever procedure Your Honor prefers.

21 THE COURT: And we have the transcript included in the
22 packet?

23 ATTORNEY DIXON: That, I'm not sure about, because I just
24 reviewed it. And I just reviewed the table of contents for our
25 packet, but I do know we do have a copy of it I can hand up right

1 now.

2 THE COURT: That's fine.

3 ATTORNEY DIXON: It is relatively short. It's about 25
4 pages.

5 THE COURT: Okay.

6 ATTORNEY DIXON: And I don't know if you want to make it a
7 court exhibit.

8 THE COURT: Yeah, we can do that. We can make it a court's
9 exhibit.

10 (Court's Exhibit 1 is identified.)

11 THE COURT: Mr. Murphy, what's the applicant's position?

12 ATTORNEY MURPHY: Thank you, Your Honor. We would like to
13 move forward. Just by way of -- very briefly, Your Honor, I did
14 file a motion to dismiss based on Judge Hood's original ruling,
15 for the record, that there was 90 days to secure the testimony of
16 the defense counsel. That obviously wasn't done, so I would just
17 like to put that on the record, Your Honor.

18 With regard to the substance of this hearing, we are
19 challenging the drug issues only. And basically what this boils
20 down to, as in that transcript, is that he thought he was getting
21 a conditional plea. He pled guilty right after Judge Dennis
22 denied his suppression motion, and he pled guilty thinking that
23 he would be able to appeal those denials.

24 As you know, there is no conditional plea in state court.
25 There is in federal court. And that is the substance of his

1 understanding, and that's laid out in that transcript.

2 THE COURT: All right. So do you feel a need to put him
3 back on the stand, or just -- for the sake of argument if I deny
4 your motion to dismiss you'll stand on his testimony --

5 ATTORNEY MURPHY: That's correct.

6 THE COURT: -- in the transcript?

7 ATTORNEY MURPHY: However you want to proceed, Judge.

8 THE COURT: Okay.

9 ATTORNEY MURPHY: It's well laid out in the record there.

10 THE COURT: Okay.

11 ATTORNEY MURPHY: And so we'd stand by that. The testimony
12 is not going --

13 THE COURT: You all correct me if I'm wrong. He was
14 originally -- you said it was trafficking, more than 100 grams;
15 is that correct?

16 ATTORNEY DIXON: It was originally 100 grams or more. Yes,
17 sir.

18 THE COURT: Isn't that the mandatory minimum of 25?

19 ATTORNEY DIXON: Yes, that is correct. It's mandatory
20 minimum of 25.

21 THE COURT: I believe that's a mandatory minimum of 25, and
22 it carries 25 to 30, correct?

23 ATTORNEY DIXON: Mandatory minimum of 25 for trafficking,
24 and then 10 to 30 for PWID is what I have on my notes.

25 THE COURT: All right. I just want to make sure that the

1 applicant understands that if he were successful in a PCR and
2 were retried for trafficking, 100 grams or more, that he would
3 get -- if he were found guilty he would get a higher sentence
4 than he's currently serving.

5 Do understand that, sir?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. All right. Knowing that all I can do is
8 grant you a new trial if you were successful in a PCR, and
9 knowing that you would be facing all of the charges that you were
10 originally facing, essentially you start back at square one, I
11 just want to make sure you understand that that's the only -- my
12 decision would be new trial versus -- and I can't cut time, I
13 can't go below anything that you were given or anything that you
14 would be facing if you were to receive a new trial.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. All right. And, Ms. Dixon, you said the
18 hearing was in November with Judge Hood, and --

19 ATTORNEY DIXON: 2019, Your Honor, yes, sir. And I will
20 note for the record we did file a return opposing the motion to
21 dismiss -- or, I'm sorry -- to grant relief on this PCR. And I
22 will note for the record that the order that Judge Hood signed
23 did say that it could be extended by the Court for good cause, so
24 I would just submit we have good cause just with the pandemic and
25 the uncertainty of everything.

1 THE COURT: So 90 days from November --

2 ATTORNEY DIXON: Well, 90 days, and then 30 days to submit
3 proposed orders puts us right around the time --

4 THE COURT: My recollection of the events of 2020, I believe
5 court shut down in the state sometime around St. Patrick's Day of
6 2020.

7 ATTORNEY DIXON: It was early to mid March. I would say it
8 was 90 days from the date of the hearing, and then an additional
9 30 to submit an order, so that puts us around November 19th --
10 November 20th was the date of the actual hearing. December
11 January, that puts us to February 2020, and then another 30 days
12 puts us back into March. And I don't know -- and I can't speak
13 for the status of the A G's office at that time because I was not
14 there.

15 THE COURT: Well, I know with absolute certainty the last
16 in-court hearing I did in March of 2020 was on St. Patrick's Day,
17 and then the day after I was told not to go to my assignment and
18 court was shut down for an undetermined amount of time given the
19 COVID pandemic.

20 So given that situation, given that it was close within the
21 time that Judge Hood gave, I'm going to deny the motion to
22 dismiss. And I'll be happy to review the transcripts. So you
23 all are -- do you have any other witnesses that would need to
24 testify in this matter?

25 ATTORNEY DIXON: Just Mr. Mayer.

1 THE COURT: Okay. All right.

2 ATTORNEY DIXON: Are you going to call him, or -- all right.
3 And, Your Honor, I believe the defense -- I'm sorry, the
4 applicant doesn't have any other --

5 ATTORNEY MURPHY: We would rest after our testimony.

6 THE COURT: Okay.

7 ATTORNEY DIXON: And we would call Aaron Mayer to the stand.

8 AARON C. MAYER,
9 having first been duly sworn, is examined and testifies as
10 follows:

11 CLERK OF COURT: Please state your full name, spelling your
12 last name.

13 THE WITNESS: Aaron Cole Mayer, M-a-y-e-r.

14 **DIRECT EXAMINATION**

15 BY ATTORNEY DIXON:

16 Q Mr. Mayer, how are you today?

17 A I'm all right. How are you?

18 Q Good, thank you. Can you tell us briefly how you became
19 involved in Mr. Reid's case?

20 A I believe I was hired by the defendant. I don't recall
21 exactly. This was, you know, six - seven years ago. But I was
22 hired; I wasn't appointed.

23 Q Gotcha. Did you have an opportunity to meet with him before
24 trial?

25 A Sure.

1 Q Or before the hearings. Did you all discuss the suppression
2 hearing the State --

3 A Yeah. As I recall, a lot kind of hinged on the suppression
4 hearing from our perspective, at least from my perspective.
5 Yeah.

6 Q And do you recall whether you all had a suppression hearing?

7 A I believe we did.

8 Q And then do you recall the circumstances leading up to the
9 negotiated plea?

10 A If memory serves, I feel like the solicitor was threatening
11 life without parole based on priors.

12 Q Gotcha. Okay. And what was the -- do you recall the
13 State's evidence, briefly?

14 A Well, there were two bits of evidence. There was a traffic
15 stop, and then there was the search of a home, of a residence.
16 And I don't recall exactly what they found where, but I do recall
17 feeling like there was some questionability around the traffic
18 stop.

19 Q And then going into the plea did you explain to Mr. Reid his
20 constitutional rights such as the right to a jury trial?

21 A Yeah. I mean, I would think I would have done that. I
22 can't tell you with 100 percent certainty because, you know, it's
23 a long time ago, but it would have been -- it would have been my
24 habit to talk about options and rights with a client.

25 Q And then what is your understanding in terms of, if a Court

1 denies the suppression hearing and then someone subsequently
2 pleads guilty, what is your understanding in terms of their
3 ability to appeal the denial of the suppression?

4 A Well, it's a great question. My understanding at the time
5 or my understanding now, or?

6 Q At the time.

7 A At the time. Yeah. You know, I didn't practice a ton of
8 criminal defense other than 2013 till probably this case, around
9 2017 - 2018, so I didn't have a lot of familiarity with the
10 appeals process, but my general sense at the time, I believe, was
11 that if he pled, if a defendant pled, then they would have
12 much-less ability to seek relief through an appeal.

13 Q Gotcha. So your understanding was it's very difficult --

14 A That would be consistent. Yeah, I think that's right.

15 Q -- to appeal a guilty plea?

16 A Right.

17 Q Did you discuss an appeal with him?

18 A I really can't remember. It's possible.

19 Q I think that's all. Thank you.

20 A Yes, ma'am.

21 ATTORNEY MURPHY: May it please the Court, Your Honor.

22 THE COURT: Yes, sir.

23 **CROSS-EXAMINATION**

24 BY ATTORNEY MURPHY:

25 Q Mr. Mayer, very briefly. This happened -- and I'm not

1 trying to trick you or put words in your mouth -- this happened a
2 long time ago, and would it be fair to say you really don't
3 remember this situation at all?

4 A Only bits and pieces of it. Yeah, it was a long time ago.

5 Q And you said you practiced from 2013 to 2017 or so?

6 A Well, I mean, you know, hardcore criminal law is when I did
7 that. Yeah.

8 Q And that's what I meant.

9 A Yes, sir.

10 Q And other than that, I imagine you were doing civil stuff?

11 A I was doing civil stuff, divorces.

12 Q So mostly family law?

13 A Yes, sir.

14 Q And in terms of your criminal experience, did you have
15 experience in the federal system, or the state system, or?

16 A Pretty much exclusively the state system.

17 Q And in terms of -- have you ever heard the term of a
18 conditional plea before?

19 A I don't know. Maybe.

20 Q And do you understand that there's a difference between a
21 conditional plea being accepted in federal court vers. state
22 court?

23 A I heard you guys talking before this, but if you would have
24 quizzed me on it before listening to you guys I don't know that I
25 could have said yeah.

1 Q Fair enough. Do you have any notes, or did you keep time at
2 all in this case?

3 A I don't think this was a time-based case; I think it was a
4 flat-fee case, so I don't think I would have kept time. I
5 probably had notes.

6 Q And do you recall how many times you met with Mr. Reid to go
7 over this case?

8 A I don't. I would hesitate to even guess. I remember
9 Mr. Reid coming into my office. He was always a very nice guy,
10 always -- my heart always went out to him for what he was facing,
11 but I don't remember the number of times we met.

12 Q So he was out on bond, though, when you represented him?

13 A That's my memory, at least for a part of the time.

14 Q That's all I have. That you, sir.

15 **REDIRECT EXAMINATION**

16 BY ATTORNEY DIXON:

17 Q Just one quick follow-up. To your recollection, did you
18 tell him that he could enter into a conditional plea?

19 A I don't know that I would have used that phraseology. I
20 think, you know -- and again, my memory is not perfect at this
21 point, but I remember feeling strongly that the suppression
22 hearing was really our best chance, and, you know, upon losing
23 that I felt like I had a real fear for him for, you know, LWOP.

24 ATTORNEY DIXON: Nothing further.

25 ATTORNEY MURPHY: Nothing further, Your Honor.

1 THE COURT: Thank you, sir. You can step down.

2 THE WITNESS: Thank you, sir.

3 ATTORNEY MURPHY: And very briefly, in terms of rebuttal, we
4 would call Mr. Reid, Your Honor.

5 THE COURT: Okay.

6 ALEXANDER REID,

7 having first been duly sworn, is examined and testifies as
8 follows:

9 CLERK OF COURT: Please state your full name, spelling your
10 last name.

11 THE WITNESS: Alexander Reid, R-e-i-d.

12 ATTORNEY MURPHY: Thank you. May it please the Court.

13 **DIRECT EXAMINATION**

14 BY ATTORNEY MURPHY:

15 Q Mr. Reid, I imagine you remember that day you pled guilty a
16 lot better than your attorney.

17 A Yes.

18 Q Do you recall that day?

19 A Yes.

20 Q You've got to speak up for the Judge and the court reporter.

21 A Yes, I do.

22 Q And first of all let me ask you this: Do you remember how
23 you came to hire Mr. Mayer, or retain him?

24 A Well, I was just really looking for attorneys.

25 Q And did you know about his limited experience in criminal

1 court at the time?

2 A No, sir.

3 Q And in terms of -- you heard him testify he didn't know how
4 many times you met to go over the case. Do you recall how many
5 times you met?

6 A About three or four.

7 Q And in terms of the suppression hearing, you recall Judge
8 Dennis ruling against you in the suppression hearing, right?

9 A Yes, sir.

10 Q And you also recall pleading guilty?

11 A Yes, sir.

12 Q And could you tell the Court what your understanding was in
13 terms of an appeal?

14 A Well, I didn't really know too much about law but, you know,
15 I was just going from his experience. You know what I'm saying?
16 I just wanted to, you know, like -- figured that if I did what he
17 told me to, you know, I could appeal whatever. You know.

18 Q What did you think you were appealing?

19 A My suppression.

20 Q And was there any appeal of the suppression denial?

21 A No.

22 Q And was there any other appeal filed?

23 A Yes. My sentence.

24 Q And that was just filing the sentencing?

25 A Yes.

1 Q And when did you learn that you could not file the appeal of
2 the suppression rulings?

3 A After I got to Kirkland I found out, I mean, that it was too
4 late.

5 Q Was that a conversation you had with your appellate counsel?

6 A No.

7 Q You just found out? How did you find out once you were in
8 Kirkland that you could not appeal the suppression motion?

9 A Oh. From, you know, talking to, like, people that know the
10 law.

11 ATTORNEY MURPHY: That's all I have. Thank you, Your Honor.

12 ATTORNEY DIXON: Just real quick, Your Honor.

13 **CROSS-EXAMINATION**

14 BY ATTORNEY DIXON:

15 Q Now, you recall the plea hearing, correct?

16 A Yes.

17 Q And you went before the judge?

18 A Yes. Yes.

19 Q You went before a judge and pled guilty; do you recall that?

20 A Yes.

21 Q And at that time the judge told you you were giving up
22 certain rights. Do you recall that?

23 A Yes.

24 Q Recall the judge telling you you were giving up a right to
25 have the State prove your guilt beyond a reasonable doubt?

1 A Yes.

2 Q Okay. Do you recall the judge telling you you were giving
3 up your right to a jury trial?

4 A I think so.

5 Q Do you recall the judge telling you you were giving up your
6 right to confront witnesses?

7 A I didn't know that.

8 Q You don't recall the judge --

9 A I believe he did.

10 Q If the record reflects that the judge advised you of that
11 would you dispute the record?

12 ATTORNEY DIXON: Your Honor, for the record, this is Page
13 106 of the record on appeal.

14 Q Let's see. And of course the judge told you the sentence
15 you would receive, correct?

16 A Excuse me?

17 Q The judge told you the sentence you were going to receive,
18 correct?

19 A Yes.

20 Q So you knew -- you knew when you pled guilty that that was
21 going to be your sentence, correct?

22 A Yes.

23 Q And you knew you were giving up a lot of constitutional
24 rights that day?

25 A No.

1 Q You didn't know that, so the judge didn't advise you of
2 that?

3 A I didn't have -- my mind wasn't in the right place at the
4 time.

5 Q Gotcha. So when the judge said all this stuff, and I
6 guess -- are you saying you didn't understand? I mean, why not
7 say at that time, "Your Honor, what does this mean; Your Honor, I
8 need to talk to my lawyer" or something?

9 A Well, I had a talk with Mr. Mayer one time, you know, after
10 the suppression and this and that, and he told me, like, he got
11 jumped on before by a judge, and I didn't want it to get into
12 that so I just did go along with it.

13 Q Say that again. I'm sorry?

14 A I didn't want it to get arguing. I didn't want it to be,
15 you know, got jumped on by the judge, or nothing like that.

16 Q Say that again. I'm sorry. I'm having trouble.

17 A I'm saying I didn't want to get in any trouble, you know,
18 speaking out, so I just kept quiet.

19 Q So you think you would have gotten in trouble for speaking
20 up to the judge?

21 A I didn't want -- from what he told me, he was in one other
22 case that the judge, you know, got on him about something, and I
23 didn't wanted that to happen to me.

24 Q And I guess one last question. You told the Court that no
25 one had promised you anything in exchange for this plea; is that

1 correct?

2 A I sure did.

3 Q You did, okay.

4 ATTORNEY DIXON: Nothing further. Thank you.

5 ATTORNEY MURPHY: Nothing, Your Honor.

6 THE COURT: All right. Thank you, sir. You can step down.

7 ATTORNEY DIXON: Your Honor, the State has no more
8 witnesses. Do you want to hear argument?

9 THE COURT: I don't want you to think I don't want to hear
10 your argument, but, I mean, this is a pretty narrow issue.

11 ATTORNEY DIXON: Right. Right.

12 THE COURT: I think I've got a pretty good handle on it.

13 ATTORNEY DIXON: Okay.

14 THE COURT: I am going to take the matter under advisement.
15 I need to read his prior testimony. And I will direct the
16 prevailing party to draft a final order after I make my decision,
17 and I will let the parties know my decision.

18 ATTORNEY DIXON: All right. Thank you.

19 (End of Transcript of Record.)
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CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of Common Pleas for Charleston County, South Carolina, on the 19th day of April, 2023.

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

Date: August 17, 2024

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHARLESTON) Court of Common Pleas
3) Case No. 2019-CP-10-00394
4 ALEXANDER REID,)
5 Applicant,)
6 vs.) Transcript of Record
7 THE STATE OF SOUTH CAROLINA,)
8 Respondent.) DATE: November 20, 2019

9
10 B E F O R E:

11 THE HONORABLE ROGER E. HOOD
12
13

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

15 CHRISTOPHER L. MURPHY
16 Attorney for the Applicant

17 BENJAMIN LIMBAUGH
18 Attorney for Respondent

19 Original transcript ordered by:
20 The Attorney General's Office

21 Stenographically recorded and transcribed by:

22 Karen V. Andersen, RMR, CRR, CSR
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1 THE COURT: Are you Mr. Reid?

2 THE APPLICANT: Yes, sir.

3 THE COURT: Good morning. How are you doing?

4 THE APPLICANT: All right.

5 THE COURT: Great. Where did you come in from?

6 THE APPLICANT: Lieber.

7 THE COURT: Lieber?

8 THE APPLICANT: Yes.

9 THE COURT: Thank you for having him here on time.

10 I sincerely appreciate that. I know it's not as easy a few
11 minutes beforehand in getting somebody here. I appreciate
12 y'all being on time. Thank you very much.

13 We are on the record in 2019-CP-10-394. This is
14 Alexander Reid, 204023, against the State of South Carolina.
15 Mr. Reid has filed for a post-conviction relief action.

16 And, Mr. Limbaugh, why don't you get us started.
17 Mr. Reid is represented by Christopher Murphy. And the State
18 is represented by Mr. Benjamin Limbaugh from the Attorney
19 General's Office.

20 And, Mr. Limbaugh, why don't you get us started.

21 MR. LIMBAUGH: Thank you, Your Honor. The applicant
22 is presently confined to the South Carolina Department of
23 Corrections pursuant to the orders of commitment of the
24 Charleston County Clerk of Court. In March 2016, the
25 Charleston County Grand Jury indicted applicant for

1 trafficking in cocaine, 100 grams or more, and unlawful
2 conduct towards a child, and in September Of 2017, for
3 possession with intent to distribute crack cocaine.

4 Mr. Aaron Mayer, Esq., of the Ninth Circuit Public
5 Defender's Office, represented applicant at his plea hearing.
6 Assistant Solicitors Stephanie Linder and Charles W. Patrick
7 prosecuted the case.

8 On October 16th, 2017, applicant pled guilty to
9 trafficking in cocaine, 28 grams but less than 100 grams, and
10 possession with intent to distribute crack cocaine, and
11 entered an *Alford* plea to the unlawful conduct towards a
12 child charges before the Honorable R. Markley Dennis Jr.

13 Judge Dennis sentenced applicant to imprisonment for
14 concurrent terms of 20 years each for trafficking cocaine and
15 possession with intent distribute cocaine, and concurrent
16 term of 10 years for each of the unlawful conduct towards a
17 child charges.

18 Applicant did file a timely notice of appeal. On
19 March 19th, 2018, Wanda Carter of the Office of Public
20 Defense filed an *Anders* brief.

21 South Carolina Court of Appeals dismissed
22 applicant's appeal on January 4th, 2019. The remittitur was
23 returned to the circuit court on January 24th, 2019.

24 Applicant then did file this application for
25 post-conviction relief on January 24th, 2019, alleging the

1 following three allegations: Ineffective assistance of
2 counsel due to applicant was denied counsel at critical stage
3 of proceedings; second, involuntary guilty plea, in that
4 counsel had advised to plead guilty after inadequate
5 investigation of all the facts; third and finally,
6 prosecutorial misconduct because prosecution interfered with
7 counsel during critical stage of proceedings.

8 Applicant is represented today by Mr. Christopher
9 Murphy. And I will hand it over to him now to clarify his
10 application, Your Honor.

11 THE COURT: Mr. Murphy.

12 MR. MURPHY: Yes. Thank you, Your Honor. May it
13 please the Court.. In terms of the application, the ground we
14 are going to focus on, and it's really the only ground, is
15 going to be the involuntary plea. And he will lay out some
16 background about his arrest, his representation. And then
17 there was -- right before trial, there was some questions
18 about the drugs. There was a suppression motion that was
19 denied. And then there was a suppression motion about his
20 statement that he made, which was also denied.

21 He then plead to a negotiated sentence, but he did
22 not understand exactly what he was pleading to and what his
23 rights were in terms of the appeal. And thus kind of lies
24 the crux of why we are here today.

25 THE COURT: Okay.

1 MR. MURPHY: So we would call to the stand Mr.
2 Alexander Reid.

3 ALEXANDER REID,
4 having been duly sworn, testifies as follows:

5 THE CLERK: For the record, please state your name,
6 spelling your last name.

7 THE APPLICANT: Alexander Reid, R-e-i-d.

8 MR. MURPHY: May it please the Court.

9 DIRECT EXAMINATION

10 By MR. MURPHY:

11 Q. Mr. Reid, you understand that you are here for your
12 PCR, or post-conviction relief application?

13 A. Yes, sir.

14 Q. And you understand that we can only attack errors
15 that your attorney made in this hearing; is that true?

16 A. Yes, sir.

17 Q. And I know you are frustrated and you have a lot of
18 issues legally with your case, but those would have been
19 handled at your direct appeal; do you understand that?

20 A. Yes, sir.

21 Q. Now, what I want to do is I want to go through and
22 give the Court somebody background information on your arrest
23 and what led -- the charges that ended up leading to your
24 arrest. So if you could tell the Court how you got arrested
25 and eventually how you got charged with the drug crimes.

1 A. All right. I was driving down Highway 17 north.
2 Just left a family's member house. And I was headed really
3 to go downtown to Palmetto Funeral Home because my sister
4 died the same day. And I got -- I seen the police. And they
5 turned around and they got behind me and they pulled me over.

6 And when they pulled me over, he said, give me your
7 driver's license and registration. I gave him my driver's
8 license and registration. And I asked him what was the
9 problem. And he said I was speeding. And I told him, I
10 said, no, I wasn't speeding. I said, I got a radar detector
11 right here. And I said, if I was speeding, you can write me
12 a ticket.

13 And he got kind of upset with me and told me to get
14 out of the car. And I told him I'm -- excuse me. I'm asking
15 him why I'm getting out of the car. And he said, get out of
16 the car. And I said, can you please tell me why I'm getting
17 out of my car.

18 So being that he was getting upset, so me and my
19 passenger, we got out of the car. So when I got out of the
20 car, I had my phone in my hand. And I said, well, I'm going
21 to go ahead and record that. He took my phone from me and
22 put me in cuffs and put me by the car. And he went in and
23 start searching my vehicle without my consent.

24 And so after he searched the vehicle, he came back.
25 And he said, do you got any contraband or anything in the

1 vehicle? And I said, no, I don't have any contraband in the
2 vehicle. Then he asked me, where do -- he found some money
3 that I had in the vehicle. So he asked me where I got the
4 money from. And I told him that money was for me to go to
5 Palmetto Funeral Home to pay for my sister's body to get
6 flied (sic) back from Columbus, Ohio. And I had a
7 reservation at the airport for car rental, because I was
8 going back to Ohio because we just left Ohio like a week ago
9 in seeing her and she passed.

10 Q. So you got -- just let me summarize. You got pulled
11 over for speeding?

12 A. Yes.

13 Q. Did you ever get a ticket for speeding?

14 A. No. He didn't give me no ticket then.

15 Q. Let me ask you this. Were there any drugs or
16 anything found within your car?

17 A. Nothing, no contraband, no nothing.

18 Q. Where were the drugs found then that led to your
19 arrest?

20 A. At a residence that's not mine.

21 Q. All right. Now, you talked to your attorney. And
22 when they found the drugs at this residence, then that's when
23 you got charged, I assume; is that correct?

24 A. Well, yeah. They really didn't tell me until they
25 took me to the police station.

1 Q. Now, you had an attorney, Aaron Mayer; is that
2 correct?

3 A. Yes, sir.

4 Q. And was he your only attorney in this case?

5 A. Yes, sir.

6 Q. Now, you talked to him about the facts surrounding
7 your arrest, didn't you?

8 A. Yes, sir.

9 Q. And how many times did he visit you before you were
10 up for trial?

11 A. Probably about three times.

12 Q. All right. And did you talk about any offers from
13 the State to try to get you to plead guilty?

14 A. Nothing, because we was trying to get the name of
15 the confidential informant, or whatever it was, and --

16 Q. Now let's talk about this a little bit. The
17 residence, how did the police know to go to this residence
18 where the drugs were found?

19 A. I don't know.

20 Q. Now, did you ever find that information out from
21 your attorney?

22 A. He said something about they seen my car or
23 something like that.

24 Q. You were up for trial in this case, correct?

25 A. Yes, sir.

1 Q. And did you want to go to trial or did you want to
2 plead guilty?

3 A. I wanted to go to trial, because I didn't do
4 anything wrong.

5 Q. All right. And did you tell your attorney this?

6 A. Yes, I told him that.

7 Q. Now, I want to just get a timeline without specific
8 with dates. You were up for trial. How long was it before
9 the trial that you actually saw the discovery or the Rule 5
10 information?

11 A. That Saturday before I went to court that Monday.

12 Q. So it would have been two days. Was that the first
13 time you actually saw the evidence against you?

14 A. Yes, sir.

15 Q. Now, in terms of -- what were your previous
16 conversations with Mr. Mayer about it if you did not have
17 that discovery before then?

18 A. No. We were just talking about the traffic stop and
19 stuff and about they charged me with the kids and the drugs
20 and stuff. And I said the kids don't even much live at that
21 address that they are charging me for. So this was going on
22 for like two years.

23 Q. You went to trial. You saw that discovery on
24 Saturday and you went to court on Monday?

25 A. Yes, sir.

1 Q. Correct? Did you pick a jury?

2 A. No.

3 Q. Did you have some preliminary motions? And when I
4 say preliminary motions, you had a motion to suppress? Your
5 attorney filed a motion to suppress; is that correct?

6 A. Yes.

7 Q. And the grounds for that motion to suppress was to
8 suppress the drugs, correct?

9 A. Yes, sir.

10 Q. And the basis -- and this is in the record -- was
11 that there was a faulty police stop, correct?

12 A. Yes.

13 Q. There was not probable cause for a search warrant,
14 correct?

15 A. Right, there was not probable cause.

16 Q. The other motion was to suppress a statement where
17 you claimed the drugs; is that correct?

18 A. Yes, sir.

19 Q. Now, you understand the judge ruled against you on
20 those two motions, that Judge Dennis ruled against you,
21 right?

22 A. Not really, because I was kind of -- when everything
23 took place that day, I was kind of upset. But I did
24 understand the ruling that he made.

25 Q. But those are legal issues that we are not talking

1 about today; do you understand that?

2 A. Yes, sir.

3 Q. Now, once you had those rulings against you, and I
4 call it an adverse ruling, you decided to plead guilty; is
5 that correct?

6 A. Yes, sir.

7 Q. Why did you decide to plead guilty?

8 A. Because my attorney told me that -- he was telling
9 me that I never would see the street again and this and that,
10 and that will be the best thing and he would appeal the
11 sentence right after that. That's the impression I was
12 under, that he was going to just appeal it.

13 Q. Now, let me ask you this. Did you talk about what
14 would happen if you were convicted at trial or the potential
15 amount of time you faced if you were convicted at trial?

16 A. No.

17 Q. Did you know of any offers that were made by the
18 State before your motions to suppress?

19 A. No.

20 Q. And after you lost those motions, there was a
21 negotiated 20-year deal; is that correct?

22 A. Yes. That came that Sunday night.

23 Q. That came that Sunday night. So you actually had --
24 the motions to suppress would have been on the Friday before?

25 A. That Friday.

1 Q. Okay. So you had -- just for the timeline, it was
2 Friday where the motion to suppress, Saturday you saw the
3 evidence against you --

4 A. Yes.

5 Q. -- and then Sunday you got an offer for a negotiated
6 plea of 20 years?

7 A. Yes, sir.

8 Q. All right. Now, did you talk in person to Mr. Mayer
9 about that negotiated plea?

10 A. Yes. I told him that I didn't want to take that.

11 Q. And then if you told him why you -- that you did not
12 want to take it, why did you end up pleading then?

13 A. Because he told me he was -- he told me that this
14 would have been the best thing to do, and this and that. But
15 I told him I didn't want to do it. But he told me that he
16 would appeal the sentence right afterwards.

17 Q. All right. Now, we are talking about an appeal,
18 because this is kind of the linchpin of your case. Did you
19 have an understanding that he was going to appeal Judge
20 Dennis's rulings denying those suppression motions, or did
21 you just have an understanding that he was going to appeal
22 your 20-year sentence?

23 A. No, the suppression.

24 Q. All right. And tell the Court a little bit about
25 your conversations, why you felt he was going to appeal the

1 suppression motion versus the actual sentence.

2 A. Because the way that he told me, you know, like, he
3 was going to put everything in if I take the plea, and this
4 and that. And I wasn't, you know -- didn't really have no
5 understanding of it.

6 Q. Did you ever hear the term "conditional plea" at
7 all?

8 A. No.

9 Q. Does that ring a bell?

10 A. No, sir.

11 Q. All right. Did you have any understanding that once
12 you pled guilty, you would have waived any rulings or the
13 right to appeal those preliminary hearings?

14 A. No, sir.

15 Q. Did Mr. Mayer explain or did you talk about that the
16 only way to appeal those suppression motions would be to go
17 through with a trial?

18 A. No, sir.

19 Q. Had you known that the only way to preserve those
20 issues, those preliminary hearing rulings, would be with a
21 trial, what would you have done?

22 A. I would have went to trial.

23 Q. Had you known that if you were going to plead to a
24 20-year sentence and that you did not have any valid grounds
25 for appeal, what would you have done?

1 A. I wouldn't have plead.

2 Q. An appeal actually was filed, wasn't it?

3 A. Yes.

4 Q. And did you file your brief on your own behalf or
5 did you have appellate counsel?

6 A. I drew it up.

7 Q. Ultimately, that appeal was denied, correct?

8 A. Yes.

9 Q. And, thus, your filing the PCR?

10 A. Yes.

11 Q. And your ground is that involuntary plea?

12 A. Plea.

13 Q. Other than what we talked about today just now, is
14 there anything else that you think supports or that you want
15 the Court to hear about why you pled guilty?

16 A. On his advisement, I mean, I gone in thinking that
17 he was going to appeal my sentence right after that. And
18 that's why I did it, from his -- from me and him talking,
19 that, you know, thinking everything would have been all
20 right.

21 Q. So you said appeal the sentence. But before we
22 talked about where you thought you were appealing the
23 preliminary hearing ruling.

24 A. That's what I mean, the suppression.

25 MR. MURPHY: Got you. All right. Thank you.

1 That's all I have.

2 THE COURT: Mr. Limbaugh.

3 MR. LIMBAUGH: May it please the Court, Your Honor.

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. LIMBAUGH.

7 Q. How are you doing?

8 A. Okay. How are you doing?

9 Q. Doing well. Thank you. Do you remember the judge
10 going over a lot of the things during your preliminary
11 hearing, asking you a lot of questions?

12 A. Yes.

13 Q. Do you remember the judge asking you if anyone had
14 made you -- or had threatened you or made you any promises to
15 make you plead guilty?

16 A. I understand that. I just believed what my lawyer
17 told me.

18 Q. Okay. Were you telling the truth to the judge that
19 day.

20 A. Excuse me?

21 Q. Were you answering the judge truthfully when you
22 were responding to those questions?

23 A. I mean, I was.

24 Q. Okay. And there's a series of question where he
25 asked you, did you feel that if you went to trial that day,

1 the jury would convict you or find you guilty; do you
2 remember those?

3 A. I think I do.

4 Q. And you said yes to all of those; is that correct?

5 A. I believe so.

6 Q. The judge also that day asked you if you were
7 satisfied with Mr. Mayer's representation of you. Do you
8 remember that?

9 A. That, I got stuck on that, because I was trying to
10 figure out a certain part that they were talking about.

11 Q. But do you remember saying you were satisfied with
12 him?

13 A. Yes.

14 Q. Did Mr. Mayer ever specifically tell you that he was
15 going to appeal based on those suppression motions?

16 A. Yeah. That's why I thought we was doing it.
17 Because, like I said, this case was going on for, like, two
18 years before I even went. And I only seen him like three or
19 four times over two years.

20 Q. I think at one point, Mr. Mayer talks about you and
21 him having a pretty good working relationship. Do you
22 remember that part during your plea?

23 A. No, I don't.

24 Q. But he did say that he met with you over the two
25 years?

1 A. Yes, like three or four times. Most of my time was
2 going down there to take him some paperwork, stuff that I
3 looked up.

4 Q. And so those suppression hearings where Mr. Mayer
5 made those motions for you, one of those was on your
6 statement claiming the drugs were yours; is that correct?

7 A. What it was, when I did, what happened, I didn't
8 know what it was I was signing, because when I got to the
9 police station, I was upset, you know, being that my sister
10 passed away the same day. And that when I got there, they
11 brought Ms. Jefferson in. And they was telling me that they
12 were going to take her kids and this and that and a third.
13 So that's why I did it.

14 Q. But you did understand that the trial judge ruled
15 that that statement was going to be allowed in and to be
16 heard by a jury?

17 A. No.

18 Q. You were there at the preliminary motion hearing; is
19 that correct?

20 A. Yes.

21 Q. And do you recall the judge ruling on the issue,
22 that there was no confidential informant in the case, that it
23 was just a tipster?

24 A. No. They had me thinking it was an informant.

25 Q. And, again, you were there when Judge Dennis was

1 making the rulings on those motions, correct?

2 A. Yes.

3 Q. And, again, you did tell Judge Dennis multiple times
4 that you believed that if you went to trial, the jury was
5 going to find you guilty on all of those charges; is it
6 correct?

7 A. Say what?

8 Q. You did tell Judge Dennis during your plea hearing
9 that if you went to trial that day, you believed that the
10 jury was going to find you guilty?

11 A. I think he told me that.

12 Q. He asked you, and do you remember responding, yes,
13 sir?

14 A. I think so.

15 MR. LIMBAUGH: Okay. That's all I have for this
16 witness, Your Honor.

17 MR. MURPHY: Nothing more, Your Honor.

18 THE COURT: Thank you, Mr. Reid. You may step down.

19 All right. Any further witnesses from the
20 petitioner?

21 MR. MURPHY: Nothing, Your Honor.

22 THE COURT: All right. Any from the State?

23 MR. LIMBAUGH: Your Honor, just on the issue of
24 Mr. Mayer --

25 THE COURT: So the record is clear, Mr. Mayer is not

1 here today; is that right?

2 MR. LIMBAUGH: That is correct, Your Honor.

3 THE COURT: And tell me what attempts we made to
4 find him.

5 MR. LIMBAUGH: I've tried to -- I have him as a
6 witness on another case where he's been unresponsive, Your
7 Honor. He was disbarred in South Carolina and then failed to
8 update anything since then on the South Carolina Bar's
9 website.

10 THE COURT: When was he disbarred? It's okay. If
11 you don't know, that's fine.

12 MR. LIMBAUGH: Might have been two years ago or a
13 year ago. I am not entirely sure, Your Honor. And we sent
14 subpoenas to the last known address that we had. Obviously,
15 those did not go to him.

16 I had another hearing where a fellow Charleston
17 attorney had his cell phone information. He responded to an
18 e-mail based off of a text message from that to me saying
19 that he's not cooperating with any of my PCRs because they
20 are baseless and pointless. I've since sent him multiple
21 e-mails asking for any cooperation in these matters because
22 they are important to the State and obviously to the
23 applicants, Your Honor.

24 THE COURT: Do we know where he's living?

25 MR. LIMBAUGH: I have not been able to find the

1 information. The attorney who gave me his cell phone number
2 doesn't know. I haven't gone as far as putting an
3 investigator on it or anything of that nature. But I
4 have a -- my limited research, Your Honor, is there is a law
5 firm in -- I think it's Fort Lauderdale potentially -- that
6 has his name listed as an attorney there. He is, I believe,
7 originally from Florida. So that could make sense. I would
8 need to reach out to the firm and see if he's actually a
9 lawyer there or if that's an old website. But that's where
10 I'm at.

11 THE COURT: Mr. Murphy, have you been able to locate
12 him?

13 MR. MURPHY: I have not, Your Honor.

14 THE COURT: Have you made any attempts to locate
15 him?

16 MR. MURPHY: If I did, it would have been a letter,
17 or it would have been trying to get an e-mail from the site.
18 But understanding is that he was out of state and trying to
19 get subpoenas domesticated and do those letters,
20 interrogatories, if necessary, to enforce them is a real
21 pain. But it wasn't worth the effort. He wasn't that
22 important to our case, so I didn't call him.

23 THE COURT: Okay. So here's what I'm going to do in
24 this matter. I appreciate Mr. Reid being here today and I
25 appreciate his testimony. What I'm going to do is I'm going

1 to leave the record in this case open. Okay? So the Court
2 is allowed to consider deposition testimony and/or affidavits
3 in post-conviction relief hearings. So I think the best
4 course of action is to leave this record open for some period
5 of time so that the State can exhaust all of the different
6 venues that it has available for it to track down Mr. Reid --
7 excuse me, Mr. Mayer, and to attempt to get service upon him.

8 I am more than happy -- if we get Mr. Mayer, I am
9 more than happy to come back down here or to make him come to
10 Columbia and finish this hearing there. I'm also more than
11 happy to consider any deposition testimony that you may be
12 able to get to him.

13 But I think at this point, the State is going to
14 have to start to use the broader powers of the State and the
15 powers of the Attorney General's Office to figure out where
16 he is.

17 His testimony may not be critical in other cases,
18 but in this, I think depriving the State of the opportunity
19 for him to testify could potentially be fatal to the State's
20 case. And so I'm going to allow some time to try to get
21 service, some kind of service upon him to take his
22 deposition, whether it's over the phone or if you can get
23 something on him, get him back into court and the Court can
24 make himself available to finish the hearing. And we can
25 certainly get Mr. Reid transported for that if we need to.

1 How much time would the State request to accomplish
2 this?

3 MR. LIMBAUGH: If Your Honor would be so gracious,
4 just with the holiday period coming up, we would request 90
5 days just with issues surrounding that.

6 THE COURT: Here's what we are going to do. I'm
7 going to write an order that basically says we are going to
8 leave the record open for 90 days. Y'all just keep me
9 posted. I won't forgot this, because it's kind of weird that
10 we don't have the attorney who represented Mr. Reid present.
11 So it will stick out in my mind. But just keep me posted.
12 E-mail me what's going on. And at the end of that 90-day
13 period, we will do another 30 or 45 days from that point to
14 allow people -- allow both sides to submit proposed orders on
15 the issue.

16 I don't have any problem getting the 90 days, but I
17 don't want on it just to linger out there. When I did PCR
18 work like Mr. Murphy does, I felt like, what is this judge
19 waiting two years to rule on all the time. So I don't like
20 to do that to people. But I do think we need to see if we
21 can get a record of what Mr. Mayer has to say in relation to
22 these events.

23 MR. LIMBAUGH: Thank you, Your Honor.

24 MR. MURPHY: Thank you, Judge.

25 THE COURT: And, again, just e-mail each other and

1 just copy my clerk on it, this is what's going on and this is
2 what's happening, and we will get it all figured out.

3 MR. LIMBAUGH: Yes, Your Honor. I will be sure to
4 keep you abreast.

5 THE COURT: Thank you. And thank you, Mr. Murphy.

6 Thank you very much, Mr. Reid. Did you want to say
7 hi to your family real quick? You can.

8 (Whereupon, the proceedings are adjourned.)
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CERTIFICATE OF REPORTER

I, Karen V. Andersen, Registered Merit Reporter,
Certified Realtime Reporter for the State of South Carolina
at Large, do hereby certify that the foregoing transcript is
a true, accurate and complete Transcript of Record of the
proceedings.

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


Karen V. Andersen
Registered Merit Reporter
Certified Realtime Reporter

AG
GS
Att
SOL

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Alexander Reid, #204203,

Applicant,

v.

The State of South Carolina
Respondent.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: 2019-CP-10-394

ORDER OF DISMISSAL

BY

2025 MAR -3 AM 11:
JULIE J. A. HODGINS
CLERK OF COURT

FILED

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Alexander Reid (Applicant) on January 24, 2019. On April 19, 2023, an evidentiary hearing convened before the Honorable R. Kirk Griffin.¹ Applicant was present and represented by Christopher L. Murphy, Esquire. Assistant Attorney General Danielle Dixon represented the State. At the hearing, Applicant testified on his behalf. Respondent called as a witness plea counsel Aaron C. Mayer, Esquire. Following a thorough review of the records before this Court and the testimony and evidence presented at the hearing, this Court finds Applicant did not meet his burden of proof. Thus, this Court denies relief and dismisses this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an aggregate twenty-year sentence. In March 2016, the Charleston County Grand Jury indicted Applicant for trafficking cocaine, one hundred grams or more (2016-GS-10-1949) and two counts of unlawful conduct towards a child (-1947, -1948). In September 2017, the Charleston County

¹ An evidentiary hearing previously convened on November 20, 2019, before the Honorable Robert E. Hood. At that time, Respondent was unable locate plea counsel, and the Court agreed to hold the record open for ninety days for the State to procure the testimony, and thirty days thereafter for the parties to submit proposed orders. On December 21, 2020, Applicant filed a motion for an order granting post-conviction relief, asserting Respondent had not presented any evidence in opposition to Applicant's testimony. Respondent filed a return opposing relief. Thereafter, this matter was placed on the roster before the undersigned with the consent of both parties. The transcript of the first hearing is before this Court.

Grand Jury indicted Applicant for possession with intent to distribute (PWID) crack cocaine (2017-GS-10-6457). On October 16, 2017, Applicant appeared before the Honorable R. Markley Dennis, Jr. and pled guilty, pursuant to a negotiated twenty-year active sentence, to trafficking cocaine, 28 to 100 grams; PWID crack cocaine; and both counts of unlawful conduct towards a child.² Public Defender Aaron Mayer represented Applicant, and Assistant Solicitors Stephanie Linder and Charles Patrick represented the State. Judge Dennis imposed concurrent terms of twenty years for each drug charge and ten years for each unlawful conduct charge.

Applicant filed a timely notice of appeal, which was perfected by Deputy Appellate Defender Wanda H. Carter through the filing of an Anders brief. The Court of Appeals dismissed the appeal pursuant to Anders, and the remittitur was sent January 24, 2019.

CURRENT APPLICATION

On January 24, 2019, Applicant timely filed this PCR application alleging:

1. Ineffective Assistance of Counsel: Applicant was denied counsel at critical stage of proceedings;
2. Involuntary guilty plea: counsel advised Applicant to plead guilty after inadequate investigation of law and facts;
3. Prosecution Misconduct: prosecution interfered with counsel during critical stage of proceedings.

At the hearing, Applicant proceeded only on his allegation that his plea was involuntary. Specifically, he asserted he believed he was getting a conditional plea. This Court finds Applicant did not present evidence he was denied counsel at a critical stage of the proceedings or that the prosecution interfered with counsel during a critical stage of the proceedings, and these claims are thus denied.

² Applicant pled following a suppression hearing and a Jackson v. Denno hearing, where the Court determined the drugs and Applicant's statements were admissible. Applicant pled pursuant to Alford on the unlawful conduct charges.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying convictions; Applicant's records from the South Carolina Department of Corrections; the plea transcript; the appellate records; and the records from this action. This Court has further had the opportunity to observe the witnesses, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17 27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel / Involuntary Plea

In a PCR action, an applicant bears the burden of proving the allegations. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To establish ineffective assistance of counsel, an applicant must prove (1) counsel was deficient, and (2) Applicant was prejudiced by counsel's deficiency. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). Under the first prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. at 117, 386 S.E.2d at 625. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment," and the applicant must overcome this presumption to receive relief. Id. at 117-18, 386 S.E.2d at 625. Second, the applicant must show "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. When reviewing a guilty plea, the Strickland deficiency prong remains unchanged—Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58–59. To show prejudice, Applicant must show a reasonable probability "that, but for counsel's [alleged] errors, he would not have pled guilty and

would have insisted on going to trial." Id. at 59. To be knowing and voluntary, the defendant must be advised of the constitutional rights he is waiving, including the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243.

At the PCR hearing, Applicant testified that when he pled guilty, he believed he could appeal the suppression hearing, and he did not learn he waived that right until after the plea. He testified, "I just wanted to, you know, like—figured that if I did what he told me to, I could appeal whatever." Plea counsel testified the case hinged on the suppression hearing, and the solicitor had threatened LWOP based on Applicant's prior charges. He stated it was his general practice to discuss options and rights with clients. Counsel stated that at the time of the plea, he understood it was very difficult to appeal a guilty plea, and a defendant had much less ability to seek relief through an appeal. He did not recall whether he discussed an appeal with Applicant.

This Court finds Applicant did not meet his burden of proving deficiency or prejudice. Initially, Applicant has not shown counsel provided deficient advice. Although counsel could not recall whether he discussed an appeal, he credibly testified it that at the time of the plea, he understood it was very difficult to appeal a guilty plea. This Court finds Applicant did not prove his belief that he could appeal the suppression hearing was based on any deficient advice. Further, Applicant did not show prejudice. This Court finds—as Applicant testified at the first hearing³—that Applicant accepted this negotiated plea due to the likelihood the State could prove its case and his fear of a lengthy sentence.⁴ In other words, Applicant did not show a reasonable probability he would have rejected this negotiated plea and proceeded to trial had he known he could not appeal the suppression hearing. Finally, based on the plea colloquy, this Court finds Applicant knowingly,

³ Applicant testified he pled guilty because counsel told him he "would never see the street again."

⁴ The trafficking charge he was indicted for carried a minimum of twenty-five years. As part of the negotiated plea, Applicant pled to a lesser-included trafficking charge. This Court further notes plea counsel testified the State had threatened LWOP due to Applicant's prior convictions.

voluntarily, and freely entered this plea with an understanding of the sentences each charge carried, the negotiated sentence, and the constitutional rights he was waiving. Applicant has not set forth any caselaw indicating his belief that the plea was unconditional affected the voluntariness of the plea and thus has not met his burden. Cf. Hill v. Annucci, 2024 WL 2831838 (W.D. New York, June 4, 2024) (“Petitioner has not cited, nor has the Court’s own research uncovered, any case in which the Supreme Court has held that a plea is involuntary and unknowing because the defendant thought he was entering a conditional plea when he as actually entering an unconditional plea.”).

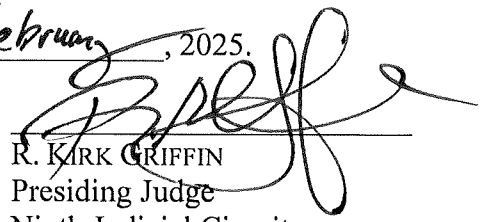
CONCLUSION

Based on the foregoing, this Court concludes Applicant has not established any constitutional violations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice. Should Applicant wish to appeal, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to an appellate counsel’s assistance in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant’s behalf. Rule 71.1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appellate procedures.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 21st day of February, 2025.


 R. KIRK GRIFFIN
 Presiding Judge
 Ninth Judicial Circuit

Seante, South Carolina

MTB/0308841
WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER
2015-0007762

ARREST WARRANT NUMBER
2015A1010204-048

DATE OF ARREST
09/11/2015

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Grand Jury

Date:

DOCKET NO. 2016-GS-10-01947

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
MARCH TERM 2016

THE STATE

VS.

ALEXANDER REID
B/M DOB: [REDACTED]-1971

Indictment for

UNLAWFUL CONDUCT TOWARDS A
CHILD

SC Code: § 63-05-0070
CCR Code 218:

FILED

3/23/2016 9:01:05 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

INDICTMENT

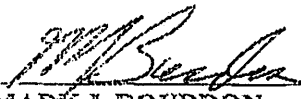
COUNTY OF CHARLESTON

At a Court of General Sessions, convened March 2016, the Grand Jurors of Charleston County present upon their oath:

UNLAWFUL CONDUCT TOWARDS A CHILD

That in Charleston County, South Carolina, on or about on or about September 11, 2015, the Defendant, Alexander Reid, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child, **D.C. [REDACTED]**, did (1) unlawfully place the minor victim at unreasonable risk of harm affecting the child's life, physical or mental health or safety; or (2) unlawfully and maliciously do, or cause to be done, bodily harm to the child so that the life or the health of the child was endangered or likely to be endangered; or (3) willfully abandon the child. This is in violation of Section 63-5-70, 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.


MARK J. BOURDON
ASSISTANT SOLICITOR

MJB/030841
WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER
2015-0007762

ARREST WARRANT NUMBER
2015A1010204049

DATE OF ARREST
09/11/2015

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-CS-10-01948

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
MARCH TERM 2016

THE STATE

VS.

ALEXANDER BEID
B/M DOB: [REDACTED] -1971

Indictment for

UNLAWFUL CONDUCT TOWARDS A
CHILD

SC Code: § 63-05-0470
CDR Code: 2421

FILED

3/23/2016 9:01:05 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

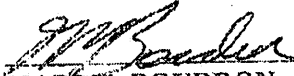
INDICTMENT

At a Court of General Sessions, convened March 2016, the Grand Jurors of Charleston County present upon their oath:

UNLAWFUL CONDUCT TOWARDS A CHILD

That in Charleston County, South Carolina, on or about on or about September 11, 2015, the Defendant, Alexander Reid, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child, K.W. [REDACTED], did (1) unlawfully place the minor victim at unreasonable risk of harm affecting the child's life, physical or mental health or safety; or (2) unlawfully and maliciously do, or cause to be done, bodily harm to the child so that the life or the health of the child was endangered or likely to be endangered; or (3) willfully abandon the child. This is in violation of Section 63-5-70, 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.


MARK J. BOURDON
ASSISTANT SOLICITOR

MJB/0308841
WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER

2015-0007762

ARREST WARRANT NUMBER

2015A1010204050

DATE OF ARREST

09/11/2015

ACTION OF GRAND JURY

TRUE BILL

MAR 15 2016

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-10-01949

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

MARCH TERM 2016

THE STATE

VS.

ALEXANDER REID

B/M DOB [REDACTED]/1971

Indictment for

TRAFFICKING IN COCAINE

SC Code: § 44-53-0370(e)(2)(c)

CDR Code: 0280

FILED

3/23/2016 9:01:05 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened March 2016, the Grand Jurors of Charleston County present upon their oath:

Trafficking in Cocaine

The defendant, Alexander Reid, did on or about September 11, 2015, in Charleston County, South Carolina, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of one hundred (100) grams or more of Cocaine or any mixtures containing cocaine, as provided in 44-53-210(b)(4). All in violation of 44-53-0370(e)(2)(c) of the South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


MARK J. BOURDON
ASSISTANT SOLICITOR

MJB/0308841
WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER

2015-0007762

ARREST WARRANT NUMBER

2017-GS-10-06457

DATE OF ARREST

09/11/2015

ACTION OF GRAND JURY

TRUE BILL

For person of Grand Jury
Date: SEP 26 2017

VERDICT

DOCKET NO. 2017-GS-10-06457

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2017

THE STATE

VS.

ALEXANDER REID
B/M DOB [REDACTED]/1971

Indictment for

DIST/PWID/MANUF COCAINE BASE OR
METH

SC Code: § 44-53-0375(B)(3)
CDR Code: 3039

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

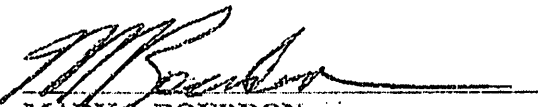
INDICTMENT

At a Court of General Sessions, convened September 2017, the Grand Jurors of Charleston County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE

The defendant, Alexander Reid, did on or about September 11, 2015, in Charleston County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Crack Cocaine, a cocaine base,. All in violation of 44-53-0375(B)(3) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


MARK J. BOURDON
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

239

COUNTY OF CHARLESTON

STATE VS.

ALEXANDER REIDAKA: Christopher ReidRace: Black/African AmericanSex: MDOB: 1/1971SS#: Address: City, State, Zip: N Charleston, SC 29418-3257DL# SID# *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or☒ PLEADSTO: Unlawful Conduct Towards a ChildIn violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)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:

Charles W. Patrick, III, Assistant Solicitor SC Bar # 101831Alford
DefendantAlford
Attorney for Defendant81261
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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 Service standard conditions of probation, which are incorporated by reference.

☒ 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 the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., G.S. & F.C.

By: Shirley Anderson
DEPUTY CLERK☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk during probation.

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%)

\$ _____

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$ 100.00

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$ _____

§56-5-2995 (DUI Assessment)

\$12

\$ _____

§56-1-286 (DUI Breath Test)

\$25

\$ _____

Proviso 61.6 (Public Def/Prob)

\$500

\$ _____

§14-1-212 (Law Enforce. Funding)

\$25

\$ 25.00

§14-1-213 (Drug Court Surcharge)

\$150

\$ _____

§50-21-114 (BUI Breath Test Fee)

\$50

\$ _____

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$ _____

3% to County (if paid in installments)

\$

\$ 3.75

TOTAL

\$ 128.75Clerk of Court/Deputy Clerk: Christine DavisCourt Reporter: Joyce RuegerPresiding Judge: Matthew PerryJudge Code: 2060Sentence Date: 10/16/17

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ALEXANDER REID

AKA: Christopher Reid

Race: Black/African American

Sex: M

DOB: 1/19/71

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: N Charleston, SC 29418-3257

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or

☒ PLEADS

TO: Traff Cocaine 28g but <100g

In violation of § 44-53-0370(e)(2)(b)2 of the S.C. Code of Laws, bearing CDR Code # 0388

☐ NON-VIOLENT

☒ VIOLENT

☒ SERIOUS

☐ MOST SERIOUS

☐ Mandatory GPS

☐ §17-25-45

(CSC w/minor 1st or Lewd Act)

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:

Charles W. Patrick, III, Assistant Solicitor SC Bar # 101831

Defendant

Attorney for Defendant SC Bar # 81261

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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 Service standard conditions of probation, which are incorporated by reference.

☒ 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 the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:

☐ Deferred

☐ Def. Waives Hearing

☐ Ordered

PTUP

Total: \$ _____ plus 20% fec: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., S.S. & F.C.

By _____

DEPUTY CLERK

☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

Clerk of Court/Deputy Clerk: _____

Court Reporter: _____

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ALEXANDER REIDAKA: Christopher ReidRace: Black/African AmericanSex: MDOB: 1/1971SS#: Address: City, State, Zip: N Charleston, SC 29418-3257DL# SID# *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or☒ PLEADSTO: Dist/PWID/Manuf Cocaine Base or MethIn violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3039☒ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)

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:

101831

Charles W. Patrick, III, Assistant Solicitor SC Bar #

Defendant

Attorney for Defendant

81261

SC Bar #

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections☐ County Detention Center,for a determinate term of 20 days/months/years or☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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 Service standard conditions of probation, which are incorporated by reference.

☒ 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 the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., G.S. & F.C.

By Debra J. Anderson
DEPUTY CLERK☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: RM AndersonJudge Code: 2060Sentence Date: 10/16/17Clerk of Court/Deputy Clerk: Christie DavisCourt Reporter: Joyle Rieger