

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LONDELL ALSTON,

APPELLANT

APPELLATE CASE NO. 2025-000197

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 1 (OFFICER RHOADS' BODY CAM)
STATE'S EXHIBIT NO. 20 (AUDIO RECORDING TAPE)

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 16
COUNTY OF YORK) DOCKET No. 2023-A4-61-0201801

THE STATE OF SOUTH CAROLINA,)
 Plaintiff,)
versus)
)
LONDELL LASHUN ALSTON,)
 Defendant.)

H E A R I N G
BEFORE THE HONORABLE R. KEITH KELLY

DATE: JANUARY 21 - 23, 2025.
TIME: 11:22 A.M.
LOCATION: South Carolina Circuit Court 16
TRANSCRIBED BY: Latasha Jefferson

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8

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13 Attorney for the Defendant."

14

15 ALSO ATTENDING:

16 (None)

17

18

19

20

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25

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1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-1	Officer Rhoads' Body Camera		78
4	S-2	Powder in a Baggie		82
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1

EXHIBITS

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NO.DESCRIPTIONID.EV.

3

S-24 Fentanyl Pills, A215

87

195

4

S-25 Pink Powdered Pills

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5

S-26 More Heroin, Drawstring Bag

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S-27 Fentanyl Pills, T189

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S-28 More Yellow Fentanyl Pills

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11

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(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL

25

IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 PROCEEDINGS - JANUARY 21, 2025.

2 THE COURT: We are about to -- about to begin the trial
3 of the State of South Carolina versus Londell Lashun Alston,
4 spelled A-L-S-T-O-N. It is alleged, in the Indictment
5 2023-GS-46-4196, that he did -- in count one, that he did on
6 or about July 14, 2023, in York County, South Carolina,
7 commit the criminal offense known as "Trafficking in heroin,
8 28 grams or more," in violation of South Carolina law. Count
9 two of the same indictment alleges that he possessed a weapon
10 during the commission of a violent crime on the same day and
11 in the same county, also a violation of law. It was sent to
12 the grand jury, and the grand jury returned a true bill
13 indictment.

14 Ladies and gentlemen, I will say this several times
15 this morning. He has entered a plea of not guilty to this
16 indictment, and he is presumed innocent. It's not that he's
17 presumed not guilty, he is presumed innocent of the
18 allegations contained in the indictment. The indictment is a
19 piece of paper. It is not evidence against him. He has
20 entered a plea of not guilty.

21 In the Indictment 2023-GS-46-4197, it is alleged that
22 he did, in York County, South Carolina, on or about July 14,
23 2023, commit the criminal offense known as "Trafficking in
24 methamphetamine." It was sent to the grand jury, and a true
25 bill indictment was returned. Once again, I tell you, I

1 charge you, he is presumed innocent of the allegations
2 contained in the indictment. It is merely a piece of paper
3 that brings him before the court for trials.

4 In 2023-GS-46-4198, the State alleges that he did, on
5 July 14th, 2023, in York County, South Carolina, commit the
6 criminal offense known as "Trafficking in methamphetamine."
7 Once again, he has entered a plea of not guilty. He is
8 presumed innocent of the allegations in the indictment.

9 2023-GS-46-4199, it is alleged that he did, in York
10 County, South Carolina, on or about July 14, 2023, commit the
11 offense known as "Possession of a firearm or ammunition by a
12 person convicted of possession with intent to distribute or
13 -- distribute a controlled substance in violation of state
14 law." It was true billed by the grand jury and he has
15 entered a plea of not guilty. He is presumed innocent of
16 this offense.

17 In 2023-GS-46-4200, it is alleged that he did, in York
18 County, South Carolina, on or about July 14, 2023, commit the
19 criminal offense known as "Trafficking in heroin," in
20 violation of state law. It was true billed by the grand
21 jury. He has entered a plea of not guilty to this
22 indictment, and he is presumed innocent of the allegations
23 contained in this indictment.

24 In 2023-GS-46-4201, it is alleged that he did, on or
25 about July 14, 2023, in York County, South Carolina, commit

1 the criminal offense known as "Trafficking in fentanyl," in
2 violation of state law. It was true billed by the grand
3 jury. He has entered a plea of not guilty, and he is
4 presumed innocent of the allegations contained in the
5 indictment.

6 Now, there's certain questions that I am required to
7 ask at this time in -- in -- in relationship to this trial,
8 and you were previously sworn and you remain sworn at this
9 time. Let me do this. Mr. Alston -- Alston, if you would
10 stand, please, sir, and face the jury just for about 10
11 seconds?

12 Okay. Thank you, sir. Here are the questions. Is
13 there any member of this jury panel who is -- who is now or
14 ever has been related by blood or marriage to Londell Lashun
15 Alston? If so, please stand. Is there any member of this
16 jury panel who has a social or personal relationship with
17 Mr. Alston? If so, please stand. Do I have a -- a witness
18 list up here? I have a board diagram; do I have a witness
19 list?

20 MS. HAMILTON: Oh, you do, from the State, your Honor.

21 THE COURT: I do.

22 MS. HAMILTON: Then Heather Burdette is going to be
23 second chair.

24 THE COURT: Okay. The potential witnesses in this case
25 are as follows -- I say "Potential" because we never know who

1 exactly will or will not testify. Dakota Rhoads, formerly
2 with Rock Hill Police Department, Investigator Sean Leary,
3 Investigator Luke Boling, Barbie Traylor, and Cynthia
4 Mitchum. Is there any member of the jury panel who is now or
5 ever has been related by blood or marriage to any of the
6 potential witnesses in this case? If so, please stand. Any
7 member of the jury panel have a social or personal
8 relationship with any of the potential witnesses? If so,
9 please stand. Yes, sir. Your number, please?

10 JUROR NUMBER 92: 92

11 THE COURT: Number 92. Which one?

12 JUROR NUMBER 92: 92.

13 THE COURT: Yes. And which witness?

14 JUROR NUMBER 92: Mr. Rhoads.

15 THE COURT: Would that interfere with your ability to
16 be fair and impartial in the trial of this case?

17 JUROR NUMBER 92: No, sir.

18 THE COURT: Sir, you may stay. Thank you. Anyone
19 else? Okay. I'm going to ask the lawyers to introduce
20 themselves to -- to you at this time. And as always, ladies
21 first.

22 MS. HAMILTON: Marina Hamilton, with the York County
23 Solicitor's Office.

24 MS. BURDETTE: Heather Burdette, with the York County
25 Solicitor's Office.

1 MR. NIEMIEC: Matthew Niemiec, the Law Office of
2 Matthew Niemiec.

3 THE COURT: Is there any member of this jury panel ever
4 have -- now or ever has been related by blood or marriage to
5 any of the lawyers in this case? If so, please stand. Any
6 member of the jury panel have a social or personal
7 relationship with any of the lawyers? You know him or her
8 from school, from recreation, some way? Please stand. Yes,
9 sir. Your number?

10 JUROR NUMBER 45: 45.

11 THE COURT: With whom are --

12 JUROR NUMBER 45: Mr. Niemiec, (inaudible).

13 THE COURT: Would that interfere with your ability to
14 be fair and impartial in the trial of this case?

15 JUROR NUMBER 45: No.

16 THE COURT: Sir, you may stay. Thank you. Anyone
17 else? Yes, sir.

18 JUROR NUMBER 136: Juror 136. With Mr. Niemiec, I was
19 a (inaudible).

20 THE COURT: Okay. Would -- would that interfere with
21 your ability to be fair and impartial in the trial of this
22 case?

23 JUROR NUMBER 136: No.

24 THE COURT: Sir, you may stay. Anyone else? Is there
25 anyone -- any member of this jury panel have a friend or a

11

1 relative who is employed with the Solicitor's Office? If so,
2 please stand. The 16th Circuit Solicitor's Office. If so,
3 please stand. Okay. Sir, your number, please?

4 JUROR NUMBER 125: 125.

5 THE COURT: Would that interfere with your ability to
6 be fair and impartial?

7 JUROR NUMBER 125: No.

8 THE COURT: Sir, you may stay. Yes, ma'am.

9 JUROR NUMBER 158: 158.

10 THE COURT: Would it interfere with your ability to be
11 fair and impartial?

12 JUROR NUMBER 158: No.

13 THE COURT: Thank you. You may stay. Anyone else?

14 Anyone on the panel have a family member or friend employed
15 in the law firm of Mr. Niemiec? Yes. If so, please stand.

16 Any member of the jury panel ever consulted with, even
17 if you did not hire, consulted about a legal matter with any
18 of the lawyers in this -- in this case? Could have been a
19 real estate matter, could have been a family court matter,
20 could have been a speeding ticket. Anyone ever consulted
21 with the lawyers? If so, please stand.

22 Is there any member of this jury panel, you yourself,
23 have ever been a sworn law enforcement officer that includes,
24 but is not limited to, military police, a municipality, a
25 county, a city, whatever, federal agency, you yourself were a

1 sworn officer? Please stand. Yes, sir. Your number,
2 please.

3 UNIDENTIFIED JUROR: (Inaudible).

4 THE COURT: What agency?

5 UNIDENTIFIED JUROR: (Inaudible).

6 THE COURT: Would that interfere with your ability to
7 be fair and impartial?

8 UNIDENTIFIED JUROR: No.

9 THE COURT: Sir, you may stay. Yes, sir.

10 JUROR NUMBER 98: 98.

11 THE COURT: Yes, sir. I believe you're TSA?

12 JUROR NUMBER 98: Yes, sir.

13 THE COURT: Would that interfere with your ability to
14 be fair and impartial?

15 JUROR NUMBER 98: No.

16 THE COURT: Thank you, sir, you may stay. Any member
17 of this panel, otherwise -- other than yourself, have a
18 family member -- I mean, an immediate family member such as a
19 sibling a -- a -- an -- a son-in-law, daughter-in-law,
20 something -- something of that nature, who is law
21 enforcement, but you are not? If so, please stand. Okay.

22 JUROR NUMBER 83: 83.

23 THE COURT: 83? What agency?

24 JUROR NUMBER 83: My son is a county police officer.

25 THE COURT: Would it interfere with your ability to be

1 fair and impartial?

2 JUROR NUMBER 83: (Inaudible).

3 THE COURT: I'm sorry, ma'am, I have to have a
4 definitive answer.

5 JUROR NUMBER 83: No.

6 THE COURT: No? You may stay. Yes, sir.

7 JUROR NUMBER 92: 92. My son is a Rock Hill police
8 officer.

9 THE COURT: Would it interfere with your ability to be
10 fair and impartial?

11 JUROR NUMBER 92: No, sir.

12 THE COURT: Sir, you may stay. Yes, sir.

13 JUROR NUMBER 125: 125. My brother is a former
14 military police.

15 THE COURT: Would that interfere with your ability to
16 be fair and impartial?

17 JUROR NUMBER 125: No, sir.

18 THE COURT: You may stay. Yes, ma'am.

19 JUROR NUMBER 158: 158. My husband's a (inaudible).

20 THE COURT: Would that interfere with your ability to
21 be fair and impartial?

22 JUROR NUMBER 158: No.

23 THE COURT: You may stay. Is there any member of this
24 jury panel ever been summoned by either the State or the
25 Defense lawyer to testify in any case? If so, please stay --

1 stand. Okay. Your number please?

2 JUROR NUMBER 159: 159.

3 THE COURT: And would that interfere with your ability
4 to be fair and impartial?

5 JUROR NUMBER 159: No.

6 THE COURT: You may stay. Yes, sir?

7 JUROR NUMBER 67: (Inaudible).

8 THE COURT: You've been summoned by -- by the State or
9 the Defense lawyer to testify in any kind of a case?

10 JUROR NUMBER 67: (Inaudible).

11 THE COURT: All right. Your number, again?

12 JUROR NUMBER 67: 67.

13 THE COURT: And would it interfere with your ability to
14 be fair and impartial?

15 JUROR NUMBER 67: No.

16 THE COURT: Thank you. You may stay. Is there any
17 member of the panel, either yourself or have a relative or
18 close friend, who has been a member of or made contributions
19 to organizations such as Drug Police Alliance, the ACLU or
20 other such organizations? If so, please stand. Yes, ma'am.
21 Your number?

22 JUROR NUMBER 130: 130.

23 THE COURT: Would that interfere with your ability to
24 be fair and impartial?

25 JUROR NUMBER 130: No.

1 THE COURT: You may stay. Yes, ma'am?

2 JUROR NUMBER 158: 158.

3 THE COURT: Would it interfere with your ability...?

4 JUROR NUMBER 158: No.

5 THE COURT: Okay. You may stay. Is there any member
6 of this jury panel who knows anything at all about this case?
7 I know very little about it other than a few -- few pieces of
8 paper. Anyone know of anything about this case through
9 media, social media, or any other kind of media? If so,
10 please stand. Anything else from the State?

11 MS. HAMILTON: (Inaudible). I was asking if you could
12 -- on the State's voir dire, question number three.

13 THE COURT: All right. Is there any member of the jury
14 panel -- and we will not ask specifics because we're not here
15 to embarrass anyone, either yourself or someone close to -- a
16 very -- very close friend dealt with a drug addiction? If
17 so, please stand. Again, we will not ask specifics. Okay.
18 Anything else from the State?

19 MS. HAMILTON: Nothing further from the State.

20 THE COURT: From the Defense?

21 MR. NIEMIEC: May we approach, your Honor?

22 THE COURT: Sure.

23 (Bench conference at 11:35 a.m.)

24 THE COURT: Anything else? Anything?

25 MR. NIEMIEC: No -- my voir dire, Judge.

1 THE COURT: Okay. All right. Okay. Madam Clerk,
2 we're going to pick two alternates.

3 THE CLERK: Okay.

4 THE COURT: Two alternates.

5 THE CLERK: When I call your name and number, please
6 bring all your belongings and come to the front and face the
7 attorneys. Juror Keith Kia (ph), number 62. What says the
8 State?

9 MS. HAMILTON: Please present the juror.

10 THE CLERK: And the Defense?

11 MR. NIEMIEC: Seat the juror.

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

13 Gilbert Hayway (ph), Juror Number 73. What says the State?

14 MS. HAMILTON: Please present the juror.

15 THE CLERK: And the Defense?

16 MR. NIEMIEC: Strike.

17 THE CLERK: You have been excused from the trial of
18 this case. (Inaudible), Juror Number 126. (Inaudible) 128.
19 What says the State?

20 MS. HAMILTON: Please present the juror.

21 THE CLERK: And the Defense?

22 MR. NIEMIEC: Seat the juror.

23 THE CLERK: Please have a seat in the jury box. Lisa
24 Williams, Juror Number 170. What says the State?

25 MS. HAMILTON: Please present the juror.

1 THE CLERK: And the Defense?

2 MR. NIEMIEC: Strike the juror.

3 THE CLERK: You have been excused from the trial.

4 Joshua D. Atkins, Juror Number 1. What says the State?

5 MS. HAMILTON: Please present the juror.

6 THE CLERK: And the Defense?

7 MR. NIEMIEC: Seat the juror.

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

9 (Inaudible), Juror Number 134. What says the State?

10 MS. HAMILTON: Please excuse the juror.

11 THE CLERK: You have been excused from the jury.

12 Michael R. Rogers, Juror 132. What says the State?

13 MS. HAMILTON: Please present the juror.

14 THE CLERK: And the Defense?

15 MR. NIEMIEC: Please seat the juror.

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

17 W. Smith, Juror Number 144. What says the State?

18 MS. HAMILTON: Please present the juror.

19 THE CLERK: And the Defense?

20 MR. NIEMIEC: Strike the juror.

21 THE CLERK: You have been excused from this case.

22 Talisa Gray (ph), Juror Number 54. What says the State?

23 MS. HAMILTON: Please present the juror.

24 THE CLERK: And the Defense?

25 MR. NIEMIEC: Please seat the juror.

1 THE CLERK: Please have a seat in the jury box. Scott
2 Oliver, Juror Number 114. What says the State?

3 MS. HAMILTON: Please present the juror.

4 THE CLERK: And the Defense?

5 MR. NIEMIEC: Strike the juror.

6 THE CLERK: You have been excused from this case.
7 Thomas Christopher (ph), Juror Number 33. What says the
8 State?

9 MS. HAMILTON: Please present the juror.

10 THE CLERK: And the Defense?

11 MR. NIEMIEC: Seat the juror.

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

13 Benjamin Ali (ph), Juror Number 46. What says the State?

14 MS. HAMILTON: Please present the juror.

15 THE CLERK: And the Defense?

16 MR. NIEMIEC: Please seat the juror.

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

18 Patrick Seal (ph), Juror Number 150. What says the State?

19 MS. HAMILTON: Please present the juror.

20 THE CLERK: And the Defense?

21 MR. NIEMIEC: Please seat the juror.

22 THE CLERK: Please have a seat in the jury box. Daniel
23 Brown, Juror Number 18.

24 MR. NIEMIEC: Can you repeat the number? Sorry.

25 THE CLERK: Number 18 or (inaudible)?

1 MR. NIEMIEC: No, the juror number.
2 THE CLERK: One.
3 MR. NIEMIEC: One -- no. Sorry.
4 THE CLERK: Sorry. It's 18.
5 MR. NIEMIEC: 18. Thank you.
6 THE CLERK: What says the State?
7 MS. HAMILTON: Please present the juror.
8 THE CLERK: And the Defense?
9 MR. NIEMIEC: Please seat the juror.
10 THE CLERK: Please have a seat in the jury box.
11 Arianna Croom (ph), Juror Number 39. What says the State?
12 MS. HAMILTON: Please present the juror.
13 THE CLERK: And the Defense?
14 MR. NIEMIEC: Please seat the juror.
15 THE CLERK: Please have a seat in the jury box.
16 Rodrigo Jordan Rodney (ph), your -- Juror Number 76. What
17 says the State?
18 MS. HAMILTON: Please present the juror.
19 THE CLERK: And the Defense?
20 MR. NIEMIEC: Please seat the juror.
21 THE CLERK: Please have a seat in the jury box.
22 Jennifer Wallace, juror 159. What says the State?
23 MS. HAMILTON: Please present the juror.
24 THE CLERK: And the Defense?
25 MR. NIEMIEC: Please strike the juror.

1 THE CLERK: You have been excused from this case.

2 George Pacheco (ph), Juror Number 32. What says the State?

3 MS. HAMILTON: Please present the juror.

4 THE CLERK: And the Defense?

5 MR. NIEMIEC: I believe we're out of strikes.

6 THE CLERK: (Inaudible). Camera Dixon, Juror Number
7 43. What says the State?

8 MS. HAMILTON: Please present the juror.

9 THE CLERK: And the Defense?

10 MR. NIEMIEC: Please seat the juror.

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

12 Matthew Tyre (ph), Juror Number 151. What says the State?

13 MS. HAMILTON: Please present the juror.

14 THE CLERK: And the Defense?

15 MR. NIEMIEC: Please seat the juror.

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

17 THE COURT: Any matters from the State?

18 MS. HAMILTON: Nothing from the State.

19 THE COURT: From the Defense?

20 MR. NIEMIEC: Nothing from the Defense, your Honor.

21 THE COURT: Okay. Very good. Ladies and gentlemen who
22 are not selected, I can see the disappointment out there. I
23 know you wanted to be a part of this trial, but anyway, we
24 have now selected the two alternates along with the 12. And
25 -- and so, I'm going to turn you back over to the bailiffs

1 and they'll take you, I guess, back to the assembly room?

2 THE CLERK: (Inaudible).

3 THE COURT: Yes. And remind you to call tonight after
4 6:00 p.m., okay? Please call the magic number after 6:00
5 p.m. If we need you tomorrow, then it will -- it will give
6 you a time to report. And -- and it might say to call back
7 after 6:00 p.m., tomorrow evening. But anyway, if you -- I'm
8 going to turn you back over to the bailiffs.

9 I'm also going to do this before you go. I'm going to
10 invite you to come to your courtroom. I'm visiting here, but
11 I'm -- this is your courtroom, your courthouse. And
12 sometimes, I look up and I see a couple of jurors that are
13 interested in seeing what happens at -- at their courthouse.
14 And so, you have an invitation to do that. And I would love
15 to see you.

16 Also, I have a third-grade granddaughter, and so
17 sometimes they go on the field trips when you're about third
18 grade or fourth grade for civics or something like that. So
19 if you have a child or a grandchild or something, then -- and
20 you think that'd be beneficial to them, they also are welcome
21 here in the courtroom, but you're not required to be here,
22 okay? Do you -- ladies and gentlemen, if you'll go with the
23 bailiffs, please.

24 (Potential jury exits at 11:51 a.m.)

25 THE COURT: Okay. Ladies and gentlemen, now that you

1 are now seated as the jury, and I'm -- I'm going to charge
2 you and tell you: Do not try to learn anything about this
3 case outside of this courtroom, okay? So when you go to
4 lunch, don't try to Google it or look for it, do any
5 investigation on your own. Again, that would cause a
6 mistrial in this case. So please, please, please don't do
7 that.

8 And again, if you have an electronic device, please
9 leave that in your car or at home, somewhere besides in the
10 jury box or certainly in the jury deliberation room. When I
11 release you, I'm going to ask you to be back at 2:30, okay?
12 I'm going to ask you to be back at 2:30. We were working on
13 some -- some pretrial matters that does not concern you.
14 Matters of fact are for your determination, and matters of
15 law are for me to determine.

16 So we were working on those this morning. We did not
17 get finished, and we're going to work a little longer.
18 And for that reason, I cannot allow you to be in this
19 courtroom, okay? So don't -- unlike my invitation to you,
20 brothers and sisters, I cannot allow you to be in the
21 courtroom. So be back at 2:30. Where do you want them to
22 report, Mr. Bailiff?

23 THE BAILIFF: Downstairs, (inaudible) at 2:15.

24 THE COURT: Okay -- okay. So 2:00 -- by, maybe, 2:15,
25 give you time to stow your coat. Go to -- use the facility

1 to refresh yourself, get some water, get some coffee,
2 whatever it might be. I look forward to seeing you at 2:30.
3 Before we go, Juror Number 39, Arianna -- Ms. Croom, where --
4 where -- where are you? This is not a -- this is a request,
5 not an order. Would you serve as the forelady for me?

6 JUROR NUMBER 39: Yes.

7 THE COURT: Okay. I try to alternate between a -- a
8 forelady and a foreman. And so, it -- it -- it is time for a
9 forelady, so if you'd be kind enough to serve, I'm going to
10 ask you to always sit where this person is on the first,
11 right here, nodding his head on that chair. That's the
12 foreperson's seat. Some judges use that seat over there, but
13 I -- I like this one. My eye falls to that. So you become
14 the spokesperson for the jury, and I will -- I will instruct
15 you further at the closing.

16 My two alternates, you are seated where you're supposed
17 to be. So you are -- you are in the alternates' seat. Where
18 -- where are the -- my two alternates, right -- right here?
19 Yes. Okay. You're on the tail end of my jury, okay? If
20 you'd always be in those seats, and my foreperson will be
21 here. Everyone else is free to move around. You can move to
22 the front, you can move to the back, you can keep the same
23 seat. It matters not to me. You now are honorary Rotarians,
24 okay?

25 You can rotate from one to the other. I've been a

1 Rotarian for over 30 years, so you're now Rotarians and you
2 can rotate around every how you choose to, it doesn't matter
3 to me, but I would ask those three people to be in the
4 assigned seat so I know where my foreperson is and my two
5 alternates at all times. Okay. We're going to give you back
6 to the bailiff there, and they're going to get you out of
7 here so you can go get some lunch and enjoy your lunch break,
8 and we'll see everybody at 2:30. Back at 2:15 for
9 Mr. Bailiff.

10 (Jury exits at 11:56 a.m.)

11 THE COURT: Okay. There's no other juror in the room,
12 and the jury is -- selected jury is out and the door is now
13 closed. I believe we have a second motion from Defense
14 Counsel.

15 MR. NIEMIEC: Thank you, your Honor. May it please the
16 Court? We are going to move to suppress any confessions of
17 the Defendant under a Jackson v. Denno analysis.

18 THE COURT: Okay.

19 MS. HAMILTON: The State would call for the Jackson
20 versus Denno, your Honor, Investigator Sean Leary with the
21 York County DEU.

22 THE COURT: Okay.

23 INVESTIGATOR SEAN BRENNAN LEARY,
24 being duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 THE COURT: Sir, tell us who you are and spell your
2 last name for my court reporter, please?

3 THE WITNESS: Yes, sir. My name is Sean Brennan Leary.
4 My last name is spelled L-E-A-R-Y.

5 THE COURT: Solicitor?

6 MS. HAMILTON: Thank you, your Honor.

7 DIRECT EXAMINATION

8 BY MS. HAMILTON:

9 Q. Investigator Leary, were you employed in your
10 current position with the York County Drug Enforcement Unit
11 the evening or early morning of July 14, 2023?

12 A. Yes, ma'am.

13 Q. And how did you become involved in the
14 investigation of Mr. Alston?

15 A. I received a phone call on my way home from work
16 from Officer Rhoads, who had -- he stopped a vehicle with a
17 large quantity of narcotics inside it.

18 Q. And how did you assist in the investigation?

19 A. I met Officer Rhoads at the Rock Hill Police
20 Department and ultimately noted that case from him for
21 prosecution.

22 Q. Did you subsequently have contact with Mr. Alston,
23 the Defendant in this case?

24 A. Yes, I did.

25 Q. Okay. And what did that contact involve?

1 A. My partner -- Investigator Luke Boling and I
2 interviewed Mr. Alston.

3 Q. And where did this interview take place?

4 A. It took place inside of the York County Drug Unit
5 east office, interview room, a small office, just, like, you
6 know, maybe 10 by 10 with a desk, couple chairs.

7 Q. And is that office located at the Rock Hill Police
8 Department?

9 A. Yes, ma'am.

10 Q. And I know we just discussed this, but what was
11 the date of that interview?

12 A. I believe it was July 14, 2023.

13 Q. Okay. So I just want to kind of ask you about the
14 environment. You said it's a small room, and you and
15 Investigator Boling were present, was it just you two?

16 A. Yes, ma'am.

17 Q. So two officers present and the Defendant?

18 A. That's correct.

19 Q. Was anyone pointing a gun at the Defendant during
20 this interview?

21 A. No, ma'am.

22 Q. Was anyone threatening him?

23 A. No, ma'am.

24 Q. Were y'all nice to him? Was anybody mean to him?

25 A. Yes, ma'am. We were nice to him.

1 Q. Okay. Was he handcuffed at this time or was he
2 free to move about?

3 A. We took him out of his handcuffs after we took him
4 out of the Rock Hill holding cell. So it was removed by the
5 officers.

6 Q. Was he clearheaded and sober -- appear to you to
7 be clearheaded and sober?

8 A. Yes.

9 Q. Did he appear to be hurt or injured or
10 uncomfortable at that time?

11 A. No, ma'am.

12 Q. Does Mr. Alston, at the time -- or did he at the
13 time appear to be reasonably intelligent in understanding
14 everything that was going on?

15 A. Yes, ma'am.

16 Q. Did anyone make any promises to him to talk at the
17 time that you began your interview?

18 A. No, ma'am.

19 Q. Did you subsequently read him his rights after you
20 came in contact with him?

21 A. Yes, ma'am.

22 Q. Did you read those rights that we call "Miranda,"
23 to him before you began the interview?

24 A. Yes, ma'am. I do.

25 Q. And did you read those Miranda rights to him from

1 a card or off of memory?

2 A. From a card, ma'am.

3 Q. Okay. And do you have those rights? Can you tell
4 us the rights as you read them to him?

5 A. Yes, ma'am. I have the card I can read off of.

6 Q. Thank you. Okay. Could you please read that for
7 the Court when you're ready?

8 A. Yes, ma'am. It says, "You have the right to
9 remain silent. Anything you say can and will be used against
10 you in a court of law. You have the right to have an
11 attorney present. If you cannot afford an attorney, one will
12 be appointed to you before any questioning, if you desire.
13 You can decide at any time to exercise these rights and not
14 answer any questions or make any statements." And then, we
15 asked him if he understood his rights.

16 Q. And when you asked him if he understood those
17 rights, what was his response?

18 A. He stated that he did and would speak to
19 Investigator Boling and I.

20 Q. Okay. Was -- those rights in the subsequent
21 interview after him saying he understood those rights, was
22 that recorded on audio?

23 A. Audio recorded. Yes, ma'am.

24 Q. And have you actually -- subsequent to -- or after
25 that interview, have you listened to the full interview and

1 the Miranda on the audio recording?

2 A. Yes, ma'am.

3 Q. Okay. Did he tell you, during the interview,
4 anything relevant to this investigation?

5 A. Yes, ma'am. He did.

6 Q. Okay. Could you tell me what he said it's
7 relevant to this investigation specifically?

8 A. I -- I believe ultimately, ma'am, he ended up
9 admitting to Investigator Boling and I, having possession of
10 the narcotics inside of the vehicle.

11 Q. Did he give you any kind of indication as to how
12 much narcotics were present?

13 A. He did. I believe he gave us ballpark estimates.

14 Q. All right. And again, did you make any threats or
15 promises to him in any way to get him to talk during this, I
16 believe it was a two-hour interview?

17 A. No, ma'am.

18 MS. HAMILTON: Okay. Thank you. Please answer any
19 questions the Defense may have.

20 CROSS-EXAMINATION

21 BY MR. NIEMIEC:

22 Q. Did you tell him you would do as much for him on
23 his -- on your end as he did for you on your end? Did you
24 give him a tit for tat?

25 A. No, sir. So whenever we interview defendants and

1 after being arrested for narcotics, we advised them the drug
2 unit relationship with the York County Solicitor's Office,
3 and that we work with the drug solicitors that will
4 ultimately prosecute the cases. So typically, we'll tell
5 them that we'll speak to the solicitors about their case, and
6 that is the extent of that.

7 Q. Did you tell him that you would help him arrange
8 for a bond?

9 A. No, sir.

10 Q. Did you tell him that he was lying to you?

11 A. At several points, yes, sir.

12 Q. At least nine times?

13 A. Probably so.

14 Q. Did you tell him that he was -- he could get 120
15 years?

16 A. We probably summarized the -- you know, the
17 cumulative numbers of the -- the charges he was facing.

18 Q. And this is the day of the arrest, is that
19 correct?

20 A. Yes, sir.

21 Q. Was he visibly upset during your interview?

22 A. Periodically. He went through bouts of being
23 upset when we kind of explained the extent of the charges to
24 him.

25 Q. Did he appear concerned about himself and his

1 family?

2 A. Yes, sir.

3 Q. Did you -- did you or Officer Boling, at any point
4 in time say that, "Right now, his -- his chances of going
5 home were about 50-50?"

6 A. Not that I recall, sir.

7 Q. Did you threaten him with potential federal
8 indictments?

9 A. No, sir. We did not threaten him with federal
10 indictments. We explained to him that that is a process that
11 can occur with that quantity of narcotics.

12 Q. I'm sorry. I didn't understand. I didn't hear.

13 A. Oh, I'm sorry. We did not threaten him with
14 federal indictment. Both Investigator Boling and myself
15 partner with federal agencies that have interest in -- in
16 cases similar to this with large quantities of narcotics. We
17 explained that to him.

18 Q. Had a federal agency specifically indicated they
19 were interested in this case at that time?

20 A. No, sir.

21 Q. Did you ask him to provide access to his cell
22 phone and that would be him showing you good faith?

23 A. We asked him if he could provide consent to his
24 cell phone to corroborate the statements he was making to us.
25 Yes, sir.

1 Q. And told him that would be good for him?

2 A. I don't recall influencing him one way or the
3 other.

4 Q. Do you recall telling him that it would be good
5 for him if he voluntarily allowed you access to his cell
6 phone rather than making you go get a search warrant?

7 A. No, sir. We have no problem getting search
8 warrants for things like that. We told him that if he was
9 trying to provide us with that intelligence that night, that
10 would be the process it would have to go to, because we don't
11 have judge working 2:00 in the morning to sign those kinds of
12 things.

13 Q. Have you had a chance to review the interview that
14 you did with Mr. Alston?

15 A. Yes, sir, I've listened to it.

16 Q. When did you listen to it?

17 A. Since his arrest, multiple times.

18 Q. How would you characterize your conversation
19 surrounding access to his cell phone?

20 A. We requested his consent to search his cell phone.

21 Q. And did you indicate any implied threat of -- if
22 you needed to go get a search warrant?

23 A. No, sir. We -- we provided him with a form that
24 he could sign of his own free will to give his consent, if he
25 so chose -- so chose.

1 Q. Did you indicate to him at any time that if he
2 didn't sign that form, your relationship with him -- your
3 cooperation with him and his cooperation with you may end?

4 A. Potentially, it may end at any point depending on
5 his truthfulness to Investigator Boling and I. There's any
6 number of things that could end in an interview like that.

7 Q. Was there a significant conversation surrounding
8 machine, a pill press?

9 A. Yes, sir.

10 Q. Did you want him to provide you his knowledge of
11 where a pill press might be located at?

12 A. Yes, sir.

13 Q. Was that a pretty significant item that you were
14 seeking from him?

15 A. In an overarching aspect? Yes. As it pertains to
16 this case? No.

17 Q. Do you remember him saying, "This isn't going to
18 bite me in the ass?"

19 A. I do.

20 Q. Do you remember saying, "We don't make careers out
21 of biting people in the ass?"

22 A. Yes, I do.

23 Q. Do you recall whether he incriminated himself
24 during this interview?

25 A. He certainly did.

1 Q. What did he ultimately do for you after this
2 interview?

3 A. I don't believe we spoke to him again after
4 interviewing him.

5 Q. What did you do with the solicitor -- what did you
6 do after this interview as it concerns his cooperation with
7 you during that interview?

8 A. I'm sorry, what are you asking?

9 Q. Did you do anything to help him out?

10 A. We spoke to the solicitor, actually, I believe one
11 of the -- the drug solicitors appeared at his initial
12 preliminary hearing, which is atypical. Typically, that's
13 just handled by the officers, but we had spoken about his
14 case to the Solicitor's Office.

15 Q. And what did you say?

16 A. I basically provided them with the information
17 that Mr. Alston gave to us during the interview.

18 Q. You provided them with the incriminating --
19 incriminating statements he gave to you?

20 A. Sure. Yes.

21 Q. Did you put in a good word for him?

22 A. I -- I told them, basically, that he'd given us
23 consent to sign his cell phone, and he ultimately ended up
24 telling us the truth.

25 Q. Did you tell him he was cooperative?

1 A. I told him that eventually he was cooperative
2 towards the end of the interview, yes.

3 Q. Isn't it fair to characterize your interview with
4 him as him giving you incriminating information about
5 himself, him allowing you access to his cell phone and him
6 providing you with information about other potential drug
7 dealing in the community, and you did very little in return?

8 A. That's not how I characterize that. No -- no, I
9 -- I interviewed him as we always interview defendants in
10 this circumstance.

11 Q. "As much on our end as you do on your end." Would
12 you characterize your relation -- you -- the end result of
13 your interview with him as being consistent with that
14 statement?

15 A. Yes.

16 Q. Was there a DEA agent present?

17 A. No.

18 Q. Did a DEA agent come into the building while you
19 were interviewing Mr. Alston?

20 A. No, sir.

21 Q. Did a DEA agent, at any point in time, ever tell
22 you that he was not interested in the case?

23 A. No, sir.

24 Q. Did you ever reach out to any federal law
25 enforcement about this case?

1 A. Yes, sir. I believe we discussed it with the DEA
2 office out of Columbia.

3 Q. And what was the end result of that? Did they
4 take the case?

5 A. No, sir. We're trying in state.

6 Q. There was a gentleman who came in during the
7 interview to show some pictures. Do you recall that person?

8 A. The only other person I recall being present for
9 the interview is Investigator Boling.

10 MR. NIEMIEC: That's all the questions I have.

11 THE COURT: Solicitor?

12 MS. HAMILTON: Nothing further.

13 THE COURT: Sir, you may step down. Please be careful.

14 THE WITNESS: Thank you, Judge.

15 MS. HAMILTON: And, your Honor, for the record, I just
16 want to state my -- that my case agent is going to be
17 Investigator Sean Leary, he will be in here as my case agent,
18 if that is all right for you, your Honor.

19 THE COURT: Okay. Anything from Defense?

20 MR. NIEMIEC: No, your Honor.

21 THE COURT: Okay. Want to be heard briefly on the
22 arguments here before we -- or let me ask this, though. Is
23 there another motion? I only knew about the two?

24 MR. NIEMIEC: That's it, your Honor.

25 THE COURT: All right. Want to be heard briefly on the

1 arguments?

2 MR. NIEMIEC: Which one would you like to go first?

3 THE COURT: You're standing up. How about you?

4 MR. NIEMIEC: I'm saying which motion?

5 THE COURT: Oh. Number one, suppression.

6 MR. NIEMIEC: Just give me one minute, your Honor. All
7 right. Thank you, your Honor. May it please the Court? As
8 it concerns the motion to suppress for the evidence related
9 to the vehicle stop, and what was obtained afterwards, my
10 client contends that his Fourth Amendment was violated in
11 that he was subject to an illegal search and seizure.
12 Specifically, he -- he claims the length of the duration of
13 the traffic stop, the purpose of the traffic stop, were --
14 well, the length was too long, and the purpose should have
15 been accomplished in an ordinary traffic stop that more
16 closely resembles an investigative detention rather than a
17 custodial arrest.

18 The officer testified that he had essentially the
19 information he needed to provide a ticket other than waiting
20 for the registration -- oh, I'm sorry, the insurance, but he
21 had received the -- the -- my client's driver's license as
22 well as the registration from my client. He pulled him over
23 for a tag. That was the probable cause for the stop. The
24 ordinary traffic stop in -- in those circumstances would not
25 predicate the need to continue questioning my client or the

1 need to continue investigating or searching for evidence.

2 The traffic stop only provides sufficient justification
3 to defend -- I mean, to detain my client. As long as the
4 routine traffic stop is engaged -- 'there's a mission when you
5 pull over somebody. The mission was to give him a ticket for
6 the -- the failure to register in the expired decal. Officer
7 went beyond that purview, and he abandoned the actual traffic
8 stop and usurped it by moving forward with an investigation
9 related to drug offenses and the possession of the vehicle.

10 He did so -- evidence that he did so is because he
11 never wrote a ticket for the traffic stop. And to my client,
12 that is a very important part of this case. He was never
13 cited for the marijuana. He was never cited for the traffic
14 ticket. He would contend that no consent was given for a
15 full search, but when he got out of the car, and we've all
16 seen the video, he believed the officer was asking if he had
17 any other weapons on him, and he was saying that he did not
18 have any other weapons.

19 Nonetheless, the officer proceeded to reach into his
20 pockets and pull out the marijuana, which presumably was then
21 the reason for being able to search the car or his
22 justification for searching the car. My client contends that
23 that was an unreasonable search, unreasonable seizure -- an
24 illegal seizure. Normally, when you are conducting a traffic
25 stop -- stop, you can check a driver's license, you can check

1 for warrants, you can inspect the registration. But this
2 particular officer very -- varied -- didn't even look at the
3 registration. All he did was move beyond the scope of the
4 traffic stop, and illegally searched my client, and then
5 illegally searched the vehicle.

6 He made statements about the lack of importance of the
7 marijuana on my client's person leading him again to believe
8 that this was primarily just a traffic stop. And the length
9 of stop of the stop lasted longer than was necessary to give
10 a ticket for especially for an expired registration.

11 My client would like to -- Court to take particular
12 attention to -- to a case out of the Western District of
13 North Carolina. It is the United States versus Teasley.
14 That cite, I wasn't able to get a copy for the Court -- a
15 hard copy, your Honor, but I do have the cite. That cite is
16 3-22-CR-00083-FDW-DCK. And that was heard on March 22, 2022,
17 oh -- or -- I'm sorry, issued on March 22, 2023.

18 In that case, officer stopped a -- a gentleman and the
19 gentleman admitted there was a gun in the car. The officer
20 then proceeded to hold the client while he ascertained
21 whether he was a -- a felon and could not possess a -- a
22 firearm pursuant to the State statute in North Carolina. The
23 Court held in that case that that exceeded the scope of the
24 traffic stop, and therefore the -- the evidence should not
25 have been allowed.

1 Given this argument, my client is basically making an
2 argument that there's a -- the fruit of the poisonous tree,
3 that once the stop was abandoned -- or once the traffic
4 ticket was abandoned and usurped, that any evidence that
5 follows after that should be excluded under the exclusionary
6 rule. Thank you, your Honor.

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

8 MS. HAMILTON: Thank you, your Honor. I'll start with
9 the length of the traffic stop that he is asserting in his
10 argument. I believe, based on the video and all that we saw
11 today, that the length of time at the traffic stop was more
12 than reasonable. There was continued investigation from the
13 moment that he sees that weapon. He's calling it a dispatch,
14 trying to figure out the status of the Defendant as to the
15 driver's license, status of the Defendant as being federally
16 prohibited.

17 You hear the response as to being federally prohibited
18 at 12 minutes and 50 seconds in, that is actually almost two
19 minutes past when he finds the initial drugs within the
20 vehicle. So he's continuing his investigation and has yet to
21 hear back from dispatch as to the status of him and the gun
22 at that point. So it is a continuous investigation that's
23 still ongoing at that moment that he finds those drugs within
24 that vehicle.

25 When he pulls that vehicle over, the gun is brought

1 out. So that brings in a whole another part of the
2 investigation past the expired decal that the officer needs
3 to investigate. I believe based on case law, there was a
4 continuous investigation throughout. The Defendant was not
5 using methods to delay time, to use tactics to extend this
6 traffic stop for the benefit of him. And basically, a
7 fishing expedition.

8 I would assert that throughout this investigation, he
9 had found marijuana, he had found -- found a gun. Based on
10 the marijuana, he was going to search the car. Additionally,
11 he would have to tow the vehicle based on the expired tags.
12 He had also called into dispatch as to insurance and status
13 of registration, and he was awaiting results on those. So I
14 would just say the length to time in this case is more than
15 reasonable based on the case law.

16 Additionally, as to the search, I have not read this
17 case, but I do not think this is a fruit of the poisonous
18 tree kind of situation. I think this is -- based on the
19 stop, this is a probable cause search, and, most at its core,
20 an inventory search. This was an expired tag as Officer --
21 Officer Rhoads stated on the stand. This was a vehicle that
22 was not street legal. It was not going to be able to be
23 driven at that point. There was the only occupant of the
24 vehicle. The Defendant was being arrested. This vehicle
25 could not be driven on the road. This vehicle had to be

1 towed. The vehicle was going to be inventoried.

2 Additionally, the Defendant was in that vehicle with
3 marijuana taken out of that vehicle, with marijuana on his
4 person, thus giving probable cause to search the vehicle.

5 Also, if you deemed this not to be a true inventory search,
6 which the State is arguing it ultimately is, so we would ask
7 that you find that the Fourth Amendment was not violated, and
8 that this was not an illegal search based on those arguments,
9 your Honor.

10 THE COURT: Okay. As to number two, Counsel?

11 MR. NIEMIEC: Thank you, your Honor. This is a case my
12 -- my client and I would like the Court to pay attention to,
13 is State versus Miller. I do have copies of this case. It's
14 a fairly well-known case in this type of analysis of
15 Jackson v. Denno. The cite is 652 Southeastern 2d 444. What
16 they talk about in -- or what we specifically want to talk
17 about in our argument in this case is whether or not the
18 Defendant voluntarily made a statement and whether or not his
19 will to do so was overborne by the circumstances then in
20 their existing.

21 He had just been arrested. He has been arrested in a
22 car that's not -- does not belong to him. He has been
23 arrested with a gun that he does not -- that he says does not
24 belong to him. That was all evident on the previous video.
25 He is then brought into a room with two detectives who start

1 making promises. And they start saying, "We'll help you if
2 you help us." And my client then proceeds to make
3 incriminating statements and provides voluntary consent to
4 search his phone, based on the assertion that if he did so,
5 things would go better for him, and that the federal
6 government would not need to get involved if he provided
7 these incriminating statements.

8 Also, gave statements against the interest of others
9 and tried to cooperate, and was as cooperative as he could
10 be. I think that the testimony on the stand was at the end,
11 he was truthful. Yet in -- in -- in receiving what he
12 received in -- in relation to what he gave was very little.
13 Speaking at a preliminary hearing on his behalf, and saying
14 he was cooperative when he gave us incriminating statements
15 is not -- you know, get what you got.

16 He feels like he was essentially lied to and felt like
17 he was coerced and threatened during that interview process.
18 He was called a liar several times, even when he was telling
19 the truth. And he was ultimately promised more than he
20 received, and he feels like that was the basis of -- that he
21 did so in good faith and he did not get a -- a good faith in
22 return. For that reason, this -- the test of voluntariness
23 under a Jackson v. Denno and State v. Miller analysis, that
24 would be a prong of that analysis that fails. And my
25 client's voluntary statement should be excluded from evidence

1 in this matter. Thank you, your Honor.

2 THE COURT: Okay. Solicitor?

3 MS. HAMILTON: Thank you, your Honor. The State versus
4 Miller states, basically, statements made in the hope of
5 leniency is okay, so long as there was no direct or implied
6 promises made in this case. There was none of that said in
7 this case. Investigator Leary has been doing this quite a
8 long time. He knows that the State always says, "You cannot
9 make promises. You can never make promises on the front
10 end." And we do not make promises on the front end.

11 He might have had hopes of that because they said they
12 would talk to the solicitor, but that does not make any
13 direct promises that anything is going to be done for him.
14 As stated by the Defense, they did state he would talk to the
15 solicitor in the interview that was conveyed to Mr. Alston
16 that made no direct promises. He can hope that, speaking to
17 the solicitor, there might be some leniency, but there was
18 none promised in this case, your Honor.

19 I have the interview. I have the transcript of the
20 interview. I believe that his -- he understood Miranda, he
21 sat there for two hours telling all kinds of stuff, and just
22 basically having an ongoing conversation about all the things
23 that he knows. He seemed very comfortable in the interview.
24 He knew what he was doing, and I believe the fact that there
25 were no promises made, direct or implied, in this case, that

1 the statements made are fully, under Miranda, voluntary, and
2 were not coerced out of him, your Honor.

3 THE COURT: Anything from anyone else?

4 MR. NIEMIEC: No, your Honor.

5 THE COURT: Okay. It is about 12:25. Why don't we
6 reconvene about 2:15? Wait and I will take this under
7 advisement and we're going to get some lunch. Everybody
8 else's going to get some lunch and we this (inaudible) about
9 2:15, jury is going to come back at 2:30. We'll have a
10 couple of rulings as far as this.

11 MR. NIEMIEC: Thank you, your Honor.

12 MS. HAMILTON: Thank you.

13 THE COURT: Thank you. Everyone have a good lunch.

14 (Off the record at 12:26 p.m.)

15 (On the record at 2:31 p.m.)

16 THE COURT: The search and seizure, generally, a
17 warrantless search is per se unreasonable and violates the
18 Fourth Amendment prohibition against unreasonable searches
19 and seizures. However, a warrantless search can be
20 reasonable if it falls under one of the exceptions to the
21 warrant requirement.

22 One of those exceptions is an inventory search
23 conducted according to standard police procedures. Robinson
24 versus State, 754 southeastern 2d 862. "For an inventory
25 search to be valid, the vehicle search must first be in the

1 valid custody -- the vehicle searched should first be in the
2 valid custody of law enforcement officers conducting the
3 inventory."

4 State versus Miller, quoting United States versus Brown
5 at 787 F.2d 929. "An inventory search of an automobile is
6 lawful where the circumstances reasonably justified seizure
7 or impoundment, and law enforcement conducts the inventory
8 search according to routine and standard procedures designed
9 to secure the vehicle or its contents." State v. Miller,
10 citing Colorado versus Bertine, 107 Supreme Court 738. Here,
11 the Court finds that a valid search -- inventory search took
12 place.

13 Officer Rhoads conducted the inventory search after
14 pulling over the Defendant for driving with an expired tag
15 and decals. At this point, the vehicle was no longer street
16 legal, and thus in the valid custody of Officer Rhoads. No
17 evidence or testimony suggests that Officer Rhoads deviated
18 from routine and standard procedures during the search.

19 Alternatively, the search and seizure was also
20 justified under the automobile exception. One exception to
21 the Fourth Amendment exclusionary rule -- commonly known as
22 the automobile exception, allows law enforcement officials to
23 conduct a search of an automobile based on probable cause
24 alone due to the lessened expectation of privacy in motor
25 vehicles traveling on the public highways.

1 State v. Cox, at 351 Southeastern 2d 570. "Therefore,
2 under the automobile exception, if probable cause exists to
3 justify the warrantless search of a lawfully stopped vehicle,
4 it justifies the search of every part of the vehicle and its
5 contents that may conceal the object of the search." Here,
6 probable cause existed once Officer Rhoads found Defendant in
7 possession of marijuana.

8 Defendant consented to the search of his person, the
9 search of his person revealed marijuana, probable cause
10 existed and therefore Officer Rhoads' search of the vehicle
11 falls squarely under the automobile exception. So the
12 Defense motion is denied.

13 Jackson v. Denno. "Whenever evidence is introduced
14 that was allegedly obtained by conduct violative of a
15 defendant's constitutional rights, the defendant is entitled
16 to have the trial judge conduct an evidentiary hearing
17 outside the presence of the jury at the threshold point to
18 establish circumstances under which it was gained."

19 State v. Creech, at 441 Southeastern 2d 635, "A
20 defendant in a criminal case is entitled to an independent
21 evidentiary hearing to determine the voluntariness of the
22 statements made by the defendant prior to the submission of
23 the statements to the jury."

24 State v. Miller, 652 Southeastern 2d 444, "In its
25 review, this court must examine the totality of the

1 circumstances surrounding the statement and decide whether
2 the State has carried its burden in proving the statement was
3 knowingly, intelligently, and voluntarily given."

4 State v. Miller, again, at 652 Southeastern 2d 444.

5 "The State must show the statement was voluntarily made by a
6 preponderance of the -- of the evidence." At its Jackson v.
7 Denno, at 84 Supreme Court 1774, "If a suspect is advised of
8 his Miranda rights but chooses to make a statement, the
9 burden is on the State to prove by a preponderance of the
10 evidence that his rights were voluntarily waived."

11 State v. Saltz, at 551 Southeastern 2d 240, "This
12 voluntariness requirement is in addition to the intelligent
13 waiver mandate of Miranda." Again, State v. Miller,
14 "Appellate entities in South Carolina have recognized that
15 appropriate factors to be considered in the totality of
16 circumstances analysis include, but are certainly not limited
17 to, background, experience and conduct of the accused, age,
18 length of custody, police misrepresentations, isolation of a
19 minor from his or her parent, threats of violence, and
20 promises of leniency."

21 State v. Parker, at 671 Southeastern 2d 619, though not
22 alleged here, "False assurances of confidentiality have been
23 deemed impermissibly coercive and violative of due process."
24 That is our newest case, State versus Collins. "The totality
25 of the circumstances test does not apply to promises of

1 confidentiality or promises of immunity from prosecution."

2 After careful consideration of the testimony, and the
3 arguments of the lawyers, this court finds the Defendant's
4 statements were voluntarily given after a waiver of his
5 Miranda rights. And the -- a trial course -- pretrial
6 determination of voluntariness will not prevent a defendant
7 from challenging the reliability of the statement during
8 trial as credibility remains an issue from -- for the jury.
9 That's a footnote six in the Collins opinion. Anything from
10 the State?

11 MS. HAMILTON: Nothing from the State on these.

12 THE COURT: From the Defense?

13 MR. NIEMIEC: Nothing, your Honor.

14 THE COURT: Okay. Now, I'm an old criminal defense
15 lawyer. 25 years before I came up here. Do you need two or
16 three minutes to see if that changes anything?

17 MR. NIEMIEC: I do, your Honor. Yes, your Honor.

18 THE COURT: Yes. Okay. Fair enough.

19 MS. HAMILTON: Your Honor. I do have -- can I bring
20 something up prior to him speaking to his client, really
21 fast? This is the first time that I have prosecuted the
22 crime associated with the trafficking fentanyl, that is
23 possession of the firearm by a person convicted of PWI or
24 distribution of a controlled substance. It is very weird for
25 me to say in front of the jury that he has a conviction for

1 distribution of crack from 2016 on his record.

2 I don't know if that -- I feel like it's an element of
3 the crime that needs to be presented to the jury along -- I
4 have a certified copy, but then reading the statute, there's
5 a Subsection (d) in the statute and it states there could be
6 a judicial finding. It says, "The Court with jurisdiction
7 over the offense shall make a specific finding on the record
8 that the conviction is for possession with intent to
9 distribute -- distribution or delivery or manufacturing of --
10 or trafficking in a controlled substance as defined by the
11 subsection in the statute, which is defined by distributing
12 crack. And the person would be subject to the prohibitions
13 of this section. A judge's failure to make a specific
14 finding on the record does not far otherwise affect
15 prosecution pursuant to this subsection." I didn't know if
16 there needs to be a pretrial ruling on this. I -- I have not
17 dealt with this before.

18 THE COURT: I don't know that I've had it brought up --
19 brought up either, but it would be a first cousin to -- what
20 is it? The burglary where you have to -- you know, that's an
21 element, but -- but let's first of all give him five or six
22 minutes because I've been -- I've been in that table many
23 times before, and so things might change. We don't know, but
24 I'm going to give counsel a couple of minutes, and we -- we
25 have all 14 jurors here. Okay.

1 (Off the record at 2:39 p.m.)

2 (On the record at 2:48 p.m.)

3 THE COURT: Very good. Any say from anybody before we
4 bring the jury up and swear them? Nothing? Nothing? Okay.

5 MS. HAMILTON: Oh, I just want to put on the record
6 that there was no out -- there's not an outstanding offer on
7 this case, that he has turned down all offers, and we are
8 proceeding with the trial.

9 THE COURT: Okay. Yeah, he wants a trial and he's
10 entitled to. I carried a rifle for that --

11 MS. HAMILTON: And should -- your Honor, do we need to
12 make a finding as to him being convicted of this
13 distribution?

14 THE COURT: Any objection to me making that finding
15 before the jury gets here?

16 MR. NIEMIEC: I'm sorry, your Honor. I was talking.

17 THE COURT: All right. Ms. Hamilton, tell him --

18 MR. NIEMIEC: Yeah, I -- I would rather the Court make
19 that finding than it be brought up in a factual setting.

20 MS. HAMILTON: I think it's an element. I just don't
21 -- it's saying that you have to make a finding to be
22 submitted to the jury with what I'm reading.

23 THE COURT: I tell you what, let's do a little research
24 on that, but in the meantime, you could just refer to the
25 charge itself. How about that? And then wait and I'll do a

1 little research. We'll have our jury.

2 (Jury enters at 2:50 p.m.)

3 THE COURT: Okay. Good afternoon, ladies and
4 gentlemen. Madam Clerk, will you swear this jury to trial
5 this case?

6 THE CLERK: Ladies and gentlemen of the jury, please
7 all stand and raise your right hand.

8 (Jury sworn at 2:50 p.m.).

9 THE COURT: Thank you. Ladies and gentlemen, you are
10 now the jury in this case, and I will take a few moments to
11 tell you something about your duty as jurors and provide some
12 instructions. At the close of this trial, I will give you
13 more detailed instructions and those instructions will
14 control your deliberation. The criminal case is brought by
15 the State of South Carolina. Sometimes, I refer to the State
16 as the Prosecution or the Government. The State is
17 represented by assistant solicitors in this case, and the
18 Defendant is represented by legal counsel.

19 The Defendant, as I told you earlier today, has been
20 charged with trafficking in fentanyl, trafficking in heroin,
21 an indictment for possession of a firearm by someone who's
22 been convicted of or possessed a controlled substance
23 trafficking in fentanyl, trafficking in methamphetamine, and
24 trafficking in heroin. I tell you once again that he has
25 entered plea of not guilty to each of the indictments, and he

1 is presumed under our system of law to be innocent of all the
2 charges made against him.

3 Now, South Carolina law makes you 12 the finders of the
4 fact. You 12 alone will find the facts, and it is your duty
5 to do so from the evidence that is presented to you. You'll
6 hear the evidence, decide what the facts are, and apply those
7 facts to the law that I provide at the close of this trial.
8 In doing so, ladies and gentlemen, you must follow the law
9 whether you agree with it or not. The evidence will consist
10 of testimony of witnesses, documents, and other items
11 received into evidence as exhibits, and any facts on which
12 the lawyers may agree or stipulate.

13 Now, the same law that makes you 12 the finders of the
14 facts, makes me the judge of the law. Our rules of evidence
15 control what can be received into evidence. And when a
16 lawyer asks a question or offers an exhibit into evidence,
17 and a lawyer on the other side believes it is not permitted
18 by our rules, that lawyer may object. And this simply means
19 that the lawyer is requesting I make a decision on a
20 particular rule of evidence.

21 South Carolina law forbids a trial judge from making a
22 comment to a jury about a fact in a case. And because it may
23 be necessary for me to comment on a fact and applying our
24 rules of evidence, it may be necessary for me to speak with
25 the lawyers outside of your hearing by having what's known as

1 a "bench conference." While you are present in the
2 courtroom. You've already seen that, I -- I suppose, where
3 the lawyers came up to talk to me privately here or probably
4 during the trial over here. And that's in an effort to get
5 away from the microphones.

6 Sometimes it is necessary for me to excuse you from the
7 courtroom while I take that matter up. But the purpose of
8 the conference is to decide how certain evidence can be
9 treated under our rules, and to avoid confusion and error.
10 Now, certain things are not evidence. statements, arguments,
11 questions, and comments by lawyers representing the parties
12 in this case are not evidence. Objections are not evidence.
13 Lawyers have a duty to the client to object when they believe
14 something is improper. You should not be influenced by an
15 objection.

16 Ladies and gentlemen, if I sustain an objection, you
17 must ignore the question or the exhibit and not try to guess
18 what the answer might have been or what the exhibit might
19 have contained. If I overrule the objection, the evidence
20 will be admitted, but do not give it special attention
21 because it drew an objection. Any testimony that I order
22 stricken from the record or tell you to disregard is not
23 evidence and must not be considered.

24 Now, finally, some of you may have heard the terms
25 "direct evidence" and "circumstantial evidence." Direct

1 evidence is testimony by witness about what that witness
2 personally saw, heard or did. Circumstantial evidence is
3 indirect evidence. It is proof of one or more facts from
4 which one can find or infer another fact. You may consider
5 both direct and circumstantial evidence. Our state law
6 permits you to give equal weight to both, but it is for you
7 to decide how much weight to give any evidence.

8 Now, in deciding what the facts are in this case, you
9 may have to decide what testimony you believe and what
10 testimony you do not believe. You may believe everything a
11 witness says, only part of it, or none of it. In deciding
12 what to believe, you may consider a number of factors which
13 include, but certainly are not limited to, in witness's
14 ability to see or hear or know the things about what the
15 witness testifies to, the quality of the witness's memory,
16 the witness's manner while testifying, whether the witness
17 has an interest in the outcome of this case or any motive,
18 bias, or prejudice, whether the witness is contradicted by
19 something the witness has said or written before trial, and
20 how reasonable the testimony is.

21 It is my responsibility to rule as a matter of law as
22 to whether certain testimony is admissible. But once the
23 testimony is admitted, whether or not you believe it, it's up
24 for you 12 to decide. Now, to ensure fairness, you as jurors
25 must not talk among yourselves about the case or about anyone

1 involved with the case until it has ended and the case goes
2 with you to the jury room to decide your verdict. Do not
3 talk with anyone else about the case or about anyone who has
4 something to do with it until the trial has ended and you
5 have been discharged.

6 Ladies and gentlemen, once you've been discharged as a
7 juror, you can talk as much or as little about the case as
8 you like. Anyone includes members of your family and your
9 friends, you may tell them that you are a juror, but do not
10 tell them anything about the case until you have been
11 discharged as a juror. Do not let anyone talk to you about
12 the case, and if someone should try to do so, please report
13 that to your foreperson who would then report that to me.

14 During the trial, do not speak or -- or talk to any of
15 the witnesses or the parties. If a person from one side sees
16 you talking to a person from the other side, even if it's
17 simply to pass the time of day, it may arouse unnecessary
18 suspicion about your fairness.

19 Now, if a lawyer or a party or a witness or someone
20 sees you in the hallway or on an elevator and they do not
21 speak to you is because they have been instructed not to
22 speak in the presence of the juror, that's one reason you're
23 wearing that badge. It tells all of us that you are -- you
24 are a juror.

25 Do not read any news, stories or articles about the

1 case. Do not listen to any radio or TV report or any
2 research on the internet or social media. Do not reference
3 -- do not use reference materials. Do not investigate this
4 case on your own and do not make up your mind about what the
5 verdict should be until you go to the jury room and discuss
6 it with your fellow jurors.

7 Sometimes I'm asked about taking notes. You are not to
8 take notes during the trial, and the reason is, we want you
9 to pay close attention to each witness as he or she testifies
10 and not be fixated on making notes. Now, the first step in a
11 trial will be known as "opening statements." State, in its
12 opening, will tell you about the evidence it intends to put
13 before you. And just as the indictment is not evidence,
14 neither is the opening statement, its purpose is to help you
15 understand what the evidence will be and what the State will
16 try to prove.

17 After the State's opening, the Defendant's attorney may
18 -- if he chooses, make an opening statement too. At this
19 point, no evidence has been offered by either side. Next,
20 the State will offer evidence it says that will support the
21 charges made against this defendant. The State's evidence
22 must -- will consist of testimony of the witnesses and it may
23 include documents or other exhibits. I remind you again,
24 this defendant is presumed innocent, and the State must prove
25 his guilt beyond a reasonable doubt. This defendant does not

1 have to prove his innocence.

2 After you have heard all evidence, the State and the
3 Defense will be given time for final statements. And just as
4 I told you about the opening statement by the lawyers, the
5 closing statement is not evidence either. In their closings,
6 the lawyers for each side will attempt to summarize and help
7 you understand what has been submitted.

8 And ladies and gentlemen, the final part of the trial
9 occurs when I instruct you about the rules of law that you
10 are to use in reaching your verdict. And after hearing my
11 instructions, you will leave the courtroom together to make
12 your decision.

13 Now, Juror Number 39, Ms. Croom. Ma'am, you are hereby
14 officially appointed as the foreperson of this jury. You
15 become the spokesperson for this jury. If they have
16 something needs to be addressed, whether a car will not
17 start, a child is sick, or an aging parent, something of that
18 nature, you would send me a note through the bailiff. I
19 would then bring you to this courtroom on the record in front
20 of the lawyers, and we would have that conversation, okay?

21 You and I will never meet privately, okay? It'll
22 always be in this courtroom in front of the lawyers, with the
23 court reporter recording, okay? But you become the
24 spokesperson for the jury. All right? And then I'll -- and
25 then you'll also preside, but I'll talk about that at the

1 closing. All right. Anything from the State?

2 MS. HAMILTON: Nothing from the State.

3 THE COURT: From the Defense?

4 MR. NIEMIEC: No, your Honor.

5 THE COURT: All right. Let -- Madam Forelady, ladies
6 and gentlemen, give your attention to the -- to the State.

7 MS. HAMILTON: Thank you, your Honor. Good afternoon.
8 We are here today because the Defendant, Mr. Londell Alston,
9 is charged with trafficking heroin, 28 grams or more.
10 Trafficking methamphetamine, 200 grams or more. Trafficking
11 fentanyl, 28 grams or more. Possession of a weapon during
12 commission of a violent crime, and possession of a firearm by
13 a person convicted of distribution of a controlled substance.

14 To give you a brief rundown of the facts and kind of
15 what I'm going to present during the trial factually, what
16 you can anticipate is hearing that on the morning of
17 July 14, 2023, the Defendant was driving a vehicle that he
18 immediately says does not belong to him when officers
19 approach it. That vehicle was pulled over for a traffic
20 equipment violation. It was an expired tag, expired decal,
21 very simple traffic stop.

22 Officer Rhoads, you'll will hear from him, that he
23 approaches the vehicle, the Defendant's immediately trying to
24 separate himself from this vehicle, "This is not my vehicle,
25 this is somebody else's vehicle." He says, "Okay. Well,

1 that's fine. Let's just get insurance, registration. We can
2 track that -- this driver's license." The Defendant then
3 proceeds to reach towards a golf box to get information. In
4 doing so, he pulls out a weapon and a gun.

5 We'll hear on the video, Officer Rhoads says, "Oh,
6 okay, wait, wait, wait. Is that a real gun?" And he says,
7 "Yes." He asked him to put it down. He takes him out of the
8 vehicle. At that time, the Defendant says that he has some
9 marijuana on him. At that time, the officer searches the
10 Defendant, puts him at the back of the patrol car and he
11 says, "Okay. We're going to -- we're going to do just an
12 investigation, determine if this is a -- a reasonable stop.
13 And once we figure out if you have valid registration, we'll
14 -- we'll move on."

15 At that time, officers continued to investigate.
16 They're calling in about the gun at that time. Officers have
17 to tow this vehicle because there is an expired decal and an
18 expired tag on this vehicle. And doing a search of that
19 vehicle to tow it, officers do locate in the back of that
20 vehicle a blue drawstring bag that is placed on the back seat
21 right behind the driver's side where the Defendant was
22 sitting. As officers open that bag, they see at that time,
23 there is a large amount of drugs. There are yellow pills,
24 there are blue pills, and there is a block of fentanyl, and
25 scales.

1 At that time, officers proceed to place the Defendant
2 under arrest for those drugs, proceeds to further search that
3 vehicle, and find bags of heroin blocks that are vacuum
4 sealed, in addition to extra vacuum-sealed bags in a blender.
5 You will hear from Officer Rhoads at the -- that time, due to
6 the massive amount of drugs that he had found in the
7 Defendant's possession, he then calls Officer -- Investigator
8 Leary from the Drug Enforcement Unit. Because when they
9 find, as Officer Rhoads will tell you, large amounts of
10 drugs, they call in a Drug Enforcement Unit officer to
11 interview, in regards to those drugs, the Defendant.

12 At that time, you will hear that he was arrested for
13 these offenses, as I stated, the charges. And then he was
14 transported to Rock Hill Police Department where
15 Investigator Leary interviewed him. That is a long
16 interview, but in summary, the Defendant admits to making
17 those pills, blue and yellow pills.

18 He admits to the methamphetamine pills that you will
19 see come into evidence. Those methamphetamine pills, he
20 believed to be ecstasy -- or he said they were ecstasy and
21 they do look like ecstasy. You'll hear from
22 Investigator Leary that they do resemble ecstasy, and he did
23 in fact come in pretty -- I mean, accurate numbers as to the
24 amount that he possessed.

25 So you will hear from Investigator Leary about how he

1 stated he knew the pills were in the car, he knew the heroin
2 was in the car, and he was pretty accurate on the amounts of
3 each one that were found without him actually counting them
4 out. So that helps to prove the knowledge that he knew these
5 drugs were in that vehicle.

6 Lastly, you will hear from Cynthia Mitchum, she's a
7 drug chemist in this case. I'm sorry, I have to look down on
8 this because the numbers are quite large. She tested the
9 substances found in his vehicle that evening. At July 14,
10 2023, the heroin weighed 1,346 grams, the methamphetamine
11 weighed a total of 425.82 grams, and the fentanyl weighed
12 325.33 grams. Ms. Mitchum, who is a drug chemist at York
13 County, will come on the stand and she will explain to you
14 what those numbers mean, and basically show you each bag as
15 to it correlates to the weight. This is a pretty closed-shut
16 case. Traffic stop, confesses to possessing the drugs, you
17 will hear from the chemist to assert to those being positive
18 for the substances.

19 Again, those were the facts. As to the law, the Judge
20 will instruct you on the law at the end. I'm just going to
21 kind of give you a summary of how we would proceed in trying
22 to prove each one of those elements that we have to prove in
23 this case. The burden is on me, the State, to prove these
24 elements. So I'm going to explain to you kind of those
25 elements. But like I said, the Judge will instruct you at

1 the conclusion as to each one of those. As to the
2 trafficking of illegal drugs, the trafficking meth,
3 trafficking fentanyl, trafficking heroin.

4 The first element that I have to prove in this case is
5 going to be possession. The Defendant actually possessed
6 these drugs. There are two types of possession. There is
7 actual possession, there's constructive possession. Actual
8 possession is, if it's on me. Like in my pocket, I pull out
9 a paperclip. This is actual possession because it's on me.

10 As to constructive possession, that is when you have
11 dominion or control of an object, but it is not on your
12 person. Meaning you have a cell phone and you put the cell
13 phone, say, on the ledge, that's your cell phone. You can
14 still actively have dominion control of that object that is
15 yours. And you can control the disposition of that item.
16 That is what we are dealing with in this case, because the
17 drugs were found right behind him. They were not directly on
18 him, but they were right behind him. Reaching distance. So
19 in this case, that is still possession. It's called
20 "constructive possession."

21 I also have to prove the second element, would be the
22 weight of the drugs. And the weight of the drugs in this
23 case, I have 28 grams of heroin and fentanyl, you will hear
24 from Cynthia Mitchum on the stand as to that. And 200 grams
25 of methamphetamine. He had doubled that in methamphetamine

1 and he had a substantial more than 28 grams of heroin and
2 fentanyl.

3 When you hear trafficking, I know a lot of people think
4 the glamorous cartel, all these shows that we watch on TV.
5 Trafficking is merely just possessing weight. It is just --
6 it's not as glamorous as it seems. And you will see trials
7 are not as glamorous as they seem on TV. Trafficking drugs
8 is literally mere possession. He doesn't have to travel
9 through the country, he doesn't have to travel over state
10 lines. It's just possessing the drug. And the certain
11 amount of drugs that he has is making it trafficking. Like I
12 said, over 28 grams and over 200 grams in this case for the
13 fentanyl.

14 Next one is going to be the possession of a weapon
15 during commission of a violent crime. In this case, he had
16 the gun. You will see on video that he had the gun in his
17 possession. In this case, we are going forward on
18 trafficking heroin, 28 grams or more. That is a violent
19 crime, as is all the other traffickings, but specifically
20 trafficking heroin in this case, that he possessed the gun
21 while possessing and trafficking that heroin.

22 And then lastly, the possession of a firearm by person
23 convicted of distribution of a controlled substance. You
24 will hear the facts on that, but again, you will see the
25 actual possession that is not constructive possession as to

1 that handgun. Because you will see on video through Officer
2 Rhoads that he had actual possession. He holds that gun in
3 his hand.

4 So those are the crimes. Those are what I kind of have
5 to prove to you throughout this trial. Because again, it's
6 my burden to prove these things. Your role today is very
7 important. You are fact finders. You are to listen to the
8 evidence. You are to assess the credibility of each witness
9 on the stand. Look at the photos, look at the evidence that
10 is presenting to you in physical form in addition to
11 testimony.

12 It is my burden to prove beyond a reasonable doubt each
13 element of these crimes, reasonable doubt, is not beyond 100
14 percent certainty, it's not. Prove beyond a reasonable doubt
15 is doubt -- reasonable doubt is proof that leaves you firmly
16 convinced of the Defendant's guilt. So I say -- I always say
17 to jurors: Please just use your common sense I think what's
18 reasonable. In this case, you're going to hear the Defendant
19 talk about everything he knew about these pills, everything
20 he knew about this heroin, his confession.

21 You're going to see these drugs. You will see him
22 trying to separate himself from this vehicle that he borrowed
23 from a friend. Just use common sense. And is this
24 reasonable, the arguments that the Defense puts forward?
25 Ladies and gentlemen, at the conclusion of this case, I ask

1 that you weigh all the evidence, and submit a verdict for
2 guilty on the Defendant in this case. Thank you.

3 THE COURT: (Inaudible).

4 MR. NIEMIEC: Thank you, your Honor. May it please the
5 Court? Good afternoon. I'm Matt Niemiec. I'm an attorney
6 in Lake Wiley, South Carolina. My client is Londell Alston.
7 He's 39 years old. He has five children. He's lived in York
8 or the surrounding area his entire life, and he's worked as a
9 brick mason and a forklift operator.

10 One of the fundamental privileges about being a citizen
11 of this country is what you're doing right now. And I truly
12 believe that. Despite our differences, beside -- despite the
13 angst that goes on with some of our political discourse,
14 being in a jury is one of the fundamental things that makes
15 America great, and South Carolina. My client's going to rely
16 on you as a jury of his peers to examine the facts
17 impartially until you've heard all of them, and apply them to
18 the law that the Judge is going to give you.

19 The Judge has told you that, the Solicitor has told you
20 that, and I'm telling you that. You take the facts, he gives
21 you the law, you apply the facts to the law. You're the only
22 ones that can do it. You are in fact, the fact finder of
23 this case. What facts are true or not, what facts are
24 relevant or irrelevant, those facts will be determined solely
25 by you as the jury collectively.

1 So there's a couple of fundamental principles we need
2 to examine when we go through that fact finding process.
3 First and foremost is I can tell you right now as we sit
4 here, Londell Alston is innocent. He's innocent because he's
5 innocent until proven guilty. His guilt must be proven
6 beyond a reasonable doubt. And the Solicitor touched on
7 that, what reasonable doubt is, but it's hard to define
8 because it isn't to be fair, no doubt. It means real doubt,
9 doubt that a reasonable person believes exist.

10 So how do you do that? How do you determine what is
11 real doubt? Well, first, let's talk about burdens of proof.
12 The State has the burden of proof in this case. They have to
13 convince you beyond a reasonable doubt that the facts of the
14 case are what they purport it to be. If they don't, Londell
15 Alston is innocent. Mr. Alston does not have to testify, he
16 doesn't have to call witnesses, he doesn't have to present
17 evidence. He does not even need to present a defense because
18 he's innocent until proven guilty.

19 He doesn't have to prove anything because he has no
20 burden. So when we're talking about burden of proof and --
21 and what that means, I like to talk about some of the other
22 burdens of proof that are applicable in cases in South
23 Carolina. So we've all heard preponderance of the evidence,
24 and that means essentially that someone has proven more facts
25 than the other. They have more evidence than the other

1 party. And that's what essentially a preponderance of the
2 evidence is.

3 And then you have a clear and convincing standard. And
4 clear and convincing standard is essentially that it's more
5 probable than not, that there's a -- a good amount of
6 evidence that suggests a fact to be true. However, that's
7 not what's required in this case. Beyond a reasonable doubt.
8 As you hear the evidence for the summation that was just
9 given to you by the Solicitor, it has to be -- each element
10 of that has to be proven beyond a reasonable doubt.

11 If they prove four elements out of five, if they prove
12 three facts out of four, beyond a reasonable doubt, but not
13 that one, then they haven't met their burden. The State must
14 prove those elements of the crime, all of them, beyond a
15 reasonable doubt. This isn't a trial about how likable my
16 client is. This isn't a trial about behavior or whether he
17 is rude or obnoxious.

18 This isn't a trial about whether you like him or not.
19 This is a trial about whether or not they've convinced you
20 beyond a reasonable doubt of the elements of the crime. It
21 is not necessary for you to approve of Mr. Alston. Simply
22 put: Did he break the law, and did they prove that beyond a
23 reasonable doubt? Thank you.

24 THE COURT: Solicitor?

25 MS. HAMILTON: Your Honor, the State would calls Dakota

1 Rhoads -- Officer Dakota Rhoads.

2 OFFICER DAKOTA RHOADS,

3 being duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 THE COURT: Sir, if you'll adjust the microphone to
6 suit yourself. Tell us who you are and spell your last name
7 for the court reporter, please.

8 THE WITNESS: My name is Dakota Rhoads. Name is
9 spelled R-H-O-A-D-S.

10 THE COURT: Thank you. Solicitor?

11 MS. HAMILTON: Thank you, your Honor.

12 DIRECT EXAMINATION

13 BY MS. HAMILTON:

14 Q. Okay. Good afternoon.

15 A. Afternoon.

16 Q. Could you please state your full name for the
17 Court?

18 A. Dakota Rhoads.

19 Q. Okay. And what is your occupation?

20 A. I'm currently a stay-at-home dad.

21 Q. What was your occupation prior to being a
22 stay-at-home dad?

23 A. I was a police officer for the city of Rock Hill.

24 Q. Okay. And how long have you been in law
25 enforcement prior to becoming a stay-at-home dad?

1 A. Just under four years.

2 Q. Were you employed as an officer with the Rock Hill
3 Police Department the evening of July 14, 2023?

4 A. I was. '

5 Q. I'd like to draw your attention to that evening
6 around 12:30 a.m. Do you remember what you were doing?

7 A. I do. I was on routine patrol the area of Cherry
8 Road and McConnell's Highway.

9 Q. Okay. And did something come to your attention
10 that made you initiate a traffic stop?

11 A. I observed a white Dodge Magnum, the tag and decal
12 on that license plate were expired, so I initiated traffic
13 stop in that vehicle. '

14 Q. Okay. And what location did you initiate that
15 traffic stop?

16 A. It was right at Cherry Road and McConnell's
17 Highway.

18 Q. Is that in York County?

19 A. Yes. York County, within the City of Rock Hill.

20 Q. Okay. And what happened next once you initiated
21 that traffic stop?

22 A. I made contact with the sole occupant and driver,
23 Londell Alston. He identified himself with his license.

24 Q. And what did you do next once he identified
25 himself?

1 A. I requested, obviously, for his registration proof
2 insurance as well. And at that point, he began the searching
3 for his -- his rest of his information.

4 Q. Did he hand you his driver's license at that time?

5 A. I don't recall. I think it was later on, but at
6 some point later on, he did give me his -- his license.

7 Q. And what did he proceed to do when he started
8 looking for those items?

9 A. So he was looking through the -- the glove box and
10 at some point, he'd picked up a firearm in his left hand.
11 And I even asked him, I was like, "Is that a real gun?" And
12 he said, "Yes." I was like, "Okay. Well, let's go ahead and
13 put that down." He sat it down right on the passenger side
14 seat, and I was like, "Why are we pulling out a gun in the
15 middle of a traffic stop? At least let me know or
16 something." And he started reaching again towards the gun.
17 I said, "You know what? Just get out of the car." Just for
18 my safety and his at that point. So I had him exit out of
19 the vehicle.

20 Q. And then at that time, did you ask for consent to
21 search? Did you search the Defendant at that time?

22 A. Yeah, once he got out of the car, obviously, I had
23 no idea what else he had on him, any other weapons or
24 anything like that. So I just asked him if I could -- you
25 know, have consent to search his person, which he did grant.

1 So I did search his person.

2 Q. Okay. Did you find anything of importance at that
3 time?

4 A. I did. I found marijuana on his person.

5 Q. Okay. And then what did you proceed to do after
6 you found that?

7 A. After I pulled up the marijuana, he got extremely
8 nervous. He started to kind of move around a little bit. I
9 felt a little uncomfortable, so I detained him for the time
10 being to figure out what we had with the marijuana, obviously
11 with the expired tag. We had him stand in front of the --
12 the front of my patrol vehicle, see when we hit by a car,
13 because right in the middle of the road. And then again, I
14 continued my search and he had told me -- because I had asked
15 him, "Is there anything else illegal on you?" He said,
16 "Yeah, I got a -- a -- a weed pen." Is what -- I think is
17 what he said. Then I pulled out a THC vape.

18 Q. Did you proceed to search the vehicle after all of
19 that?

20 A. I did. At that point, with the registration being
21 expired, it means it's not street legal. We were going to
22 have to tow the vehicle at that point, so we'd have to do a
23 tow inventory. And then also with him having the marijuana,
24 we had probable cause to search the vehicle at that point.
25 So I did search the vehicle, yes.

1 Q. And upon searching that vehicle, did you find
2 anything of importance?

3 A. I did. So on the rear driver's side of the
4 vehicle, just sitting on the seat, it was a blue drawstring
5 bag. I opened it up and there was a large amount of
6 narcotics and drugs inside that bag at that point.

7 Q. What did you proceed to do when you located those
8 narcotics?

9 A. I was pretty stunned. So immediately I told my
10 partner to -- to hold on to the Defendant. I had my partner
11 read him Miranda. We just put him in the back of my car and
12 just said point to him, "Hey, you're -- you know what?
13 You're under arrest, you're on the back of the car." I took
14 out the -- the drawstring bag. I put them on top, right in
15 front of my patrol vehicle, in front of my camera. I just
16 kind of just took everything out, kind of assessed what I had
17 in there, put everything back in, and put the drawstring bag
18 -- eventually, would've been secured at my vehicle where it
19 was locked.

20 Q. Did you proceed to continue to search the vehicle
21 at that time?

22 A. I did. I wasn't complete with my search yet. So
23 again, that same area, the rear driver's side of the vehicle
24 on the floorboard covered around, there was a bunch of, like,
25 sandwich bags or food saver bags. There was, like, a blender

1 and then there was two vacuum-sealed packages of black tar
2 heroin.

3 Q. When you say, "They're food saver bags," what are
4 food saver bags?

5 A. They're just like little clear baggies,
6 essentially. Usually common, in my experience, used for --
7 for storing narcotics.

8 Q. Are they vacuum-sealed bags? Are they just
9 regular Ziploc bags?

10 A. From what I remember, they were just Ziploc bags,
11 but there were some other vacuum-sealed bags as well.

12 Q. And when you pulled out the drawstring bag and you
13 pulled out the other drugs that you found within that vehicle
14 -- do you -- did you talk about the drugs that you found in
15 addition to the bags just now? Sorry, did you find anything
16 else other than the draw -- the bags?

17 A. Yeah, the drawstring bag and then I had the
18 vacuum-sealed, the black tar heroin.

19 Q. Okay. How many bags of black tar heroin?

20 A. It was two vacuum-sealed bags.

21 Q. And at this time when you had taken the blue bag
22 to the front of the car, do you know or remember what the
23 Defendant's demeanor was at that time?

24 A. I remember we put him in the car. He started
25 kicking on my -- on my window and everything. He was

1 screaming. He was extremely angry at that point.

2 Q. What did you proceed to do next once you had
3 located all of the narcotics within that vehicle,
4 specifically, in regards to the gun?

5 A. At that point, I had given -- dispatched his
6 information -- the Defendant's information. They had told me
7 that he was federally prohibited from possessing a firearm.
8 So I would've -- eventually did seize the firearm and secured
9 that in my -- my vehicle as well.

10 Q. Okay. So once all the drugs are secured within
11 your vehicle, what happens next?

12 A. Once everything was secure, we had the firearm, we
13 had the -- the drugs, we completed our search at that point,
14 I -- I drove the Defendant down to the jail.

15 Q. Did you place a call to anyone prior to
16 transporting the Defendant to the jail?

17 A. I did, to Investigator Leary with the narcotics
18 unit.

19 Q. Okay. And why did you place a call to
20 Investigator Leary?

21 A. Whenever we find a -- a high amount of drugs, we
22 have to contact narcotics anyway, he had actually notified me
23 over the radio that night to -- to give him a call.

24 Q. Okay. And what did you proceed to do once you got
25 back to the police station with the Defendant?

1 A. We drove into the Sally Port, which essentially is
2 just a locked gate. No one could get in and out of there. I
3 booked in the Defendant into the jail and then came back to
4 my locked vehicle and -- and got the drugs and transferred
5 custody over to Investigator Leary.

6 Q. Now, were -- through all of this, were you wearing
7 a body camera that evening, early morning of July 14th?

8 A. I was.

9 Q. And what causes your body camera to begin
10 recording?

11 A. It could be manual or automatic. You know, if you
12 hit the blue lights in your vehicle, it can automatically
13 turn on.

14 Q. And what activated your body camera the late
15 evening, I think it was July 14, 2023?

16 A. I believe it was manual that night.

17 Q. I am going to hand you -- it's been marked as
18 State's Exhibit Number 1.

19 A. Okay.

20 Q. Could you please take a look at that?

21 A. Sure.

22 Q. Do you recognize that exhibit?

23 A. I do. This is the copy of my body camera from
24 that night.

25 Q. Okay. Now, what type of body camera do you have?

1 A. It's an Axon body camera.

2 Q. And have you received training prior to operating
3 that body camera?

4 A. Yes, ma'am.

5 Q. And on the evening of July 14, 2023, was your body
6 camera activated manually or automatic?

7 A. It was manual.

8 Q. Okay. So looking at State's Exhibit 1, how do you
9 recognize that?

10 A. My signature is right on here and date as well.

11 Q. And have you had a chance to view the contents of
12 that DVD of State's Exhibit 1 prior to today?

13 A. Yes, ma'am.

14 Q. And when was the date that you had viewed that?

15 A. November 14th of 2024.

16 Q. And the video that you watched on that DVD, is
17 that a fair and accurate representation of the events that
18 occurred that evening and early morning, July 14, 2023, when
19 you pulled over the Defendant?

20 A. Yes, ma'am.

21 Q. Are there any material alterations to the video
22 since you removed it from your camera?

23 A. No, ma'am.

24 MS. HAMILTON: Your Honor, this -- the State would
25 offer Exhibit Number 1 for admission into evidence.

1 THE COURT: Any objection?

2 MR. NIEMIEC: Yes, your Honor. The Defense would
3 object under the same parameters of the pretrial motion that
4 we made.

5 THE COURT: Okay. Over his objection. Yes, admitted.

6 (State's Exhibit 1 admitted into evidence.)

7 MS. HAMILTON: Your Honor, the State would request to
8 publish for the jury.

9 THE COURT: Yes, ma'am.

10 MS. HAMILTON: Thank you.

11 (Video starts at 3:25:31 p.m.)

12 OFFICER RHOADS: What's that?

13 MR. ALSTON: (Inaudible.)

14 OFFICER RHOADS: Nah, you don't worry about that, man.
15 You (inaudible). Yeah. That's your car?

16 MR. ALSTON: No.

17 OFFICER RHOADS: Girl's car?

18 MR. ALSTON: (Inaudible).

19 OFFICER RHOADS: Okay. I need your license and
20 registration, man. And your -- your girlfriend's car has no
21 decal, it's expired, the tag is expired, (inaudible). Yeah.
22 At least -- I mean, yeah. At least, let us know you're to
23 pull out a gun (inaudible), man. I don't know. You right?
24 You're cool (inaudible). No, you're not, but come on now.
25 Yeah -- yeah. Like, "Hey, man, I got a gun right here

1 (inaudible)."

2 All right. Because of the cocaine, you're under
3 arrest. We're going to call it marijuana, okay? Because the
4 gun in the car and everything (inaudible) handcuffs
5 (inaudible). One second. Then we'll stopped, okay? Hold
6 on, hold on, hold on. Don't refrain or anything (inaudible)
7 handcuffs (inaudible). Additional (inaudible). You're good.
8 We're going to put you in, double you up (inaudible). Put
9 your hands behind your back (inaudible).

10 MR. ALSTON: Okay.

11 OFFICER RHOADS: You're not listening (inaudible) and
12 we're looking -- going to search you, correct? Okay. I
13 didn't finish my search yet, so -- what else we got on him?
14 You already moving (inaudible) eight people?

15 MR. ALSTON: Yeah.

16 OFFICER RHOADS: Okay. Pills, do you have any crack,
17 do you have any meth?

18 MR. ALSTON: No.

19 OFFICER RHOADS: Okay. Nothing other than (inaudible)
20 like marijuana on you and everything? (Inaudible), okay?
21 (inaudible) all your cards (inaudible)? Lot of that
22 (inaudible).

23 (Video stops at 3:33:55 p.m.)

24 MS. HAMILTON: For time purposes, I'm going to kind of
25 fast forward a little bit, ask you some questions.

1 (Video plays at 3:34:00 p.m.)

2 OFFICER RHOADS: (Inaudible) you're good, bro. Pull
3 the door on him. Back on camera. (Inaudible).

4 (Video stops at 3:34:43 p.m.)

5 BY MS. HAMILTON:

6 Q. What did you just pick up in that moment?

7 A. It was the blue drawstring bag where I found the
8 drugs in.

9 Q. Was that hidden or was that placed in plain view,
10 easy access?

11 A. It was just sitting right there in plain view at
12 the back seat.

13 (Video starts at 3:35:00 p.m.)

14 OFFICER RHOADS: (Inaudible) yep.

15 (Video stops at 3:36:27 p.m.)

16 BY MS. HAMILTON:

17 Q. When you just opened that black container, what
18 did you believe to be in that black container?

19 A. It was marijuana.

20 (Video starts at 3:36:33 p.m.)

21 OFFICER RHOADS: Unless you want another charge to
22 stop. You're going to stop -- you're going to stop. Stop
23 right now.

24 MR. ALSTON: I swear to God I just got (inaudible).

25 UNIDENTIFIED SPEAKER: Yeah -- yeah, I saw my morning

1 car.

2 (Video stops at 3:38:23 p.m.)

3 BY MS. HAMILTON:

4 Q. At this time, what are you doing?

5 A. I'm just finishing the search of the vehicle at
6 this point.

7 (Video plays at 3:38:28 p.m.)

8 UNIDENTIFIED SPEAKER: I can't believe -- I can't
9 believe they charged you.

10 (Video stops at 3:40:00 p.m.)

11 BY MS. HAMILTON:

12 Q. What did you subsequently figure out what these
13 were?

14 A. It was black tar heroin.

15 (Video starts at 3:40:05 p.m.)

16 OFFICER RHOADS: (Inaudible), okay? By the
17 (inaudible). Okay. Hold on. (Inaudible).

18 UNIDENTIFIED SPEAKER: I'm waiting (inaudible).

19 OFFICER RHOADS: Yeah. Come on.

20 (Video stops at 3:42:11 p.m.)

21 BY MS. HAMILTON:

22 Q. Okay. We just watched the uncover of those drugs.
23 What I'm going to hand to you at this time will be
24 Exhibits 2 through 19. No, it's a lot. So could you please
25 -- I'm going to hand them to the Defense to look at, then I'm

1 going to ask you to look. It's going to be a lot so you can
2 take a moment to look.

3 A. Okay.

4 Q. Do you have a chance to review those?

5 A. Yes, ma'am.

6 Q. Do you recognize those photos?

7 A. I do.

8 Q. Okay. And what are those photos of?

9 A. These are the photographs of everything I see
10 inside that vehicle that night.

11 Q. Okay. And do these photographs fairly and
12 accurately depict the items found in the motor vehicle the
13 Defendant was driving that evening of July 14, 2023?

14 A. Yes, ma'am.

15 Q. Are there any material alterations or deletions
16 from those photos?

17 A. No, ma'am.

18 MS. HAMILTON: Your Honor, the State would offer
19 Exhibits 2 through 19 for admission into evidence.

20 THE COURT: Any objection?

21 MR. NIEMIEC: No objection.

22 THE COURT: Without objection, 2 through 19 are
23 admitted.

24 (State's Exhibits 2 through 19 admitted into evidence.)

25 MS. HAMILTON: Thank you. Your Honor, may I publish

1 for -- for the jury at this time?

2 THE COURT: Yes, ma'am.

3 MS. HAMILTON: Thank you.

4 BY MS. HAMILTON:

5 Q. Okay. I am going to put up on the screen, we're
6 going to go through each one.

7 A. Okay.

8 Q. Briefly. This State's Exhibit Number 2. What is
9 this a photo of?

10 A. This is -- kind of just this exactly everything
11 that I -- or just about everything that I seized from the
12 vehicle. Yeah, the blue drawstring bag, black tar heroin
13 there on the left, the firearm, and then all the pills on the
14 top right.

15 Q. This is State's Exhibit Number 2. Do you
16 recognize that?

17 A. I do. It's the powder I seized from the vehicle.
18 It was in a baggie.

19 Q. Where was that located, do you remember?

20 A. I believe that would be in the -- the blue
21 drawstring bag, ma'am.

22 Q. And this is State's Exhibit Number 4. Do you
23 recognize those?

24 A. I do. That's the black tar heroin. That was in
25 that vacuum seal, the packaging.

1 Q. Okay. So this has been moved to a different bag?

2 A. Correct.

3 Q. And this is State's Exhibit Number 6. What is
4 this?

5 A. Same as a previous exhibit. The black tar heroin
6 we seized from that vehicle that was also in a vacuum-sealed
7 bag.

8 Q. State's Exhibit Number 7 -- or wait, this is 6.
9 Sorry. It was previous. State's Exhibit Number 6. Do you
10 recognize this?

11 A. I do. It was a brick of -- it was fentanyl that's
12 in a -- also a vacuum-sealed bag that was inside the blue
13 drawstring bag.

14 Q. State's Exhibit Number 7. What are these and
15 where were they located?

16 A. These are some of the fentanyl pills that I seized
17 from that blue drawstring bag that was inside the vehicle.

18 Q. State's Exhibit Number 8. Do you recognize these?

19 A. I do. Some more of the pills that we seized from
20 the vehicle that was in the blue straw drawstring bag.

21 Q. And this is State's Exhibit Number 9. Do you
22 recognize these?

23 A. I do. More pills. There were individually
24 packaged that was inside that blue draw drawstring bag.

25 Q. I know this is re-bagged, but do you recognize the

1 State's Exhibit Number 10?

2 A. Yes, ma'am. Those are more of the pills that I
3 seized from that bag.

4 Q. Let me go to State's Exhibit Number 11. Do you
5 recognize this?

6 A. Yes, ma'am. It's more of the pills I seized from
7 the bag as well.

8 Q. And these are all in different baggies. But do
9 you recognize these, State's Exhibit Number 12, State's
10 Exhibit Number 13?

11 A. Yes, ma'am.

12 Q. State's Exhibit Number 14. Do you recognize
13 these?

14 A. Yes, ma'am. That was -- as well as also the --
15 the blue drawstring bag

16 Q. State's Exhibit Number 15. I believe these are
17 also re-bagged. Do you recognize these?

18 A. Yes, ma'am -- yes, ma'am.

19 Q. State's Exhibit Number 16. Do you recognize
20 these?

21 A. Yes, ma'am. Also, that was in the blue drawstring
22 bag.

23 Q. State's Exhibit Number 17. Are these those same
24 pills?

25 A. Yes, ma'am.

1 Q. State's Exhibit Number 18. Do you recognize this?

2 A. Yeah, it was the firearm the Defendant had in his
3 hand during the traffic stop that we seized from the vehicle.

4 Q. Lastly, State's Exhibit Number 19. Do you
5 recognize this?

6 A. Yeah, it's the -- the digital scale that we found
7 in the drawstring bag as well.

8 Q. Now, once you removed all or recovered all this
9 evidence from the vehicle the Defendant was in, did you
10 secure these items?

11 A. Yes, ma'am. They were locked in my vehicle.

12 Q. And once you pulled -- you said you came to the
13 Rock Hill Police Department with those items secured, what
14 did you proceed to do with those items?

15 A. After or before we had booked in the Defendant?

16 Q. Once you pulled into, say, Sally Port?

17 A. Yep. Once we got into Sally -- Sally Port, made
18 sure the gates were closed made sure my door was locked that
19 no one could have access inside my vehicle. Took him into
20 the jail, booked him, then went back secured and got the
21 drugs and transferred custody over to Investigator Leary.

22 Q. And could you explain to the jury what Sally Port
23 exactly is?

24 A. So the Sally Port's essentially just a very large
25 -- it's almost like a garage, but it has two secure gates

1 that no one can have access in or out of it.

2 Q. And once you booked the Defendant in, what did you
3 proceed to do with the evidence?

4 A. Retrieved from my vehicle and transferred over to
5 Investigator Leary.

6 Q. And prior to transferring those items over to
7 Investigator Leary -- or after you've actually transferred
8 and those are bagged up, did you sign on those?

9 A. I did. Yes, ma'am.

10 Q. And what's the purpose of signing the bag of each
11 item?

12 A. Just to show the chain of custody that it came
13 from me to him.

14 Q. Prior to handing those items over to Investigator
15 Leary for him to take over, were those items continuously in
16 your custody control throughout this traffic stop, and prior
17 to handing it over to Investigator Leary?

18 A. Yes, ma'am.

19 MS. HAMILTON: What I'm going to do is I am going to
20 hand you State's Exhibits 21 through 32, and you can just go
21 through those, take a moment to review them. It's a lot. I
22 am going to have Defense review these.

23 (State's Exhibits 21 through 31 marked for identification.)

24 THE WITNESS: Okay.

25 BY MS. HAMILTON:

1 Q. Prior to handing them to you. Let's get your box
2 (inaudible), you just want to put it on the ground and you
3 can put it in here. Do you recognize those items?

4 A. Yes, ma'am.

5 Q. Okay. And how do you recognize those items?

6 A. Those are all the -- the items that we seized from
7 the Defendant's vehicle that night.

8 Q. And how do you recognize that those are the exact
9 items?

10 A. Because each one has my signature from when I
11 transfer custody over to Investigator Leary.

12 Q. And is the date on that bag consistent with when
13 you transferred the custody of those items?

14 A. Yes, ma'am.

15 Q. Okay. Now, could you grab State's Exhibit Number
16 21? Do you specifically recognize the contents of this bag?

17 A. Yes, ma'am. It's black tar heroin that I seized
18 from the vehicle.

19 Q. And is that your signature on that bag?

20 A. Yes, ma'am.

21 Q. Okay. Could you do the same for Exhibit Number
22 22?

23 A. Exhibit 22?

24 Q. Yes. Do you recognize this bag?

25 A. Yes, ma'am. It's the black tar heroin also seized

1 from the vehicle that night.

2 Q. Is that the second bag?

3 A. Yes, ma'am.

4 Q. Could you do the same -- and is your signature on
5 that bag?

6 A. Yes, ma'am.

7 Q. Exhibit Number 23. Would it be easier for me to
8 grab them and hand them to you?

9 A. Probably outside of order.

10 Q. I'll do that. It's a lot. Number 23.

11 A. Okay.

12 Q. Do you recognize the contents of that evidence
13 bag?

14 A. Yes, ma'am.

15 Q. Okay. And what is that?

16 A. The brick of fentanyl that I seized from that blue
17 drawstring bag.

18 Q. Okay. And do you recognize your signature on that
19 bag?

20 A. Yes, ma'am.

21 Q. Thank you. Exhibit Number 24.

22 A. Okay.

23 Q. These are just marked for identification purposes
24 at this point.

25 A. Got you.

1 Q. Could you explain to the jury what that is?

2 A. Yes, ma'am. That is the -- some of the fentanyl
3 pills that I seized from the blue drawstring bag.

4 Q. Do you recognize your signature on that bag?

5 A. Yes, ma'am.

6 Q. Okay. We're going to do -- we'll switch 25 --
7 State's Exhibit 25 marked for identification purposes.

8 A. Okay.

9 Q. Do you recognize the contents of that bag?

10 A. Yes. It's the pink powder that we got from the
11 drawstring bag.

12 Q. Okay. Do you recognize your signature on that
13 one?

14 A. Yes, ma'am.

15 Q. Okay. (Inaudible) marked for identification
16 purposes, State's Exhibit 26. Do you recognize that?

17 A. Yes. More the -- the heroin from that bag. My
18 signature is on it as well. I recognize.

19 Q. Right. Exhibits 27 and 28 for identification
20 purposes, start with Exhibit 27. Do you recognize the
21 content of State's Exhibit 27?

22 A. Yes, ma'am.

23 Q. And what are those?

24 A. More fentanyl pills that we seized from the bag.

25 Q. And what color are those pills?

1 A. They are yellow.

2 Q. And State's Exhibit Number 28. Do you recognize
3 the contents of that evidence bag?

4 A. Yes, ma'am. More yellow fentanyl pills.

5 Q. And is your signature on that bag?

6 A. Yes, ma'am.

7 Q. Thank you. 29 and 30. As to 29, can you flip
8 that over and tell me if you recognize the contents of that
9 bag?

10 A. Yes, ma'am. It's blue fentanyl pills from -- that
11 we seized from that bag.

12 Q. Do you recognize your signature on that bag?

13 A. Yes, ma'am.

14 Q. And State's Exhibit -- for identification
15 purposes, 30. Do you recognize the contents of that bag?

16 A. Yes, ma'am. It's the multicolor pills that I
17 seized from the bag as well.

18 Q. And do you recognize your signature?

19 A. Yes, ma'am.

20 Q. Last two. State's Exhibits 31 and 32. We'll
21 start with 31. That bag -- do you recognize the contents of
22 that bag?

23 A. Yes, ma'am. More multicolor pills, the way that I
24 seized from the blue drawstring bag.

25 Q. Do you recognize your signature on that one?

1 A. Yes, ma'am.

2 Q. And State's Exhibit Number 32?

3 A. Yes, ma'am.

4 Q. Do you recognize the contents? Can you -- I'm
5 going to give you something to open that with -- or could you
6 open that so you can --

7 A. You want me to open it?

8 Q. Yep.

9 A. Okay.

10 Q. Do you recognize the contents of that bag?

11 A. Yes, ma'am. It's the firearm I seized from the
12 vehicle that night the Defendant had.

13 Q. And how do you know that is the firearm that you
14 seized that evening?

15 A. Because I signed it over to Investigator Leary
16 right here on the back.

17 Q. Do you recognize that to be the same gun?

18 A. Yes, ma'am.

19 MS. HAMILTON: Okay. Your Honor, the State would offer
20 Exhibit Number 32 for admission into evidence. We are not
21 asking at this time for the actual drugs to be admitted.

22 THE COURT: Any objection?

23 MR. NIEMIEC: Thank you, your Honor. Same objection as
24 we made in our pretrial hearing motion.

25 THE COURT: Over objection. It's admitted.

1 (State's Exhibit 32 admitted into evidence.)

2 MS. HAMILTON: Thank you, your Honor.

3 BY MS. HAMILTON:

4 Q. So this was definitely a large amount of drugs.
5 Do you see the person in the courtroom today who was in
6 possession of these drugs and within that Dodge Charger on
7 the evening -- and the gun the evening of July 14, 2023?

8 A. Yes, ma'am.

9 Q. Okay. Could you please point him out on the
10 record?

11 A. He's sitting right there.

12 Q. Okay. And what is he wearing?

13 A. Looks like a collared shirt.

14 MS. HAMILTON: Okay. Thank you. I beg the Court's
15 indulgence.

16 Please answer any questions that Defense might have.

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Take a quick break here. Mr. -- Madam
19 Forelady, the ladies and gentlemen of the jury, as I promised
20 you, we wouldn't sit more than about 90 minutes. You're a
21 little shy of that, but we were in here before that, and so
22 we were right at a hundred minutes or so. So anyway, we're
23 going to take an afternoon break here. It'll be about 15
24 minutes. Get some coffee, get some water, whatever you might
25 -- might need. The bailiff will take good care of you.

1 Don't talk about the case. We're just beginning in the case.
2 So nothing to really discuss at this point in time.
3 Mr. Bailiff, if you'll take the jury out.

4 (Jury exits at 4:02 p.m.)

5 THE COURT: Okay. We're going to take about a
6 20-minute break here, so that brings --

7 (Off the record at 4:03 p.m.)

8 (On the record at 4:29 p.m.)

9 THE COURT: Madam Forelady, everybody good?

10 JUROR NUMBER 39: Yes, your Honor.

11 THE COURT: All right. We are ready. Counsel?

12 MR. NIEMIEC: Thank you, your Honor.

13 CROSS-EXAMINATION

14 BY MR. NIEMIEC:

15 Q. Officer Rhoads, good afternoon.

16 A. Afternoon.

17 Q. You knew that car didn't belong to Londell Alston
18 when you pulled him, is that true?

19 A. I believe so. It was registered to a female.

20 Q. And not only that, there was an alert on that car,
21 isn't that correct?

22 A. At some point, I believe there was an alert on
23 that vehicle. Yes, sir.

24 Q. And you knew that before you approached him?

25 A. Briefly. I don't think (inaudible) right through

1 the alert. I think I just saw it popped up. There was some
2 sort of alert to the vehicle. I don't recall what
3 information was on there.

4 Q. You had done a computer search on that car while
5 you were pulling it over?

6 A. I had searched up NCIC at that point, and just
7 showed that tag and decal was expired.

8 Q. But it also showed you who owned that car?

9 A. Yes, sir.

10 Q. And at some point on the video, you mentioned
11 having stopped Zachary McCarver (ph) before?

12 A. Yes, sir.

13 Q. In that car, isn't that correct?

14 A. Yes, sir.

15 Q. And you stopped him more than once in that car,
16 isn't that correct?

17 A. I don't know about more than once. I just recall
18 maybe once -- one other time, a few months prior.

19 Q. I'm not trying to be argumentative, but can we
20 listen to it?

21 A. Sure, absolutely.

22 MR. NIEMIEC: May I approach the witness?

23 THE COURT: Yes, sir.

24 BY MR. NIEMIEC:

25 Q. While we wait for it to be queued up, what is --

1 you -- you know Officer Leary, correct?

2 A. Yes, sir.

3 Q. What is his general role as an officer?

4 A. He is a narcotics investigator.

5 Q. And did you have reason to believe that he also
6 had had interactions with Zachary McCarver?

7 A. I -- I -- not that I recall. No, sir.

8 (Video starts at 4:32:52 p.m.)

9 UNIDENTIFIED SPEAKER: (Inaudible) but Zachary McCarver
10 car (inaudible).

11 OFFICER RHOADS: Yeah, I saw him before in this car.

12 UNIDENTIFIED SPEAKER: Okay. Are we good to tell it,
13 though?

14 (Video stops at 4:33:07 p.m.)

15 BY MR. NIEMIEC:

16 Q. Okay. So you just seen him before, you didn't
17 specifically mention that or anything?

18 A. Yes, sir.

19 Q. How long have you -- were you on the force at that
20 time?

21 A. It had been probably about -- I would say two and
22 a half years.

23 Q. And primarily doing traffic, for lack of a better
24 term?

25 A. I was a patrol officer.

1 Q. Patrol officer. And that deals with a lot of
2 traffic stops?

3 A. It's a long range of all sorts of different crimes
4 and investigations, sir.

5 Q. I understand that, but is part of that long range
6 a lot of traffic stops?

7 A. Yes, sir.

8 Q. Would it be fair to say that in your experience
9 during those traffic stops, a lot of people left their
10 registration in the glove box?

11 A. Sure.

12 Q. Was the gun that you -- that Mr. Alston took at --
13 was it in the glove box when he discovered it?

14 A. Yes, sir. I believe so.

15 Q. Now you took him out of the vehicle because you
16 feared for your safety?

17 A. At first. Yes, sir.

18 Q. And I believe you indicated at the time on the
19 video that you felt like he was reaching for the gun, is that
20 correct?

21 A. Yes, sir.

22 Q. Isn't it true that both times his hand goes to the
23 passenger side seat, he grabs something other than the gun?

24 A. Well, I've seen that moment. I didn't know that.

25 Q. But now that you've seen the video, you do know

1 that?

2 A. I wouldn't say I know that. I don't know for sure
3 what he was reaching for.

4 MR. NIEMIEC: Could we go ahead and start it? Start it
5 for me.

6 (Video starts at 4:34:50 p.m.)

7 OFFICER RHOADS: (Inaudible). Hold on. A real gun?
8 (Inaudible).

9 (Video stops at 4:34:54 p.m.)

10 BY MR. NIEMIEC:

11 Q. What's in his hand right there?

12 A. I believe it's his wallet, sir.

13 MR. NIEMIEC: Okay. Move forward.

14 (Video starts at 4:34:59 p.m.)

15 UNIDENTIFIED SPEAKER: (Inaudible).

16 (Video stops at 4:35:07 p.m.)

17 MR. NIEMIEC: Can you pause it?

18 BY MR. NIEMIEC:

19 Q. See what he held at that particular time?

20 A. It might have been his, like, credit cards or
21 something like that.

22 Q. At no point in time did he actually touch that
23 gun.

24 A. It was in his left hand.

25 Q. A piece of white papers in his left?

1 A. No. You said he -- you said he never touched a
2 gun at any point in time. It was in his hand at one point.

3 Q. At those two times that he's reaching over, he
4 does not touch it?

5 A. From what I can see from the video, yes.

6 Q. In the video you indicate when you search him,
7 "You got a little marijuana on you. That's cool. We can
8 work with that." Is that correct?

9 A. Yes, sir.

10 Q. And then you say, "Not going to sweat over a
11 little bit of marijuana." Is that correct?

12 A. Yes, sir.

13 Q. In your direct testimony, you indicate that he got
14 nervous when you found the marijuana, is that correct?

15 A. Yes, sir.

16 MR. NIEMIEC: Could we go to 36th minute?

17 (Video starts at 4:35:48 p.m.)

18 OFFICER RHOADS: (Inaudible) marijuana in the car and
19 everything? (Inaudible), okay? Hold on -- hold on. Don't
20 refrain (inaudible).

21 (Video stops at 4:36:05 p.m.)

22 BY MR. NIEMIEC:

23 Q. Isn't it true from that video that he gets more
24 agitated that the handcuffs are going on rather than
25 marijuana was found on his person?

1 A. I don't know. I mean -- maybe agitated, yes, but
2 he was already extremely nervous from beforehand.

3 Q. Can we go to the (inaudible).

4 (Video starts at 4:36:27 p.m.)

5 MR. ALSTON: (Inaudible).

6 OFFICER RHOADS: What's that?

7 MR. ALSTON: (Inaudible).

8 OFFICER RHOADS: Don't worry about that (inaudible).

9 (Video stops at 4:36:42 p.m.)

10 MR. NIEMIEC: Can we pause it?

11 BY MR. NIEMIEC:

12 Q. So the first thing he tells you is that he had an
13 encounter with a police officer earlier that night, isn't
14 that correct?

15 A. Yes, sir.

16 Q. And I believe in the opening of the State's case,
17 they said the first thing he said was, "This wasn't my car.
18 This wasn't my car." But he in fact says, "I had an
19 encounter about a taillight with a prior officer." Isn't
20 that correct?

21 A. Yes, sir.

22 MR. NIEMIEC: And then he tells you this is not his
23 car. Can we play it, please?

24 (Video plays at 4:37:11 p.m.)

25 OFFICER RHOADS: It's your -- your girlfriend's car

1 (inaudible).

2 (Video stops at 4:37:19 p.m.)

3 MR. NIEMIEC: Pause it, please.

4 BY MR. NIEMIEC:

5 Q. He's not agitated at that particular time?

6 A. Agitated? No.

7 Q. Only after he finds the gun in the glove box and
8 you make him exit the vehicle and then put cuffs on him, does
9 he seem nervous or agitated, isn't that correct?

10 A. No. He seemed nervous the minute I walked up to
11 the car.

12 Q. He seemed nervous by telling you about the prior
13 encounter with the police officer?

14 A. Extremely nervous. Yes.

15 MR. NIEMIEC: Can we go to 37:30, please?

16 (Video starts at 4:37:44 p.m.)

17 (Video stops at 4:38:02 p.m.)

18 BY MR. NIEMIEC:

19 Q. Did he appear nervous at that time?

20 A. Yes, sir.

21 Q. You wouldn't consider him calm or collected at
22 that moment?

23 A. You got to repeat your question. I couldn't hear
24 you.

25 Q. You wouldn't consider the -- him being calm and

1 collected, standing still?

2 A. Wasn't -- wasn't combative or anything like that,
3 but obviously he was more concerned about something that was
4 going on. I had no idea what at that point, but he was -- he
5 was -- certainly, he was nervous. I could definitely tell
6 that from my experience, yes.

7 Q. Something going on, like being pulled out of a car
8 and put in handcuffs?

9 A. It was something more than that.

10 MR. NIEMIEC: Can we keep playing?

11 (Video starts at 4:40:30 p.m.)

12 (Video stops at 4:40:48 p.m.)

13 BY MR. NIEMIEC:

14 Q. So at this point, you've ascertained from him that
15 somebody has his car and he's borrowed someone else's car, is
16 that correct?

17 A. I'll be honest, I think I got confused as far as
18 the owners and stuff like that. I honestly have no idea what
19 I was asking there.

20 Q. Do you have any doubt then that it wasn't his car?

21 A. I'm sorry, can you repeat that again?

22 Q. Did you have any doubt then that it wasn't his
23 car?

24 A. I don't know if I had any doubt at that point. I
25 don't know.

1 Q. Do you have any doubt now that that was his car?

2 A. Is it either "Was he the registered owner", or
3 "Was he in possession of it"? He obviously wasn't the
4 registered owner, that's all I know.

5 Q. He did not own that car?

6 A. He was not the registered owner.

7 MR. NIEMIEC: Can we keep playing?

8 (Video starts at 4:41:08 p.m.)

9 OFFICER RHOADS: (Inaudible) marijuana on and
10 everything? (Inaudible) out of your car (inaudible).

11 (Video stops at 4:41:29 p.m.)

12 BY MR. NIEMIEC:

13 Q. At this point, does he seem to be following your
14 directives?

15 A. For the most part at this point, I guess, yeah.

16 MR. NIEMIEC: Play it, please.

17 (Video starts at 4:41:39 p.m.)

18 OFFICER RHOADS: Hold on (inaudible).

19 (Video stops at 4:41:59 p.m.)

20 BY MR. NIEMIEC:

21 Q. Isn't it true that only after drugs were
22 discovered in the car, does he truly get agitated?

23 A. Agitated? Yeah. I'd say after we found something
24 in the car, he got angry. Yes.

25 Q. And I think you mentioned in your direct testimony

1 that the bag was in plain view, is that correct?

2 A. Yes, sir.

3 Q. Were the drugs in plain view or just the bag
4 containing the drugs?

5 A. Just the bag containing the drugs, sir.

6 Q. So it would not be readily apparent walking up on
7 the car that there were drugs in a blue bag behind the
8 driver's seat?

9 A. Correct, sir.

10 Q. And again, the gun was in the glove compartment,
11 correct?

12 A. Yes, sir.

13 Q. So that would not be readily apparent upon walking
14 up to the car that there was a gun in the glove compartment?

15 A. Not until he put it in his hand, no.

16 Q. And he didn't put it in his hand until he reached
17 for the registration, is that correct?

18 A. Yes, sir.

19 Q. Was the black tar heroin covered up by the bag?

20 A. By which bag?

21 Q. The blue bag?

22 A. No, sir. Not that I -- not that I recall. I'd
23 have to look back. I believe the bag was sitting on the --
24 the seat and the black tar heroin was set on the floorboard,
25 but there was some stuff over it.

1 Q. It wasn't readily apparent upon your initial
2 inspection of the car?

3 A. The initial one? No, sir.

4 Q. You wouldn't say it was in plain view?

5 A. No, sir.

6 MR. NIEMIEC: I beg the Court's indulgence, your Honor?

7 THE COURT: Yes, sir.

8 BY MR. NIEMIEC:

9 Q. Isn't it true you didn't issue a ticket for an
10 expired tag?

11 A. Yes, sir. I did not issue a ticket.

12 Q. Isn't it true you didn't make any of -- any
13 charges against Mr. Alston for possession of marijuana?

14 A. Yes, sir.

15 MR. NIEMIEC: That's all the questions I have, your
16 Honor.

17 THE COURT: Thank you. Anything at all from the State?

18 MS. HAMILTON: Just briefly, your Honor.

19 RE-DIRECT EXAMINATION

20 BY MS. HAMILTON:

21 Q. In watching that video again talking about the
22 gun, did he act surprised when he found that gun, when you
23 pulled that out of the -- when he pulled it out of the glove
24 box?

25 A. No. Like, he knew it was in there.

1 Q. And did he know it was real?

2 A. Yes, he told me it was real.

3 Q. And I know there were some serious drug charges
4 out of this. The expired decal and the marijuana charges,
5 did you think those were important to charge at that point?

6 A. We had so many felony charges, it seemed kind of
7 pointless at that point.

8 MS. HAMILTON: Thank you. State has nothing further,
9 your Honor.

10 THE COURT: Anything at all?

11 MR. NIEMIEC: No, your Honor.

12 THE COURT: Okay. Thank you. You may leave the
13 witness stand. Thank you. Okay. Let's see the lawyers to
14 talk about time.

15 MS. HAMILTON: Your Honor, could I have him -- Officer
16 Rhoads excused?

17 THE COURT: Any objection?

18 MR. NIEMIEC: No objection, your Honor.

19 THE COURT: All right. You're released from your
20 subpoena, you may stay or go.

21 (Bench conference at 4:46 p.m.)

22 THE COURT: Okay. Madam Forelady, ladies and
23 gentlemen, we're very close to the 5:00 hour. I don't -- I
24 don't I -- I don't mind running up to 5:30, but I hate to
25 break up testimony. We don't have a witness that we could

1 testify in about 15 or 18 minutes. So we're going to stop a
2 little bit early for the evening. I'm going to ask you to be
3 back tomorrow. The courthouse opens at 8:30?

4 THE BAILIFF: Yes, your Honor.

5 THE COURT: 8:00 -- 8:30? Okay. The courthouse opens
6 at 8:30. We're all adults here. I'm not going to tell you
7 what time to be here, but I -- I will be here. The lawyers
8 will be here. I'm taking the bench at 9:00, and I need
9 everybody here, okay? I need everybody. I cannot start if
10 we have someone missing -- I cannot start if we have someone
11 missing, okay? So be here.

12 And I don't -- I don't know, whatever the weather might
13 do, we'll have to follow whatever the county does. So I -- I
14 -- like everybody else here, I'll be looking at the TV,
15 radio, whatever it might be. If -- if there is a delay,
16 okay? Then you're delayed, okay? So if there's a two-hour
17 delay, you are delayed because we are to -- we have
18 instructions from court administration, Supreme Court, we
19 have to follow whatever the county does, okay?

20 So if the county is delayed, you are delayed, I'm
21 delayed, okay? But if not, I'll be here before 9:00 in the
22 8:00 range. Get some of that good coffee that they make and
23 we'll go from there. And I'll see you at 9:00 in the morning
24 unless there is a weather delay, okay? And again, I need all
25 14, please, okay? All 14, please. With that, Madam

1 Forelady, don't talk about the case, don't think about the
2 case, don't do any research. You're off work, and go with
3 the bailiff.

4 (Jury exits at 4:49 p.m.)

5 THE COURT: I want them to call back after 6:00
6 tomorrow.

7 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
8 4:49 P.M.)

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1 **CERTIFICATE OF TRANSCRIBER**

2

3 I, LATASHA JEFFERSON, a court-approved transcriber, do

4 hereby certify that the foregoing is a true, accurate, and

5 complete Transcript of Record of the proceedings had, and

6 evidence introduced in the trial of the captioned case,

7 relative to appeal, in the South Carolina Circuit Court 16 of

8 York County, South Carolina, on January 21, 2025.

9

10 I do further certify that I am neither of kin, counsel, nor

11 interest to any party hereto.

12

13 May 10, 2025.

14 

15

16 LATASHA JEFFERSON

17 Transcriber

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1 CONTINUATION OF PROCEEDINGS - JANUARY 22, 2025.

2 THE COURT: Are we ready with the next witness? We're
3 ready with the next witness?

4 MS. HAMILTON: Oh, yes. 'We are, your Honor.

5 THE COURT: Okay. Come on forward. Just lay them
6 there, unless you need them. Okay. Madam Forelady, any
7 matters from the jury?

8 JUROR NUMBER 39: No, Judge.

9 THE COURT: Everybody's safe and sound and ready to
10 work. Counsel?

11 MS. HAMILTON: Thank you, your Honor. The State would
12 call our next witness, Investigator Sean Leary, from the York
13 County DEU.

14 THE COURT: Okay.

15 INVESTIGATOR SEAN BRENNAN LEARY,
16 being duly sworn, testified as follows:

17 THE COURT: Investigator, if you'll adjust the
18 microphone to suit yourself.

19 THE WITNESS: Yes, sir.

20 THE COURT: Tell us who you are and spell your last
21 name for the court reporter, please.

22 THE WITNESS: Yes, sir. My name is Sean Leary. Last
23 name is L-E-A-R-Y.

24 THE COURT: Thank you. Solicitor?

25 MS. HAMILTON: Thank you, your Honor.

1 RE-DIRECT EXAMINATION

2 BY MS. HAMILTON:

3 Q. Investigator Leary, what is your occupation?

4 A. I'm an Investigator employed at the Rock Hill
5 Police Department assigned to the York County
6 Multi-Jurisdictional Drug Enforcement Unit.

7 Q. What type of work do you do in that position?

8 A. Broadly, I investigate drug crimes. Our unit is
9 responsible for working investigations pertaining to large
10 scale drug dealers, drug trafficking organizations and the
11 like.

12 Q. And how long have you been in law enforcement
13 generally?

14 A. Approximately seven years.

15 Q. And how long have you been employed with the York
16 County Drug Enforcement Unit?

17 A. For five of those years.

18 Q. And were you employed in your present capacity the
19 evening of July 14, 2023?

20 A. Yes, ma'am.

21 Q. So what I want to do is kind of draw your
22 attention of that night, and could you explain to the jury
23 how you became involved in the investigation of the
24 Defendant, Mr. Londell Alston?

25 A. Yes, ma'am. So I was actually headed home. I get

1 off at midnight on that Thursday, had my radio on, I heard --
2 heard Officer Rhoads call on the radio that he had a -- a --
3 a drug seizure, essentially. So I told him to give me a
4 call. We have an on-call process, but if you're on your way
5 home and you hear something like that, we try and -- we try
6 and take those calls so somebody doesn't get woken up and
7 called it. So I asked him to give me a phone call. He
8 explained to me what he had and I came in to help him out
9 with it.

10 Q. And how did you ultimately (inaudible) in this
11 investigation?

12 A. I ended up adopting that case for prosecution
13 through the drug unit.

14 Q. And did you recover any evidence on this case in
15 assisting with that investigation?

16 A. Officer Rhoads recovered all the evidence from the
17 Defendant, and then signed possession of it over to me, for
18 lack of better terms.

19 Q. Okay. And where did that signing over occur?

20 A. At the Rock Hill Police Department. He had all
21 the evidence items secured in his patrol vehicle, retrieved
22 them and signed them over to me.

23 Q. And did you go with him to retrieve these items
24 from his patrol vehicle?

25 A. Yes, ma'am. I did.

1 Q. And when you took custody of these evidence items
2 that were seized from the Defendant, can you please describe
3 what you did after that?

4 A. Yeah, so the first thing I did was I brought
5 Officer Rhoads in all that evidence back to the York County
6 east office, which is based out of the Rock Hill Police
7 Department. We have a large conference room in there with a
8 big table. I laid out all the evidence that Officer Rhoads
9 had collected and photographed it as it was.

10 Q. And please describe to me what happened then as
11 you photographed that evidence.

12 A. So after we take photographs of the evidence, it's
13 our policy and procedure to put on vinyl gloves. So we're
14 not contaminating our own DNA or fingerprints on that
15 evidence. And that will separate the drugs from their
16 original packaging. However, they had it packaged up, place
17 them into our own drug evidence bags issued to us from the
18 York County evidence, and seal them pursuant to policy and
19 procedure.

20 Q. Okay. Great. So you basically, now -- we saw
21 exhibit -- I think you were in the courtroom, we saw those
22 photos of the drugs placed into a separate bag.

23 A. Yes, ma'am.

24 Q. So what is the purpose of doing that? Why do you
25 do that?

1 A. So a lot of times we'll drop the drugs separately
2 from the bag that came in. One, because when we go to weigh
3 those items, we don't have to factor in the weight of the
4 packaging material that it was sitting inside of. And two,
5 it preserves that packaging material for trace DNA,
6 fingerprints and stuff like that for processing from our
7 labs.

8 Q. Now, after the fact, do you normally request
9 fingerprints and DNA on those items?

10 A. Yes, we do. We send them over to the York County
11 labs for those things.

12 Q. Okay. And in this case, why did you not submit
13 for DNA in fingerprint purposes?

14 A. With it just being the single defendant, there was
15 no -- there was no need to add to that evidentiary chain.
16 There was no disputing that it was the Defendant's.

17 Q. And you ultimately interviewed him, correct?

18 A. That is correct.

19 Q. And did he state (inaudible) those?

20 A. Yes, ma'am.

21 Q. So did that also weigh into your decision to not
22 fingerprint?

23 A. Yes -- yes. We had a -- a confession for, so
24 there was nothing to -- to further that.

25 Q. Excuse me. You just said about the original

1 packaging separating. Please describe a little more detail
2 how you back up that evidence to secure that evidence.

3 A. Sure. So we have a -- a scale within our office
4 that gives us approximate weight. It's not scientifically
5 calibrated or anything like that, but it's like a full scale.
6 So what we'll do is if you have like a -- a -- a Ziploc bag,
7 like you guys kind of saw pictures of, we'll cut the drugs
8 from that bag, put them into a Ziploc bag that's been
9 measured out with that scale zeroed out. So it gives an
10 approximate weight, takes the weight of that bag out.

11 We put the drugs in the Ziploc bag, get an approximate
12 weight, and then put them in a -- a big sealed envelope that
13 the evidence techs provide to us and we'll tape evidence tape
14 around that so it can't be tampered with, sign the seal so we
15 can tell if it has been and then we'll drop them into
16 evidence.

17 Q. And while you were doing the bagging of evidence
18 and photographing all of the evidence -- Officer Rhoads, was
19 he present for that?

20 A. He was.

21 Q. And once you were done bagging up each item, did
22 you sign the bag?

23 A. Yes, ma'am.

24 Q. And when you signed the bag, you were done
25 bagging, what did you proceed to do with each item of

1 evidence in this case?

2 A. So once we've -- we've completed that, we will lay
3 out all those evidence items. A supervisor will come and
4 inspect all that, make sure there's no clerical error, make
5 sure we don't misspell something, miss a -- a signature in a
6 bag. Once that's done, it'll be placed into an evidence
7 locker that looks kind of like a -- a gym locker, for lack of
8 a better term. It's got a padlock, so we'll put it all
9 inside that padlock it, and it will stay secured in there
10 until evidence technicians with your county come to collect
11 it.

12 Q. Okay. And who has access to that evidence locker?

13 A. Just the evidence technicians.

14 Q. Okay. Was there a delay in transporting the
15 evidence in this case?

16 A. There was. It was not any atypical delay. This
17 was a Friday that this occurred. We dropped the evidence
18 items after 5:00 p.m. So it -- the evidence technicians
19 don't work weekends, they work Monday through Friday 9:00 to
20 5:00. So that -- I don't believe they collected it until the
21 following Monday.

22 Q. Prior to securing these evidence items in that
23 locker, were items continuously in your custody and control
24 prior to you locking them in that evidence locker at a
25 secured location at Rock Hill Police Department?

1 A. Yes, ma'am.

2 Q. Okay. Were the items -- when you put them in the
3 evidence locker, were they shield and untamed with at that
4 point?

5 A. Yes, they were.

6 Q. What I'm going to do now, you mentioned you took
7 photographs of this evidence?

8 A. Yes, ma'am, I did.

9 Q. I'm going to hand you what's been admitted as
10 State's Exhibits 2 through 19. I'm going to go through the
11 photos with you. Please take a look at these photos for me.

12 A. Yes, ma'am.

13 Q. I'm going to ask you a few questions before we go
14 into these. How long have you been specifically working
15 narcotics?

16 A. Over five years.

17 Q. Do you have formal training in the area of
18 narcotics?

19 A. Yes, ma'am. I've taken courses on identifying
20 narcotics, street transactions, packaging, distributing,
21 currency values approximate, things like that.

22 Q. Have you taken any classes in (inaudible)
23 manufacture of fentanyl?

24 A. Yes, ma'am. I'm one of a couple guys in our unit
25 that's actually Clandestine Laboratory certified, which is a

1 course you take, I think it's for HAZMAT, that certifies you
2 to process fentanyl manufacturing labs, and I -- I say
3 manufacturing, the conversion labs that you see that turn
4 powdered fentanyl into the pills you see on the street and
5 how to handle those and process them.

6 Q. Do you have any certifications that you could tell
7 the jury about?

8 A. Yes, ma'am. I -- I hold that Clandestine
9 Laboratory certification, which is -- essentially allows you
10 to safely process those kinds of things.

11 Q. And how many drug arrests have you done in your
12 career?

13 A. That numbered in the hundreds.

14 Q. And how many arrests and investigations of those
15 were relating to narcotics specifically?

16 A. Probably 95 percent of them.

17 Q. And have you had specifically in those arrest
18 interviews with drug users and dealers to become
19 knowledgeable as to what drug users and dealers are doing
20 these days?

21 A. Yes, ma'am.

22 Q. Okay. And through those interviews, have you
23 learned about values of recreational drugs on street level
24 and higher-level dealings?

25 A. Yes, ma'am.

1 MS. HAMILTON: Your Honor, the State would offer
2 Investigator Leary as an expert in this field.

3 MR. NIEMIEC: Your Honor, we object. Could we speak
4 outside the presence of the jury?

5 THE COURT: Probably, yes.

6 (Bench conference at 10:59 a.m.)

7 THE COURT: Madam Forelady, ladies and gentlemen, this
8 is one of those times where I -- I need to take up a matter
9 that's going to be outside your purview. And so, we're going
10 to ask you to retire to the jury room momentarily and we'll
11 -- we'll have you back as quickly as we can.

12 (Jury exits at 11:00 a.m.)

13 THE COURT: Okay. Solicitor, let's proffer what --
14 what you are looking for.

15 MS. HAMILTON: Your Honor, I was going to ask him as
16 the photos -- I'll ask him the questions first and then I'll
17 go into the photos. I'm going to ask him specifics about the
18 photos.

19 THE COURT: Okay.

20 BY MS. HAMILTON:

21 Q. I'm going to ask you, Investigator Leary, what
22 would the amount of drugs that you seized in this case -- or
23 with the amount of drugs seized in this case, would that be
24 worth a lot of money on the street?

25 A. Yes, ma'am.

1 Q. Do you have an approximate value that you would
2 value these drugs on the street?

3 A. For street value, I would -- I would list it as an
4 excess of a hundred thousand dollars.

5 Q. Would, in your experience with dealers who deal in
6 this amount of narcotics, leave this amount in a -- a product
7 in a car and let someone borrow it?

8 A. Certainly not.

9 Q. And in your experience, when you find this amount
10 of -- large amount of drugs, do you normally find weapons
11 associated with that?

12 A. Yes, ma'am. We do.

13 Q. And why?

14 A. It is into protecting an investment. It'd be the
15 same thing as a money carrier running around armed to protect
16 the value of what you're carrying.

17 MS. HAMILTON: And then, your Honor, he -- in the
18 interview, the Defendant starts talking about pill press and
19 how he pressed these pills, and how pills are manufactured.
20 I was going to ask Investigator Leary specifically on his
21 experience and his training and the Clandestine pill trade.
22 And he knows all about shutting down pill presses.

23 He has investigated multiple pill presses and he could
24 explain why the pills look the way they look, the stamps used
25 on them. And I was going to ask him about that. I have

1 those questions if you want me to go through those and play
2 the interview.

3 THE COURT: What -- whatever proffer you want to put on
4 the record now, this -- this --

5 BY MS. HAMILTON:

6 Q. In your interview with the Defendant did he start
7 talking about his job -- what did he talk about in regards to
8 pressing pills? Could you explain that to the jury?

9 A. Yes, ma'am. So eventually he explained to us the
10 process of which he uses a pill press. He gets raw product
11 through, I think he said, a -- various different group of
12 people, whether that be fentanyl, heroin, whatever. And
13 essentially rents out a pill press, we'll pay a fee to a
14 third party to utilize a pill press that they own. And
15 because of his knowledge and manufacturing pills, he's then
16 able to operate that pill press with the help of others to
17 turn raw fentanyl powder, heroin powder into what you see in
18 the photographs of those little circular pills.

19 Q. And then he starts talking about stamps in these
20 pill presses.

21 A. Yes, sir.

22 Q. What exactly does that mean, "stamps?"

23 A. So, specifically, the stamps are the -- it's a
24 little cylindrical piece of metal inside of the pill press
25 that physically presses into that powder forms it at that

1 circle point and it's got markings on them. And this, it was
2 a T189 and an A215. And it's -- think of it as like a
3 branding like a Nike or Adidas. You can sell those for
4 different prices based on their exclusivity or their
5 perceived value.

6 Q. And with those stamps, do those stamps correspond
7 to specific dealers and manufacturers?

8 A. Not necessarily at the street level, but they're
9 designed to mimic legitimate pharmaceuticals.

10 Q. Okay. So fraudulent fentanyl pills to look like
11 which kind of pill?

12 A. Typically, derivative of oxycodone that you would
13 buy out of a pharmacy or be prescribed to by a doctor.

14 Q. And then in showing you these photos -- these
15 blocks -- in regards to these blocks, why are these broken up
16 into small blocks?

17 A. So in this form, when you're buying bulk
18 quantities of narcotics, you'll note that this is about 505
19 grams here, which is about half of a kilo. It probably did
20 not fit properly in the bags, but there's a -- typically,
21 when you buy them in bulk, you'll buy them in kilogram
22 quantities, which are basically what you see in TV of those
23 large brick package looking things. And that is raw, pure
24 form of the narcotic that you will then dilute into these
25 presses or these pill -- pressed pills.

1 Q. So mixing the heroin with the fentanyl?

2 A. Yes. And not even necessarily with the fentanyl,
3 you can make pills designed to look like legitimate
4 pharmaceuticals with exclusively heroin. As long as you have
5 a binding agent with them, you can put whatever drug into
6 them you like.

7 Q. And when you say "binding agent," what do you mean
8 by "binding agent?"

9 A. So it's commercially available. Pill binder is
10 pretty much the -- the term for it. It is a -- an agent that
11 helps those -- it'll stay in pill form so that you're not
12 just crunching together a bunch of powder that's going to
13 crumble into your hands as soon as you tuck them.

14 Q. And what are we looking at here?

15 A. This is a compressed block of fentanyl weighing
16 85.3 grams, approximately, inside of that bag, obviously.

17 Q. And these pills right here, what are these?

18 A. Those are blue pills stamped A215.

19 Q. And did you speak to the Defendant about the A215
20 stamp?

21 A. We did.

22 Q. Okay. And what did the Defendant say in regards
23 to that?

24 A. I believe if I'm recalling the interview
25 correctly, that he was manufacturing these Sunday prior to

1 his arrest.

2 Q. These pills also?

3 A. Those are yellow pills stand with T189.

4 Q. And in the interview with the Defendant, you
5 talked to him about yellow pills, correct?

6 A. Yes, ma'am.

7 Q. Remember what he said about the yellow pills?

8 A. I -- I recall him stating that he had pressed
9 those prior to the Sunday, in question with the blue pills.

10 Q. Oh, he also in the interview, I believe, mentioned
11 something about a hundred bags?

12 A. Yes, ma'am.

13 Q. Okay. What does that -- broken down in hundred
14 sets, what does that mean?

15 A. So when you press pills, you typically are doing
16 it in the thousands, if not tens of thousands of quantities.
17 And then you break that large quantity of pills down into
18 smaller bags for distribution and you mark the price up. So
19 the bags you're looking at here contain each about a hundred
20 pills inside of them.

21 Q. So that corresponds to him talking about the
22 hundred sets?

23 A. Yes, it does.

24 Q. What are we seeing here?

25 A. Those are pre-packaged bags of -- street term of

1 that would be ecstasy. It's kind of a -- a party drug, but
2 it is essentially methamphetamine and pill binder.

3 Q. And same with this?

4 A. Yes.

5 MS. HAMILTON: I believe that is all that I was going
6 to proffer in regards.

7 THE COURT: Okay. Counsel?

8 RE-CROSS EXAMINATION

9 BY MR. NIEMIEC:

10 Q. Just prior before we proffered, while the jury was
11 still in here, that you had gotten some certification, what
12 was that certification again?

13 A. I -- I hold a certification in the processing of
14 clandestine laboratory, sir.

15 Q. Processing clandestine?

16 A. Yes. So those are basically what we have called
17 -- in the old days it would've been meth manufacturing
18 plants, but it has evolved to process marijuana grows,
19 colloquial laboratories where you manufacture fentanyl pills.

20 Q. And when did you get that certification?

21 A. I've held that -- I think I got it in 2021 and
22 have held it since. We -- we qualify annually.

23 Q. And it's renewed every year, or...?

24 A. Yes, sir. Annually.

25 Q. Where do you get that certification?

1 A. I'd have to pull up. I think HAZWOPER is who
2 contains the certification, who comes and certifies us.

3 Q. Okay. So that certification covers a broad range
4 of manufacturing of -- of the illegal drugs?

5 A. Yes, sir.

6 Q. So for everything from a marijuana farm to a meth
7 lab to a pill press?

8 A. Correct.

9 Q. And you've had specific certification regarding a
10 pill press?

11 A. It's all one broad certification. So it's -- it
12 is more a safety thing on how to process those things safely,
13 what to look for, indicators on what you're dealing with.
14 Dealing with powder things like in a fentanyl lab like that,
15 a lot of the times it's airborne. So how to (inaudible)
16 proper protective equipment to make sure you're not
17 contaminated from that thing. Methamphetamine, the
18 volatility as far as explosives and -- and flammability, just
19 how to process these things safely.

20 Q. All right. So the certification is mostly about
21 how to process a scene safely if you come upon it?

22 A. Correct.

23 Q. It's not a certification of how these things are
24 used, utilized, made by an individual?

25 A. So it'll -- it -- we go through during the class

1 and the recertification process what to look for so you know
2 that's what you're dealing with, which is where that part of
3 it comes into. But no, there's not a -- I don't have a
4 specific certification in manufacturing if that's what you're
5 asking for.

6 Q. But that's what you're testifying about?

7 A. Is -- well, I can testify to my experience with
8 dealing with these cases.

9 Q. But as it concerns a certification, you don't have
10 a certification of how to actually use a pill press and how
11 to actually manufacture powder into pills. You don't have a
12 certification about that process?

13 A. I am certified in processing the remnants of those
14 laboratories when law enforcement detects them.

15 Q. The remnants being the key word, not the creation,
16 correct?

17 A. Correct.

18 MR. NIEMIEC: Thank you, your Honor.

19 MS. HAMILTON: Your Honor, I -- if you do not wish to
20 find him certified as an expert witness, we would just ask
21 that he be able to use the testimony and his experience as an
22 officer, as a lay witness to give his opinion. Which I
23 believe I can find case law that he'd be able to do that as a
24 lay witness.

25 THE COURT: If you're offering him as a lay witness due

1 to his skill, experience and training, I will allow him to
2 testify to that. My concern is the -- the expert
3 designation.

4 MS. HAMILTON: Yeah. I think --

5 THE COURT: Counsel, anything on that?

6 MR. NIEMIEC: I don't want him to be labeled as an
7 expert, but it doesn't sound like we're going to do that now.
8 As far as his opinion regarding what? The process? Because
9 supposedly my client's test -- confessing as to the process.
10 So I'm not sure what he'd be giving his opinion about as a
11 lay person. Given his experience as a law enforcement
12 officer, what specific opinion are we eliciting from him?

13 THE COURT: The street value.

14 MR. NIEMIEC: Street value? It's not an element of the
15 crime. So -- I mean, we object to the street value coming in
16 because its -- its prejudicial effect outweighs its probative
17 value. It's not an element of the crime. And I'm just -- I
18 don't know that he -- his certification, well, his experience
19 lends itself to knowing the street value at any given time of
20 any drug.

21 THE COURT: I appreciate your position, but the courts
22 are saying otherwise. State v. Johnson, 37 -- Jamison, 372
23 South Carolina 649, State v. -- what is that? Michaux?
24 M-I-C-H-A-U-X, which is a Westlaw cite, upheld the trial
25 court's decision that allowed to testify to street value of

1 cocaine. Okay, is he -- he's a lay witness.

2 MS. HAMILTON: That's fine, your Honor. And I do want
3 to say, based on that argument that value is not relevant,
4 based on what I've seen that they're presenting that these
5 are someone else's drugs, we're using the argument that these
6 are high level and worth a lot of money, therefore we need to
7 show that this guy isn't just going to leave those drugs in
8 the vehicle, your Honor. And that is the purpose of the
9 value.

10 THE COURT: And that's exactly what Jamison is about,
11 I'm told by my very able law clerk right here. Okay. So
12 he's being offered as a lay witness, but he -- he can render
13 that opinion due to his training and skill. We'll have the
14 jury.

15 THE BAILIFF: Yes, sir.

16 MS. HAMILTON: Thank you, your Honor.

17 THE COURT: Yes, ma'am.

18 (Jury enters at 11:15 a.m.)

19 THE COURT: Thank you. Solicitor?

20 MS. HAMILTON: Thank you, your Honor.

21 RE-DIRECT EXAMINATION

22 BY MS. HAMILTON:

23 Q. Investigator Leary, we just talked about your
24 training and experience in investigating illegal narcotic
25 trade and manufacturing of fentanyl. I wanted to ask you a

1 few questions about that before we go through these photos.

2 A. Yes, ma'am.

3 Q. Looking at the amount of drugs seized in this
4 case, specifically on that night of July 14, 2023, would you
5 say, based on looking at this photo and processing all the
6 evidence you process, you say this is a large amount?

7 A. Yes, ma'am. I would.

8 Q. And looking at this amount of drugs, would this be
9 worth a lot of money, street value?

10 MR. NIEMIEC: Objection, your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: Yes, ma'am. In terms of street value,
13 this is worth in excess of a hundred thousand dollars.

14 BY MS. HAMILTON:

15 Q. And in your experience as -- in investigating drug
16 crimes, dealers, and users, and specifically dealers and
17 manufacturers who deal in this amount of narcotics, do you
18 frequently see them leave this amount of products in cars
19 that they let people borrow?

20 A. No, ma'am. Absolutely not.

21 Q. And why?

22 A. This is -- if you're dealing in narcotics, this is
23 your livelihood. I would liken this to a money courier
24 letting somebody borrow their Brink's truck or maybe a
25 jeweler letting somebody borrow their car with a collection

1 of Rolexes in the back seat. This is how you earn your
2 income.

3 Q. And -- and when you find this amount of drugs,
4 usually on manufacturers, do you normally find weapons
5 associated with it?

6 A. Yes, ma'am.

7 Q. Why?

8 A. For personal protection. Again, if I was to use a
9 -- a cash courier as an example for you, that you find the
10 guy running the Brink's truck armed and it's to protect your
11 -- your assets and the valuable items you have in your
12 position.

13 Q. So what I want to do is go through these items.
14 What we are seeing on the screen right now, this is State's
15 Exhibit Number 2. Do you recognize this photo?

16 A. Yes, ma'am. I took this photograph.

17 Q. Okay. And is this the original packaging that the
18 drugs were found in?

19 A. Yes. The packaging you're looking at is how it
20 was found in Defendant's vehicle.

21 Q. State's Exhibit Number 3. What are we looking at
22 here?

23 A. This is a bag. I can't tell the -- the glare. It
24 looks like pink powder. That is in the drug unit Ziploc bags
25 after it has been placed inside of that.

1 Q. And what are we looking at here? This is State's
2 -- sorry to interrupt. State's Exhibit Number 4. What are
3 we looking at in this photo?

4 A. This is -- again, this is black tar heroin inside
5 of the drug unit Ziploc bags. I think you can see the bags
6 to the side of the right of that, they were packaged in,
7 within the bag above that was shrink wrapped and it's on our
8 scale for an approximate weight.

9 Q. And do you frequently see heroin in this block
10 form?

11 A. Not frequently. When you see heroin in block form
12 like that, it is typically broken off of a -- a large
13 kilogram quantity. So typically, fentanyl users --
14 distributors use very small quantities, and this is an
15 extremely unusually large amount of heroin.

16 Q. The State's Exhibit Number 5, what are we seeing
17 here?

18 A. This is the same thing from the last photograph.
19 It's just the -- the other bag of black tar heroin inside of
20 the drug unit Ziploc bags.

21 Q. And -- and repackaging these items, I see this is
22 the DEU bag, correct? Not the original packaging?

23 A. Correct.

24 Q. How do you ensure there's no cross-contamination
25 in changing these drugs from one bag to another?

1 A. So we're wearing gloves throughout the entire
2 process. Just wearing gloves like you see in the medical
3 facilities so that our DNA and fingerprints don't transfer
4 over to it.

5 Q. This is State's Exhibit Number 6. What are we
6 seeing here?

7 A. That is a compressed block of fentanyl inside of a
8 heat seal or shrink-wrapped package.

9 Q. State's Exhibit Number 7. What are we seeing
10 here?

11 A. Those are Ziploc bags of blue pills subdivided
12 into smaller quantities of pills inside of yellow Ziploc
13 bags.

14 Q. Okay. And in your experience in the training that
15 you've received, why are these packaged in small bags?

16 A. Simply put -- pills are expensive and they'll be
17 subdivided into smaller quantities to maximize your profits
18 when you redistribute them.

19 Q. And what are we seeing -- State's Exhibit, I
20 believe, Number 8, what are we seeing here?

21 A. So these are the contents of -- what was exhibit
22 before? 7? Repackaged into the drug-unit bags for an
23 approximate weight and sealing into evidence.

24 Q. This is State's Exhibit 9. What are we seeing in
25 here?

1 A. Those are yellow fentanyl pills stamped with T189,
2 again, subdivided into multiple small baggies.

3 Q. State's Exhibit Number 10, what are we seeing
4 here?

5 A. That is the approximate weight we gained from
6 repackaging the previous photo into drug unit bags.

7 Q. Skip ahead. Because we did the same thing on the
8 -- this is going to be the Exhibit Number 14. What are we
9 looking at here?

10 A. Those are, again, subdivided smaller bags of what
11 is typically referred to as ecstasy on the streets. It's not
12 legitimate ecstasy, which is MDMA. These are methamphetamine
13 and the binding agent

14 Q. And just the same thing. It's the State's Exhibit
15 Number 16. Is that the same thing?

16 A. Yes, ma'am.

17 Q. Okay. What I'm going to do is hand you what's
18 been marked as State's Exhibit 21 through 30. Been marked
19 for identification purposes 21 through 31. What I want to do
20 is go through each one. I'm going to hand them to you. I am
21 going to hand you. I don't know why I did this. I'm going
22 to hand it to you in the box initially.

23 A. Sure.

24 Q. Kind of want you to look through these and see if
25 you recognize these items. And then I'll hand one-by-one.

1 Just take a look at those and tell me if you recognize those
2 items. Have you had contact with those items?

3 A. Yes, ma'am.

4 Q. How do you recognize them?

5 A. Those were the items that we just looked through
6 the photographs of, that Officer Rhoads found in the
7 Defendant's vehicle.

8 Q. They're the same items that you bagged up that
9 evening of July 14, 2023?

10 A. Yes, ma'am.

11 Q. And do you recognize anything that helps you
12 identify those are the items on the Defendant?

13 A. Yes, ma'am. The red evidence tape seals those
14 bags, and each of those seals bears my initials and the date
15 which I sealed them.

16 Q. I'll go through these bags with you. Evidence
17 item number 21. Could you look at that item? Do you
18 recognize the contents of this bag?

19 A. Yes, ma'am. That is black tar heroin.

20 Q. Okay. And do you recognize your signature on that
21 bag?

22 A. Yes, ma'am. I do.

23 Q. Okay. And what was the date that you signed that
24 bag?

25 A. It was July 14, 2023.

1 Q. Okay. Exhibit Number 22. Do you recognize this
2 item?

3 A. Yes, ma'am. Again, this is black tar heroin.

4 Q. And do you recognize your signature on that bag?

5 A. Yes, ma'am. I do.

6 Q. Okay. Go through 23, 24, and 25. Do you
7 recognize the contents of that bag?

8 A. Yes, ma'am. This is that compressed block of
9 fentanyl.

10 Q. And do you recognize your signature on that bag?

11 A. Yes, ma'am.

12 Q. Okay. Exhibit Number 24. Do you recognize the
13 contents of that bag?

14 A. Yes, ma'am. These are the blue A215 pills.

15 Q. And Exhibit Number 25, recognize the contents of
16 that?

17 A. Yes, ma'am. That's the -- the pink powderized
18 pill.

19 Q. And do you recognize your signature and -- using
20 those?

21 A. Yes, my signature is on both of those.

22 Q. 26, 27, and 28. If you look at those. We'll
23 start with 26. Do you recognize the contents of that bag?

24 A. Yes, ma'am. It's another block of black tar
25 heroin.

1 Q. Do you recognize your signature on that bag?

2 A. Yes, ma'am. I do.

3 Q. Okay. 27 is next.

4 A. Yes. This is a -- a bag of -- of yellow pills
5 stamp T189.

6 Q. Do you -- do the same for Exhibit 28. Do you
7 recognize the content of that bag?

8 A. Yes, ma'am. It's the same thing. It's the -- the
9 yellow T189 pills.

10 Q. You recognize your signature on that bag?

11 A. Yes, I do.

12 Q. Last third -- 29, 30, and 31. Start with 29. Can
13 you take a look at that bag? Do you recognize the content?

14 A. Yes, ma'am. These are more blue A215 pills.

15 Q. And do you recognize your signature on that bag?

16 A. Yes, ma'am.

17 Q. Do you recognize the contents of Exhibit Number
18 30?

19 A. Yes, ma'am. These are the methamphetamine and
20 binding agent pills.

21 Q. And Exhibit 31?

22 A. Same thing.

23 Q. Do you recognize your signature on of those bags?

24 A. Yes, I do.

25 Q. Okay. Did you eventually have contact with the

1 Defendant, Mr. Londell Alston, that early morning after you
2 -- the next morning after you had bagged up and submitted all
3 of his evidence into the evidence locker?

4 A. Yes, ma'am.

5 Q. Could you explain to me what that contact
6 involved?

7 A. Yes, ma'am. After I had processed and weighed all
8 the evidence, my partner -- Investigator Luke Boling and I
9 interviewed Mr. Alston in the -- the York County east office
10 inside of Rock Hill Police Department.

11 Q. And prior to that interview, did you advise him of
12 his Miranda rights prior to speaking to you?

13 A. Yes, ma'am. We did.

14 Q. And were those the rights we hear read from law
15 and order the, "You have the right to remain silent?"

16 A. Yes, ma'am. Yeah.

17 Q. Okay. How do you read those? Do you read this
18 from memory or from a card?

19 A. No, I have a -- we -- Rock Hill police officers
20 are issued a small card like the size of a debit card that
21 you can read them off of. That way, they're always
22 identical.

23 Q. Okay. And in the environment that you were
24 interviewing him, what was it? Was it a small room, a big
25 room?

1 A. It was a -- a small office room. There's a desk
2 with a computer on it, some filing cabinets, a few chairs and
3 a door.

4 Q. Was he handcuffed at that time?

5 A. No, ma'am. He was not.

6 Q. And you stated two people were present?

7 A. In addition to Defendant? Yes. Investigator
8 Boling and I.

9 Q. And was anyone threatening him at that time?

10 A. No, ma'am.

11 Q. Did he appear to be injured or hurt?

12 A. No, ma'am.

13 Q. Okay. Did he appear to be comfortable at that
14 time?

15 A. He did.

16 Q. Okay. Did the Defendant under -- indicate that he
17 understood these rights?

18 A. He did.

19 Q. Did he agree to speak to y'all?

20 A. Yes, he did.

21 Q. Okay. And when you interviewed the Defendant --
22 when you were conducting this interview, was this audio or
23 video recorded?

24 A. Yes, ma'am. We audio recorded the entirety of it.

25 Q. Okay. I'm going to hand you what's marked as

1 State's Exhibit Number 20. Could you -- oh, let me show the
2 Defense. Do you recognize that item?

3 A. Yes, ma'am. I do.

4 Q. What do you recognize that item to be?

5 A. This is a tape of the audio recording Investigator
6 Boling and I recorded of the interview with Mr. Alston.

7 Q. And how do you know it to be that?

8 A. It's got my signature on it or my initials and the
9 date I last listened to it, I last reviewed it with you.

10 Q. You had an opportunity to listen to that prior to
11 today?

12 A. Yes, I have.

13 Q. Okay. And listening to that, was that a fair and
14 accurate representation of the interview of the Defendant on
15 July 15, 2023?

16 A. Yes, ma'am.

17 Q. And are there any material alterations to those --
18 from that?

19 A. No, there are not.

20 MS. HAMILTON: Your Honor, the State would offer
21 State's Exhibit Number 20 for admission into evidence.

22 THE COURT: Any objection?

23 MR. NIEMIEC: No objection.

24 THE COURT: Without objection, it's admitted.

25 (State's Exhibit 20 admitted into evidence.)

1 MS. HAMILTON: Your Honor, may I please publish for the
2 jury?

3 THE COURT: Yes, ma'am.

4 MS. HAMILTON: Thank you.

5 BY MS. HAMILTON:

6 Q. Okay. I am going to start -- basically, we're
7 going to -- long interview. What I'm going to do is I'm
8 going to just highlight some portions that I think are
9 relevant in regards to this piece.

10 A. That's right.

11 MS. HAMILTON: Start at 40 minutes in. It will need a
12 higher (inaudible). See -- we'll see before we close. Wait
13 that (inaudible) okay. I beg the Court's indulgence, your
14 Honor?

15 THE COURT: Yes, ma'am.

16 MS. HAMILTON: Where are the speakers (inaudible)? I
17 might just do it on my computer and -- I might do it on my
18 computer and put this back if that's okay. How would I make
19 the audio not go through the system? The computer? Audio
20 off now.

21 (Off the record at 11:33 a.m.)

22 (On the record at 11:56 a.m.)

23 THE COURT: Madam Forelady, everybody good?

24 JUROR NUMBER 39: Yes, your Honor.

25 THE COURT: Thank you. Solicitor?

1 MS. HAMILTON: Thank you, your Honor.

2 BY MS. HAMILTON:

3 Q. Okay. Investigator Leary, what I have done is
4 I've queued up that audio interview, Exhibit Number 20 for
5 the State.

6 (Audio starts at 12:00:25 p.m.)

7 INVESTIGATOR LEARY: All that's -- all I'm asking from
8 you -- that's all I'm asking from you, I'm sure, you just
9 tell the truth from the time that we were there.

10 MR. ALSTON: (Inaudible).

11 INVESTIGATOR BOLING: What was in that bag?

12 MR. ALSTON: You all know what's in that bag. You know
13 what's in that bag. (Inaudible).

14 INVESTIGATOR LEARY: I know what's in there.

15 (Audio stops at 12:01:01 p.m.)

16 BY MS. HAMILTON:

17 Q. He talks about, in that statement, 1,500 ecstasy
18 pills. Was he close to the number that you found?

19 A. Yes, ma'am. I think it ended up being 1,498, if I
20 remember right.

21 Q. Okay.

22 (Audio starts at 12:01:17 p.m.)

23 MR. ALSTON: (Inaudible).

24 (Audio stops at 12:01:31 p.m.)

25 BY MS. HAMILTON:

1 Q. Did you hear what he just said there?

2 A. He said he knew that there was some heroin in
3 there and that he was in Zach's car and somebody was going to
4 pay him to take all of those narcotics from Zach to another
5 location.

6 (Audio starts at 12:01:42 p.m.)

7 MR. ALSTON: (Inaudible). I -- I don't know how much
8 heroin in there (inaudible).

9 (Audio stops at 12:02:12 p.m.)

10 BY MS. HAMILTON:

11 Q. Do you remember if there was any heroin in that
12 blue bag?

13 A. I don't recall specifically in the blue bag.
14 There was heroin inside of those pills. But I think the -- I
15 think the bulk of the heroin was underneath the bag.

16 (Audio starts at 12:02:24 p.m.)

17 UNIDENTIFIED SPEAKER: (Inaudible)?

18 MR. ALSTON: (Inaudible).

19 INVESTIGATOR LEARY: You're not honest with the...

20 MR. ALSTON: I don't know about (inaudible)
21 perspective.

22 INVESTIGATOR LEARY: Let me -- I -- I want you to
23 understand this, I ask a lot of questions -- I ask a lot of
24 questions I already know the answers, okay? And I ask those
25 questions because I'm going to see if you going to be honest

1 with me. So I say who Stanko is, you know who Stanko is?

2 What's his --

3 MR. ALSTON: I don't know his government name.

4 INVESTIGATOR LEARY: You don't know his government name
5 whatsoever? You know Stanko's last name? Okay. Go ahead.

6 (Inaudible).

7 MR. ALSTON: I -- I just lie to you now. (Inaudible).

8 I -- I ain't do (inaudible) I don't want to do no

9 trafficking, I know. These are pills. Pharmaceutical pills.

10 INVESTIGATOR LEARY: How much heroin is in there?

11 MR. ALSTON: I don't know. A block, I think it's a
12 block like.

13 INVESTIGATOR LEARY: What is that?

14 MR. ALSTON: I can't remember.

15 INVESTIGATOR LEARY: A small block?

16 MR. ALSTON: Yeah.

17 INVESTIGATOR LEARY: That's heroin?

18 MR. ALSTON: Yeah.

19 INVESTIGATOR LEARY: Oh. I didn't cut you, that's why
20 I'm curious. I didn't know if it's heroin or fentanyl.

21 MR. ALSTON: I knew I was taking somewhere.

22 INVESTIGATOR LEARY: How much heroin?

23 (Audio stops at 12:03:29 p.m.)

24 BY MS. HAMILTON:

25 Q. What did he just say there?

1 A. So inside that blue bag, we saw the pictures of
2 that small compressed block of fentanyl. That's what he was
3 telling us, it's heroin inside of that bag. He's changing
4 what he initially told us. He had initially told us that he
5 had picked it up from that Zach individual, went to
6 McConnell's. He since changed that. Now he's saying he
7 picked it up from a Stanko Weary down in Boyd Hill in Rock
8 Hill. And he knew that there was a block of heroin in the
9 bag. And then he said he knew what was in the bag, proceeded
10 from there.

11 Q. Did he say he knew what he was taking?

12 A. Yeah, I think that -- directly.

13 (Audio starts at 12:04:04 p.m.)

14 INVESTIGATOR LEARY: How much heroin? There's --
15 there's more heroin.

16 MR. ALSTON: That's (inaudible) truck (inaudible)
17 another bag (inaudible) one. It looked like he had a bunch
18 of trucks in there.

19 INVESTIGATOR BOLING: Yeah. How much heroin?

20 MR. ALSTON: (Inaudible) blue bags. This is what I
21 picked up (inaudible) the box had some vacuum-sealed bags
22 (inaudible). So he came out -- I looked in the blue bag, he
23 came out with the -- that's why I was cutting up in his
24 truck.

25 INVESTIGATOR BOLING: So where -- where'd you pick this

1 up at?

2 MR. ALSTON: I went to (inaudible). You -- you go to
3 see the (inaudible) you go down, there's a (inaudible) you go
4 this way. There are two houses that are closed right there.

5 INVESTIGATOR BOLING: Abandoned home or bordered up
6 closed?

7 MR. ALSTON: They're bordered up closed. The people of
8 that home don't stay there no more. (Inaudible).

9 (Audio stops at 12:05:11 p.m.)

10 MS. HAMILTON: Okay. I am going to fast forward to a
11 part.

12 (Audio starts at 12:05:15 p.m.)

13 MR. ALSTON: Oh, my own personal (inaudible) I took
14 (inaudible).

15 INVESTIGATOR BOLING: Okay.

16 MR. ALSTON: I mean, (inaudible).

17 INVESTIGATOR BOLING: What about the blue and the
18 yellow (inaudible), where'd that come from?

19 MR. ALSTON: You got blue pills in the back seat
20 (inaudible) ball like that (inaudible).

21 INVESTIGATOR LEARY: Pulling out (inaudible)?

22 MR. ALSTON: I think (inaudible). Yeah.

23 INVESTIGATOR BOLING: So you already have those?

24 (Audio stops at 12:06:10 p.m.)

25 BY MS. HAMILTON:

1 Q. What did he just say there?

2 A. So the start of that clip, he's saying that he
3 vacuum-seals his pills. And if we caught him with his pills,
4 they would've been tied off in a -- a bag in his pocket.
5 Then Investigator Boling asked him directly if the blue and
6 yellow pills in that blue bag were his and he said, "Yes,
7 those are mine."

8 (Audio starts at 12:06:27 p.m.)

9 MR. ALSTON: (Inaudible). Soon as I left, then the
10 police pulled up.

11 INVESTIGATOR BOLING: You had to go to York with car?

12 MR. ALSTON: Yeah, he taking back -- I got my son to
13 take this -- get this car, came back. When I came back, he
14 called me, asked and I dropped him off home. I told him I
15 (inaudible) but I thought it was just like a blue bag. I'm
16 used to drop off like little \$10. He gives me something I
17 dropped off. I looked (inaudible).

18 INVESTIGATOR BOLING: So did you have to pay him for
19 that?

20 MR. ALSTON: I was going to pay him for that.

21 INVESTIGATOR LEARY: You're going to get paid to just
22 delivered. Just on that. Who is going to pay you?

23 MR. ALSTON: (Inaudible).

24 INVESTIGATOR LEARY: Who was it, Jasmine? Zachary?

25 MR. ALSTON: Yeah.

1 INVESTIGATOR LEARY: He was going to pay you?

2 MR. ALSTON: Yeah.

3 INVESTIGATOR LEARY: Now, why did you run it out to --
4 who'd you stay out there?

5 MR. ALSTON: Trey.

6 INVESTIGATOR LEARY: Trey. Why'd you run to Trey?

7 MR. ALSTON: I was going to -- Trey out (inaudible) I
8 wanted be like Trey (inaudible) and get the mix together. So
9 I guess he said something to Trey people to hold him down
10 until he get back and I was taking out there.

11 INVESTIGATOR LEARY: Where's that at? What --

12 (Video stops at 12:07:34 p.m.)

13 MS. HAMILTON: I also have to forward to this part.

14 (Video starts at 12:07:52 p.m.)

15 MR. ALSTON: What does that mean? (Inaudible) up whole
16 thing. Something was out there. I don't even know that this
17 dude (inaudible) tell no lie, don't want to go home. And I
18 (inaudible) her sign the over there for me. Want to go drop
19 it over with people last night. (Inaudible) I own all the
20 pills and the little bag of pills. Got a bunch of
21 (inaudible). That's my -- the blues and yellows.

22 INVESTIGATOR LEARY: Yeah. Were you getting broken
23 down into the hundred sets?

24 MR. ALSTON: The reason I own the bag was to sit my
25 set.

1 (Audio stops at 12:08:37 p.m.)

2 BY MS. HAMILTON:

3 Q. You mentioned "Broke it down into a hundred sets."
4 What I'm going to do is show this picture -- the ability to
5 publish? I will just hold it up. You just talked about a
6 hundred sets of pills. This is State's Exhibit Number 9.
7 Looking at these photos of the pills, how was that relevant
8 to what he just said?

9 A. Investigator Boling and I were again questioning
10 him about the -- the narcotics in the bag. He changed his
11 story again and told us that these had now came from an
12 individual named Donk, not Zach, not Stanko, but that the
13 blue -- the ecstasy pills in the blue book bag were his. And
14 then the -- he said the mixed pills. We asked him if he was
15 talking about the -- the blue pills and the yellow pills
16 broken down into a hundred sacks. He said, "Yes." And these
17 are the pills as we collected them out of the blue book bag
18 broken down into subsets of 100 each.

19 Q. What is it relevant to, breaking these down into a
20 hundred sets?

21 A. They're packaged for distribution and sale.

22 (Audio starts at 12:10:25 p.m.)

23 MR. ALSTON: (Inaudible) back seat, whatever right
24 there. That was something I had to do (inaudible) back seat.
25 So I'm not lying to you anymore.

1 INVESTIGATOR LEARY: So I think we're getting there.

2 Where is --

3 MR. ALSTON: (Inaudible) Jackson whenever he comes
4 through, I say (inaudible) he say something for me, he drop
5 it off and scared as shit. I had to call him before
6 (inaudible).

7 (Audio stops at 12:10:52 p.m.)

8 MS. HAMILTON: And also, fast forward to another
9 portion.

10 (Audio starts at 12:11:32 p.m.)

11 MR. ALSTON: (Inaudible) I keep my mask on. They keep
12 the masks on (inaudible) off. It'll be purple blocks, blue
13 blocks, white block. I see the gray block. (Inaudible) my
14 machine counter. The machine, they going to do it again
15 (inaudible).

16 (Audio stops at 12:11:52 p.m.)

17 BY MS. HAMILTON:

18 Q. Could you explain to the jury what we just heard
19 there and what he's talking about getting the machine -- the
20 pills off the machine and counting them and getting paid for
21 that. Could you explain that to the jury?

22 A. Yes, ma'am. So he was talking about -- there, how
23 -- you hear make -- mention of wearing a mask or a mask.
24 Doesn't inhale any of the byproducts. So when you make pills
25 utilizing a -- a pill press, you picture a big funnel where

1 you pour raw product into.

2 So mixtures of raw fentanyl and a binding engine,
3 typically, and a big mechanical flywheel almost kind of looks
4 like an engine or a (inaudible) man's engine will crush that
5 -- that powder into a small circular form like you see in
6 these photographs or in the evidence items with stamps on
7 them. And it'll spit it out as individual pills into a tray.

8 So you can either count those by weighing them and
9 trying to subdivide based on that, you know, a hundred grams,
10 maybe a thousand pills or you can sit there and -- and
11 physically count pills one by one, which is what the
12 Defendant is referring to there saying they got \$1,500 to
13 count pills as they came out of the machine.

14 (Audio starts at 12:12:55 p.m.)

15 MR. ALSTON: (Inaudible) have possession of it
16 (inaudible).

17 INVESTIGATOR LEARY: Why did you have possession of it?

18 MR. ALSTON: (Inaudible).

19 (Audio stops at 12:13:30 p.m.)

20 BY MS. HAMILTON:

21 Q. And he just said, "It's not mine." What was he
22 referencing?

23 A. He was referring to the -- the pill press he had
24 been talking about there. He did not physically purchase the
25 pill press. He pays somebody to use it so they can -- it's a

1 small enough item that you can deliver it in the back of an
2 SUV or pickup truck and make it mobile.

3 (Audio starts at 12:13:42 p.m.)

4 INVESTIGATOR LEARY: So what happened on Sunday? I
5 mean you got video of you making it.

6 MR. ALSTON: Somebody called (inaudible) was arguing
7 (inaudible).

8 (Video stops at 12:13:53 p.m.)

9 BY MS. HAMILTON:

10 Q. Is that what you're referencing?

11 A. Yes, ma'am.

12 Q. Okay. So when he says he -- he use a binder at
13 fee to use the machine. Can you explain how that works?

14 A. Yes. Is -- so it is essentially exactly as he
15 said. He pays a fine's fee to whoever owns a pill press. I
16 don't know what the dollar figure he was explicitly paying.
17 But you can give somebody \$500, \$1,000, and basically make
18 your own pills with your own provided product on somebody
19 else's press.

20 (Audio starts at 12:14:27 p.m.)

21 INVESTIGATOR LEARY: You got to pay to run this machine
22 at your dad's house?

23 MR. ALSTON: I got to pay to use the machine.

24 INVESTIGATOR LEARY: You got to get the machine? Who
25 do you got pay?

1 MR. ALSTON: Boulevard (inaudible). Boulevard
2 (inaudible).

3 INVESTIGATOR LEARY: Did you return it?

4 MR. ALSTON: Never returned it.

5 INVESTIGATOR LEARY: What did you bring it to?

6 MR. ALSTON: (Inaudible).

7 INVESTIGATOR LEARY: You're telling me Venus is doing
8 it big these days?

9 MR. ALSTON: Shocking, right?

10 INVESTIGATOR LEARY: Yeah, because he used to be locked
11 up for everything.

12 MR. ALSTON: Man, I'm going to tell you the truth
13 (inaudible) change your life. But they (inaudible) them boys
14 don't change it. Like, they keep doing the same, though.

15 INVESTIGATOR LEARY: So where do you get your product
16 from, right? If you -- if you make your pills down there,
17 where's the --

18 MR. ALSTON: I grab that fentanyl (inaudible).

19 INVESTIGATOR LEARY: What you -- what are you using
20 with it? How are you making the pills stick?

21 MR. ALSTON: I buy a bag of (inaudible) like -- use
22 some (inaudible), you know. Or I'll buy a bag about this
23 week, about thousand (inaudible).

24 (Audio stops at 12:15:53 p.m.)

25 MS. HAMILTON: I'm going to fast forward for time

1 purposes to another portion that's relevant. Skip.

2 (Audio starts at 12:16:04 p.m.)

3 MR. ALSTON: (Inaudible) pills had stamp.

4 INVESTIGATOR LEARY: So because you have today, you
5 made it Sunday? That's still not working for me. You told
6 me that you had (inaudible) Sunday, A215.

7 (Audio stops at 12:16:30 p.m.)

8 BY MS. HAMILTON:

9 Q. You said, "A215." Could you explain the relevance
10 of A215?

11 A. A215 refers to the trademark or the impression
12 left in these fentanyl pills as he sees them. So all the
13 blue pills that you've looked at and seen photographs of
14 pills are -- have a -- a stamp in them that says A215. He's
15 telling us that Sunday he made those blue pills with the A215
16 stamp impressed on them.

17 Q. And in using the A215 stamp, why do manufacturers
18 use this stamp? What is the relevance of the A215?

19 A. So both the A215, which is the blue pills, and the
20 T189, which is stamped on the yellow pills, are stamps used
21 by legitimate, like, pharmaceutical companies. They're
22 designed or initially designed to mimic or look like pills
23 that you were prescribed from the doctor. So you've
24 prescribed maybe an oxycodone derivative or a hydrochloride
25 derivative. You go -- you fulfill your -- your prescription

1 at a -- a pharmacy and then maybe stamped A215 in blue. So
2 these are designed to look like legitimate pharmaceuticals.

3 (Audio starts at 12:16:33 p.m.)

4 MR. ALSTON: When I came and got \$10, I ain't had like
5 \$2, I bought (inaudible).

6 INVESTIGATOR LEARY: But you had mix -- you had blues
7 and yellows in there. So you first to stamp half through on
8 Sunday?

9 MR. ALSTON: Right.

10 INVESTIGATOR LEARY: Because those were yellow, said
11 T189. Yellow said T1.

12 MR. ALSTON: Yeah.

13 INVESTIGATOR LEARY: Blue say A215.

14 MR. ALSTON: Yeah.

15 INVESTIGATOR LEARY: So if you ran blues on Sunday. So
16 where'd the yellows from?

17 MR. ALSTON: Already there.

18 INVESTIGATOR LEARY: You got a bunch more yellow than
19 you did blues in there. You had --

20 MR. ALSTON: All yellow than I ran the big --

21 INVESTIGATOR BOLING: before you see the video?

22 MR. ALSTON: That's where I was ready, yellow.

23 INVESTIGATOR LEARY: How'd you change your color,
24 though?

25 MR. ALSTON: Mix.

1 INVESTIGATOR LEARY: About different color mixes?

2 MR. ALSTON: You go to these stores, right? And get
3 that shit. You go to the (inaudible), get to mix some of
4 that. Yeah. (Inaudible) pharmaceutical, smoke weed
5 (inaudible) machine. That's true. (Inaudible) I have my
6 own, man. As far as he owns one, I know he does, he wants me
7 -- he wants me to find him a stamp. Him and Trey were coming
8 for A215 stamp for a few days though. I haven't made to find
9 the A215 and my protein is down.

10 INVESTIGATOR LEARY: Maybe it was access to pills
11 there? Where did those come from?

12 MR. ALSTON: No. Those were those.

13 INVESTIGATOR LEARY: Where did those come from? Those
14 are (inaudible), correct?

15 MR. ALSTON: (Inaudible).

16 (Audio stops at 12:19:45 p.m.)

17 MS. HAMILTON: And lastly, I'm going to fast forward to
18 the last part I want to ask you about.

19 (Audio starts at 12:20:14 p.m.)

20 MR. ALSTON: (Inaudible) 500 pills.

21 INVESTIGATOR LEARY: She was a (inaudible) down there.

22 MR. ALSTON: I really was going in circles with this, I
23 really. (Inaudible) you money, I'll be losing all that shit.

24 INVESTIGATOR BOLING: Do you know how many pills
25 (inaudible)?

1 INVESTIGATOR LEARY: You said you were there from like
2 12:00 to 7:00 Sunday, right? How many pills you produce in
3 those seven hours?

4 MR. ALSTON: This was a faster machine. Machines can
5 produce like five -- four -- four to five (inaudible), but
6 due to a random machine, it brought me to be sitting there
7 six hours and maybe 15 -- 12,000 pills or so.

8 (Audio stops at 12:20:51 p.m.)

9 BY MS. HAMILTON:

10 Q. So basically, throughout this interview, what did
11 you conclude at the end of this interview?

12 A. Both Investigator Boling and I had -- had spoken
13 about it, and throughout the interview, the best we got from
14 that was that he had manufactured the pills in the -- in his
15 possession the Saturday and Sunday prior to us. We do
16 believe that he had purchased those ecstasy pills from a -- a
17 third party and that the heroin -- the bulk heroin was one of
18 the narcotics as well as the fentanyl that are going into the
19 -- the pills.

20 Q. At the conclusion of your investigation, what did
21 you ultimately charge the Defendant, Londell Alston, with?

22 A. We charged him with trafficking heroin greater
23 than 28 grams, trafficking fentanyl greater than 28 grams,
24 trafficking methamphetamine greater than 200 grams,
25 possession of a firearm during the commission of a violent

1 crime, trafficking narcotics. All three counts of those are
2 a violent crime in South Carolina. And then possession of a
3 firearm by a person who had a -- a previous conviction for
4 distribution of a controlled substance.

5 Q. And he did have a qualifying conviction for
6 distribution of controlled substance on his record, correct?

7 A. Correct.

8 Q. You see the person in the courtroom today who you
9 interviewed and confessed to possessing and manufacturing the
10 drugs found within the vehicle he was driving the night of
11 July 14, 2023?

12 A. Yes, ma'am. Mr. Alston is seated in the gray
13 shirt with the Defense.

14 MS. HAMILTON: Thank you. Please answer any questions
15 the Defense might have.

16 THE COURT: Ladies and gentlemen, we're going to break
17 for lunch at this point in time. It's very close to 12:30.
18 I want to give you at least 90 minutes, and also my staff 90
19 minutes. And so, we're going to be a little over that, over
20 the 90 minutes, but nonetheless, we're going to return at
21 2:00. Return at 2:00. So you might need to be back a few
22 minutes before 2:00.

23 Again, we're all adults, get here whatever. But I'll
24 be ready to go at 2:00. Do not talk about the case while
25 you're on break for lunch. Don't try to do any

1 investigation. And Madam Forelady, if you'll take the jury
2 out for lunch.

3 (Jury exits at 12:22:06 p.m.)

4 THE COURT: Investigator, you may leave the stand, but
5 you're not allowed to talk to anyone about your testimony. I
6 know you know that from your years of experience, but I must
7 remind you here on the record. Don't talk to anyone about
8 your testimony. Be back there at 2:00, please.

9 THE WITNESS: I appreciate it, your Honor.

10 THE COURT: Thank you.

11 (Off the record at 12:22:53 p.m.)

12 (On the record at 2:07:01 p.m.)

13 THE COURT: Bring up the jury.

14 (Jury Enters at 2:07:17 p.m.)

15 THE COURT: Madam Forelady, everything good with the
16 jury?

17 JUROR NUMBER 39: Yes, your Honor.

18 THE COURT: Thank you. Counsel?

19 MR. NIEMIEC: Thank you, your Honor. May it please the
20 Court?

21 THE COURT: Yes, sir.

22 RE-CROSS EXAMINATION

23 BY MR. NIEMIEC:

24 Q. Isn't it true you threatened my client during this
25 interview?

1 A. No, sir.

2 Q. Isn't it true you made promises for leniency
3 during this interview?

4 A. No, sir.

5 Q. Isn't it true you called my client a liar several
6 times?

7 A. Yes, sir.

8 Q. Would it surprise you to learn 8 to 10 times in
9 about the hour and a half this interview took place?

10 A. No, it would not.

11 Q. The time of the interview was -- it began around
12 3:10, is that right?

13 A. Probably so. It was in the early morning hours
14 after the traffic stop.

15 Q. I think you testified that you got called at 10:00
16 -- I mean at 12:00 and --

17 A. Yeah, it was after 12:00. We got off shift at
18 12:00, and I would've been on my way home.

19 Q. Wee early -- wee early morning hours though,
20 correct?

21 A. Certainly, yes.

22 MR. NIEMIEC: Could we publish beginning at five
23 minutes and six seconds? And ending at 6:43?

24 (Audio starts at 2:09:54 p.m.)

25 INVESTIGATOR LEARY: Today is Friday, July 14th,

1 approximately 3:10 a.m.

2 (Audio stops at 2:10:34 p.m.)

3 MS. HAMILTON: What time again?

4 MR. NIEMIEC: 5:06 to 6:43, please.

5 (Audio starts at 2:10:52 p.m.)

6 INVESTIGATOR LEARY: (Inaudible) wanted to get a job in
7 (inaudible), so you borrowed this place a car today?

8 MR. ALSTON: Yes, sir. (Inaudible).

9 INVESTIGATOR LEARY: You got out of York?

10 MR. ALSTON: Uh-huh.

11 INVESTIGATOR LEARY: Who's that? Who'd you borrow it
12 from?

13 MR. ALSTON: Zach.

14 INVESTIGATOR LEARY: Zach?

15 MR. ALSTON: Uh-huh.

16 INVESTIGATOR LEARY: What's Zach's last name?

17 MR. ALSTON: (Inaudible).

18 INVESTIGATOR LEARY: Is that who's in your wallet? You
19 just hold on. Is that (inaudible)?

20 MR. ALSTON: I got another one in my car.

21 INVESTIGATOR LEARY: I got you. Is he a white guy?
22 Black guy?

23 MR. ALSTON: White guy.

24 INVESTIGATOR LEARY: What car (inaudible)?

25 MR. ALSTON: (Inaudible).

1 INVESTIGATOR LEARY: Yeah. You said your car was
2 (inaudible)?

3 MR. ALSTON: (Inaudible) now.

4 INVESTIGATOR LEARY: Oh, really?

5 MR. ALSTON: Yeah.

6 INVESTIGATOR LEARY: Were you driving?

7 MR. ALSTON: (Inaudible).

8 INVESTIGATOR BOLING: All right. So you know what
9 (inaudible) car today?

10 MR. ALSTON: (Inaudible) I -- I didn't (inaudible) put
11 it on the chair. I'm staying (inaudible). I didn't want to
12 (inaudible).

13 INVESTIGATOR BOLING: (Inaudible) take a window out of
14 (inaudible)?

15 MR. ALSTON: (Inaudible). Not going to lie to you.

16 INVESTIGATOR BOLING: Ain't going to lie to anyone.

17 (Audio stops at 2:11:51 p.m.)

18 BY MR. NIEMIEC:

19 Q. Now he -- my client says that he borrowed the car
20 from Zach. When Officer Rhoads testified, he said that he
21 gave you a call at the scene?

22 A. Yes, sir.

23 Q. And he told you that -- I believe his testimony in
24 the video showed that he said the car wasn't Mr. Alston's,
25 but it belonged to a woman. But he had seen a Zach driver --

1 driving it?

2 A. Yes, sir.

3 Q. Do you recall that? Are you familiar with this
4 Zach person?

5 A. Yes, sir.

6 Q. Isn't it true that he's under suspicion or charged
7 with his own drug offenses?

8 A. I haven't worked a case personally on him. I know
9 the name from previous interviews. I'm not sure where he's
10 as far as...

11 Q. You don't know if he's currently facing charges?

12 A. No, I have no idea.

13 Q. But you know him through your -- your job?

14 A. Yes, sir.

15 Q. Investigating him?

16 A. I have never personally investigated him, no.

17 Q. Are you aware that he's being investigated or has
18 been investigated?

19 MS. HAMILTON: Your Honor, objection.

20 THE COURT: What's the objection?

21 MS. HAMILTON: Asked and answered already.

22 THE COURT: Give him a little bit of leeway, he's on
23 cross. Go ahead.

24 THE WITNESS: I -- I have heard his name come up in
25 interviews. I don't know anything about ongoing

1 investigations with him. No.

2 BY MR. NIEMIEC:

3 Q. You've heard his name come up in interviews in
4 relation to drug dealing?

5 A. Yes, sir.

6 MR. NIEMIEC: Okay. Could we publish 7:34 to 8:05?

7 (Audio starts at 2:12:09 p.m.)

8 INVESTIGATOR LEARY: (Inaudible) more pills on that?
9 (Inaudible) from?

10 MR. ALSTON: I don't (inaudible). I don't (inaudible).
11 Yeah, before I got there, he said he would offer me the car.
12 I'd use the car (inaudible).

13 INVESTIGATOR BOLING: Texted him on the phone?

14 MR. ALSTON: (Inaudible).

15 (Audio stops at 2:12:33 p.m.)

16 MR. NIEMIEC: Could we also publish 8:32 to 9:35?

17 (Audio starts at 2:12:35 p.m.)

18 INVESTIGATOR LEARY: We -- we'll get to that, but you
19 -- I'm going to rewind this a little bit, okay? So have you
20 ever talked to a drug unit before? So essentially what
21 happens, in Rock Hill Police Department you're over today,
22 right? Arrested you, you made all that stuff, so -- okay?

23 The drug unit does -- obviously, we come in and take
24 major cases, work major crimes, stuff like that. I got my
25 work phone. From there, what we'll do is, we'll adopt this

1 case from -- from -- it's no longer in Rock Hill Police
2 Department's control anymore. So we come from drug unit.
3 (Inaudible) this is not -- it's not necessarily true. So
4 there's a lot of different avenues who can take here.

5 MR. ALSTON: I told him that (inaudible).

6 INVESTIGATOR LEARY: Which is fine. And we can make
7 stuff up and we can -- like I told you out there, I mean, it
8 is as much -- we can do as much on our end as you'll do at
9 your end. But I'm going to tell you this, it's going to
10 already be truthful and I can tell you for an absolute fact
11 and certainty that you're not up to it right now. You know,
12 (inaudible).

13 (Audio stops at 2:13:58 p.m.)

14 MS. HAMILTON: 35?

15 MR. NIEMIEC: Yeah. Thank you.

16 BY MR. NIEMIEC:

17 Q. During this interview, did you discuss with my
18 client, you know, potential penalties or how long he might be
19 incarcerated for?

20 A. Yes, I believe I told him the -- the ranges of
21 each of the offenses.

22 Q. Did you also tell him effectively with those
23 ranges that he could spend the rest of his life in jail?

24 A. Yes, sir.

25 MR. NIEMIEC: Now, could we -- I'm sorry -- could we

1 publish 12:52 to 13:17?

2 (Audio starts at 2:14:33 p.m.)

3 INVESTIGATOR LEARY: Down here, fresh opportunity. You
4 can come clean with me; we can work on some stuff. We can
5 help you out on that kind of thing. Or you can keep on this
6 line you keep on here, I'll walk you back there. You know,
7 it is what it is.

8 MR. ALSTON: Already told you that's (inaudible).

9 INVESTIGATOR LEARY: No, no, no. What I want you to do
10 is be truthful with me. I know that's not the truth. Matter
11 of fact, I can say for certainty that I know that you sell
12 those specific...

13 (Audio stops at 2:15:17 p.m.)

14 MR. NIEMIEC: Stop it there, please.

15 BY MR. NIEMIEC:

16 Q. Now, you testified on direct and you listened to
17 some of the audio about what's in the bag and you were asking
18 my client if he knew what was in the bag.

19 MR. NIEMIEC: Could you publish 39:20 to -- I'm sorry,
20 39:10 to 40:20. And this is one minute before that
21 conversation happened, the conversation you had on direct
22 where my client began to tell you what's in the bag. Can --
23 play the first, the minute before that. 39:10 to 40:20.

24 (Audio starts at 2:15:56 p.m.)

25 (Audio stops at 2:16:14 p.m.)

1 MR. NIEMIEC: Can we pause it really quick?

2 BY MR. NIEMIEC:

3 Q. Sounds like you're coming back in the room.

4 A. Yes, sir. Probably.

5 Q. Okay. So you just started it at 39:10. So the
6 interview has been about 39 minutes at this point. Would
7 that be fair to say?

8 A. Yes, sir.

9 Q. The audio starts with the -- it's -- it's Friday
10 or whatever the date was, time is 3:10 in the morning. So it
11 starts there, 39 minutes and 10 seconds later, you're coming
12 back in the room?

13 A. Yes, sir.

14 MR. NIEMIEC: Okay. Please go ahead and start again to
15 40:20, please.

16 (Audio starts at 2:16:46 p.m.)

17 INVESTIGATOR LEARY: So him and I kind of talking about
18 all you told us so far, kind of holding back on, I think
19 you're holding back. I think you're holding back potentially
20 what I want to know (inaudible).

21 MR. ALSTON: What (inaudible).

22 INVESTIGATOR LEARY: Again, I think what I want you to
23 do right now is I want you to tell the truth (inaudible).
24 All different things you do, I want you to tell me, because
25 like I said, we've both been doing this for a good while. We

1 know the rules of York County, (inaudible) as well. So all
2 that's all I'm asking from you is -- all I'm asking you, I'm
3 sure, kind of tell me truth (inaudible).

4 MR. ALSTON: (Inaudible).

5 (Audio stops at 2:17:43 p.m.)

6 BY MR. NIEMIEC:

7 Q. So prior to that -- that last 39 minutes, my
8 client essentially told you that he borrowed the car, he
9 didn't know what was in the car. He got upset when he found
10 out there was drugs in the car. That's why he kicked the
11 window. And he's told you that version of a -- of events, is
12 that correct?

13 A. Yes, sir. I believe that's the --

14 Q. So after that, you come back in and tell him,
15 "Hey, I don't think you've been truthful and -- you know,
16 enough, in order for us to continue to talk or work together,
17 we need you to be truthful." Is that correct?

18 A. Sure.

19 MR. NIEMIEC: Can we play publish 55:14 through 56:24?

20 MS. HAMILTON: 56:24?

21 MR. NIEMIEC: Yes. 55:14 to 56:24.

22 (Audio starts at 2:18:46 p.m.)

23 INVESTIGATOR LEARY: I think -- and I think you want
24 say tell us a story. You just kind of -- you're trying to
25 fuel us out as much as we're trying you know, right? We're

1 trying to see if (inaudible) with us, you're trying to push
2 us see what we know. We just want to know that you're not
3 telling us the exact truth. I think you've given us bits and
4 pieces like you giving us stuff you heard, that kind of
5 thing, you know.

6 Like I said, we've both been doing this long time.
7 We've talked to a lot of guys in that chair. Guys are
8 sitting in your chair that are in federal prison now, and
9 other dudes that are, you know, walking the streets of
10 Charlotte. Just depends on what kind of opportunity you want
11 to take. And they want be over there themselves and
12 families, that kind of thing. Going to push you away other
13 (inaudible) make your own choices, but kind the crossroads
14 right now.

15 MR. ALSTON: (Inaudible) the Attorney General's Office.

16 (Audio stops at 2:19:58 p.m.)

17 BY MR. NIEMIEC:

18 Q. So in -- in that little clip, it sounds like,
19 "Take what opportunity you want to take, work with us, be
20 truthful, tell us, you know, what happened that night."
21 Correct?

22 A. Yes, sir.

23 Q. And then there's a threat of federal prosecution,
24 is there not?

25 A. No, sir.

1 MR. NIEMIEC: Could we play 56:47 to 57:33?

2 (Audio starts at 2:20:58 p.m.)

3 MR. ALSTON: What -- what's happening now?

4 INVESTIGATOR LEARY: 28 grams which is (inaudible).

5 MR. ALSTON: (Inaudible) the right thing (inaudible).

6 INVESTIGATOR LEARY: (Inaudible) guy was kind of
7 telling you before. So we've already pulled your case,
8 right? So (inaudible) tell you what? Does anybody know
9 you're arrested? Anybody know you're arrested? Does that --
10 does it go give y'all -- all you are right now, way to drop
11 it off (inaudible). You can make it all (inaudible) or
12 something like that.

13 So we can -- we can do as much as -- kind of like I
14 said before, we can do as much as you want to do. We can do
15 as little as you want to do. But this case -- now that we
16 pulled your case, they're assigned to our specific
17 prosecuting attorneys.

18 (Audio stops at 2:21:58 p.m.)

19 BY MR. NIEMIEC:

20 Q. My client gave you consent during this interview
21 to access his phone, isn't that correct?

22 A. Correct. We provided him with a consent to search
23 form, which he signed and did.

24 MR. NIEMIEC: Could we play 1:13 and 50 seconds to 1:13
25 and 58 seconds?

1 (Audio starts at 2:22:19 p.m.)

2 INVESTIGATOR BOLING: (Inaudible)?

3 MR. ALSTON: No, they do not.

4 INVESTIGATOR BOLING: (Inaudible).

5 (Audio starts at 2:22:45 p.m.)

6 MR. NIEMIEC: And then finally, can we publish two
7 hours, six minutes and 42 seconds to two hours, seven minutes
8 and two seconds.

9 MS. HAMILTON: Wait a second. Two hours, six minutes
10 and?

11 MR. NIEMIEC: 42 seconds.

12 (Audio starts at 2:23:29 p.m.)

13 INVESTIGATOR LEARY: You got a question? We haven't
14 asked (inaudible) --

15 MR. ALSTON: What's the -- what possibility
16 (inaudible)?

17 INVESTIGATOR LEARY: Well, now I'd say it's about 50-50
18 (inaudible).

19 MR. ALSTON: (Inaudible).

20 (Audio stops at 2:23:55 p.m.)

21 BY MR. NIEMIEC:

22 Q. So I've kind of gone in order of time. I haven't
23 skipped around. It's pretty much been linear. Do you -- do
24 you believe that to be true?

25 A. Yes, sir.

1 Q. Okay. And throughout these clips you've made
2 promises to work with him if he works with you, would it be
3 fair to say that?

4 A. I don't know that I used the word promise or told
5 him I would promise him anything. I told him we could help
6 his case as much as -- as he was willing to cooperate with
7 us.

8 Q. You've used the word --

9 A. (Inaudible) multiple times.

10 Q. It's true, you've used the word "opportunity?"

11 A. Yes.

12 Q. True, you used 50-50 as far as maybe going home?

13 A. Sure.

14 Q. It's true you used the word "cooperate?"

15 A. Yes.

16 Q. So I mean, these things were said in this
17 interview, is that correct?

18 A. That is correct.

19 Q. By you?

20 A. Yes.

21 Q. And then you've also -- during this clips that
22 we've paid -- played, talked about how long he might spend in
23 jail and who -- and who might prosecute him?

24 A. Yes. Yeah, we explained all that to him.

25 Q. You said that there were no fingerprints done

1 because it was a individual defendant who had confessed, is
2 that correct?

3 A. That is correct.

4 Q. But it wasn't his vehicle. That's true as well,
5 isn't that true?

6 A. Correct. It was not his, it was -- the vehicle he
7 was operating at the time of his arrest.

8 Q. And at some point -- several points, he did deny
9 that those were his drugs, isn't that true?

10 A. The begin with in the beginning of the interview,
11 and to Officer Rhoads. Yeah.

12 Q. So at the very beginning of the stop, and then at
13 the beginning of your interview?

14 A. Yes.

15 Q. And despite that, you chose not to have it
16 fingerprinted?

17 A. Aye. That is correct.

18 Q. And that was a conscious decision that you made?

19 A. Yes.

20 Q. And then finally, throughout this -- this -- this
21 interview process, you mentioned that you had listened to it
22 in preparation for your testimony today?

23 A. Yes, sir.

24 Q. You're fairly familiar with it?

25 A. Yeah. Fairly as much --

1 Q. Not asking -- not asking --

2 A. As much as I can memorize it too, I already.

3 Yeah.

4 Q. You haven't memorized it?

5 A. No, certainly not.

6 Q. Are you aware of any time in this interview where
7 he made a confession about knowing where the gun was in the
8 car?

9 A. I don't. I remember him saying there's a -- a gun
10 in the glove box at one point, but I don't think there was
11 anything much beyond that.

12 Q. He didn't say he knew the gun was in the glove
13 box?

14 A. I -- I don't remember the exact line of it. I --
15 he may have said that he found a gun in the glove box or that
16 he retrieved the gun from a gun. I think that's actually
17 similar to what it was. He'd taken one out of the glove box.

18 MR. NIEMIEC: That's all the questions I have.

19 THE COURT: Anything at all?

20 MS. HAMILTON: Briefly, your Honor.

21 RE-DIRECT EXAMINATION

22 BY MS. HAMILTON:

23 Q. Investigator Leary, is this tactic common that you
24 use in interviewing a suspect?

25 A. Yes.

1 Q. Okay. And in your experience and all your
2 training and years of doing this, how often is it that you
3 have a defendant initially hold back information in an
4 interview?

5 A. If it's not a hundred percent of the time, it's
6 99.9. It's what I do for a living.

7 Q. And in moving forward in the interview and
8 initiating things like knowing the drugs that you found in
9 the vehicle, do you use that knowledge to elicit more from
10 them because you have a feeling they are lying based on
11 what's found?

12 A. Yes.

13 Q. And again, did you make any threats to him?

14 A. No.

15 Q. Were you pulling things out of him throughout this
16 interview?

17 A. As far as -- what do you mean by that?

18 Q. Pulling out information. Meaning, "We need you to
19 give us this, we need you to give us this."

20 A. No, no, not at all.

21 Q. Putting words in his mouth?

22 A. No. We were -- we were trying to encourage him to
23 tell us the truth instead of continuing to lie to us.

24 Q. But you never put words in his mouth?

25 A. No.

1 Q. You never told him things to say?

2 A. No.

3 Q. You never gave him information to say?

4 A. No.

5 Q. Did he seem pretty knowledgeable in this interview
6 as to fentanyl pills and manufacturer of fentanyl pills?

7 A. Yes, he did.

8 Q. At any time during this interview, did the
9 Defendant seem to be going -- let's say, falling asleep, not
10 paying attention, not engaging you?

11 A. No.

12 Q. Was he engaging you the whole time?

13 A. Yeah, he was alert and spoke to us for the
14 duration of the interview.

15 Q. And again, was he handcuffed at the time?

16 A. No.

17 Q. And did you ask him during this interview at
18 multiple times that, "We want you to tell the truth, not
19 lie?"

20 A. Correct.

21 MS. HAMILTON: Nothing further from the State, your
22 Honor.

23 THE COURT: Counsel, anything?

24 MR. NIEMIEC: Just one question, your Honor.

25 RE-CROSS EXAMINATION

1 BY MR. NIEMIEC:

2 Q. You said just now he wasn't handcuffed. He wasn't
3 free to leave, was he?

4 A. No -- no. He was under arrest.

5 MR. NIEMIEC: Okay.

6 THE COURT: Investigator, you may step down please.

7 THE WITNESS: Thank you, your Honor.

8 MS. HAMILTON: Your Honor, the State would call our
9 next witness, Barbie Traylor.

10 THE COURT: Right here.

11 THE CLERK: Raise your right hand.

12 BARBARA TRAYLOR,

13 being duly sworn, testified as follows:

14 THE COURT: And if you will adjust the microphone to
15 suit yourself. Tell us who you are and spell your last name,
16 please.

17 THE WITNESS: My name is Barbara Traylor,
18 T-R-A-Y-L-O-R.

19 THE COURT: Thank you. Solicitor?

20 MS. HAMILTON: Thank you, your Honor.

21 DIRECT EXAMINATION

22 BY MS. HAMILTON:

23 Q. Ms. Traylor, what is your occupation?

24 A. I work at the York County Sheriff's Office as an
25 evidence technician.

1 Q. And -- and being an evidence technician, what are
2 your duties throughout the day?

3 A. I take evidence in and we store it until it's
4 ready for court or ready to be disposed of.

5 Q. And how long have you worked in the evidence
6 department?

7 A. I've been with the Sheriff's office 22 years.

8 Q. Could you please explain -- we talked about the
9 evidence department. Could you explain to the jury how the
10 evidence department is basically secured?

11 A. Okay. The evidence department is inside of the
12 sheriff's office, which is a secure building. And then our
13 department -- we have different secured areas within our
14 department, but you have to have either card access or a key
15 to get in the areas.

16 Q. I'm going to hand you these items. I'm just going
17 to hand you them all. Please look at those items. Do you
18 recognize those items?

19 A. Yes, I do.

20 Q. Have you had contact with these items before?

21 A. I have.

22 Q. Okay. And how did these exhibits come into your
23 possession and your -- the contact that you had with these
24 items?

25 A. They were picked up from the -- they were picked

1 up from the DEU office in Rock Hill and brought to our office
2 in evidence by me.

3 Q. At what date were those picked up?

4 A. They were picked up July 17, 2023, at
5 approximately 9:05.

6 Q. And could you explain that evidence locker at the
7 Rock Hill Police Department?

8 A. Okay. It is -- it's located inside the DEU
9 office, which is located inside of the Rock Hill Police
10 Department. And inside of the DEU office, you have to be
11 able to have access to get into that and then the lockers
12 have keys with them.

13 Q. And do you have a key?

14 A. Our department does, yes.

15 Q. And so, that evidence locker is secured?

16 A. It is.

17 Q. Was it secured when you came to retrieve those
18 drugs on -- and gun on July 17, 2023?

19 A. It was.

20 Q. What -- before you retrieve these items, who was
21 the person who logged these items into the evidence locker?

22 A. They were put in the evidence locker by -- the
23 initials are SL, but it's Sean Leary.

24 Q. And what date was that?

25 A. That was July the 14th of 2023.

1 Q. And do you work on the weekend?

2 A. I do not.

3 Q. Okay. So when you come in on Monday, what is your
4 procedure in picking up from that location?

5 A. We typically go to our remote locations once a
6 week. And that just depends on the amount of evidence that
7 we have in those lockers to be picked up. We do sometimes go
8 twice a week, but most of the time it's once a week.

9 Q. So when you stated on July 17th, what time did you
10 pick these drugs up?

11 A. Approximately 9:05.

12 Q. And again, how did you access these items?

13 A. I went to the DEU office and then went into the
14 locker with a key and -- and brought those items out, and
15 then brought them back to the sheriff's office.

16 Q. When you first came in contact with those items,
17 the evidence bags and the gun in this case, did they appear
18 to have been tampered with in any way?

19 A. No, ma'am. No.

20 Q. Would you have taken any bags that were unsealed
21 or tampered with at that time?

22 A. No.

23 Q. What did you do with the evidence once you
24 retrieved them?

25 A. It was transported back to the sheriff's office,

1 and we log it into a computer system. We -- we check
2 everything in and then we store it in our evidence areas for
3 drugs and guns.

4 Q. And is that area a secured area?

5 A. It is.

6 Q. And as to Exhibit -- State's Exhibit -- marked for
7 identification purposes, State's Exhibit 21 through 32. Is
8 that what you did with each one of those items?

9 A. Yes.

10 Q. And how can you verify that?

11 A. It has my signature on it down at the bottom, and
12 it shows where I picked it up at the location of the DEU
13 office.

14 Q. Can you verify that for each part --

15 A. Yes. Uh-huh.

16 Q. -- item? So specifically, after you -- oh, sorry.
17 When you made contact with these items and you transported
18 them to the Moss Justice Center, were they continuously under
19 your custody and control during that time?

20 A. They were.

21 Q. And once in the evidence department, did other
22 people have access to these items?

23 A. Just the people that work in evidence.

24 Q. And I'm only going to talk about items 21 through
25 31, specifically the drugs in this case.

1 A. Okay.

2 Q. Did you have later contact with those items after
3 the date shown on the evidence department on July 17, 2023?

4 A. I did.

5 Q. Okay. And what was the purpose of you retrieving
6 those items?

7 A. They were transferred to our drug lab by me to the
8 chemist.

9 Q. And who was that chemist?

10 A. That was Cynthia Mitchum.

11 Q. And do you know what day that was done?

12 A. August the 24th of 2023.

13 Q. And when you transported those exhibits, State's
14 Exhibit 21 through 31, were those bags untampered with and
15 completely sealed when you transferred them to her --

16 A. Yes. They were.

17 Q. -- on August 24, 2023? And did you sign a date,
18 those evidence bags Exhibit 21 through 31 when they left your
19 possession and were handed over to Cynthia Mitchum?

20 A. I did.

21 MS. HAMILTON: Please answer any questions the Defense
22 may have.

23 CROSS-EXAMINATION

24 BY MR. NIEMIEC:

25 Q. Just out of curiosity, it gets locked up on the

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1 14th, you work normal business hours, so you don't really get
2 there until the 17th?

3 A. If the 17th was -- was -- I don't know what day --
4 what actual day of the week the 14th was. Was that...

5 Q. If there was a lapse like that, is that unusual
6 for a weekend to inter -- interfere?

7 A. No, it's not.

8 Q. But it's -- you access the lock to the locker
9 through a key, right?

10 A. Yes uh-huh.

11 Q. And then presumably other evidence technicians
12 have that key or have a key as well?

13 A. The key is kept in our evidence room. So whoever
14 goes to pick up, takes that single key with them.

15 Q. So you have a specific key that you keep in your
16 office here at the York County Sheriff's Office, and when
17 you're going over to Rock Hill, you grab the Rock Hill Key
18 for the Rock Hill evidence locker?

19 A. Yes.

20 Q. And then you return that key?

21 A. Yes.

22 Q. And no one else has access to -- I mean, no one
23 else has another key. There's only one key?

24 A. That's -- that's correct. In our key box. Yeah.

25 Q. So no one at Rock Hill would have a key?

1 A. No, sir.

2 Q. So when they deposit it into the evidence box, it
3 stays in that evidence box unless that lock gets open?

4 A. Correct.

5 MR. NIEMIEC: That's all the questions I have.

6 THE COURT: Anything at all?

7 MS. HAMILTON: Nothing from the State.

8 THE COURT: You may step down. Please be careful.

9 MS. HAMILTON: Your Honor, may we excuse this witness?

10 THE COURT: Any objection?

11 MR. NIEMIEC: No objection.

12 THE COURT: Ma'am, you're excused from your subpoena.
13 You may stay or go, whichever you choose.

14 MS. HAMILTON: Thank you, your Honor. State would call
15 our next and final witness, Cynthia Mitchum from the York
16 County drug lab.

17 CYNTHIA MITCHUM,

18 being duly sworn, testified as follows:

19 THE CLERK: Thank you.

20 THE COURT: Ma'am, if you will tell us who you --
21 adjust the microphone to suit yourself. Tell us who you are
22 and spell your last name please.

23 THE WITNESS: I'm Cynthia Mitchum. M-I-T-C-H-U-M.

24 THE COURT: Thank you. Solicitor?

25 DIRECT EXAMINATION

1 BY MS. HAMILTON:

2 Q. Good afternoon, Ms. Mitchum. Could you please
3 tell the jury what your occupation is?

4 A. I work in the drug analysis department at the York
5 County Sheriff's Office and I am a drug chemist.

6 Q. How long have you worked in the York County
7 Sheriff's Office drug lab?

8 A. I've been there now for 24 and a half years.

9 Q. And were you employed in that capacity in August,
10 2023?

11 A. Yes.

12 Q. What are your duties in the drug lab?

13 A. Receiving evidence and I'll test that evidence to
14 determine if it's got a controlled substance present.

15 Q. How long had you worked there prior to coming to
16 the York County Sheriff -- oh, I'm sorry. Were you employed
17 in your present capacity in August of 2023?

18 A. Yes.

19 Q. And what are your duties in that drug lab?

20 A. I receive evidence and I will test that evidence
21 for controlled substances, to see if they're present or not.

22 Q. And what education and training qualify you to
23 identify legal drugs and prescription drugs and controlled
24 substances?

25 A. I have a Bachelor of science degree in chemistry,

1 which I received from Winthrop University in 1990. And prior
2 to working with the sheriff's office, I was with the South
3 Carolina Law Enforcement Division, commonly known as SLED in
4 Columbia, South Carolina, for seven and a half years. Also,
5 in the drug analysis department.

6 Q. Have you ever been qualified in court as an expert
7 in drug identification and analysis?

8 A. Yes, I have.

9 Q. How many times?

10 A. 287.

11 MS. HAMILTON: Your Honor, the State would ask that
12 this witness be qualified as an expert in identification and
13 analysis of drugs.

14 MR. NIEMIEC: No objection, your Honor.

15 THE COURT: Without objection. Ladies and gentlemen,
16 usually, a -- a person may not -- a test witness may not give
17 opinion testimony, but when a person has -- but there is an
18 exception where someone is qualified due to their education,
19 experienced, knowledge, skill, or training, they are
20 permitted to give their opinion in certain areas. This
21 witness is now a -- is now qualified as an expert in her
22 field. That does not mean that you must accept her opinion,
23 give it whatever weight you deem advisable. Solicitor?

24 MS. HAMILTON: Thank you, your Honor.

25 BY MS. HAMILTON:

1 Q. I know y'all are probably so sick of this at this
2 point, but I'm going to hand you 21 through 31, State's
3 Exhibit, for identification purposes. It's a lot.

4 A. Okay.

5 Q. Can you just take a look at all of these items?
6 Just take a look and see if you can identify them.

7 A. And it's okay for me to stand up?

8 Q. (Inaudible). You had contact with those items
9 before?

10 A. Yes, I have.

11 Q. And how do you recognize these items?

12 A. They all have my signature (inaudible), and they
13 have my initials on the bags.

14 Q. And are they dated to show when you received those
15 items?

16 A. Yes, they are.

17 Q. And how did those Exhibits -- those specific
18 Exhibits 21 through 31, come into your possession?

19 A. I received them from Barbie Traylor.

20 Q. And do you know what date -- could you tell us
21 what date that you received those items?

22 A. I received them on 8/24 of 2023.

23 Q. When you first received those evidence items on
24 that date, did they appear to have been tampered with in any
25 way or were they unsealed?

1 A. They were closed, sealed, and it has my initials
2 and, "Okay," at the top of each bag.

3 Q. Would you have accepted any items that were
4 tampered with or appeared to be tampered with or were
5 unsealed?

6 A. No, we would've checked with the officer in
7 evidence before we would accept anything to see if everything
8 was supposed to be where it's supposed to be.

9 Q. And while the evidence was with you at the drug
10 lab, did any other people have access to these items?

11 A. No, I keep them in a contained locker that had --
12 I only have the keys for.

13 Q. And did you analyze each substance in those
14 evidence bags?

15 A. Yes.

16 Q. Okay. What tests did you run on these items?

17 A. I would run a -- first, a chemical test, which
18 gives me an idea, I take a portion of the sample and I'll put
19 it in reagent and look for a color test and that'll give me
20 an idea of what I might be looking at and then I'll take
21 another portion of this item and run it on a GC mass spec.
22 And that would give me a fingerprint of the compound. I
23 compare that to a known compound, and then give the result
24 for my analysis.

25 Q. And how well regarded and respected is this type

1 of test in, let's say, the scientific community in terms of
2 that test being pub -- submitted in publications and peer
3 reviewed?

4 A. It's the typical test that's used throughout the
5 scientific community.

6 Q. And how many times have you performed this test?

7 A. Thousands of times.

8 Q. And how reliable have you found it to be?

9 A. It's very reliable.

10 Q. Are there quality control measures associated with
11 this test to help ensure there's no contamination when you
12 test one drug, and when you're testing the next drug?

13 A. Yes. We'll run a blank sample that has nothing in
14 between -- in between each item that we run on the meth bag.

15 Q. And is this method consistent with what you know
16 and have been taught about, scientific principles and
17 procedures?

18 A. Yes, it is.

19 Q. Now, I want to go through each exhibit. I can
20 start with State's Exhibit Number 21, what I'll do above
21 (inaudible) so they can see your face.

22 A. Okay.

23 Q. And goes to each item (inaudible). For
24 identification purposes, what is State's Exhibit Number 21?
25 You can take a look at that.

1 A. Okay.

2 Q. What was contained in this bag once you received
3 it?

4 A. State -- State's Exhibit Number 21, which is item
5 three in this case, contained a compressed brown substance.

6 Q. And did you test this item for the presence of
7 controlled substance?

8 A. Yes, I did.

9 Q. And what did you find this substance to be?

10 A. State's Exhibit 21, which is also item number
11 three, was determined to contain cocaine -- I mean, I'm
12 sorry, heroin, a control one substance, weighing 505 grams.

13 Q. Hand you State's Exhibit Number 22. Take a look
14 at that one. What was contained in this bag when you
15 received it?

16 A. Okay. This also contained a compressed brown
17 substance.

18 Q. And did you test this item for the presence of
19 controlled substance?

20 A. Yes.

21 Q. What did you find the substance to be?

22 A. State's Exhibit 22, which is item six in this
23 case, was determined to contain heroin, control one
24 substance, weighing 502.8 grams.

25 Q. Hand you State's Exhibit 23. Hand you what is --

1 for identification purposes, State's Exhibit Number 23. Take
2 a look at that, please. Do you recognize the substance in
3 that bag?

4 A. Yes.

5 Q. And what substance is that?

6 A. It appeared as a compressed brown substance. And
7 State's Exhibit 23, which is item number 15 in this case, was
8 determined to contain heroin, control one substance, weighing
9 81.48 grams.

10 Q. Hand you -- for identification purposes, State's
11 Exhibit, I hand you two, 24 and 25. Okay. 24 first, please.
12 What -- what was contained in State's Exhibit 24 when you
13 received that bag?

14 A. Okay. State's Exhibit Number 24 was also number
15 -- item number 18, which was a Ziploc bag containing -- and I
16 split the items up the 18.1 and 18.2, which are still
17 contained in the bag, approximately 961 blue tablets.

18 Q. And what did you find that substance to be?

19 A. Okay. Item number 18 was determined to contain
20 heroin, a control one substance, and fentanyl, control two
21 substance, weighing 104.22 grams.

22 Q. Did you weigh the heroin and fentanyl pills?

23 A. Yes.

24 Q. Let's go -- move on to -- you stated -- the weight
25 of that, correct?

1 A. Correct. 104.22 grams.

2 Q. State's Exhibit Number 25. Could we move on to
3 that one, and what was contained in that bag when you
4 received that bag?

5 A. Okay. State's Exhibit 25 was item 21 in this
6 case, and that was a Ziploc bag containing pink powder, and
7 partial pieces of pink tablets and blue tablets.

8 Q. Okay. Did you test that substance for the
9 presence of controlled substance?

10 A. Yes, I did.

11 Q. And what did you find that to be?

12 A. Item 21 was determined to contain methamphetamine,
13 control two substance, weighing 10.22 grams.

14 Q. And moving on to State's Exhibit 26 and 27, I'm
15 going to hand you -- I'm going to hand you 26 and 27
16 (inaudible). What was contained in that evidence bag when
17 you received Exhibit Number 26?

18 A. State's Exhibit 26 -- which is item 24 in this
19 case, with a Ziploc bag containing a compressed dark brown
20 substance. And item 24 was determined to contain heroin,
21 control one substance, weighing 13.35 grams.

22 Q. Okay. State's Exhibit Number 27, what was
23 contained in that bag when you received it?

24 A. Okay. State's Exhibit 27, which is item 28 in
25 this case, was a Ziploc bag containing approximately 1024

1 yellow tablets. And item 28 was determined to contain
2 4-ANPP, which is despropionyl fentanyl, control two
3 substance, and heroin, which is a control one substance,
4 weighing 128.78 grams.

5 Q. And let's move on to State's Exhibit Number 28,
6 what was contained in that specific bag when you received it?

7 A. Okay. State's Exhibit Number 28, which is item 30
8 in this case. This is a Ziploc bag containing 200 whole
9 yellow tablets, several partial yellow tablets, and a yellow
10 powder substance. And item 30 was determined to contain
11 4-ANPP, despropionyl fentanyl, control two substance, and
12 heroin, control one substance, weighing 25.58 grams.

13 Q. We'll move on to the last three items, 29, 30, and
14 31. Item number 29. So what was contained in that bag when
15 you received it?

16 A. A State's Exhibit Number 29 was item number 31 in
17 this case, which is a Ziploc bag containing items 31.1, item
18 31.2, item 31.3, and 214 blue tablets, several partial blue
19 tablets, and blue powder substance.

20 Q. Did you test this -- these items for the presence
21 of controlled substance?

22 A. Yes.

23 Q. And what did you find that to be?

24 A. An item 31 was determined to contain
25 methamphetamine, control two substance, heroin -- heroin, a

1 control one substance, and fentanyl, a control two substance,
2 weighing 30.57 grams. And the reason for me separating them
3 was some of the blue tablets had different logos on them.
4 That's one way we identified tablets through drugs.com, and
5 they had a different logo, so I had to separate them out, and
6 one of the tablets was thinner than the other tablets, so I
7 separated that out.

8 All of the tablets did contain methamphetamine, control
9 two substance, heroin, control one substance, and fentanyl, a
10 control two substance, with a total weight of 46.75 grams.

11 Q. Thank you. Let's move on to State's Exhibit --
12 for identification purposes, 30. What was contained in that
13 bag once you received it?

14 A. The State's Exhibit Number 30, which was also item
15 33 in this case, was a Ziploc bag containing approximately
16 949 blue and pink diamond-shaped tablets with the Punisher
17 logo embossed on one side. Item 33 was determined to contain
18 methamphetamine, control two substance, weighing 231.58 --
19 I'm sorry -- 53 grams.

20 Q. Thank you. And last, State's Exhibit Number 31,
21 what was contained in that bag when you received it?

22 A. Okay. State's Exhibit Number 31, which is item 35
23 in this case, Ziploc bag containing approximately 594 blue
24 and pink diamond-shaped tablets with the Punisher logo
25 embossed on one side. Item 35 was determined to contain

1 methamphetamine, control two substance, weighing 137.32
2 grams.

3 MS. HAMILTON: Thank you, Ms. Mitchum. Your Honor, the
4 State would move to admit State's Exhibit 21 through 31 for
5 admission into evidence.

6 THE COURT: Any objection?

7 MR. NIEMIEC: No objection.

8 THE COURT: Without objection, they are admitted.

9 (State's Exhibits 21 through 31 admitted into evidence.)

10 MS. HAMILTON: Thank you, your Honor.

11 BY MS. HAMILTON:

12 Q. Did you make a -- a written report of all of these
13 findings?

14 A. Yes, I did.

15 Q. I'm going to hand you what's been marked as
16 State's Exhibit Number 34. It's been marked State's Exhibit
17 Number 34, could you please take a look at that? Do you
18 recognize that item?

19 A. Yes. This is the report that I just testified to
20 the evidence and the weights and everything.

21 Q. So that is an accurate report of your findings
22 from the drug seized on July 14, 2023?

23 A. Yes.

24 MS. HAMILTON: Okay. Your Honor, the State would ask
25 that State's Exhibit Number 34, the drug report that was made

1 by Ms. Mitchum, be admitted as evidence.

2 THE COURT: Any objection from the Defense?

3 MR. NIEMIEC: No objection.

4 THE COURT: Without objection, it's admitted.

5 (State's Exhibit 34 admitted into evidence.)

6 MS. HAMILTON: Thank you, your Honor. Please answer
7 any questions that Defense may have. Thank you.

8 THE COURT: Counsel?

9 CROSS-EXAMINATION

10 BY MR. NIEMIEC:

11 Q. Do you know anything about this case other than --
12 you know, what you've testified to about the -- the content
13 of those pills and -- and drugs?

14 A. No, that's my only role. And this is the drug
15 analyst for the stuff that's present in that box.

16 Q. Prior to doing the testing, you don't see the
17 video of -- of what happened that night or anything like
18 that?

19 A. No, I did not.

20 Q. And you don't know what happened that night?

21 A. That is correct.

22 Q. And none of your testing is a direct link of those
23 drugs to my client.

24 A. It is only what from what's on the paperwork and
25 everything like that. And I just test the drugs within the

1 package.

2 Q. So you're not here to make any specific statement
3 other than those you made on direct?

4 A. That is correct.

5 Q. And no inference would be -- should be drawn from
6 your testimony that would link directly to my client, just as
7 it concerns your testimony.

8 A. Correct.

9 MR. NIEMIEC: That's all the questions I have.

10 THE COURT: Anything at all?

11 MS. HAMILTON: Nothing further from the State, your
12 Honor.

13 THE COURT: Thank you. You may step down. Please be
14 careful. I keep saying step down. Is it a step on there?

15 UNIDENTIFIED SPEAKER: No. There's not.

16 THE COURT: Oh.

17 UNIDENTIFIED SPEAKER: It's flooring.

18 MS. HAMILTON: We would ask your Honor to please excuse
19 this witness.

20 THE COURT: Any -- any objection?

21 MR. NIEMIEC: No objection.

22 THE COURT: Ma'am, you're excused from your subpoena.
23 You may stay or go.

24 MS. HAMILTON: Your Honor, at this time, the State
25 would rest their case. Thank you.

1 THE COURT: Thank you. Madam Forelady, ladies and
2 gentlemen, the State has now rested its case, known as "The
3 case-in-chief," meaning the State does not intend to call
4 another witness. The State does not intend to introduce any
5 other exhibits, whether they be a drug -- drugs or a picture,
6 whatever it might be. The State is through. That brings us
7 to motion time.

8 As I told you earlier, I have to do a little matter of
9 law, and right now is some time that I have to hear some
10 motions from the lawyers and make some rulings outside of
11 your presence. But the good news is, is that you're right on
12 top of really close to break anyway in the afternoon.

13 So use this time for your break. It'll take a little
14 bit longer because after I make some rulings here, we need to
15 take a quick break too before we resume. So I'll -- I'll
16 take care of that while you're still out. So this might be
17 just a little longer break. This just be -- be patient with
18 us. Madam Forelady, if you'll take the jury out.

19 (Jury exits at 3:01 p.m.)

20 THE COURT: And I'll -- and I'll tell them too, we're
21 talking about the jury here. But I'll tell them at the end
22 of the day too.

23 UNIDENTIFIED SPEAKER: Okay.

24 THE COURT: Okay. Thank you. Okay. The State has now
25 rested. Any matters from the State?

1 MS. HAMILTON: Nothing from the State, your Honor.

2 THE COURT: From the Defense?

3 MR. NIEMIEC: Thank you, your Honor. May it please the
4 Court? My client thinks a directed verdict as to drug
5 charges and a directed verdict motion as weapons' charges.

6 THE COURT: Solicitor? Yes -- he made a motion, but...

7 MS. HAMILTON: Oh, State is ready for the motion. I
8 don't know if he wants to argue these things. Which -- what
9 he --

10 THE COURT: Okay. You want to argue?

11 MR. NIEMIEC: Just I -- go -- really briefly, your
12 Honor.

13 THE COURT: Yeah. He -- he's making the motion. I --
14 and he stopped. I thought he -- I thought he was through.

15 MR. NIEMIEC: Thank you. Give him a little more time.
16 As to drug charges, my client alleges the State has failed to
17 meet its burden of proof and that they have failed to prove
18 my client had prior knowledge of the drugs in the car. As
19 part of my client's argument for directed verdict, my client
20 renews his objection to the admission of the evidence as set
21 forth in his motion to suppress.

22 And as part of my client's argument for directed
23 verdict, my client renews his objections to the admission of
24 his confession, specifically. Because he contents his
25 statement was coerced and he was made promises of leeway. As

1 it concerns the gun charges, my client sets forth that the
2 State has failed to meet its burden of proof and that they
3 had failed to prove my client had prior knowledge of a gun in
4 the car.

5 As part of my client's argument for directed verdict,
6 my client renews his objection to the admission of the
7 evidence. I was set forth in his motion to suppress. And as
8 part of my client's argument for directed verdict, my client
9 renews his objection to the admission of his confession,
10 specifically because -- because he contents his statement was
11 coerced by the officers. Thank you, your Honor.

12 THE COURT: Thank you. Solicitor?

13 MS. HAMILTON: Thank you, your Honor. The State
14 believes we have met our burden to get through directed
15 verdict. We believe that the evidence presented as to the
16 gun with Officer Rhoads' hand video and testimony was evident
17 that he had knowledge of this gun. When he pulled it out, he
18 held it in his hand. Officer Rhoads did state that he was
19 not surprised that he knew it was real. We believe that is
20 enough to meets the threshold to get through directed
21 verdict, and his knowledge of possessing that weapon.

22 Additionally, we believe that the evidence presented in
23 this case meets the threshold for the weight on the heroin,
24 the fentanyl and the methamphetamine. And that he knowingly
25 possessed based on Officer Leary's testimony through the

1 interview that where he stated he knew what he had, and he
2 was in possession of the vehicle in which those drugs were
3 present. So we are asking that this directed verdict motion
4 be denied.

5 THE COURT: Yes. The Court does not weigh the evidence
6 at this stage. The -- the -- the Court merely looks for any
7 evidence and there certainly is evidence. The record is --
8 is -- is made in -- its in -- its replete with questions. So
9 the jury is a finder of fact. All the Court has to find is
10 that there is some evidence of his -- of his guilt, and
11 looking at that in the light, most favorable to the
12 non-moving party, which is the State of South Carolina. So
13 those are denied, but you are protected, sir. And you have
14 renewed your pretrial motions as well. And they're denied
15 for the same reason here to -- for enunciated and you're
16 protected there. Anything else?

17 MR. NIEMIEC: Not as far as motions, your Honor. There
18 was one thing I wanted to inquire of the Court prior to our
19 closing argument.

20 THE COURT: Sure.

21 MR. NIEMIEC: Specifically, could we go ahead and
22 decide -- determine what the request the charge may be so we
23 can potentially use those in our closing arguments?

24 THE COURT: Yes. But -- but we -- before we do that --
25 I'm going to talk with you about that. Before we do that, is

1 the Defense going to put up a -- a case?

2 MR. NIEMIEC: We will not. No -- no case.

3 THE COURT: Okay. All right. Do you want me to have a
4 colloquy with him or do you waive that?

5 MR. NIEMIEC: Let me ask.

6 THE COURT: Yes, sir.

7 MR. NIEMIEC: We will waive back, your Honor.

8 THE COURT: Okay. All right. He has -- he has waived.
9 Sir, let me ask you to do -- to do this -- please stand and
10 be sworn. Madam Clerk?

11 THE CLERK: Please raise your right hand.

12 LONDELL LASHUN ALSTON, DEFENDANT,
13 being duly sworn, testified as follows:

14 THE COURT: Sir, you may lower your hand. I'm not
15 going to ask you the series of questions that I generally
16 ask. I'm not going to read parts of the Constitution to you
17 because you have waived it. But I do want to make clear that
18 you are of clear mind and you are not taking any medication
19 or any substance. And this decision is your decision and
20 your decision alone?

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. You do not wish to put up a case and
23 you do not wish to testify?

24 THE WITNESS: No, sir.

25 THE COURT: And your lawyer certainly advised you of

1 all of that?

2 THE WITNESS: Yes, sir.

3 THE COURT: All right, sir. Thank you, sir. You may
4 be seated. Okay. And because of that, we can do -- you can
5 rest in front of the jury, and -- and -- well, you can rest
6 now and I'll allow you -- I'll -- usually while they're out,
7 and I'll allow you to rest in front of the jury so that they
8 get to see that. But does the Defense now rest?

9 MR. NIEMIEC: Defense rests, your Honor.

10 THE COURT: Defense rests. Okay. And do you renew all
11 of your motions?

12 MR. NIEMIEC: I renew all my motions and all my
13 objections.

14 THE COURT: Yes, sir. You are renewed. Any --
15 anything from the State?

16 MS. HAMILTON: Nothing from the State, your Honor.

17 THE COURT: Okay. And they are denied for the same
18 reasons here at the -- for another (inaudible). I will make
19 sure I protect you on the record.

20 MR. NIEMIEC: Thank you, your Honor.

21 THE COURT: Yes, sir. Okay. All right. We can get
22 off the record here, Madam Court Reporter.

23 (Off the record at 3:09 p.m.)

24 (On the record at 3:39 p.m.)

25 THE COURT: Yes, ma'am?

1 MS. HAMILTON: State is ready, your Honor.

2 THE COURT: Let's have the jury.

3 (Jury enters at 3:40 p.m.)

4 THE COURT: Madam Forelady, everything good with the
5 jury?

6 JUROR NUMBER 39: Yes, your Honor.

7 THE COURT: Okay. Give your attention to the Defense.
8 Yes, sir. Counsel?

9 MR. NIEMIEC: Thank you, your Honor. Defense rests.

10 THE COURT: Okay. Defense rests. All right. Madam
11 Forelady, ladies and gentlemen, what that means is the
12 Defense is not seeking to put up a -- a case -- a
13 case-in-chief, okay? They're not putting up a case, and they
14 have now rested. Now, here's where we are because we talked
15 time. The next thing that happens is the lawyers will make
16 their closing arguments to you, and then I charge you on the
17 law, and then you go to your jury room -- and retire to your
18 jury room, is what it's called to decide this case.

19 It would take about 75 minutes or so for the lawyers to
20 argue and for me to charge you on the law. And it's too late
21 in the day for me to do that. I do not -- I'm not going to
22 keep anybody here this evening. The weather's not good.
23 Roads might refreeze. I didn't have any trouble at lunch. I
24 didn't have any trouble coming this morning. That's just not
25 a safe thing to do. So what we're going to do is I'm going

1 to let you go for the rest of the day, be back here in the
2 morning, hopefully at 9:00.

3 But again, please pay attention to the county website
4 or TV. I'm not familiar with the local station here, but
5 whatever station that is, we'll be -- we will take the
6 courtroom 30 minutes after whatever -- like we did this
7 morning. The courthouse opened at 10:00 and we tried very
8 hard to open the courtroom at 10:30, thereabouts. So -- so
9 whatever the news is -- right now, we're under the impression
10 that the courthouse will open the regular time and I will
11 already be here, the lawyers will be here, and we can get in
12 court at 9:00. But please pay attention to whatever the, the
13 county says do.

14 As I told you yesterday, the Supreme Court tells us
15 that we follow the county. Whatever county we are in is what
16 we follow. So with that, I'm going to release you for the
17 rest of the afternoon, early evening. Have a good evening.
18 Don't try to do any investigation. Don't try to learn
19 anything about this case. All the testimony is in, all the
20 pictures are in, all the evidence is in, and there can be
21 nothing else added to the record. Everybody has rested,
22 okay? With that, Madam Forelady, if you'll take your jury
23 out for the afternoon evening, and we'll see you in the
24 morning, hopefully at 9:00 a.m.

25 (Jury exits at 3:43 p.m.)

CERTIFICATE OF TRANSCRIBER

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I, LATASHA JEFFERSON, a court-approved transcriber, 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 of the captioned case, relative to appeal, in the South Carolina Circuit Court 16 of York County, South Carolina, on January 22, 2025.

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

May 18, 2025.



LATASHA JEFFERSON
Transcriber

1 CONTINUATION OF PROCEEDINGS - JANUARY 23, 2025.

2 THE COURT: Good morning, Madam Forelady, ladies and
3 gentlemen. Is the jury ready? All right. Please give your
4 attention to the Solicitor. Solicitor?

5 MS. HAMILTON: Thank you, your Honor. Good morning.
6 So as you know, this is the end of the trial and this is my
7 time, and official time to argue our cases, me specifically
8 as to why I believe you should find the Defendant guilty.
9 Now, at closing arguments work, I have to go first. So I
10 have to basically anticipate what the Defense is going to
11 argue and try to tell y'all why I think that it is not valid
12 or reasonable.

13 So as I stated before that this is a simple case,
14 closed shut, but I do know that the Defense thinks it's so
15 simple, it's going to have to do with smoke and mirrors.
16 They're going to try to distract you. They're going to try
17 -- you're focused on the things away from the facts of this
18 case. The simple facts of the case. We have a confession,
19 the drugs are found in the vehicle the Defendant was driving.

20 An example as to the smoke and mirrors is going to be
21 Zach. Zach is going to be a distraction. Zach is a
22 scapegoat. You heard from Officer Leary on the stand, he
23 said, "Drug dealers don't drive their cars when they are
24 transporting drugs. They don't. That's why they're in
25 rental cars. That's why they're borrowing cars from other

1 people."

2 There's a scapegoat, Zach is a scapegoat. He doesn't
3 want to be in his car. His car wasn't broken down. He
4 borrowed the car that belonged to a female, his girl, so that
5 when he's pulled over, he has a scapegoat. He has someone to
6 blame these drugs on. That's exactly what happened in this
7 case. With smoke and mirrors. He wants you to focus on
8 that.

9 Additionally, you're going to hear about the
10 confession, another distraction. That confession, and I ask
11 that you listen to this confession, you're going to have it
12 back in the jury room. Listen to that confession. Listen
13 and hear if you can hear threats made to the Defendant.
14 There are no threats made to the Defendant. You will -- he
15 will probably say, "These are lies, coerced out of him."
16 They are not lies.

17 Look to the specifics of this case. You will see how
18 specific he gets as to the weight, to the number, to the
19 color. He did not see this bag. He did not see the contents
20 of this blue bag, but he knows everything that's in it. He
21 had no idea the bag was in the car according to him. But he
22 knows everything that's in it, down to almost to the number.
23 But he never saw it.

24 So what I want to do right now is quickly go over the
25 elements with you that we have to meet how we kind of met

1 them based on the evidence that we presented -- that we
2 presented today. You know, the charges of the Defendant
3 trafficking heroin, trafficking fentanyl over 28 grams, and
4 trafficking methamphetamine over 200 grams. So remember I
5 stated at fourth, the beginning, that knowingly possessed. I
6 just want to go over the facts of how we know that he
7 knowingly possessed these drugs and what was presented as to
8 that.

9 Most importantly, the Defendant's confession. He
10 stated willingly and voluntarily when he was told by Officer
11 Leary, "You have the right to remain silent. Anything you
12 say and do can be used against you." The Miranda Rights. He
13 said, "Okay. I'm going to talk to you. I'm going to tell
14 you what I know. I'm going to tell you everything." He
15 admits the drugs were his. Plain and simple. I asked you to
16 listen to that. You can hear him say multiple times, those
17 drugs were his. He stated that he made the blue and yellow
18 pills and he admitted the heroin block in that vehicle and to
19 the ecstasy.

20 Additionally, if you even choose to believe that he was
21 dropping off these drugs for Zach or anyone else, he knew
22 those drugs were present. That is all you need for
23 possession. He knew those drugs were present and he knew
24 they were there and he knew the contents of these drugs -- of
25 that bag. It was those drugs. More specifically as to

1 knowing the possession, he did state there were 1,500 ecstasy
2 pills. The amount of ecstasy pills found in that car were
3 1,543. He was so close, down to 43 difference.

4 He was so accurate, stated he bought them from Tyreke.
5 As you heard from Officer Leary on the stand, he said they
6 were ecstasy. Ecstasy is based on the look of the drug.
7 Ecstasy used to look like Nike logos, is what he said. They
8 all have different logos and they're colorful. They are
9 meth. The ecstasy found on the street are meth. That is
10 exactly what we tested positive for. The ecstasy pills based
11 on the look were methamphetamine. He bought them from
12 Tyreke, knowing they looked like ecstasy pills. He knew it
13 because he had bought them and he had put them in that blue
14 drawstring bag.

15 As to the weight of these, 28 grams or more of
16 fentanyl, 200 -- in heroin, 200 grams of methamphetamine you
17 heard on the stand from Cynthia Mitchum. Sorry, I have to
18 look at these numbers. As to the heroin has to be over 28
19 grams total that Ms. Mitchum stated was 1,428 grams. That is
20 well over 28 grams. That element would be met. As to
21 Cynthia Mitchum's stating on the stand as to the fentanyl,
22 the weight has to be over 28 grams. It was 325.33 grams.
23 Well over the 28. That element is met.

24 As to the methamphetamine, you heard from Cynthia
25 Mitchum. That was 425.82 grams, double the 200 grams

1 required. So that is the second element. We have to prove
2 possession. We have to prove the weight. Those elements are
3 met. Now, as I stated before, trafficking is mere
4 possession. The Defendant said it himself, he possessed
5 these drugs that night of July 14, 2023.

6 Now, I just want to go to the weapons charges.
7 Possession of a weapon during commission of violent crime.
8 Someone who has been convicted of distribution of controlled
9 substance. First element is actual possession of the
10 handgun. In both of those crimes, we see the handgun in his
11 hand. They are going to argue, like I said, I have to
12 anticipate these arguments. They're going to argue he had no
13 idea it was there. He went to look for the registration. He
14 sees the gun and he's like, "Oh, goodness, there's a gun."
15 And picks it up and holds it.

16 You saw on the video and I asked that you watch that
17 video and assess the evidence in front of you. Officer
18 Rhoads stated on the stand that he was not surprised.
19 Nonchalantly pulls out this gun. It was like, "Yeah, it's a
20 real gun." Like no big deal. Not shocked it's there. Not
21 surprised, not like, "Oh, gosh, there's a gun. I had no idea
22 it was here. I don't know if it's real or not. Sorry." No.
23 It is, "Oh, okay. Here's my gun." Holding it up casually
24 and then lays it on the seat and he asks if it's real.
25 "Yeah, it's real."

1 Someone who has no idea the gun was there would be a
2 little shocked when an officer is at the window and he pulls
3 that gun from a glove box. That's not the case. I asked
4 that you watch the video, you assess the situation. You see
5 if you believe this was actually something he did not know
6 about. We are stating he knew it was real. He knew that gun
7 was there. He had that gun to protect himself because he had
8 a large amount of drugs he was transporting. Drugs that he
9 knew were there. The drugs he made, drugs that he purchased.

10 The Defendant possessed a gun while committing a
11 violent crime. As you heard from an Investigator Leary, the
12 trafficking heroin is a violent crime. Therefore, he had
13 that gun in his possession during that violent crime. And
14 you heard from Officer Leary that he has been convicted of a
15 distribution of a controlled substance in his past.
16 Therefore, he had that gun in his possession, having been
17 convicted of that. We say those elements are met for those
18 charges.

19 Now, just briefly, I stated before, it's my burden as
20 the State to prove to you beyond a reasonable doubt that
21 Londell Alston is guilty of all of these crimes. Have to do
22 that beyond a reasonable doubt. Beyond a reasonable doubt is
23 not a hundred percent certainty. It's beyond -- proof beyond
24 a reasonable doubt is proof that leaves you firmly convinced
25 of the Defendant's guilt.

1 And as you hear the Defense arguments, please think to
2 yourself, are the Defense's explanations, are the Defendant's
3 scenarios, are the facts that they're giving forward to you
4 meant to create doubt that is reasonable? A reasonable
5 doubt? Would a drug dealer manufacture and leave a hundred
6 thousand dollars plus of a product in a vehicle where someone
7 unsuspecting just drives it around? No, that's not
8 reasonable. You heard from Investigator Leary, drug dealers
9 do not do that. They will tell someone there are drugs in
10 this car. You are transporting these drugs. So they are
11 careful not to have traffic (inaudible).

12 The Defendant not knowingly -- not knowing that that
13 car was expired, got in this vehicle to transport because
14 this belonged to somebody else. That tag was expired. He
15 didn't know the tag was expired. He thought there was just a
16 light issue, he had been pulled over, those drugs were not
17 caught, he's good to go, he's going to keep driving. No --
18 no. He knew those drugs were in that vehicle. He knew he
19 was transporting his drugs to someone that he wanted to buy
20 these drugs. A hundred thousand dollars, no one's just going
21 to leave those in a vehicle.

22 Again, another, is this reasonable to think that this
23 confession was actually the worst out of him? That threats
24 were made to him? That these are lies? They are not lies.
25 He was so specific. He was -- in that interview, he talks

1 about pill presses, how they're run. He talks about stamps.
2 He talks about the raw fentanyl. He talks about binder.
3 Listen to that interview. Listen to how specific he is down
4 to the product that he is making, what he's pressing, the
5 blues, the yellows, the -- the stamps on them as to the --
6 trying to manufacture them to look like hydrocodone. He's so
7 specific.

8 I will tell you that if me or any of my friends get
9 pulled over, they would not be able -- if 200 -- that 2000
10 pills were in their back seat, they would not be able to go
11 into lies about the specifics of how pills are manufactured.
12 They would not. They wouldn't even be able to make that up
13 because they don't know that. He knows this information
14 because he made these pills.

15 The reasonable explanation here is the Defendant gave a
16 detailed confession. He confessed to these crimes. He might
17 have hoped in his heart that there was some leniency on the
18 back end. That was not promised to him. There were no
19 threats to him. This was a willing confession that he just
20 wanted to cooperate.

21 As a jury, you were given the important -- well, as
22 fact finders to responsibly keep together all the evidence.
23 I ask that when you go back to that jury room that you do
24 that, that you think about the witnesses -- the credibility
25 of the witnesses, you think about the evidence, you think

1 about what we went through. Look at the pictures.

2 Specifically, I do -- in that interview, he was very specific
3 and you can listen to it about the hundred sets of pills, and
4 this picture that i's in evidence shows, if he did not know --
5 remember he did not see this bag, ladies and gentleman.

6 He had no idea about what was in that bag. But yet he
7 goes specifically into -- this is how it looked when it came
8 out of that blue bag. Even in the back of that patrol
9 vehicle, he could not know the color of these pills. These
10 look like just blue pills. He stated they were yellow pills
11 in a hundred sets. That's exactly what was in the bag, down
12 to the hundred set baggies. He could not have seen that from
13 the back of the patrol vehicle. He could not, but he knew
14 exactly what was in there.

15 I want you to reasonably think about the facts of this
16 case. Go over the evidence, and I know that you will duly
17 perform your role as jurors. And I ask that you find the
18 Defendant guilty of all of these kinds of trafficking:
19 Heroin, fentanyl, methamphetamine, and the two weapons
20 charges. Thank you, ladies and gentlemen.

21 THE COURT: Thank you. Defense?

22 MR. NIEMIEC: Reasonable doubt. Reasonable doubt.
23 Reasonable doubt. That's what this case is about. They have
24 to burden -- they have the burden of proof to prove their
25 case beyond a reasonable doubt. Don't forget, this is the

1 standard by which you must weigh all of the evidence, all of
2 the elements of the crime. That's the burden of the State.

3 Let's talk about the initial stop from the moment he's
4 pulled over, it is obvious to everyone involved that that car
5 does not belong to Mr. Alston. The police officer stated in
6 -- I'm sorry, the -- the Prosecutor stated in her opening
7 statement that the first thing Mr. Alston did was say, "Hey,
8 this isn't my car -- this isn't my car." Well, that's not
9 true.

10 Go back and watch the tape. And in the tape, he says,
11 "Hey, I've been pulled over by another officer today I had an
12 interaction with another police officer and he told me about
13 the taillight that's out." And the officer says, "That's not
14 what this is about. Your girlfriend must not have paid her
15 taxes." The officer knew it wasn't his car.

16 Officer Rhoads is actually the first one to indicate
17 that it's not Mr. Alston's car. He knows that before he even
18 pulls him over. He states when -- he also states later in
19 the video when he did talk to Officer Leary that he's pulled
20 over a guy named Zach in that same car. And we know from
21 Officer Leary that Zach is under investigation for drug
22 dealing.

23 She states in her opening that I wanted to use Zach as
24 a scapegoat. I just want the facts to come out and for you
25 to judge them using the standard of reasonable doubt. Zach

1 borrowed the car from his girlfriend and then let my client
2 borrow the car. That's so far what's been said. And Zach is
3 under investigation for drug dealing. And it's clearly not
4 my client's car.

5 She states he didn't see the contents of the bag before
6 he starts talking to the police in his interview. He clearly
7 saw the contents of the bag. The bag was put on the hood of
8 the officer's car, and the officer took everything out of the
9 bag and placed it on the hood. My client was in the back
10 seat of the officer's car. He clearly got a look at what was
11 being pulled out of the -- out of the car -- out of the bag.
12 So, again, there's no question this car does not belong to
13 Mr. Alston.

14 In order to find constructive or actual possession,
15 it's not enough to prove that he was in control of the car.
16 He clearly was. He was driving the car. He was sitting in
17 the car. They have to prove that he had knowledge of what
18 was in the car. Listen to the Judge's instructions after we
19 do our -- our closing arguments. He's going to tell you what
20 the law is, and the law will tell you, "Knowledge is a key
21 element to possession," and the State must prove knowledge of
22 what was in that car beyond a reasonable doubt.

23 Officer Rhoads testified the drugs were not in plain
24 view. He testified the gun was not in plain view. He
25 testified the gun was in the glove box. He testified that he

1 couldn't, upon immediately coming up to the car, see the bag
2 in the back or know that there were drugs. The drugs were
3 not in plain view. They're not in plain view to the officer.
4 When he gets there, it's reasonable to believe they're not in
5 plain view, period.

6 It is undisputed fact, given the officer's testimony,
7 that anyone walking up or getting in that car would not
8 immediately know that there were drugs in the car or a gun in
9 the glove box. When you borrow a car, if you ever have, do
10 you immediately look in the glove box? Are you required to?
11 When you borrow a car, do you immediately clean out the back
12 seat? The video shows the back seat was messy. It's a car
13 seat. There are diapers, there's junk all over the place.
14 There are clothes, plastic bags of trash, food containers.

15 You borrow someone's car, are you required to clean the
16 back seat? Are you required to inspect it? You get in the
17 driver's seat and you drive off. There's no obligation to
18 know exactly what's in that car. And the question really is,
19 did my client know what was in that car? And have they
20 proven that beyond a reasonable doubt?

21 During her opening and her closing, the State has
22 indicated that my client's demeanor is somehow nervous or he
23 knows what's up about the gun, about the drugs. Watch the
24 video. The video shows you how he acted. "Hey, I already
25 had an interaction with an officer about the taillight.

1 Here's my license." "Let me get the registration." Then the
2 gun comes out of the glove box.

3 The officer says, "Don't touch the gun." If you watch
4 the video, he grabs his wallet, he puts the gun on the seat
5 and he grabs his wallet. Because he's trying to give the
6 officer the paperwork. He then reaches back over. At this
7 point, the officer gets nervous, admittedly, so, I would be
8 too. "There's a gun, it's a traffic stop. I'm a police
9 officer." I'm not saying that the officer shouldn't have had
10 heightened awareness at that time. That's fair. But my
11 client did not touch that gun. Again, he grabs two credit
12 cards and you can see it in his hand. and he says, "I'm not
13 touching the gun."

14 They make a big deal about whether the gun was a BB gun
15 or not. My -- and whether my client knew it wasn't a BB gun.
16 We're in the South Carolina, we're in the South, we're in the
17 United States of America. You can own a gun. And those of
18 you who have or do know that there's a difference pretty
19 readily apparent between a real gun and a BB gun. You don't
20 have to know about a gun to know that a gun that you see
21 isn't necessarily a BB gun.

22 But back to his demeanor. He's calm. He does what the
23 officer says. Get out of the car. He gets out of the car.
24 He's trying to give him the registration and his license. He
25 answers all the questions. He provides the documentation.

1 He stands where he is told to stand. He gives permission to
2 search himself. We're making inferences in this case. He
3 gives permission to search himself. He gives permission a
4 second time even though the handcuffs are coming on. He only
5 gets nervous once, and that's when he's being detained and
6 not arrested, according to Officer Rhoads. And the handcuffs
7 go on.

8 Anybody who's driving, gets pulled over by the police
9 and handcuffs go on, I imagine that's going to change your
10 demeanor to some degree. But even then, he still stands
11 where the officer tells him to stand. He still follows
12 direction. He doesn't argue. He gives second consent to
13 search. He admitted -- he admittedly loses it when the
14 officer gets the bag out of the car, takes the car -- the bag
15 to the hood and starts pulling out drugs. And my client is
16 in the back seat. And yes, he yells and screams and they
17 claim he's kicking out the window. I saw no proof of that
18 provided at this trial other than them saying that in the
19 moment.

20 But yeah, he's driving a borrowed car. There's a gun
21 in the glove box he didn't know about. He's being
22 handcuffed. He's giving permission to search. Next thing
23 you know, a blue bag comes out and he starts piling drugs
24 onto the hood in the view of my client.

25 And so, my client understandably, doesn't have his best

1 moment. He's scared, he's frightened and he's worried about
2 his future in that very moment. And he didn't handle it well
3 in the back seat of the officer's car. But that's not what
4 this trial's about his demeanor in that back seat at that
5 moment. Until that moment, calm and cooperative, even though
6 handcuffs have gone on, admittedly a little nervous about the
7 handcuffs, but calm and cooperative.

8 Interestingly enough, the video shows a same -- the
9 same kind of change of demeanor in Officer Rhoads. Officer
10 Rhoads is kind of laughing a little bit here and there.

11 "Hey, why'd you bring a gun out in the middle of a stop?"

12 And he's being pretty reasonable. It's not going badly.

13 "Don't worry about the marijuana, not going to sweat over a
14 little bit of marijuana. You're just being detained. You're
15 not arrested."

16 And then he sees the bag, his demeanor changes. His
17 adrenaline kicks in. He starts kind of walking back and
18 forth, takes the bag out, puts the drug on the hood, talks to
19 his partner, immediately read him his Miranda, immediately.

20 "Let's put him in the back of the car." He kind of gets a

21 little frantic, not in a bad way, but he's just, "Oh my God,

22 look at all these drugs." Same kind of approach that my

23 client took. "Look at all those drugs." And he even says,

24 "Let's stop here, let's take a second." And he calls Officer

25 Leary.

1 But he had his own moment where his demeanor changes.
2 Finds that -- when the gun comes out of the glove box, his
3 demeanor changes. What was more friendly becomes, "Hey,
4 don't touch that gun. Don't touch that gun." Even though my
5 client hadn't touched the gun. "Get out of the car." Again,
6 it's reasonable. The change in demeanor when the gun shows
7 up by the officer corresponds to a change in demeanor for my
8 client.

9 Although, admittedly, my client wasn't that bad. And
10 then the change in demeanor by the officer when he pulls that
11 bag out of the car, corresponds to a change in demeanor by my
12 client. My point is both men have a change in their
13 demeanor, and you can see that.

14 Let's talk about the confession. State claims my
15 client made a confession. The Judge will instruct you on the
16 laws after this closing and he's going to tell you what --
17 how the -- how the law treats the facts. But you, and you
18 alone, determine what weight you give to any statements made
19 by Mr. Alston. You determine that weight based on the
20 evidence presided -- presented in this case, and has the
21 State met their burden of proof beyond a reasonable doubt?

22 The Judge will tell you a confession must be
23 voluntarily made and made of someone's own free will. This
24 means before you give any weight to a statement, you have to
25 determine if the statement made by the Defendant was made

1 voluntarily without influence of promise, or any influence of
2 a reward, or any threat of any injury, or any diminution in
3 his constitutional rights.

4 So I stumbled over that a little bit'. Was he promised
5 anything? Was he told, "We'll work with you, things will be
6 okay. 50-50." Or was he threatened? "You're going to spend
7 the rest of your life in jail. SLED are going to get
8 involved." So the interview -- the recording is two hours,
9 but the actual time they spent talking is about 75 minutes.
10 And during those 75 minutes, the police promised leniency and
11 threatened Mr. Alston several -- several times.

12 Now, the prosecutor wants you to focus on what
13 Mr. Alston said. I'd like you to focus a little bit on what
14 the State said, what the police said. So first off, and I'm
15 going to kind of go in order of the recording so you can kind
16 of follow the trajectory of -- of what's being said. We have
17 a lot of avenues we can take here, and we publish that for
18 you. We have a lot of avenues we can take here. You just
19 found what they say is over a hundred thousand dollars, worth
20 of drugs. What avenues does Mr. Alston have? We have a lot
21 of avenues we can take here.

22 We can make stuff happen. He says, "We can do as much
23 as -- on our end, as you can do on your end." But he then
24 tells him, "You're not off to a good start." Well, this
25 implies a mutually beneficial exchange. Investigator Leary

1 is telling him, "You're not off to a good start. We'll work
2 with you as long as we hear what we want to hear here."
3 Alston told him very first thing, "Hey, that car's not mine.
4 I didn't know what was in there. I borrowed it so I could go
5 to a job interview to help support my family."

6 The police then respond. "Well, you could spend the
7 rest of your life in jail. The rest of your life in jail
8 because of what was in that car." "I didn't know what was in
9 that car." "You can spend the rest of your life in jail."
10 Investigator -- Investigator Leary then says he wants to
11 start again and give Mr. Alston a fresh opportunity. "I've
12 already told you my story. Why are we starting again?" What
13 fresh opportunity? What is the opportunity? What promises
14 are being made with that statement? "We can start again,
15 give you a fresh opportunity."

16 Investigator Leary says, "We can help you out with that
17 kind of thing -- we can help you out with that kind of
18 thing." To which Mr. Alston says, "You want me to tell you,
19 that's my stuff. Help you do what you do." "Now, we want
20 you to be honest. I want you to be honest. Start again.
21 Let's be honest." The police never told Mr. Alston what to
22 say specifically, but they certainly -- but he certainly
23 understood what they wanted him to say. He told you right
24 there. "You want me to say this was mine?" "Well, let's
25 start again."

1 For the next 27 minutes, they go back and forth while
2 the story slowly morphs into what they want to hear. During
3 that 27 minutes, Mr. Alston is threatened again with how much
4 time he could get, threatened with the gravity of his
5 situation. Mr. Alston is told they are not convinced with
6 what he has told them so far, and that he's still holding
7 back. Twice the police say -- they're asking him questions
8 they already know the answers to. They already know the
9 answers. "We're not going to stop until you give us the
10 answers we already know."

11 Twice police say -- they tell Mr. Alston he's at a
12 crossroads. It's up to him what opportunity he wants to
13 take. These are their words in that interview. "It's up to
14 him what opportunity he wants to take. We already know the
15 story. What opportunity do you want to take? Investigator
16 Leary says they believe bits and pieces of his story, but his
17 story -- he's telling them stories from stuff he's heard
18 other places and that's not good enough.

19 He then tells Mr. Alston about people who haven't
20 worked with them, who spend the rest of their life in jail,
21 and people who have worked with them who are walking the
22 streets of Charlotte. It's all vague. No specifics. "Can't
23 make specifics when you're being recorded, but you work with
24 us, might be walking the streets of Charlotte." What does
25 "work with us" mean? "Tell us what we want to hear."

1 The police then tell him they work in task force with
2 the federal government. He's lucky it's 4:00 a.m., or else
3 he'd be talking to the DEA. There's no proof that the
4 federal government was even interested in this case presented
5 at this trial. No proof that the agents talked to the FBI.
6 But boy is Mr. Alston lucky. It's 4:00 a.m., and the DEA is
7 lazy. Mr. Alston's response to that is, "If I do the right
8 thing by you guys, what can I get?" Their answer is,
9 verbatim, "As much as you want."

10 So no. They don't specifically say, "We'll give you --
11 we'll let you go." They don't specifically say, "We'll give
12 you five years." They don't specifically say, "We'll drop it
13 down." "We'll give you as much as you want," is what they
14 say. How do you define a promise? Mr. Alston asked them, if
15 talking to them is going to bite him in their -- in the ass.
16 "We don't make careers out of biting people in the ass. We
17 don't make careers out of it. Otherwise, people wouldn't
18 talk to us."

19 Finally, Mr. Alston asked, "What are my chances of
20 going home? What are my chances of going home? Been in here
21 for two hours. I pulled over in a car, didn't know I had
22 drugs. What are my chances of going home?" "50-50." "July,
23 2023, January, 2025, what are my chances of going home?"
24 "50-50." Sounds like promises to me, sound like threats to
25 me. In the 75 minutes or so that they talk with each other,

1 Mr. Alston has made about 10 different promises in different
2 forms and fashion. Nothing specific, but 10 promises.

3 In the 75 minutes or so that they talk with each other,
4 Mr. Alston is threatened five times with life in jail 'or
5 federal law enforcement involved. 75 minutes, 10 time -- 10
6 promises, five threats back and forth until the story gets
7 right. Now, telling someone they're in a lot of trouble
8 isn't necessarily in and of itself a threat, but when you
9 take it, in its -- take it in its entire context back and
10 forth the, "You're lucky. It's 4:00 a.m., and the DEA isn't
11 here. This is federal way. You could go to -- you could go
12 spend the rest of your life in jail." Those things are
13 threatening.

14 They keep saying it until he tells them what they
15 believe to be true. He's called a liar 8 to 10 times during
16 those 75 minutes. Again, admitted to by Investigator Leary
17 on the stand, 8 to 10. "Sure, why not?" He's called a liar.
18 They don't believe him then, but now they want you to believe
19 him Until they get Mr. Alston to tell them their truth, he
20 continues to get alternatively promised things, and
21 alternatively threatened with things. Back and forth, back
22 and forth, promised and threatened until their truth comes
23 out.

24 Mr. Alston gives them permission to look in his phone
25 during this interview. There was no phone evidence presented

1 in this trial. You can hear him sign the paperwork or the
2 waiver. Officer Leary said, "We didn't fingerprint the
3 bags." Even though they know the car is not theirs, even
4 they -- though they know Zach has been pulled over by Officer
5 Rhoads before, even though Zach is a person who's being
6 investigated, they don't decide to fingerprint those bags.
7 They had their story; they had their confession. Why bother?
8 They had what they needed. "We don't need to fingerprint
9 now."

10 Let's talk about the gun. We've already gone over kind
11 of the sequence of events. Guns in the glove box, pulls it
12 out, puts it on the passenger seat. "Don't touch it, don't
13 touch it." Never did touch it. "Don't touch it, don't touch
14 it. Get out." The State has to prove beyond a reasonable
15 doubt -- beyond a reasonable doubt that he knew that gun was
16 in that glove box. Client didn't confess to it.

17 They want you to make inferences. "A drug dealer who
18 has a hundred thousand dollars' worth of drugs in his car is
19 not going to drive around with a gun -- without a gun. You
20 got to have that protection." Yet he is going to drive
21 around with an expired tag? He is going to get out to the
22 car and say, "Search me." An inference by its very nature,
23 is an educated guess.

24 We're talking about reasonable doubt -- reasonable
25 doubt, and they want you to guess. "Well, yeah. It sounds

1 right. A drug dealer wouldn't drive around without a gun."
2 Still doesn't prove he knew it was in the glove -- glove box.
3 Says, "He is not shocked by the gun, knows it isn't a BB
4 gun." He doesn't. He opened the glove box, there's a gun,
5 you're going for the registration. He pulls it out, the
6 officer talks to him about it, tells him, "Put it down."
7 It's what he did. Inferences are not beyond a reasonable
8 doubt.

9 Let's talk about inferences that Mr. Alston's entitled
10 to. He doesn't have to prove anything so we can consider
11 some inferences because he doesn't have to prove anything
12 beyond a reasonable doubt. He's not under the burden -- he's
13 not under any burden to prove anything to you. He's calm,
14 cooperative, follows the officer's commands, gives permission
15 twice to search him. Voluntarily speaks with the police
16 during the interview, voluntarily gives them permission to
17 search his phone.

18 Would a person knowingly -- knowing he's driving around
19 and a hundred thousand dollars' worth of drugs in the back
20 seat and a glove in the box, glove box, would he be so
21 cooperative? It's an inference you can draw. It's one you
22 can consider.

23 Mr. Alston does not have to present you a defense. He
24 doesn't have to call witnesses. He doesn't have to present
25 evidence. The only defense he needs in this courtroom is

1 being a citizen of the United States of America, and being a
2 citizen of the State of South Carolina because as such, he's
3 innocent. He's innocent until proven guilty.

4 He has no burden, no obligation, no responsibility to
5 prove his innocence. The Judge will instruct you. When he
6 does, he's going to tell you that the presumption of
7 innocence -- and you should not negatively consider the fact
8 that he did not present a defense because his defense is,
9 "I'm innocent." And they have the burden -- they have to
10 meet that burden and they have to do so beyond a reasonable
11 doubt.

12 During my opening, I told you, Mr. Alston -- told you
13 Mr. Alston would be relying on you to examine these facts
14 impartial and to apply the law the Judge is going to give you
15 to the facts. Do so, we've talked about reasonable doubt at
16 the opening and certainly in this closing. The State has the
17 burden of proving each element of the crimes Mr. Alston is
18 accused of. All of them. All of them by the same standard.
19 All of them with the same burden. All of them beyond a
20 reasonable doubt. Every single element. Not most of them,
21 all of them.

22 The State has asked you to draw inferences from certain
23 facts. That's not reason -- that's not beyond reasonable
24 doubt. Now, this is not a trial about whether Mr. Alston is
25 a good person. It's not a trial about Mr. Alston's life

1 choices. It's not a trial about how much he knows about
2 drugs, drug dealing, or drug manufacturing. It's a trial
3 about whether he was guilty of possession, trafficking that
4 night in that car. Did he know about those drugs? Did he
5 know about those -- that gun?

6 Mr. Alston was innocent when I gave my opening
7 statement, he's still innocent as I give my closing
8 statement. This trial is about whether he committed that
9 specific crime on that specific night. Nothing else. Has
10 the State met their burden of proving to you beyond a
11 reasonable doubt that he's guilty of those crimes? I contend
12 to you, they have not. I want to thank you for your service.
13 Being here, this is the process that works because of
14 citizens like you. My client thanks you and I thank you.

15 THE COURT: Thank you. Madam Forelady and ladies and
16 gentlemen of the jury, you have seen and heard the evidence
17 presented as well as the arguments of the lawyers, and it is
18 now my duty and my obligation to instruct you on the law. It
19 will then be your solemn duty and obligation to begin your
20 deliberations through which process you will decide the facts
21 and apply the law as I now instruct it to you, and render a
22 fair and impartial verdict.

23 It is your duty to determine the facts in this case,
24 and you will do that based on your own common sense
25 evaluation and examination of the testimony and the evidence

1 received during this trial. You 12 alone will decide what
2 weight to give, and what effect, and what value to be given
3 to any of the testimony or the evidence. Quite simply, your
4 obligation is -- as jurors is to give both the State and this
5 defendant a fair and impartial trial based on the evidence
6 presented and the law in this case.

7 The indictments in this case alleged several different
8 charges against Mr. Alston. And they are: Trafficking in
9 heroin, trafficking in fentanyl, trafficking in
10 methamphetamine, possession of a weapon during a violent
11 crime, and possession of a firearm by a person convicted of
12 possession with the intent to distribute. Each indictment
13 charges a separate and distinct offense.

14 Madam Forelady and ladies and gentlemen, you must
15 decide each indictment separately on the evidence, and the
16 law applicable to it, uninfluenced by your decision as to any
17 other indictment. The Defendant may be convicted or
18 acquitted on any or all of the offenses charged. And Madam
19 Forelady, you will be asked to write a separate verdict of
20 "guilty," or "not guilty" for each indictment.

21 A count one in the indictment ending in 4196 charges
22 this defendant, Mr. Londell Lashun Alston, with the offense
23 of trafficking in heroin 28 grams or more. Specifically, the
24 State alleges that he did, in York County, South Carolina, on
25 or about July 14, 2023, knowingly sell, manufacture, deliver,

1 purchase, or bring into the state, or provide financial
2 assistance, or otherwise aid, abet, attempt, or conspire to
3 do so knowingly actually, or constructively possessed 28
4 grams or more of any morphine, opium, salt, isomer, or salt
5 of an isomer thereof, namely heroin, or 28 grams or more of
6 any mixture containing any of these in violation of South
7 Carolina law.

8 Count two of the same indictment charges him with
9 possession of a firearm during the commission of a violent
10 crime. Specifically, that he did, in York County, South
11 Carolina, on or about July 14, 2023, possess a firearm during
12 the commission of a violent crime as defined by state law,
13 that crime being trafficking in heroin.

14 The indictment ending in 4197 alleges that Mr. Alston
15 did commit the offense of trafficking in methamphetamine.
16 Specifically, that he did, in York County, on or about July
17 14, 202, knowingly sell, manufacture, deliver, purchase, or
18 bring into the state, or provide financial assistance, or
19 aided, abetted, attempted, or conspired to do so knowingly
20 actually, or constructively possessed 200 grams or more of
21 methamphetamine in violation of South Carolina law.

22 The indictment ending in 4198, alleges and charges Mr.
23 Alston with the offense of traffic in fentanyl.
24 Specifically, that he did, in York County, South Carolina, on
25 or about July 14, 2023, knowingly sell, manufacture, deliver,

1 purchase, or bring into the state, or provide financial
2 assistance, or aided, abetted, attempted, or conspired to do
3 so with actually, or constructively possessing 28 grams or
4 more of fentanyl, or a fentanyl related substance, or 28
5 grams or more of any mixture containing any of these in
6 violation of South Carolina law.

7 The indictment ending in 4199, alleges and charges that
8 Mr. Alston did commit the offense of a -- possessing a
9 firearm by a person convicted of possession with intent to
10 distribute or distribution of a controlled substance.
11 Specifically, that he did, in York County, South Carolina, on
12 or about July 14, 2023, possess a firearm or ammunition after
13 having been convicted of possession with intent to distribute
14 -- distribute -- distribute -- distribution, or delivery, or
15 manufacturing of a trafficking of a controlled substance in
16 violation of law.

17 Now, ladies and gentlemen, this defendant has pled not
18 guilty to each indictment and that puts the burden of the
19 State of South Carolina to prove his guilt beyond a
20 reasonable doubt. A person charged with committing a
21 criminal offense in this state is never required to prove
22 himself innocent. I charge you that it is a cardinal, it is
23 an important and a vital rule of law that in a criminal
24 trial, no matter what the seriousness of the charge may be
25 for which a defendant stands charged, he is always presumed

1 to be innocent of the crime for which the indictment was
2 issued unless guilt has been proven by evidence satisfying
3 you of his guilt beyond a reasonable doubt.

4 The presumption of innocence does not end when you
5 begin your deliberations. It accompanies him throughout the
6 trial until you reach the verdict of guilt based on evidence
7 satisfying you of guilt beyond a reasonable doubt. The
8 presumption of innocence has been described as being like a
9 robe placed -- of innocence placed by his shoulders, which
10 remains with him from the moment of his arrest, and it
11 continues until it has been stripped from his shoulders
12 evidence satisfying you of his guilt beyond a reasonable
13 doubt.

14 The presumption of innocence is not a legal theory and
15 nor is it a legal phrase. It is a substantial right to which
16 every defendant is entitled, unless you 12 are satisfied from
17 the evidence of his guilt beyond a reasonable doubt.

18 I remind you that during this trial, you and I have
19 certain duties to perform. As the trial judge, it is my
20 responsibility to preside over the trial and to rule on the
21 admissibility of evidence offered. You are to consider on
22 the evidence before you. You are to consider the testimony
23 which has been presented from the witness stand and the
24 exhibits which have been made a part of the record.

25 Additionally, I have the duty to charge you the law

1 applicable to the case. As the Presiding Judge, I am the
2 sole judge of the law and it is your duty to accept it and
3 apply it as I now charge it and give it to you. If you have
4 any idea as to what the law is or what the law ought to be or
5 what the law should be, and it does not agree with what I
6 tell you the law is, you must abandon and forget your idea
7 because you have sworn to accept it, and apply it, as I now
8 state it to you.

9 In every case tried in this courtroom before a jury,
10 you 12 become the sole and exclusive judge of the facts. A
11 trial judge cannot make a statement or a comment to a jury
12 about a fact. You 12 are the sole judges of the facts and
13 you are not to infer from anything that I might have said
14 during the progress of this trial in ruling upon
15 admissibility of evidence that I have an opinion about this
16 case. I tell you and I charge you, the law of this state
17 does not allow me nor any other trial judge to have an
18 opinion about a fact. Facts are a matter solely for you 12
19 to decide.

20 Now, the State has the burden of proving this defendant
21 guilty beyond a reasonable doubt. Ladies and gentlemen,
22 proof beyond a reasonable doubt is proof that leaves you
23 firmly convinced of his guilt. There are very few things in
24 this world that we know with absolute certainty, and in
25 criminal cases, our law does not require proof that overcomes

1 every possible doubt. A reasonable doubt may also be
2 described as the kind of doubt that would cause a reasonable
3 person to hesitate to act.

4 If you have such a doubt as to the guilt of this
5 defendant, then he is entitled to a verdict of "not guilty."
6 Reasonable doubt may arise from evidence which is in the case
7 or the absence or lack of evidence in the case. But based on
8 your consideration of the evidence, if you are firmly
9 convinced that this defendant is guilty as charged, find him
10 "guilty," but if you think there is a real possibility he is
11 not guilty, ladies and gentlemen, you must give him the doubt
12 -- the benefit of the doubt and find him "not guilty." You
13 alone must make the determination of whether or not
14 reasonable doubt exists as to the guilt of this defendant.

15 Now, there are two types of evidence generally
16 presented during a trial and they are known as direct
17 evidence and circumstantial evidence. Direct evidence is
18 testimony of a person who claims to have actual knowledge of
19 a fact such as an eyewitness. The evidence is -- which is
20 immediately established as the main fact to be proven.
21 Circumstantial evidence is proof of a chain of facts of
22 circumstances indicating the existence of a fact. It is
23 evidence which immediately establishes collateral facts from
24 which the main fact may be inferred. It is based on
25 inference, not on personal knowledge or observation.

1 The law of our state makes absolutely no distinction
2 between the weight or value to be given either direct or
3 circumstantial evidence, nor is a greater degree of certainty
4 required for circumstantial evidence. You should weigh all
5 of the evidence and after doing so, if you are not convinced
6 of his guilt beyond a reasonable doubt, you must find him
7 "not guilty."

8 Ladies and gentlemen, during the presentation of this
9 case, you may have noticed that certain sections of the audio
10 and certain sections of the video were presented and were
11 redacted, and this is due to certain rules of the Court, and
12 that was a legal decision made by this court. Please do not
13 speculate at what -- as to what may or may not be contained
14 in these portions. Meaning, the redacted versions of the
15 evidence. You are not to hold these redaction portions (sic)
16 of the audio or video against any party.

17 Now, under the constitution of this state, you 12 are
18 the finders of facts and necessarily must determine the
19 credibility of witnesses who have testified. Credibility
20 simply means believability. It is your duty as jurors to
21 analyze and evaluate the evidence and determine which
22 evidence is convincing to you. In doing so, you may believe
23 all of what one witness says over others. You may believe
24 part of a witness's testimony or you may believe none of the
25 witness's testimony.

1 You may consider appearance and manner of a witness
2 while testifying or whether or not the witness -- how the
3 witness came to know what he or she was testifying to.
4 Whatever your good judgment and common sense tells you is the
5 most believable is the testimony you should accept and reject
6 all other testimony.

7 Now, the rules of evidence ordinarily do not permit
8 witnesses to testify to opinions or conclusions. An
9 exception exists for witnesses we call an expert. A witness
10 who by their training skill or education who has become an
11 expert in science profession or some calling may give an
12 opinion as to a relevant and material matter in which the
13 witness claims to be an expert, and may also state the
14 reasons for the opinion.

15 You should consider the expert opinion received like
16 all other evidence and give it the weight you believe it
17 deserves. If you decide the opinion of that expert witness
18 is not based on sufficient education, experience, or
19 training, or if you conclude the reasons given for the
20 opinion are not sound, you may reject it. Ladies and
21 gentlemen, an expert's testimony is to be given no greater
22 weight than other witnesses just because the witness was
23 qualified as an expert, you are not required to accept the
24 opinion even if it's not contradicted.

25 Now, I instruct you and I emphasize the fact that this

1 defendant did not testify is not a factor to be considered by
2 you in your deliberations and in consideration of the
3 question or guilt or innocence. It must not be considered in
4 any manner whatsoever. The Defendant has a constitutional
5 right to remain silent, and the assertion of his right must
6 not be considered by you in deliberations.

7 Madam Forelady, I repeat, you are to draw no conclusion
8 whatsoever from the fact that this defendant did not testify
9 or present any other form of evidence. No inference of any
10 kind may be drawn from the failure of a defendant to testify
11 or to present any other form of evidence. In particular, no
12 presumption of inference of -- of guilt may be drawn from the
13 failure of his -- failure to -- of his decision not to
14 testify. The burden of proof remains on South Carolina to
15 prove his guilt beyond a reasonable doubt.

16 Now, as members of the jury, you 12 make the ultimate
17 determination of whether: Number one, the Defendant made the
18 alleged statements. If -- number two, if he made the
19 statements, whether it was made by -- by him voluntarily and
20 of his own free will and accord. And number three, what
21 weight, if any, should be given to the alleged statement of
22 the Defendant. You 12 must determine if the alleged
23 statement or confession was a product of an essentially free
24 and unconstrained choice by its maker.

25 If you determine it was and the burden is upon the

1 State to prove this fact beyond a reasonable doubt, then you
2 may give the statement such further consideration as you deem
3 proper. If you determine the alleged statement or confession
4 was not freely and voluntarily given or expressed by the
5 Defendant, then you should not consider it at all.

6 Some of the factors that you should consider are, but
7 certainly not limited to: The age of the Defendant, the
8 mental capacity of the Defendant, his education, his
9 background and environment, his knowledge of his
10 constitutional rights, and the place and length of the
11 detention, and along with the nature of the question.

12 Now, criminal intent is a necessary element of each
13 crime that must be proved by the State beyond a reasonable
14 doubt. Criminal intent is a matter that must be determined
15 by you, the jury, from the circumstances surrounding the
16 situation. There is no way to prove intent to a mathematical
17 certainty. Medical science cannot dissect a person's brain
18 and determine what he had in mind. So our law says that
19 criminal intent may be inferred from the circumstances shown
20 to -- to have existed, and this is how you 12 make a
21 determination of whether or not the element requiring intent
22 was present.

23 Criminal intent is a state of mind which, operated
24 jointly with an act, is the commission of a crime. It is a
25 mental state. It is a conscious wrongdoing. So it is up to

1 you 12 to determine what this defendant intended to do based
2 on the circumstances shown to have existed. I tell you that
3 the State must prove criminal intent beyond a reasonable
4 doubt, just as they must prove every element beyond a
5 reasonable doubt.

6 It is not necessary to establish intent by direct and
7 positive evidence, but it must be established and may be
8 established by inference in the same way as any other fact by
9 taking into consideration the acts of the parties, and all of
10 the facts and circumstances surrounding the case. While the
11 State may prove motive, the State is not required to do so,
12 but they must prove criminal intent.

13 Now, there are two kinds of possession recognized in
14 the law of South Carolina, and they are called: Actual
15 possession and constructive possession. Actual possession
16 occurs when the object is found to be the actual physical
17 custody of the person charged with possession. Constructive
18 possession is when a person has dominion or control or the
19 right to exercise dominion or control over either the object
20 or the premises upon which the object is located.

21 Proof of possession requires more than proof of control
22 over the premises where the item was found, or control over
23 the vehicle in which the item was found. It is also
24 necessary to show that defendant knew of the item and that
25 the Defendant had dominion and control of the -- over the

1 item, or had the right to exercise dominion and control over
2 it, and show that he had the intent to control the
3 disposition of the item.

4 The legislature did not intend to require the State to
5 prove a defendant knew the specific type of illegal drug he
6 was trafficking. The State is only required to prove beyond
7 a reasonable doubt that the Defendant knew he possessed
8 controlled substances.

9 Now, state law under Title 44 alleges that the
10 Defendant is charged with trafficking heroin more than 28
11 grams. "It is unlawful to knowingly sell, manufacture,
12 cultivate, deliver, purchase, or bring into the state, or
13 provide financial assistance or aid, abet, attempt, or
14 conspire to do so, or bring into the state, or knowingly
15 actually, or constructively possessed, or knowingly attempt
16 to become an actual, or constructive possession of 28 grams
17 or more of any morphine, opium, salt, isomer, or salt of an
18 isomer thereof, including heroin as described in Title 44 of
19 our state code, or 28 grams or more of any mixture containing
20 these items."

21 Heroin is defined as any salt, isomer, or salt of an
22 isomer or any mixture or compound containing opium or opium
23 derivatives. There are three elements to the offense of
24 trafficking in heroin the State must prove beyond a
25 reasonable doubt. Number one, that the substance involved

1 was in fact heroin. Two, that this defendant had possession
2 of the heroin, either actual possession or a constructive
3 possession. And three, that there were, in fact, 28 grams or
4 more of heroin involved.

5 Under trafficking in methamphetamine. The Defendant is
6 charged with trafficking methamphetamine more than 200 grams.
7 Our state law in Title 44 says, "It is unlawful to knowingly
8 sell, manufacture, cultivate, deliver, purchase, or bring
9 into the state, or provide financial assistance, or otherwise
10 aid, abet, attempt, or conspire to do so, or bring into the
11 state, or knowingly actually, or constructively possessed, or
12 knowingly attempt to become an actual, or constructive
13 possession of 200 grams or more of methamphetamine."

14 Methamphetamine is defined as any salt, isomer, or salt
15 of an isomer or any mixture or compound containing
16 amphetamines or methamphetamine. There are three -- three
17 elements to the offense of trafficking in methamphetamine
18 that the State must prove beyond a reasonable doubt, and they
19 are: One, that the substance involved was in fact
20 methamphetamine. Two, that this defendant had possession of
21 the methamphetamine, either actual possession or constructive
22 possession. And three, that there were, in fact, 200 grams
23 or more of methamphetamine involved.

24 Now, in trafficking, in meth -- in fentanyl, under
25 Title 44 of our state code, he is charged with trafficking

1 fentanyl more than 28 grams. Our state code says, "It is
2 unlawful to knowingly sell, manufacture, cultivate, deliver,
3 purchase, or bring into the state, or provide financial
4 assistance, or aid, abet, attempt, or conspire to do so, or
5 knowingly actually, or constructively possess, or knowingly
6 attempt to become an actual, or constructive possession of 28
7 grams or more of any fentanyl or fentanyl related substance
8 as described in Title 44 of our state code, or 28 grams or
9 more of any mixture containing fentanyl or fentanyl related
10 substance."

11 Ladies and gentlemen, fentanyl is defined as any salt,
12 isomer, or salt of an isomer, or any mixture or compound
13 containing fentanyl, or any fentanyl related substance.
14 There are three elements to this offense of trafficking in
15 fentanyl that the State must prove beyond a reasonable doubt,
16 and they are: Number one, the substance, in fact, was
17 fentanyl. Two, this Defendant had possession of the
18 fentanyl, either actual possession or constructive
19 possession. And three, that there was, in fact, 28 grams or
20 more of fentanyl involved.

21 He's charged with possession of a firearm during the
22 commission of a violent crime. It is unlawful under our
23 state law. Title 16. It is unlawful to be in possession of
24 a firearm or visibly display what appears to be a firearm
25 during the attempt or commission of a violent crime. Our

1 state law provides that trafficking in methamphetamine,
2 trafficking in fentanyl, and trafficking in heroin are
3 violent crimes.

4 For you to find this Defendant guilty of the separate
5 offense of possession of a firearm during the commission of a
6 violent crime, you must first find the Defendant guilty of
7 either committing a violent crime or attempting to commit a
8 crime -- violent crime. In this case, the crime of
9 trafficking in methamphetamine, trafficking in fentanyl, or
10 trafficking in heroin.

11 If you find the Defendant guilty of trafficking in
12 methamphetamine, trafficking in fentanyl, or trafficking in
13 heroin, you must then determine whether the State has proven
14 beyond a reasonable doubt that this defendant was in
15 possession, either actual or constructive possession, of a
16 firearm, visibly -- or visibly displayed what appeared to be
17 a firearm during the commission of a violent crime.

18 Now, possession of a firearm by a person convicted of
19 possession with intent to distribute under Title 44 says that
20 he is charged with possession of a firearm and that it is
21 unlawful for a person who has been convicted of possession
22 with intent to distribute -- distribution or delivery of, or
23 manufacturing of, or trafficking in a controlled substance as
24 defined by state law to possess a firearm or ammunition
25 within the state.

1 You 12 have been selected as fair and impartial jurors,
2 sworn to impartially try and determine the facts of this
3 case. And you are to -- to decide this case according to the
4 testimony that you have heard from the witnesses along with
5 the evidence introduced. During your deliberations, you may
6 only discuss the case in the jury room with your fellow
7 jurors because they have seen and heard the same evidence you
8 have seen and heard. You must not discuss this case with
9 anyone else until you have returned a verdict in this -- and
10 the case is ended.

11 Ladies and gentlemen and Madam Forelady, whenever a
12 member of the jury requires a break for smoking, restroom, or
13 otherwise, you have to stop the deliberations. All 12 must
14 be together during the deliberation. Your verdict must be
15 unanimous, and when the jury agree -- agrees on a verdict,
16 Madam Forelady, you will indicate the verdict in the space
17 provided on the verdict form. Sign your name as the
18 foreperson, knock on the jury room door, inform the bailiff
19 you have reached a verdict, and we will receive you back into
20 the courtroom to receive the verdict.

21 Again, during deliberations, you may only discuss in
22 the jury room with your fellow jurors because they have seen
23 and heard the evidence you have seen and heard. Okay.
24 Before I explain this verdict form, Madam Forelady, I have a
25 small matter to take up with the lawyers. And so, here's --

1 here's what we're going to do. I'm getting ready to send you
2 out anyway, and while they're out, I'm going to ask the
3 lawyers -- I'm going to save some time here. When I send you
4 out, I will not send these jury verdict forms with you. I've
5 practiced law 25 years. A lot of them in this courthouse,
6 not in this part because this has been built since I've been
7 on the bench. But courtroom is down the hallway.

8 It is so easy to be making a closing argument before a
9 jury and to walk up and pick up a piece of evidence. It's
10 all yours. That's why it's been tagged. Walk back to my
11 table and lay it down like that. Face down. I don't mean to
12 do it. And now evidence is missing. And you don't have it,
13 and it all belongs to you. So I always -- I emphasize, I
14 always, as soon as I finish my charge, I send the jury out,
15 all 14 of them.

16 And when you go out, I'm going to ask the lawyers to
17 come up here, and this is my court reporter and they're going
18 to go, those have numbers on them. You've -- you've seen
19 them introduced 1, 2, 3, all the way up to 34. They're going
20 to gather up with her and make sure that it's all there. And
21 then when I send that evidence back to you with the bailiffs,
22 and I will send these jury -- jury forms -- verdict forms
23 with you, when that happens my two alternates, when -- when
24 -- when Madam Forelady receives all the evidence and receives
25 these forms, you will leave -- you will leave with the

1 bailiff and come back here, and I will dismiss you here,
2 okay?

3 It would not be proper for you to be back with the 12
4 at that point in time, okay? So right now I'm going to send
5 you out, let this be your -- your morning break and we'll
6 take one too, and you come back. They will have already
7 looked at the evidence to make sure it's there so that I can
8 explain these verdict forms and send you out to begin your
9 deliberation, okay? Don't talk about the case until I get
10 you down to 12. All right. Thank you.

11 (Jury exits at 10:15 a.m.)

12 THE COURT: I need to see the lawyers at sidebar,
13 please.

14 (Bench conference at 10:16 a.m.)

15 (Off the record at 10:17 a.m.)

16 (On the record at 10:30 a.m.)

17 THE COURT: Everybody ready?

18 MS. HAMILTON: State is ready, your Honor.

19 MR. NIEMIEC: Defense is ready.

20 THE COURT: We can have the jury.

21 (Jury enters at 10:30 a.m.)

22 THE COURT: Madam Forelady, ladies and gentlemen of the
23 jury, I misspoke. My verdict form is correct that my law
24 clerk prepared. And my notes are incorrect and it's my bad.
25 I'm sorry. But I'm going to reread one paragraph for you.

1 Possession of a firearm during the commission of a
2 violent crime, the Defendant is charged with possession of
3 this offense (sic). It is unlawful to be in possession of a
4 firearm or visibly display what appears to be a firearm
5 during the attempt or commission of a violent crime.

6 State law provides that trafficking in heroin is a
7 violent crime. For you to find him guilty of this separate
8 offense, you must first find him guilty of committing a
9 violent crime or attempting to commit a violent crime. In
10 this case, trafficking in heroin. If you find him guilty of
11 trafficking in heroin, then you must determine whether the
12 State has proven beyond a reasonable doubt the Defendant was
13 in possession, actual or constructively, of a firearm or
14 visibly displayed what appeared to be a firearm during the
15 commission of a violent crime.

16 And you'll understand why that was wrong when I said it
17 the first time and right now, I'll explain this to you. This
18 is the verdict form from which I was speaking. It has the
19 caption of the case and it has the case number up here, okay?
20 All that means is that it goes with a particular indictment
21 and it says, "We, the jury, unanimously find this Defendant
22 on the charge of trafficking in heroin, 28 grams or more, not
23 guilty or guilty." There is no -- there is no difference
24 between where I put "guilty" or "not guilty." I always put
25 not guilty on the first line and guilty on the second line,

1 but it matters not okay. They just have to go in some order.
2 And that's the way I choose -- I choose to do it.

3 It has a blank, Madam Forelady. You can put an X, you
4 can put a check mark, you can put your initials, any markings
5 that you -- that you put on here. All I ask is that you make
6 it unambiguous. You are clear that what the verdict of this
7 jury is, one or the other. And then it says, "I certify the
8 decision was the unanimous decision of this jury." Madam
9 Forelady, it has a place for you to sign your name. Okay.

10 Count two of that same indictment, and it says count
11 two, right? It says, "If you find the Defendant guilty on
12 the charge of trafficking in heroin, 28 grams or more, you
13 now may -- you must then consider Defendant's guilt as to
14 possession of a firearm during the commission of a violent
15 crime." If you find him not guilty of trafficking in heroin,
16 28 grams or more, stop here. You would not even answer it,
17 okay? If he's guilty on count one, consider this. If he's
18 not guilty on count one, do not even consider this, and I
19 will put a paperclip together for them.

20 The other verdict form going with 4197, "We, the jury,
21 find this Defendant on the charge of trafficking in
22 methamphetamine, 200 grams or more, not guilty or guilty."
23 Then you must certify that it's a verdict of the jury.
24 Unanimous verdict. Ending in 4198, the same thing. "We, the
25 jury, unanimously find this Defendant on the charge of

1 trafficking in fentanyl, 28 grams or more, not guilty or
2 guilty." Certify that it's jury's verdict.

3 And lastly, ending 4199, possession of a firearm
4 convicted of a -- of a -- of a person convicted of possession
5 with intent to distribute or of a controlled substance, not
6 guilty or guilty. Make it unambiguous. Sign your name
7 certifying that is the jury's verdict. Any questions?

8 JUROR NUMBER 39: No, your Honor.

9 THE COURT: Okay. Now, because the lawyers have now
10 taken the time to look at the evidence, I'm going to keep my
11 two alternates. I'm going to ask you -- Mr. Bailiff will
12 just have you stand aside. The 12 are going back. The 12
13 are going to be -- take that evidence with them. The
14 bailiffs will bring it to you.

15 UNIDENTIFIED JUROR: I might have some belongings in
16 there.

17 THE COURT: You have any belongings back there?

18 UNIDENTIFIED JUROR: Yes, sir.

19 THE COURT: Okay. Well, all 14 go back, and -- and as
20 soon as you retrieve them, please come back. And Madam
21 Forelady, don't start deliberating until you only have the
22 12, okay? And then under -- and -- anything else from --
23 that's -- yeah, it's all in that box. Is that where it is?

24 MS. HAMILTON: Yes, your Honor.

25 THE COURT: Okay. It's all in the box. Bailiff will

1 bring it to you.

2 (Jury exits at 10:36 a.m.)

3 THE COURT: I said this yesterday in our jury charge,
4 and I want to put it on the record. I have thoroughly
5 enjoyed working with such good lawyers. Thank you so very
6 much.

7 MR. NIEMIEC: Thank you, Judge.

8 MS. HAMILTON: Thank you, your Honor.

9 THE COURT: Panel have been released and you are now
10 released. You are welcome to stay with us and see what the
11 verdict will be, but you are certainly not required to. If
12 you choose to stay, you're going to have -- be asked to sit
13 out into the gallery as the public would do, okay? But
14 you're not required to be here. Love to have you if you want
15 to stay. Thank you. I don't know how -- I don't -- as to
16 the jury charge?

17 MS. HAMILTON: Nothing from the State, your Honor.

18 MR. NIEMIEC: Nothing from the Defense.

19 THE COURT: Thank you so much.

20 MS. HAMILTON: Thank you, your Honor.

21 (Off the record at 10:37 a.m.)

22

23 (Whereupon further discussion not related to this matter was
24 not transcribed.)

25

1 (On the record at 12:08 p.m.)

2 THE COURT: Madam Forelady, has the jury reached its
3 verdict?

4 JUROR NUMBER 39: Yes, your Honor.

5 THE COURT: Can you give that to Mr. Bailiff, please.
6 Madam Clerk will publish.

7 THE CLERK: The State of South Carolina versus Londell
8 Lashun Alston. Indictment 23-GS-46-4196, count one, "We, the
9 jury, unanimously find the Defendant, Londell Lashun Alston,
10 on the charge of trafficking in heroin, 28 grams or more,
11 guilty."

12 Verdict for Indictment 23-GS-46-4196, count two, "We,
13 the jury, unanimously find the Defendant, Londell Lashun
14 Alston, on the charge of possession of a firearm during a
15 commission of a violent crime, not guilty."

16 Indictment 23-GS-46-4199, "We, the jury, unanimously
17 find the Defendant, Londell Lashun Alston, on the charge of
18 possession of a firearm by a person convicted of possession
19 with intent to distribute -- or distribution of a controlled
20 substance, not guilty."

21 In Indictment 23-GS-46-4197, "We, the jury, unanimously
22 find the Defendant, Londell Lashun Alston, on the charge of
23 trafficking in methamphetamine, 200 grams or more, guilty."

24 Indictment 23-GS-46-4198, "We, the jury, unanimously
25 find the Defendant, Londell Lashun Alston, on the charge of

1 trafficking in fentanyl, 28 grams or more, guilty." Ladies
2 and gentlemen of the jury, if that be your verdict, say so
3 y'all by raising your right hand, please. Let the record
4 show all jurors affirm the verdict.

5 THE COURT: (Inaudible) to the jury by the State?

6 MS. HAMILTON: No, your Honor.

7 THE COURT: By the Defense?

8 MR. NIEMIEC: No, your Honor.

9 THE COURT: Thank you. Madam Forelady, ladies and
10 gentlemen of the jury, thank you. This is going to conclude
11 your service that your brothers and sisters have already been
12 dismissed. And I'll be working the rest of the day and
13 tomorrow without a jury. So we will not need your services
14 and we will not have you here. You're certainly welcome to
15 come again. As I tell you at the beginning, this is your
16 courtroom, your courthouse, and you're welcome here at any
17 time.

18 We're going to let Ms. -- Madam Forelady come up and
19 sign. She has to sign those indictments. Madam Clerk?
20 Write guilty on that. Guilty and not guilty on each one.
21 Signed everything you need to? Madam Clerk, everything?

22 Again, thank you so much for your jury service, and
23 Madam Forelady, thank you for your help with being the
24 Forelady of -- of this jury. With that, I'm going to release
25 you, and you can turn your badges in. And do I have to do

1 anything about pay vouchers? Anything that -- nothing --
2 nothing to do.

3 THE CLERK: (Inaudible).

4 THE COURT: Okay. If you need anything, the clerk's
5 office will take care of that for you. Once you turn your
6 badges in, sometimes jurors want to see -- we're going to
7 proceed to sentencing, and sometimes jurors want to see that.
8 If you do, you're welcome, but you're not required to. If
9 you do want to see it, we would ask that you go -- the
10 bailiffs will carry you back to the public area and you would
11 come back into the back and just sit out in the galley here
12 while we proceed to some motions and to -- and to sentencing,
13 okay? But you're not required to stay if you don't want to.
14 Madam Forelady?

15 JUROR NUMBER 39: Thank you, your Honor.

16 THE COURT: Thank you.

17 (Jury exits at 12:15 p.m.)

18 THE COURT: You have all your evidence, Madam Court
19 Reporter? Any matter from the State?

20 MS. HAMILTON: Just sentencing, your Honor. Nothing at
21 all.

22 THE COURT: From the Defense?

23 MR. NIEMIEC: Thank you, your Honor. May it please the
24 Court? At this time, we would renew our motion for directed
25 verdict on the same grounds, which also renew our pretrial

1 motions regarding the admission of evidence and the admission
2 of my client's statements. In the event that the Court does
3 not grant my motion for directed verdict, I make a motion for
4 a new trial on those same grounds. Thank you, your Honor.

5 THE COURT: Okay. The motions for a directed verdict
6 are -- are denied for the reasons previously notated by the
7 Court and are on the record. And your new motion for a new
8 trial which is of course proper at this point, is denied.
9 There was sufficient evidence for that the jury could, in
10 fact, find him guilty and they have. But you're protected on
11 the record. Anything further?

12 MR. NIEMIEC: Nothing, your Honor.

13 THE COURT: Okay. We have sentencing sheet? Yes, I
14 think we do.

15 MS. HAMILTON: Your Honor, I'm going to read the
16 sentencing sheet. Basically, summarizes the rest of sheets,
17 and the amount of time he has been in jail (inaudible). I
18 have removed the weapons' charges off of that.

19 THE COURT: Okay.

20 MS. HAMILTON: But I'm going to be referring to that.

21 THE COURT: Have you -- have you double checked these
22 times since the arraignment?

23 MS. HAMILTON: I have, your Honor.

24 THE COURT: You have?

25 MS. HAMILTON: Yes, your Honor. It should be 25 to 40.

1 THE COURT: Two of them or one?

2 MS. HAMILTON: All of them.

3 THE COURT: All of them?

4 MS. HAMILTON: Well, 25 on the trafficking in
5 methamphetamine, and then 25 to 40 on the heroin and
6 fentanyl. And that is listed on here.

7 THE COURT: Okay. You got -- is that -- I haven't
8 checked them, I'm saying. I'm just -- I'm seeing this. Is
9 that --

10 MR. NIEMIEC: Yeah. (Inaudible), your Honor.

11 THE COURT: Okay. All right. Yes, ma'am?

12 MS. HAMILTON: You have heard the facts of this case,
13 your Honor. I just kind of want to go into the criminal
14 history and just briefly about the other pending cases that
15 we have on him and the investigation that we had prior to --
16 to this traffic stop. In this case, the State is asking for
17 40 years. He was life eligible when we went to trial on this
18 case. I chose not to take that route in the mindset that I
19 would ask for a substantial amount of time based on the
20 danger that he posed to society, and the people he possibly
21 could have killed with this -- these amounts of drugs that he
22 had on his person.

23 He was in fact mixing the heroin into the fentanyl
24 pills and he knew what he was doing when he did that. He was
25 doing it on machines that are not pharmaceutical-grade

1 mixers. Therefore, it's absolutely Russian roulette when he
2 put these pills on the street, and when he manufactured these
3 pills.

4 Officers, specifically, Officer -- Investigator Leary
5 and the DEA had been watching Mr. Alston since 2021. We had
6 search warrants in hand ready to execute search warrants,
7 continuing watching him, and then a road officer stopped him
8 on the stop. That is why Officer Leary called him when he
9 heard his name over that radio. Because This had been a
10 two-year investigation when this officer pulled him over for
11 expired tags and found these drugs.

12 At that point, officers, specifically Leary and Boling,
13 executed a search warrant on the Defendant's home at [REDACTED]
14 Cornelius Street that same day. Trafficking heroin, 28 grams
15 or more charges came out of that search warrant and
16 trafficking fentanyl, 28 grams or more. The heroin amount
17 within his home was 2280.5 grams of heroin, and then fentanyl
18 was 1,679 grams.

19 Additionally, we executed another search warrant at
20 that time in Fairfield County, where he was found with six
21 guns, manufacturing fentanyl, and trafficking amounts of
22 heroin, coming out to be 356 grams of fentanyl, and 137 grams
23 of pills, which were heroin and fentanyl mixed. And
24 respirator masks were found that corroborates statements that
25 he made, that he is a fentanyl producer and illicit

1 manufacturer of fentanyl pills.

2 I am asking for this amount of time, your Honor, based
3 on his history. Additionally, he has a history dating back
4 to 2002, a CDV, first. 2004, malicious injury to property,
5 resisting arrest, failure to comply, two counts of
6 trespassing. 2005, failure to stop for a blue light, two
7 counts. Trespassing, four counts. Failure to comply. 2007,
8 possession of stolen pistol, DUS, first. 2009, distribution
9 of crack, first proximity, and then an assault and battery of
10 a high and aggravated nature. 2016, distribution of crack,
11 first offense.

12 2018, heroin and marijuana. PDC, possession of
13 schedule one through five, first. Two counts, separate
14 offenses. 2019, possession of schedule one through five,
15 second offense. Possession of marijuana, second. Neglect by
16 legal custodian. He served two years on that. 2022,
17 possession of marijuana, second.

18 Again, your Honor, this was a massive amount of drugs.
19 You saw it in the trial. As I stated before, this could have
20 killed thousands of people. And we have no idea how many
21 people these actually did end up killing that he did in those
22 two years. We're trying to investigate him and get enough to
23 get charges on him, your Honor. So I'm asking that you
24 impose something close to 40 years on this Defendant. And
25 thank you, your Honor.

1 THE COURT: Thank you. Counsel?

2 MR. NIEMIEC: Thank you, your Honor. The Solicitor
3 just went into a bunch of facts that weren't part of this
4 case and asked you to consider those. We would object to
5 that, just asking you not to. Having said that, my client is
6 39 years old. He has five children. He's a brick mason and
7 a forklift operator by trade. He asked the Court for mercy
8 and he asked for the Court to give him a minimal sentence.
9 Thank you, your Honor.

10 THE COURT: Mr. Alston, would you like to speak, sir?

11 MR. ALSTON: Yes, sir.

12 THE COURT: Yes, sir.

13 MR. ALSTON: Your Honor, I ask that you try to be as
14 lenient with me as you can for the mistakes I made, and I ask
15 that -- just a man, I -- you know, I made a few mistakes in
16 my life and, you know, this mistake I made right here was
17 very costly. It'll cost me. Even though you know I'm
18 innocent. You know -- so I made a couple mistakes. I said a
19 couple things I wasn't supposed to say because I felt like I
20 needed to say anything to get home to my family. But just
21 asking that you take into consideration my foolishness, my
22 ignorance, (inaudible). At least, I'd like to be able to go
23 home and see my kids, marriage, grandkids. I don't want to
24 die back there.

25 THE COURT: Mr. Alston, I appreciate your comments.

1 You are a significant player in the drug trafficking in this
2 community, spreading that poison in this community. This is
3 a significant amount of drugs. I practiced in state and
4 federal court, this is one of the biggest ones I've had. The
5 only one that might be a little bit bigger was a Jamaican
6 that they lowered up here from Jamaica, and I was appointed
7 to represent him in U.S. Federal Court. He's doing 360
8 months, day-for-day.

9 2023-GS-46-0416, 40 years in the Department of
10 Corrections and pay a fine of \$200,000, credit for any time,
11 and it is concurrent. 2023-GS-46-4198, 40 years and
12 \$200,000, it is concurrent. 2023-GS-4197, 25 years and
13 \$100,000, concurrent and credit for time. Very best of luck
14 to you, sir.

15 MS. HAMILTON: Thank you, your Honor.

16

17 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

18 12:24 P.M.)

19

20

21

22

23

24

25

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

DOCKET NO. 2023-GS-46-04196
DOCKET NO. 2023-GS-46-04196(A)

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

LONDELL LASHUN ALSTON

INDICTMENT FOR

COUNT ONE - TRAFFICKING HEROIN
28G OR MORE

SC Code: § 44-53-370(e)
CDR Code: 0149.06.05

COUNT TWO - POSSESSION OF A
WEAPON DURING THE COMMISSION OF
A VIOLENT CRIME

SC Code: § 16-23-0490
CDR Code: 0549

WITNESSES

DEU

Witnessing Officer: *Laurencio*

ARREST WARRANT NUMBER

COUNT ONE: 2023A4610201800
COUNT TWO: 2023A4610201803

ACTION OF GRAND JURY

TRUE BILL

Dave Dimmons
Foreperson of Grand Jury
Date: *10/26/23*

VERDICT

Guilty on count 1
Not Guilty on count 2

Ana Chan
Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

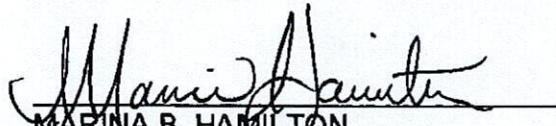
COUNT ONE - TRAFFICKING HEROIN 28G OR MORE

The defendant, Londell Lashun Alston, did on or about July 14, 2023, in York 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 twenty-eight (28) grams or more of any morphine, opium, salt, isomer, or salt of an isomer thereof, namely heroin, as described in Section 44-53-190 or 44-53-210, or twenty-eight (28) grams or more of any mixture containing any of these, all in violation of 44-53-370(e), Code of Laws of South Carolina (1976, as amended).

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

The defendant, Londell Lashun Alston, did on or about July 14, 2023, in York County, South Carolina, while committing the violent crime of Trafficking Heroin, possess a handgun, all in violation of 16-23-0490, 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.


MARINA B. HAMILTON
ASSISTANT SOLICITOR

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

DOCKET NO. 2023-GS-46-04197

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

LONDELL LASHUN ALSTON

INDICTMENT FOR

TRAFFICKING METHAMPHETAMINE

SC Code: § 44-53-375(C)
CDR Code: 0369

WITNESSES

DEU

Witnessing Officer: Laurencio

ARREST WARRANT NUMBER

2023A4610201802

ACTION OF GRAND JURY

TRUE BILL

Dana Simmons

Foreperson of Grand Jury

Date: 10/26/23

VERDICT

Guilty

De Cree

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA
COUNTY OF YORK

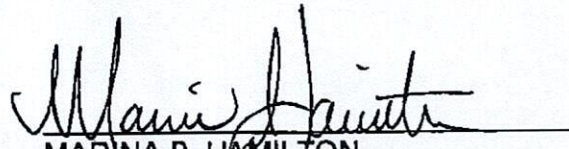
INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

TRAFFICKING METHAMPHETAMINE

The defendant, Londell Lashun Alston, did on or about July 14, 2023, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of two hundred (200) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


MARINA B. HAMILTON
ASSISTANT SOLICITOR

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

DOCKET NO. 2023-GS-46-04198

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

LONDELL LASHUN ALSTON

INDICTMENT FOR

TRAFFICKING IN FENTANYL

SC Code: § 44-53-370(e)(9)
CDR Code: 4096

WITNESSES

DEU

Witnessing Officer: *Laurencio*

ARREST WARRANT NUMBER

2023A4610201801

ACTION OF GRAND JURY

TRUE BILL

Dana Simmons
Foreperson of Grand Jury
Date: 10/26/23

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA
COUNTY OF YORK

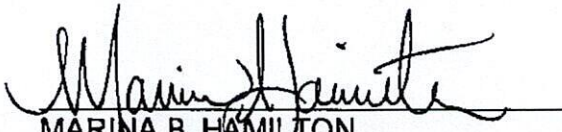
INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

TRAFFICKING IN FENTANYL

The defendant, Londell Lashun Alston, did on or about July 14, 2023, in York County, South Carolina, 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 twenty-eight (28) grams or more of fentanyl, or fentanyl related substance; or twenty-eight (28) or more of any mixture containing any of these. This was in violation of 44-53-370(e)(9) 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.


MARINA B. HAMILTON
ASSISTANT SOLICITOR

WITNESSES

DEU

Witnessing Officer: Laurencio

ARREST WARRANT NUMBER

2023A4610201804

ACTION OF GRAND JURY

TRUE BILL

Dana Dimmons
Foreperson of Grand Jury
Date: 10/26/23

VERDICT

Not Guilty

[Signature]
Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-04199

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

LONDELL LASHUN ALSTON

INDICTMENT FOR

POSSESSION OF A FIREARM OR
AMMUNITION BY A PERSON
CONVICTED OF POSSESSION WITH
INTENT TO DISTRIBUTE OR
DISTRIBUTION OF A CONTROLLED
SUBSTANCE

SC Code: § 44-52-379

CDR Code: 4088

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF
POSSESSION WITH INTENT TO DISTRIBUTE OR DISTRIBUTION OF A
CONTROLLED SUBSTANCE**

The defendant, Londell Lashun Alston, did on or about July 14, 2023, in York County, South Carolina, possess a firearm or ammunition after having been convicted of possession with intent to distribute, distribution or delivery of, manufacturing of, or trafficking in a controlled substance as defined in Sections 44-53-370 and 44-53-375. This was in violation of 44-52-379 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.


MARINA B. HAMILTON
ASSISTANT SOLICITOR

WITNESSES

DEU

Witnessing Officer: *Laurencio*

ARREST WARRANT NUMBER

2023A4610201805

ACTION OF GRAND JURY

TRUE BILL

Dana Dimmora
Foreperson of Grand Jury
Date: 10/26/23

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-04200

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

LONDELL LASHUN ALSTON

INDICTMENT FOR

TRAFFICKING HEROIN

SC Code: § 44-53-370(e)
CDR Code: 0149

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

TRAFFICKING HEROIN

The defendant, Londell Lashun Alston, did on or about July 14, 2023, in York 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 twenty-eight (28) grams or more of any morphine, opium, salt, isomer, or salt of an isomer thereof, namely heroin, as described in Section 44-53-190 or 44-53-210, or twenty-eight (28) grams or more of any mixture containing any of these, all in violation of 44-53-370(e), 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.


MARINA B. HAMILTON
ASSISTANT SOLICITOR

WITNESSES

DEU

Witnessing Officer: *Laurenzio*

ARREST WARRANT NUMBER

2023A4610201806

ACTION OF GRAND JURY

TRUE BILL

Dina Simmons
Foreperson of Grand Jury
Date: 10/26/23

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-04201

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

LONDELL LASHUN ALSTON

INDICTMENT FOR

TRAFFICKING IN FENTANYL

SC Code: § 44-53-370(e)(9)
CDR Code: 4096

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

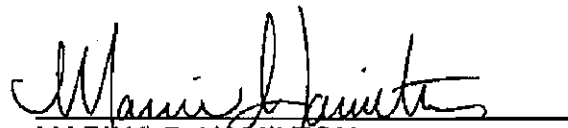
INDICTMENT

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

TRAFFICKING IN FENTANYL

The defendant, Londell Lashun Alston, did on or about July 14, 2023, in York County, South Carolina, 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 twenty-eight (28) grams or more of fentanyl, or fentanyl related substance; or twenty-eight (28) or more of any mixture containing any of these. This was in violation of 44-53-370(e)(9) of the South Carolina Code of Laws (1976) as amended.

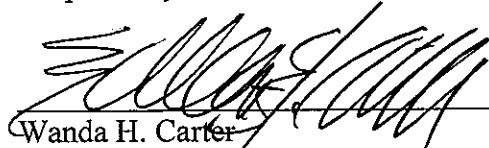
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


MARINA B. HAMILTON
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter
Interim Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 11th day of September, 2025.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable R. Keith Kelly, Circuit Court Judge

RECEIVED
Sep 11 2025
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

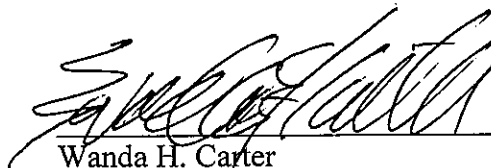
LONDELL ALSTON,

APPELLANT

APPELLATE CASE NO. 2025-000197

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Londell Alston, #308837, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335, this 11th day of September, 2025.



Wanda H. Carter
Interim Chief Appellate Defender

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