

STATE OF SOUTH CAROLINA  
COUNTY OF LAURENS

IN THE COURT OF GENERAL SESSIONS

**RECEIVED**

**Sep 19 2025**

**SC Court of Appeals**

2024-GS-30-351 and -352  
TRANSCRIPT OF RECORD  
DEFENSE MOTION

State of South Carolina, )  
Plaintiff, )  
 )  
v )  
 )  
Leon Lee Hill, Jr., )  
Defendant. )  
\_\_\_\_\_ )

September 2-3, 2025  
Laurens, South Carolina

B E F O R E:

The Honorable, Eugene C. Griffith, Jr., Judge

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

ATTORNEY FOR PLAINTIFF:

Mary Madison Driggers, Assistant Solicitor

ATTORNEY FOR DEFENDANT:

Adam G. Touma, Esquire

Tara T. Scott, CVR  
Official Court Reporter

**INDEX**

**WITNESS** **PAGE NO.**

September 2, 2025

Defense Motion.....3

State's Witness: Charles Nations

Direct Examination by Ms. Driggers.....14

Cross Examination by Mr. Touma.....25

September 3, 2025

Certificate of Court Reporter.....50

**E X H I B I T S**

Court's Exhibit Number 1: Search Warrant

1 MR. TOUMA: May it please the Court. Your Honor, this  
2 is my motion to suppress. Do you have a copy of it?

3 THE COURT: No, that's why I was without knowledge.

4 MR. TOUMA: Perhaps I can email it to your law clerk.

5 MS. DRIGGERS: I can print it.

6 MR. TOUMA: Oh, you can print it? Probably even easier.

7 THE COURT: Mr. Touma, the record is open.

8 MR. TOUMA: Thank you, Your Honor. May it please the  
9 Court. Adam Touma here on behalf of Mr. Leon Harris, Jr.  
10 This is my motion to suppress evidence and memorandum in  
11 support.

12 Your Honor, since you have not had an opportunity to  
13 read this motion ahead of time, I will belabor the point and  
14 just kind of go through it step by step. I do appreciate the  
15 court giving me the time, because I've been working on this  
16 for quite a while, and obviously it's very important for  
17 this case. So, I do have a lot to say.

18 As you can see in the procedural background, the police  
19 were called to an Exxon gas station in Gray Court, South  
20 Carolina. Mr. Richard Mixon had called them and said that  
21 an individual named Bug had threatened him at a gas station.  
22 Came to the gas station and threatened him about --  
23 something along the lines of Mr. Mixon saying that someone  
24 else had -- Mr. Mixon had referred someone else to a person  
25 named Bug. He did not know Bug's name, and that that person

1 had ostensibly gotten drugs from Bug and then did not pay  
2 him. And then, therefore Bug was holding Mixon liable for  
3 the cost of the drugs. There's been no -- I haven't  
4 received anything else about that, but that's why the police  
5 were called, and that's what they did. So, when the police  
6 arrived there ---

7 THE COURT: Mixon works at this service station ---

8 MR. TOUMA: He was just there.

9 THE COURT: --- or convenience store?

10 MR. TOUMA: No, I don't believe he works there. He was  
11 just at the gas station. So, when the police get there,  
12 they talk to Mixon. They look at the security cameras. They  
13 see a black male wearing a black hoodie, black pants, black  
14 shoes. They can't -- he's driving a Honda. They don't  
15 really -- you can't really see anything. I haven't seen the  
16 video. They just -- that's what they see. So then somehow  
17 Mixon is then able, he says, to -- he said, well, this  
18 person's threatening my life, but then he walks away inside  
19 the gas station, calls the police. The police come. Bug has  
20 left the scene. And then Mixon is saying something along  
21 the lines that this person is -- something, drugs are  
22 involved.

23 So, the police come. They talk to Mixon. They -- I  
24 believe -- I'm saying this because I'm reading it from the  
25 report that, in the affidavit, they then say, hey -- put

1     Mixon in their car and they drive him. He said, this Bug  
2     lives here at this house at 103 -- I always forget the name  
3     of the place. Cherrywood Lane. Sorry, I was just talking  
4     to my client about it. Cherrywood Drive, and -- this is the  
5     -- Your Honor, narcotics gets involved pretty soon after,  
6     same day, basically, because there's a mention of drugs or  
7     that drugs are involved.

8             After that, the police see who lives at this house.  
9     They run a regular search on the parcel number, find the  
10    name of Thomas Adolphus. I may be mispronouncing his name,  
11    but this Thomas person owns this property. They run a check  
12    to see if he owns a Honda. He does not own a Honda. So  
13    they run some more property searches, and they determined  
14    that, hey, that a Leon Harris, Jr. lives at this property  
15    ostensibly.

16            They go, they try and knock on the door the next day.  
17    Nobody answers. And so then they look at Mr. Harris's  
18    record, see Mr. Harris has a record. It involves drugs in  
19    the past. And based on this, they go to a magistrate, and  
20    they are able to obtain a search warrant for the property,  
21    for 103 Cherrywood Drive. And they -- and this is a very  
22    important aspect of this. They get the search warrant to  
23    search for drugs. The affidavit search warrant itself on  
24    the property to be -- property sought. I believe it's in  
25    page three of the search warrant, description of property

1 sought. It says, any and all -- you can read it yourself,  
2 Your Honor. "Any and all illegal narcotics and items  
3 associated with the use, package, sale of controlled  
4 substances, scales." So all narcotics is why they searched  
5 this property.

6 And the first aspect of my motion -- there's really two  
7 issues here that I bring up. The first one being that the  
8 State lacked probable cause to search the residence, and  
9 that no search warrant should have been issued.

10 Your Honor, I will not read out -- I mean, I can read  
11 out loud the whole -- my whole legal argument, and all the  
12 cases and everything. But ultimately, that there -- my  
13 argument is that there is not probable cause here. The  
14 State has to, in the affidavit itself -- it's important.  
15 This is in the -- the affidavit has to state the sufficient  
16 underlying facts. Facts and information, as opposed to mere  
17 conclusions, and to enable the magistrate to make a  
18 determination of probable cause.

19 We cite the Smith case where, basically, Mr. Reginald  
20 Smith -- the warrant contains specific language. It said  
21 that Mr. Smith went into a Master Inn located on Savannah  
22 Highway, and then he robbed the manager at knife point.  
23 Smith had been staying at the Host of America room 216,  
24 since, you know, 1998. There's every reason to believe the  
25 clothes used in the robbery will be located in the room.

1 Therefore, they should have a warrant to search that room to  
2 find these things. That was defective on its face. That  
3 warrant was defective on its face, because it set no facts  
4 why the police believe he robbed the Inn.

5 Same sort of situation here. It really is purely  
6 conclusory. There's no instance here where the police have  
7 anything to do with drugs at this house. I think they  
8 arrived on the scene, I think, on the fifth, and by the  
9 seventh they had initiated their search warrant. The  
10 incident at the gas station itself doesn't even involve any  
11 sales of narcotics. It doesn't even -- it definitely doesn't  
12 involve the sale of narcotics between Mr. Harris and Mr.  
13 Mixon. But what this is, is it does sound a little bit  
14 bizarre, and that's why I'm bringing this motion.

15 Mr. Mixon says someone else bought drugs, or had some  
16 sort of drug deal with someone named Bug that the police  
17 didn't say might be Mr. Harris, and that therefore they get  
18 a warrant to search his house for drugs. There was no --  
19 there really is no connection. There really is no probable  
20 cause. There's no -- there was no trash pull. They didn't  
21 check the trash outside of his house. At least it's not in  
22 the warrant, and not in discovery. They didn't observe the  
23 house for a period of time see if people are going in and  
24 out of the house. They didn't stop people that were leaving  
25 the house and search their car. They didn't do anything.

1           And also, really important to this, it seems like the  
2           only thing that they connect why they think that there might  
3           be drugs is because Mr. Mixon said this initial like, oh, I  
4           guess -- what do you - maybe an altercation or confrontation  
5           was over some other drug deal. And importantly, it's  
6           important to note that nothing ever says that these -- any  
7           drugs were sold from this house itself, which is extremely  
8           important. You know, there's nothing that ever says, hey,  
9           Mr. Harris sells drugs out of 103 Cherrywood Lane. Nothing  
10          in the discovery says that, whatsoever.

11          So the search warrant affidavit in this case, it is  
12          lengthy, as you can see, especially once you get to page  
13          four, five, and six, but it doesn't -- it contains no  
14          factual information whatsoever that would lead a neutral  
15          magistrate to the conclusion that probable cause exists to  
16          believe that evidence of illegal narcotics would be found at  
17          that residence itself. I think perhaps if they had, you  
18          know, taken some time, done some research, and done what  
19          normally is done in search warrant cases. You know, trash  
20          pulls, observing the house, then perhaps they -- perhaps,  
21          perhaps they might have had a probable cause.

22          But in this case, it seems to be purely a fishing  
23          expedition, a hunch, nothing more. And that's the basis I  
24          think, perhaps the strongest basis to suppress these drugs.  
25          There's just simply not probable cause. There was no drugs

1 found at the scene, like, at this gas station. Nixon, from  
2 anything I received, never says that he bought any drugs  
3 from this -- from Mr. Harris, especially nothing to the  
4 house. Nothing ever says in this discovery, or especially  
5 not in the affidavit, that Mr. Harris is selling drugs out  
6 of 103 Cherrywood Lane. It merely says that this man, Bug,  
7 approached him, Mr. Nixon, from the gas station, and said,  
8 hey, you owe me some money for something else.

9 And then, therefore, after that, they said, well, you  
10 know what? He has a record for -- they associated with Bug  
11 to Mr. Harris. So, you know what? We're going to get in  
12 this house. We're going to look for some drugs.

13 I think it's important to note -- I would like to note  
14 before I move on to my second point that the property sought  
15 in this case, in the affidavit, what they're looking for,  
16 says illegal narcotics. It does not say that. It does not  
17 say any -- even -- even less strong than the Smith case,  
18 where they're saying, hey, heard the evidence of the crime  
19 that they're saying happened. In that case, it was robbery.  
20 In this case, the initial charge is the A and B second and  
21 pointing and presenting. Charged with both in this case,  
22 from the same factual circumstance. But from that, they're  
23 saying -- they don't even seek the evidence of that crime.  
24 They don't seek a gun. They don't -- it's not what --

1 they're saying, hey, we're looking for drugs in his house.  
2 There's really -- I know I'm belaboring the point, but  
3 there's nothing that says at all, or any evidence, or really  
4 allegations, that they'll find drugs at 103 Cherrywood  
5 Drive. It's just -- there's just nothing there for that.  
6 Therefore it must be suppressed. Because we not only look  
7 the Fourth Amendment, but also South Carolina Constitution.  
8 The State can't just be searching everyone's house and  
9 property and all these sorts of things, but really just, you  
10 know, a fishing expedition or a hunch.

11 The second basis is that the State's search of the  
12 septic tank, which is extremely important for these three  
13 charges that we've already picked the jury for today. The  
14 search of the septic tank was illegal under the Fourth  
15 Amendment, and that's because it wasn't mentioned in the  
16 search warrant.

17 The septic tank. The only drugs they found -- I mean,  
18 they found some other things in the house, like measuring  
19 cups and some paraphernalia of sorts, but they found all of  
20 these drugs, these charges that he's facing time, in a  
21 septic tank on his property. I do not think that septic --  
22 I don't have any real hard evidence to show you here, but I  
23 don't think septic tanks are normally contemplated as a part  
24 of the search warrant. If you saw a hundred search warrants,  
25 a thousand search warrants, how many times did they search

1 the septic tank. I think it needs to be -- it's not  
2 specifically stated in the warrant. They say here, the  
3 property to be searched is a single occupancy dwelling, tan  
4 in color, with attached garage, located on the right side of  
5 the residence, and a privacy fence located on the left side  
6 of the residence. This property is identified as having a  
7 mailing address of 103 Cherrywood Lane, Gray Court, and is  
8 listed as being part of parcel. This search warrant is to  
9 include all persons, out buildings, vehicles and any other  
10 locked storage containers associated with the property at  
11 the time of the execution of this warrant. And of course, it  
12 does not say septic tank.

13 This is something that's stored under. This is  
14 underground. They apparently, when they searched the house,  
15 they found paraphernalia. It's a cutting board, some razors,  
16 and some other things in the house, and some marijuana. And  
17 at that point in time, they didn't find a substantial amount  
18 of narcotics. So it seems that they did -- and I'm sure that  
19 they will elucidate here later. They opened his septic tank.  
20 They went and unscrewed it. It was like, you know, obviously  
21 buried underground. They completely removed the top of the  
22 septic tank, the cap. They had to unscrew it. They went in.  
23 They looked inside of it. They didn't see drugs. And so then  
24 they, I believe, based on the -- there's not a great deal of  
25 information, but what I can gather from the incident reports

1 is that they began flushing the toilets, and they kept  
2 flushing the toilets until something came out. And I  
3 believe, and it's my belief, and I think the law supports  
4 this. That's why I called this motion, that that is an  
5 unreasonable invasion of privacy. That just like, if they  
6 had -- I think a septic tank is much more akin to piping in  
7 the house than it would be to anything else. So, when they  
8 went there, I think that if they had wanted to go get an  
9 extra search warrant, an additional search warrant, to  
10 search, you know, the piping of the house, to rip up the  
11 floors, or, you know, go through and say, Hey, we think he's  
12 hiding things in here, then certainly they could have done  
13 that. But they didn't do it, and that's what they should  
14 have done. Since they didn't do it, it is an unreasonable --  
15 it exceeds the scope of the search warrant, and therefore  
16 the items that were found in the septic tank must be  
17 suppressed.

18 And that, you know, Your Honor, I am not as eloquent, I  
19 think, speaking as I am writing. And I took a lot of time  
20 writing this motion and I think I say it a lot better in  
21 this motion. But for those reasons, Your Honor, especially  
22 these things found in the septic tank, but really everything  
23 found in the house, because the initial search warrant  
24 itself lacked probable cause, must be suppressed. And I've  
25 never quite had a case where there was so little probable

1 cause for what they're looking for. There is nothing in this  
2 case that shows, or insinuates, or really even alleges  
3 actually, Your Honor, that he's selling drugs out of this  
4 residence. It really is just that, hey, this guy, Bug,  
5 showed up and he threatened me because someone else  
6 potentially got some drugs from this person. Not -- doesn't  
7 say where, and then, because of that, and because he has a  
8 criminal record, that they were like, well, we're gonna  
9 search his house. And that's what they did. And therefore  
10 that violates the Fourth Amendment.

11 You have to have probable cause in order to go into  
12 someone's, you know, search someone's home, and they just  
13 lack it here. I'm happy to answer any questions or respond  
14 to the State after they've done. But the last thing I would  
15 say is that, you know, what's in the search warrant is what  
16 they have to go off of. I mean, I'm sure that they may -- I  
17 don't even believe, if I look back here, I don't see any Mr.  
18 Nixon here either. I don't believe they looked in to see  
19 whether or not he was credible, which is often the case in  
20 circumstances like this. They didn't ask Mr. Nixon to go in  
21 there and buy any drugs, which I may perhaps can potentially  
22 understand why. But they really just said, hey, I mean,  
23 thought two, maybe three days some time, and then I think  
24 it's happened at night at the gas station. From the time  
25 that Mr. Nixon said this happened, they said, hey, well, he

1       said it happened. There's -- you can't -- I haven't seen  
2       the video itself, because I haven't received it, but  
3       apparently you can only see -- you can't tell who the person  
4       is that approached Mr. Nixon. So, they just went off of,  
5       hey, this happened. What he's saying is probably true.  
6       Unless the State corrects me. But it's been a couple,  
7       almost two years now. So, I will ---

8               THE COURT: All right.

9               MS. DRIGGERS: Your Honor, the State would call Charles  
10       Nations.

11                               WHEREUPON, CHARLES NATIONS, having  
12       first been duly sworn, testified as follows:

13                               DIRECT EXAMINATION

14       BY MS. DRIGGERS:

15       Q       Investigator Nations, were you involved in obtaining a  
16       search warrant for the residence of Leon Harris at 103  
17       Cherrywood Lane in Gray Court, South Carolina?

18       A       Yes, ma'am.

19       Q       I'm going to hand you what's been pre-marked as a  
20       Court's Exhibit, Number 1. Do you recognize that?

21       A       Yes, ma'am. This is a certified copy of a search  
22       warrant.

23       Q       Is it the search warrant that we're talking about in  
24       this case?

25       A       Correct?

1 Q Has it been altered anyway?

2 A It does not appear to be. No, ma'am.

3 MS. DRIGGERS: Your Honor, the State would move to  
4 admit Court's 1 into evidence.

5 THE COURT: For purpose of the hearing, sure.

6 Q Can you please explain to us the typical way of getting  
7 a search warrant?

8 A Yes, ma'am. Essentially, when we get search warrants,  
9 we'll have a complaint. At which point, we will investigate,  
10 and based upon facts of the investigation we will present  
11 what we believe to be probable cause, either to a master  
12 judge or to a circuit court judge. At which point they would  
13 review our facts and they would assist in determining  
14 whether we do have probable cause in issuing the said search  
15 warrant, or whether they say we do not, and they will not  
16 issue the search warrant.

17 Q And can you go through the different parts of a search  
18 warrant?

19 A Yes, ma'am. So, the way that this system now presents  
20 it for us, you have a description of the premises or person  
21 or thing to be searched, a description of the property to be  
22 searched. You have a description of the property to be  
23 sought, and you have the Affiant's portion of the search  
24 warrant in detailing the facts.

25 Q And on this particular search warrant, when did you

1 complete the return?

2 A This return was returned on -- it says -- it looks like  
3 it was November 15, 2023.

4 Q And when was it clocked to the judge?

5 A It's actually cut off at the bottom. I can't see the  
6 time for when it was cut off, of the return, but the  
7 issuance of it was November 7, 2023 at 1155.

8 Q And are all of the sections on this particular search  
9 warrant complete?

10 A Yes, ma'am.

11 Q Are there signatures on all the necessary lines?

12 A Yes, ma'am.

13 Q So you -- who did you take this -- which judge did you  
14 go to for this search warrant?

15 A This warrant was presented to Judge Bron.

16 Q So he is the one that signed off on this?

17 A Correct.

18 Q And did you provide the information set out in the  
19 probable cause section of the search warrant to that issuing  
20 magistrate after being sworn?

21 A I did. Yes, ma'am.

22 Q And did you provide any additional sworn testimony to  
23 that issuing magistrate?

24 A Yes, ma'am. I did. He tends to like to ask questions  
25 about the case, kind of how we got to where we were. And in

1 my affidavit, I alluded to an investigation that was prior,  
2 so he did question about that, which we gave him verbal for  
3 that reference. Judge Bron is one -- he likes to kind of  
4 make sure he understands before he puts his name on  
5 something.

6 Q And what specific additional information did you give  
7 him specifically?

8 A So, in the search warrant -- and you know, we can --  
9 we'll go through it here in just a minute. But in the  
10 search warrant, we refer to an incident in which the  
11 narcotics unit was ---

12 MR. TOUMA: Your Honor, if I could make an objection. Is  
13 that allowed?

14 THE COURT: Sure.

15 MR. TOUMA: I just -- Your Honor, what is in the search  
16 warrant is what they can say for probable cause. If they're  
17 going to testify about other things that are not inside of  
18 the search warrant, that haven't been done, I would just  
19 object to that. This is what he has given us the basis for  
20 his probable cause already. I don't know if it's  
21 appropriate to say, hey, we had these other conversations  
22 that are not in the search warrant.

23 THE COURT: Well, isn't it within the judge's  
24 parameter, purview, to ask questions or take additional  
25 testimony in getting the search warrant?

1 MR. TOUMA: It certainly is, Your Honor.

2 THE COURT: I think I'll listen to it in consideration  
3 of the motion.

4 MR. TOUMA: Thank you, Your Honor.

5 A Okay. I'm sorry. But in the affidavit, we refer to  
6 having conducted an investigation into 103 Cherrywood  
7 already. At which point, we had identified a gray in color  
8 Dodge Ram 1500 and another individual meeting in front of  
9 the roadway where the investigator observed what he believed  
10 to be a hand-to-hand. So, we let that vehicle get out of  
11 the area, conducted a traffic stop, obtained illegal  
12 narcotics out of that traffic stop. We had previously  
13 received information that an individual by the name of Bug  
14 was living in the area at 101 Cherrywood, so it was kind of  
15 like an ongoing investigation, and this just, kind of, sped  
16 things up because we had a victim involved.

17 Q And did you have the occasion to add any additional  
18 information about the parcel in general?

19 A Yes. Actually, because the way that we type our search  
20 warrants, we don't base it just off of a sole residence. We  
21 base our search warrants off of a property parcel. The  
22 residence is included in the parcel, as well as the septic  
23 tank will be included in the parcel. But in this situation,  
24 this parcel actually included two different addresses. This  
25 parcel kind of sets up like a "Z", more or less. So, the

1 left side of the parcel, there was no -- we had no grounds  
2 to be on it. It did not appear like there was any connection  
3 to it. So, when we explained it to Judge Bron, we are  
4 requesting the search of the parcel, but it is only limited  
5 to the driveway and to the right. And when I say the  
6 driveway, we're talking about the driveway on the left side  
7 of the parcel.

8 Q And did the magistrate have any prior knowledge of this  
9 case?

10 A No, ma'am.

11 Q And I think you told me this earlier, but what time did  
12 you say that you obtained the warrant? You said, 1145?

13 A It was 1155 as documented by Judge Bron's signature.

14 Q And did you approach Judge Bron in their professional  
15 capacity?

16 A I did. Yes, ma'am.

17 Q Okay. At this time, can you go through the information  
18 that you provided to Judge Bron that led you to seek a  
19 search warrant?

20 A Yes, ma'am. In the Affiant's belief for the property  
21 sought on the subject premises, it is documented that on  
22 November 5, 2023 the Laurens County Sheriff's Office was  
23 dispatched to 8314 Highway 14 in the Gray Court area of  
24 Laurens County, regarding to a person with a gun threatening  
25 to kill the victim. Upon arrival, deputies come in contact

1 with Richard Anthony Mixon, the victim. Mixon expressed to  
2 deputies that while he was at the gas pump, a male named Bug  
3 approached him from behind and stated ---

4 THE COURT: He doesn't need to read that. This is a  
5 Court's Exhibit. I can read it better. I don't  
6 particularly like being read to. I'm a better reader than  
7 I'm a listener of pros.

8 A So in this in this affidavit, instead of reading it --  
9 in this affidavit, when the deputies arrived on scene, they  
10 talked to Richard Mixon to start with. And at first, Mixon  
11 was -- he just kept referring to Bug as being a drug dealer  
12 in the area. But in continuing to talk to Mixon -- Mixon  
13 points out the address of 103 Cherrywood Drive in Gray Court  
14 as being the residence of Bug. Mixon also goes on to state  
15 that he was a facilitator inside of a drug deal creating his  
16 own self-incrimination, which kind of gave more reliability  
17 into what he was stating. He stated that he knew this  
18 individual, but he just didn't know his real name. He only  
19 knew him as Bug. When we looked at the surveillance video  
20 the following day, after pulling DMV -- which is all  
21 documented ---

22 Q When you say surveillance video, you're talking about  
23 at the gas station?

24 A Correct. Yes, ma'am. When we looked at the  
25 surveillance video the following day, we could see a bravo

1     mike, or black male, approach the victim wearing a black  
2     hoodie and gray sweat pants, a black pair of shoes. You can  
3     see him, like, reach towards his waistband and kind of press  
4     the victim in between the door jamb of the vehicles. And at  
5     which point you -- he's probably there for a few seconds,  
6     but then he kind of slips out and goes into the store. And  
7     it's at that time the individual, the assailant, gets back  
8     into the Honda and leaves from that location. We, after  
9     obtaining that video footage, we reached back out to Mr.  
10    Mixon as investigators, because he had only spoke with the  
11    deputies the night of. So, as investigators, we reached back  
12    out to Mr. Mixon and he reiterates the exact same statement  
13    that he provided to the deputies the night of. He also  
14    provides us with a telephone number that he had communicated  
15    with Bug on within the week. We were able to utilize our  
16    tools and run this phone number and found that it was  
17    registered to a Leon Harris, Jr. of 103 Cherrywood Lane.  
18    Based upon, you know, that information, we went ahead and  
19    pulled criminal history just for investigative purposes to  
20    do a review. That's where we found that Mr. Harris has had  
21    a lengthy history involving illegal narcotics, as well as  
22    assaults and ranging to assaults on officers. This is the  
23    information that we provided to Judge Bron that is detailed  
24    in the affidavits portion for the probable cause to continue  
25    the search, not only for the item used, the firearm used in

1 the assault, but as well as the clothing that was seen on  
2 the surveillance video and the illegal narcotics that would  
3 back up the motive for why this actually occurred.

4 Q To reiterate that, I know that Mr. Touma did mention  
5 that there was nothing mentioned in the search warrant of  
6 this other incident, but you're listing what was included.  
7 Is that correct?

8 A Yes.

9 Q So, in this search warrant, you do talk about this  
10 other incident as well and how they go together?

11 A That's correct. So, in the description of the property  
12 sought, we have a very big basis here for illegal narcotics,  
13 which is a consensus for the conspiracy to traffic. And then  
14 on the underside of that, we attach that we are also looking  
15 for the articles of the clothing identified as being worn by  
16 the suspect on the night of November 5, 2023 as observed in  
17 the surveillance recording, and any form of the firearms --  
18 and it continues on -- that was utilized in the commission  
19 of the assault and battery.

20 Q Okay. Thank you. And then shifting gears a little bit,  
21 can you please go through the description of the premises to  
22 be searched?

23 A Yes, ma'am. So this is kind of verbatim, but it's a  
24 single occupancy dwelling, tan in color, with detached  
25 garage located to the right side of the residence and a

1 privacy fence located on the left side of the residence.

2 This property is identified as having the mailing address of  
3 103 Cherrywood Lane, Gray Court, South Carolina, 29645, and  
4 is listed as being a part of the parcel 158-00-00-024.

5 Search warrant includes all persons, out buildings, vehicles  
6 and any and all locked storage containers associated with  
7 the property at the time of execution.

8 Q So, to be clear, you kind of -- you included the entire  
9 parcel, versus just the residence?

10 A That's correct, but we wanted to make sure Judge Bron  
11 understood we were not associating our search with the  
12 secondary residence on the parcel.

13 Q And is it your understanding that a septic tank would  
14 be included in a parcel?

15 A That is correct.

16 Q Is it common for you to search septic tanks?

17 A It is whenever they are accessible.

18 Q And approximately how far away was the septic tank from  
19 this residence?

20 A Eighteen to twenty foot.

21 Q Can you explain how you obtained access to the septic  
22 tank? Did you have to dig it up? What did you do?

23 A No, ma'am. The septic tank at this location has, what  
24 I like to call, a casing on it, where it sits up above the  
25 ground. It looks like a sewer cap, but it has so many bolts

1 around the top. They're eight millimeter or 10 millimeter  
2 bolts. You just unscrew them, and the top comes right off.

3 Q So, it's physically -- you could see it from the  
4 surface or on the ground?

5 A Correct.

6 Q And obviously part of your search warrant included  
7 evidence of narcotics use and dealings, you know, as you've  
8 gone into. So, what made you check the septic tank  
9 specifically?

10 A Well, again, we check them anytime there is an access.  
11 But in this case, specifically based upon the time of when  
12 SWAT team arrived to execute the search warrant and the  
13 arrest warrant in this case, they got met at the side door,  
14 blind, by an individual looking out. So, they backed off  
15 and treated it as a barricaded subject. Well, when they  
16 backed off to treat it as such, it gave the person inside  
17 right at five minutes, real time, inside of the residence  
18 before the person come out on his own regard through that  
19 side door. So that gave us indication that it was, more  
20 likely than not, that he was -- they were destroying some  
21 type of evidence, or attempting to.

22 MS. DRIGGERS: I have no further questions for this  
23 witness. I don't know if Mr. Touma has any.

24 MR. TOUMA: I have just a few questions, if I may, Your  
25 Honor.

1 CROSS-EXAMINATION

2 BY MR. TOUMA:

3 Q Nice to meet you again, Investigator Nations.

4 A Yes, sir.

5 Q You said on these initial interactions with Nixon, did  
6 you guys have any recordings of those?

7 A As far as?

8 Q Recordings of the conversations with Nixon from the  
9 deputies of your ---

10 A From the body cameras?

11 Q Yes.

12 A Correct.

13 Q You do?

14 A From case number 7900. That's the assault case.

15 Q Okay. So, you have those?

16 A Yes, sir.

17 Q Do you have any other interviews or notes from any  
18 other conversations with Nixon?

19 A We had the notes from the 7900 case for the assault  
20 where he's reiterating the statement, correct.

21 MR. TOUMA: Interesting. Sorry, Your Honor.

22 Q Did you say anything else to the magistrate judge when  
23 you sought your warrant? Play him any videos or anything  
24 like that?

25 A No, he didn't ask to see any videos. Generally, again,

1 he -- the way Judge Bron likes to operate is he'll kind of  
2 ask me about the case, then he will read through the search  
3 warrant, verify that the facts are there, and if he has any  
4 indication that it may be questionable he is -- he likes  
5 taking the practice of contacting a circuit court judge to  
6 determine if probable cause has been met.

7 MR. TOUMA: I have no further questions, Judge.

8 THE COURT: You may step down.

9 THE WITNESS: Yes, sir. Thank you.

10 THE COURT: Anything else?

11 MS. DRIGGERS: I'll be happy to make arguments whenever  
12 Your Honor is ready.

13 THE COURT: Anything else from you?

14 MR. TOUMA: Just arguments, Your Honor.

15 THE COURT: Okay, tell you what. Y'all sit tight. Let  
16 me read this thing. I have not had a chance to read it all  
17 the way through.

18 MR. TOUMA: Sit tight and then I'll listen to you. So  
19 y'all don't stare at me, I'm going to back for a few  
20 minutes.

21 (OFF THE RECORD.)

22 THE COURT: All right, I'm ready to hear y'all  
23 summarize your respective points.

24 MR. TOUMA: Thank you, Your Honor. Once again, Mr.

1 Touma on behalf of Mr. Harris. Your Honor, in summation,  
2 this Mr. Nixon didn't even know what Bug's real name was.  
3 There was nothing that's in the search warrant that  
4 indicates that there would be any sort of drugs found on his  
5 property. I think it's important to note that, you know,  
6 they say that Nixon was able to take them, the police, to  
7 this address, but it seems like that the police, they were  
8 already looking at this address themselves. That brings a  
9 lot into question here. They're riding to a place they  
10 think that they know, with this person who's not here today,  
11 I might add. Then there's just not sufficient probable cause  
12 here. There really -- I don't know how else to say it.  
13 There's just not probable cause.

14 And then for the search warrant for the search of the  
15 septic tank itself. I'm glad you were able to read my  
16 motion. Hopefully, in there I take note that, you know, the  
17 septic tanks are not necessarily considered storage  
18 containers in and of themselves. I think that is important  
19 to note in this. I think that the officer, Investigator  
20 Nations made an interesting, good point there, that when  
21 they came, they saw somebody at the house, and it took them  
22 five minutes to, you know, come out, or whatever, or however  
23 long it was. They had an additional suspicion. They said,  
24 you know what, we'll search septic tank. We'll do all these  
25 sort of things. I don't think that's a terrible idea to do

1 in terms of an investigation, but I think you need a warrant  
2 for it. That's the reason we have the Fourth Amendment is to  
3 protect us. Protect us, all of us, from unreasonable  
4 searches and seizures.

5 And I think in this case, from the outset and search of  
6 the house, to the search of the septic tank and all that, I  
7 do believe it is an unreasonable search and seizure. And if  
8 there, you know, I hope the testimony that, you know, that  
9 the officer provided additional things and were told to the  
10 magistrate. An additional potential drug deal that was done  
11 near this residence. That's the first time I'm hearing about  
12 it. The first time hearing about it at all. I do doubt -- I  
13 have to cast doubt on it. I don't know if there's another  
14 person that owns this property. There was another person  
15 who was at the property at that time. I don't -- I can't  
16 speak to the validity of that, but I know that it wasn't in  
17 this affidavit, that is quite lengthy. So, I am skeptical  
18 about that, and I hope that Your Honor is hopefully  
19 skeptical about it too. My argument really is purely they  
20 didn't have probable cause at this point and therefore the  
21 evidence must be suppressed.

22 THE COURT: All right. Ms. Driggers?

23 MS. DRIGGERS: Your Honor, for the first argument  
24 there's no probable cause. The victim related to law  
25 enforcement that he's familiar with the defendant. He has

1 direct knowledge of his involvement with dealing in  
2 narcotics, that he himself had dealt drugs for the defendant  
3 in the past, and that he believed that that is the reason  
4 for this assault. So that incident is directly tied to his  
5 narcotics dealing. It's what caused it, and it's the  
6 motivation behind it. He was also able to bring law  
7 enforcement to the defendant's house. He was able to  
8 confirm his phone number. He was able to provide the same  
9 vehicle that was registered to the defendant and observed at  
10 the residence by law enforcement. He was clearly familiar  
11 with the Defendant.

12 In addition, as Investigator Nations said, he was able  
13 to review the surveillance footage from the gas station  
14 itself. He witnessed the defendant and the victim at the  
15 gas station, and the defendant talking to the victim in an  
16 aggressive manner. He witnessed him brandishing a pistol.  
17 It corroborated exactly what the victim says. And then, to  
18 further cooperate, he self-incriminates himself in saying,  
19 not only did I deal drugs for him in the past, I know that  
20 he does this. I got myself involved as a middle man through  
21 his narcotics dealing. So, you know, again, Nations was  
22 able to see that video himself. So, based on that reliable  
23 information from Nixon, the known drug activity, the  
24 confirmation of the phone number, the vehicle, took that to  
25 the judge, and he was able to determine that probable cause

1 did certainly exist.

2 As far as the argument that the search of the septic  
3 tank was illegal. This search warrant clearly states the  
4 parcel in its entirety. In South Carolina, a septic tank is  
5 considered part of the real property or parcel of land it  
6 serves. So if the description on the search warrant would  
7 have said residence, I would agree moreso with Mr. Touma,  
8 but the fact that it does specifically say the entire parcel  
9 that would include any property on that entire parcel, which  
10 would include the septic tank.

11 And then as far as his citation to 44-220, that is the  
12 State Underground Petroleum Environmental Response Bank Act.  
13 That statute has absolutely no relevance to anything that we  
14 are talking about. It' talking about what things can be  
15 held -- what petroleum can be held in. That's not what  
16 we're talking about here.

17 THE COURT: Where's that coming from? What are you  
18 talking about?

19 MS. DRIGGERS: He cited that in his motion to suppress.  
20 He cited 44-220. As far as, like, why a septic tank  
21 shouldn't be included. But again, that is talking about  
22 petroleum specifically, and that's not what we're talking  
23 about here.

24 THE COURT: Okay, he didn't make a big deal about that.

25 MS. DRIGGERS: Overall, Judge, I just think it said

1 parcel, and that is to include a septic tank. That would be  
2 my argument there. I believe that that's all I have.

3 THE COURT: All right, tell me this. How -- Laurens  
4 police got called to the convenience store, gas station. A  
5 guy is a victim of getting threatened, or beat up, or an  
6 assault or something like that, something physical. They  
7 talked to him, and he tells them that story. And then  
8 another conversation takes place with narcotics, not the  
9 investigating officer of the assault. Says, well, let me  
10 read that incident report. And they read it and say, well,  
11 this might be that guy that we don't know anything about  
12 him, but we need to know more about him, because we've been  
13 hearing about him or whatever. And then the entire search  
14 warrant focuses on searching the house for drugs.

15 That's a big jump from we're tracking an assault and  
16 battery second because this guy got beat up at the  
17 convenience store. I think that's the same guy that had  
18 beaten up that is the big drug dealer in town. I'm having a  
19 hard time getting that jump. That's a big hop for me, is to  
20 -- how do you get from that to, well, now we know his name.  
21 We know what kind of car he drives. We know he rents this  
22 property from some other guy with some other name. That's  
23 got to be where he's dealing it from, so let's get a search  
24 warrant. I mean, there's no mention we've been buying drugs  
25 out of that house. There's no mention of Mixon saying I've

1     been going by to get what I need to get to sell, to be the  
2     middle man. At least it's not in the search warrant and it  
3     wasn't in the testimony. How do you hop over there and get  
4     on this? I mean, it sounds like a great drug case, but it  
5     started out as an assault and battery at a gas station. And  
6     then you get a huge search warrant for this guy's house.  
7     Seems like we hopped over a big gap. A big -- I don't know  
8     what you call it. A factual gap for me.

9             And I don't know whether the septic tank, once it's  
10     installed it's part of the property, but it's not -- I  
11     wouldn't -- I don't know in the cases I've heard over the  
12     years that I've ever heard anybody, civil or criminal,  
13     describe a septic tank as a storage container that would be  
14     locked, where you would hide something you were saving for  
15     later, for safe keeping. Like a gun safe or a safe where you  
16     put your money or your belongings. It's certainly a hiding  
17     place. I don't know that it's a secured storage locker. I  
18     don't know. I don't know what I should do. This is -- and  
19     I read, just so y'all know, the search warrant, which is  
20     Court's Exhibit 1. I just happen to have a copy of it. Not  
21     one single thing in the description of property sought  
22     includes anything that would have arisen for the assault and  
23     battery. Nothing.

24             MS. DRIGGERS: Judge, can I point your attention to it?

25             THE COURT: Yes. Let's see it, because page three,

1     which is the initial part of it, illegal narcotic items.  
2     Then goes, sales of illegal narcotic buys and sell lists and  
3     financial records, banking records, records reflecting  
4     vehicles purchased or sold, computer hardware, tape drive.  
5     What's a computer hard drive got to do with an assault and  
6     battery? All portable communication devices, U.S. currency,  
7     negotiable instruments. That's part of that big hop over  
8     there that I was describing for you.

9             MS. DRIGGERS: Judge, it's on page four. At the top it  
10     says, articles of clothing identified as being worn by the  
11     suspect on the night of November 5, 2023, as observed in the  
12     video surveillance recording. Any forms of firearms,  
13     ammunition, parts of firearms.

14            THE COURT: Now, see, that search warrant, if that's  
15     what it included, would seem very reasonable. That seems a  
16     real fair hop to go from assault and battery second to oh,  
17     here's where he lives. We need to go see if he's got a gun  
18     and he's got the same clothing we saw in the video.

19            MS. DRIGGERS: Judge, it is the same assault.

20            THE COURT: No, it's not. You go from assault to drug  
21     trafficking. That's the difference. If you were just  
22     following up the assault and you jump tracks and go over  
23     here to the drugs. That's changing issues totally. You're  
24     trying to mush it together, saying, hey, we've got an excuse  
25     to go knock on the door, or maybe we can write a long

1 affidavit to bash in the door. That's what he's trying to  
2 say. Y'all seem to be missing it.

3 MS. DRIGGERS: It's the same understanding that these  
4 go completely together as far as we wouldn't have one  
5 without the other.

6 THE COURT: You want them to go together, but they don't  
7 seem to go together to me.

8 MS. DRIGGERS: Your Honor, that was the motivation  
9 behind this. In fact, if it was just some unrelated assault  
10 I could understand, but it's not. The assault occurred  
11 because of the defendant's drug dealing. That is  
12 specifically the motivation behind him brandishing this  
13 weapon. He's giving him a warning. Hey, your guy didn't  
14 pay me back, and I'm now pulling a gun on you because I'm  
15 letting you know you're going to have to make it right in  
16 some way. That goes to the motivation is directly tied to  
17 his narcotics dealing. You would not have one but for the  
18 other. He would not have ---

19 THE COURT: Yes, you would. Yes, you would.

20 MS. DRIGGERS: He wouldn't have assaulted him, but for  
21 this narcotics deal that went bad.

22 THE COURT: I don't know. That's -- you're hopping from  
23 a relatively minor assault and battery. By minor, there's no  
24 blood. There's no knife. There's no gunshot. That's  
25 relatively minor in the society we live in. Pushing,

1 shoving, threatening, he goes inside, he's scared and calls  
2 the police. That's a minor assault and battery. If y'all  
3 want to make it into something bigger, I'm not buying it.  
4 It's not. That's a minor assault and battery. It's not a 30  
5 day one. Maybe it could be, but that's an assault and  
6 battery second. That's a true assault and battery second,  
7 could have caused a moderate bodily injury, to drug  
8 trafficking. When the guy didn't call, said hey, he came  
9 and stole my dope. He came and took my money. That's a big  
10 jump for me. I don't know if there's enough here to support  
11 a search warrant to search the entire house and stretch it  
12 on into the septic tank from the assault and battery, and I  
13 used to be his middle man.

14 That's a big, big jump from this, to over here. And I'm  
15 gesturing with my hand saying, in my mind's eye, it's a big  
16 jump. I'm having difficulty without an intervening drug  
17 buy, sending Nixon back by there to get more drugs,  
18 something else to put this guy, Bug. Because the plain  
19 vanilla -- I've been doing this 34 years. Plain vanilla is  
20 somebody gets stopped. They've got drugs in their car.  
21 Would you mind telling us where you got it? Most of the time  
22 the answer is no. If the answer is yes, then they start  
23 going upstream. If they find somebody selling, you go by  
24 there and buy again. They do. Once they get two or three  
25 buys, they're guessing. Sometimes guessing really good.

1 Someone's guessing okay. Let's go search his house and his  
2 car. We've got enough. We've got three buys. There's been  
3 good dope. This is not that. That's the traditional, how  
4 you work upstream in a drug case. Either good drug cases  
5 come from good searches from houses, or an accidental stop  
6 of a car that's loaded up with pot. And by pot, I mean all  
7 illegal drugs. This is a very unconventional PWID  
8 trafficking, manufacturing case. It's really unconventional  
9 in my eyes.

10 All right. I'm not comfortable ruling on that right  
11 now. I want to think about it, because I'm perplexed. I  
12 may come in tomorrow and say, look, you know, I think you're  
13 right. I may come in tomorrow saying, I can't do it. If I  
14 can't, it knocks you out of the box, and that's just what we  
15 deal with. So, I'm taking this under advisement to sleep on  
16 it. I don't want to rule right now because I'm perplexed.  
17 I'm going to read some more. I may do some of my own  
18 research. I'm going to worry Hannah to death about it, and  
19 then I'll see y'all in the morning.

20 MR. TOUMA: Thank you, Your Honor.

21 (WHEREUPON, hearing concluded for the day.)

22 September 3, 2025

23 (WHEREUPON, hearing resumed at 9:42 a.m.)

24 THE COURT: We are back on the record in the State v  
25 Harris. I don't have the indictment numbers, -351, -352,

1 and -763, all 2024, I believe. Ms. Driggers, you asked to  
2 resummarize your position, and I'll be glad to hear from  
3 you.

4 MS. DRIGGERS: Thank you, Your Honor. Just briefly, to  
5 put the State's arguments back on the record. As far as the  
6 first argument that there was no probable cause and the  
7 search warrant was defective on its face. For both the  
8 assault and the drugs, the assault was directly linked to  
9 the defendant's drug dealing, and the victim of the assault  
10 was able to provide information that was not only timely,  
11 but was non self-serving, that would indicate the defendant  
12 was currently involved in drug activity. This, coupled with  
13 the fact that he had a record for drugs, would indicate that  
14 this was not just previous drug activity, but ongoing drug  
15 activity, and drug dealing would follow the defendant to  
16 include his home.

17 To cite a few cases as to providing a statement against  
18 self interest is State v Pope and State v Driggers. Even if  
19 the warrant was only legitimate for the assault, which was  
20 specifically covered in the search warrant on page four,  
21 then the good faith rule would apply because the officers  
22 have a good faith basis to search whatever or wherever  
23 evidence of the assault could have been hidden, and there  
24 would have been a good faith basis to believe that a septic  
25 tank could have been a hiding spot for a gun or other

1 additional evidence.

2           The exclusionary rule does not apply here because it is  
3 not designed to exclude, unless bad faith was shown, and  
4 unless the officers were using the magistrate as a rubber  
5 stamp, which is not the case here. Another case is State v  
6 Porter. That's an appeals case, 2023-000633, the effects  
7 here, you can see to this motion that this is not at all a  
8 bare bones warrant, and goes at length to lay out how these  
9 issues were not only intertwined, but supported by credible  
10 facts and circumstances. Search warrants are supposed to be  
11 viewed in a practical light as they are written by  
12 investigators and not attorneys.

13           As far as the septic tank not being covered, it's the  
14 State's position that the search of the septic tank was  
15 supported by the language in the search warrant. The  
16 description specifically included the entire parcel,  
17 according to South Carolina property law would include the  
18 septic tank. It further stated all locked storage  
19 containers, which a septic tank is. There again, even if a  
20 septic tank somehow isn't covered by a parcel or storage  
21 container, the officers were acting in good faith and  
22 searching the septic tank as they reasonably could have  
23 believed that it fell within the description of the search  
24 warrant, and they were there for a legitimate basis as far  
25 as the assault, even if you believe there was no probable

1 cause for drugs. Thank you.

2 THE COURT: Mr. Touma, do you want to be heard further?

3 MR. TOUMA: Just -- I can be very, very, very, very  
4 brief. Good morning, Your Honor. May it please the Court.  
5 Adam Touma here again on behalf of Mr. Leon Harris. Just, I  
6 guess I would start off by saying the warrant was defective  
7 in its face. I think that the two cases that we cited in my  
8 first argument for probable cause, the Smith case and the  
9 Weston case. Very, very extremely similar. Very similar.  
10 Both of those warrants defective, extremely similar to this  
11 case.

12 I would just say something I didn't say yesterday,  
13 which is -- so it's not summary, but that this -- the  
14 alleged victim's statement. I know a couple times they said  
15 that it was not, not self-serving, self-incriminating. I  
16 think it is maybe a bit self-serving. You know, we don't  
17 know anything about this guy, but he's saying he owed,  
18 potentially owed someone money, so he's trying, potentially,  
19 to get out of debt. So, I don't know if it's self-serving.  
20 I think it might be self-serving.

21 I don't think that the officers had a good faith basis.  
22 I think this was just a fishing expedition. They had a  
23 hunch, and they were like, hey, let's search his whole  
24 house. Maybe we'll find something. And that's what they  
25 did. So, it was not -- they didn't have a good faith basis.

1 It was just a fishing expedition, which is, of course, not  
2 allowed under the Fourth Amendment. That's a summation of my  
3 argument, and we ask that you please suppress all evidence  
4 from inside the house and inside the tank. Thank you.

5 THE COURT: I read everything; the motion, a bunch of  
6 cases, the search warrant thoroughly, talked to a couple of  
7 other judges. I made notes. I really -- I went to work on  
8 this thing last night. This morning, I got up about five  
9 o'clock and went through it again, and here's what I see.  
10 Is incident at the gas station, and the facts were provided  
11 to the detectives, not the narcotics officers. A gentleman  
12 named Bug, his house address Cherrywood Drive. It was Bug's  
13 residence, and he committed an assault of some part with a  
14 gun. Then you get the additional facts of the victim was  
15 perhaps a middle man and an unnamed customer who was vouched  
16 for by Mixon was not paid, or was money still owed to Bug,  
17 and that was the motivation for the assault. And cell  
18 number. Those seem to be additional facts provided through  
19 victim Mixon.

20 The narcotics officers get involved, and per the arrest  
21 warrant, search warrant, they knew Bug. They knew where he  
22 lived. They knew that was his residence, and they had  
23 information that he'd been dealing drugs as well of some  
24 breadth, it was kind of vague. He's a drug dealer or he  
25 deals in drugs, stuff like that. There were no specifics

1 from anybody on any sales occurring in and around the house,  
2 near the residence, from the residence, near the residence.  
3 There was no surveillance conducted on traffic; foot  
4 traffic, car traffic, different times, day and night at the  
5 house. I don't think there was any evidence proffered to  
6 the magistrate that they had any known sales to anyone. It  
7 was mentioned here and there that he was a drug dealer.

8         So then they go together. I don't know which  
9 detectives did it. It could have been the narcotics  
10 officers. It could have been the property detectives, but  
11 the information was already common to them, except the cell  
12 number and the assault. But where he lived, what he drove,  
13 his nickname, everything, and then they dug out what his  
14 real name is. There's an incident report that shows he  
15 lives at this address from a couple years ago, and his real  
16 name is, also known as. They dug that up. And then they  
17 said, well, now we got his real name. Search DMV records  
18 find which cars he owns. They're properly licensed. Finds a  
19 driver's license and his picture. Same guy. And they run his  
20 rap sheet and they find out his prior record.

21         All that information was retrievable based upon what  
22 narcotics had, because they didn't use any of the  
23 information that Nixon gave them at all to get any of that.  
24 Either side of the detectives could have done that. I'm not  
25 sure which side did it. So, then they put together the

1 search warrant to present to the magistrate.

2       Oddly enough, I haven't had a challenge on a search  
3 warrant in recent memory, until two weeks ago. I had one in  
4 Greenwood, and now I've got one this week. They're  
5 certainly coming in threes, so I've got another one on the  
6 horizon. I don't know when it's going to appear, but it's  
7 going to be here shortly. So, I've scrutinized the law on  
8 sufficiency of search warrants, insufficiency, all that sort  
9 of stuff. I've had to get up to speed on that in the last  
10 couple of weeks, because these issues are presenting  
11 themselves.

12       But the description on the search warrant seems to me  
13 to be hugely broad, considering the lack of sales, or  
14 purported sales of drugs. I can't think of anything that  
15 the law enforcement officer presenting the search warrant  
16 left off of what they were looking for, of conceivable items  
17 related to drug trade, cash, weapons, money, banking  
18 records, tax returns, credit card statements. Everything  
19 was in there but the kitchen sink. It was thorough. And  
20 they also put in there that they're looking for the weapon  
21 that was utilized in the commission of an assault and  
22 battery first.

23       Now, the last case I had was an evaluation under *Franks*  
24 *v Delaware*, which is 438 U.S. 154, and it has progeny here  
25 in South Carolina that fall on those same tracks regarding

1 the facts that are presented in an affidavit to a judge.  
2 And it goes two factors. It talks about, there's additional  
3 facts presented to mislead the magistrate, or false  
4 information presented to mislead the magistrate. I find  
5 that the length of the affidavit and what they're looking  
6 for to be misleading because it's so broad. They're not  
7 looking for anything in particular. They're looking for  
8 everything in general. But particularly, I believe it's  
9 exaggerated that they're looking for the commission of  
10 assault and battery first under every view of the assessment  
11 of what happened at that convenience store.

12 There was not a description of any medical treatment,  
13 bruising, scraping, cutting, bleeding, nausea, no nothing.  
14 There were some threats and close body contact of a  
15 communication. They couldn't see a weapon, and the victim  
16 was able to depart by saying, I need to go pay for my fuel.  
17 He went inside and stayed inside, and the incident was over.  
18 That may not be an assault and battery second. I don't know.  
19 It's not an assault and battery first. That's an  
20 exaggeration. And I think, considering sitting as a judge,  
21 and I consider affidavits for search warrant all the time.  
22 Magistrates do it more often than I do, but I think that's  
23 an exaggeration intended to mislead the judge.

24 Now, getting into -- and so I think that's a violation  
25 of *Franks v Delaware*, misleading a magistrate by

1 exaggeration or false information. I don't know which one  
2 it is. It could be a mistake, and that would be improper  
3 information. It could be too many facts. It could be  
4 either one. The search warrant looking for evidence  
5 supporting the assault and battery, first or second,  
6 whichever the assault and battery should have been, and  
7 searching the house, had they -- I guess it's inconceivable  
8 to me that this is what happened. But it's inconceivable to  
9 me that law enforcement would have followed up on an assault  
10 and battery second with a search warrant of the house  
11 looking for the clothes it occurred in. I would guess this  
12 is -- it's really not before me, but if the assault took  
13 place, it's on camera. They know the guy's nickname, where  
14 he lives, and his true name. Just go arrest him. But they  
15 searched his house from top to bottom, front to back,  
16 looking for drugs when they didn't have certain facts they  
17 could have corroborated, like surveil the house for a couple  
18 of days. See traffic coming and going. See hours of the  
19 night, traffic is coming and going. Who knows what all they  
20 could have found. There was information out there. It was  
21 scant, but I used to be a middle man for him. I vouch for  
22 another guy who he sold drugs to at some unknown time.  
23 That's vague and, to me, insufficient. What I'm listening  
24 for as a judge when I'm wanting to provide a search warrant  
25 is, Judge, about a week ago. Judge, recently. Within 10

1 days this happened, and we followed this happening. This is  
2 vague information, and it seems to be more of a hunch or a  
3 gut feeling. And search warrants shouldn't be based on  
4 hunches and gut feelings.

5 The septic tank, looking in there for stuff hidden. I  
6 don't follow the argument on parcel. I don't want to get  
7 into that. That's really not the basis of my ruling, but  
8 it's technical. The affidavit says, twice, part of the  
9 parcel. Parcel is a generic word and a general word using  
10 basically describing individual tracts that are taxed by the  
11 government, and those parcel numbers, tax map number, sub  
12 map number, then finally down to a parcel number. The  
13 subdivision of how the government tracks property to which  
14 there's property tax owed. Parcel is not a term used in  
15 transacting business, conveying real property. If it is,  
16 it's in a grouping of, Steve Smith hereby conveys tract --  
17 all that tract, parcel, piece of land that he owned and he  
18 received in a deed from Sally Jones, and he conveys it to  
19 Robert Williams for the sum of this, that, and the other.  
20 Parcel is not a descriptive word that is general. It's not  
21 a specific word. And this affidavit says part of the  
22 parcel. And for some reason it went very clear is, we're  
23 not looking at the entire parcel. We're looking in part of  
24 the parcel, the part on the right side of the driveway, and  
25 that includes everything there, because we mean all of it.

1 Well, that's a contradiction there. If you look into the  
2 parcel, look at the whole thing. But I don't want -- that's  
3 getting into the weeds on the parcel. But the septic tank  
4 look. Nothing in there but, I presume there was human waste  
5 and gray water or whatever in the septic tank. I presume it  
6 was. But then the manipulation of the plumbing system to  
7 flush it. That increased the scope of the search, in my  
8 opinion, unnecessarily looking for a gun or a weapon. No  
9 gun or weapon floats. Any gun or weapon will sink. It will  
10 not flow through a septic system, a sewer system in a home,  
11 because no pipes are big enough to support it unless it's a  
12 micro gun. Now, had the cap been removed and guns thrown in  
13 the septic tank, they float not at all and would've gone  
14 right to the bottom.

15 All that being said, I think, and I find that the  
16 search warrant that was utilized was improper. There were  
17 not sufficient corroborated facts of drug dealings in and  
18 around the home, people coming and going from the home. No  
19 actual knowledge of any sales to occur to anyone in and  
20 around the home. That that was the A and B first event, A  
21 and B second event, was utilized as a reason to go knock on  
22 the door. And I think it would have been proper to knock on  
23 the door for A and B second with a search warrant looking  
24 for a weapon or clothes. And then if officers went in,  
25 observe things in plain view, stop. Let's go get another

1 search warrant. There's things here in plain view. There's  
2 paraphernalia. There's indicia of drug trade, plastic bags,  
3 whatever. That wasn't done. It was -- it's missing parts  
4 that I find create a failure on the fairness to that search  
5 warrant. And so, I find that search warrant should be  
6 suppressed, and all the fruit, everything obtained in it, to  
7 be tainted and to be suppressed. That's my finding.

8 MR. TOUMA: Thank you, Your Honor.

9 THE COURT: I'll tell you this. It is a close, close  
10 call. This is not a slam dunk. I worried about this. I  
11 stayed up until 10 o'clock last night, reading and thinking  
12 about it. I got up this morning before five. I got here  
13 way before she did, and started reading on this stuff. It  
14 is not something that I jumped to conclusion and decided in  
15 a matter of a few minutes. It took me, I'm going to say, at  
16 least four hours to study everything, to digest it, and  
17 understand the parameters of what I was trying to decide.  
18 And I had some conversations with some other judges, and  
19 some of them pointed out this, some pointed out that, but  
20 they all agreed you could probably go either way. So it  
21 wasn't -- it's not a slam dunk. It is something that, in my  
22 assessment of what was presented to that magistrate was not  
23 consistent with the law of what a search warrant is based  
24 upon. It was inconsistent with the requirements of Delaware  
25 v Franks and its South Carolina progeny. I think it's

1 consistent with some of the search warrants that have been  
2 suppressed in the cases that were provided in the memorandum  
3 by Mr. Touma. That's my ruling. You've got a record on it. I  
4 would trust and I do not take offense. It's very close. I  
5 kind of feel like any way I ruled, if we go forward in  
6 trial, and there's a conviction, that's a reason for appeal.  
7 You're not prejudiced by a jury being sworn and jeopardy  
8 being attached. The State has every reason and opportunity  
9 to appeal this. I may be wrong, and if I'm wrong, it won't  
10 be the first time, but there's my ruling. I've got to call  
11 the ball or a strike, and I'm not going to take any offense  
12 to either side saying, Judge, we're going to appeal it,  
13 because you're absolutely wrong. It was close. I've got to  
14 go heads or tails. I'm going heads. If it's tails, the  
15 appellate courts get paid to do something. If I'm wrong,  
16 I'll accept it, so I don't find any offense from the  
17 appealing party challenging my decision, because I had to  
18 make a decision. Because if I don't make a decision, that's  
19 worse. So anyway, no disrespect to the State. When you file  
20 a notice of intent to appeal, I kind of expect it, and good  
21 luck to you.

22 MS. DRIGGERS: And Judge, the State does intend to  
23 appeal.

24 THE COURT: Sure. I mean, if you didn't, I would be  
25 disappointed, actually.

1 MR. TOUMA: Thank you, Your Honor.

2 MS. DRIGGERS: And Judge, do you plan to any sort of  
3 written order, or is this just your ruling?

4 THE COURT: My ruling is what I just said orally. I  
5 don't think I need to do a written order. You have a full  
6 record. I went into details of how I analyzed it, and  
7 that's generally what the appellate courts want is a  
8 detailed explanation of how I arrived to my ruling. And I  
9 think I provided that. I've gotten challenged on appeals  
10 before because I didn't go into that kind of detail, and it  
11 got sent back for me to go into the details. I think I've  
12 been gone sufficiently in the details of my basis and my  
13 thinking that they ought to be able to evaluate and say he's  
14 right or he's wrong. And I did find the cases you read,  
15 they're factually driven. Each case is a little bit  
16 different. This one's different. There's my ruling. I'm  
17 not going to issue a formal order, but we have an excellent  
18 court reporter and she made a fine record.

19 \*\*\*END OF REQUESTED TRANSCRIPT OF RECORD)\*\*\*

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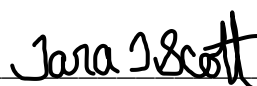
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## Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of General Sessions for Laurens County, South Carolina, on the 2nd and 3rd day of September, 2025.

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

A handwritten signature in black ink, reading "Tara T. Scott", is written over a horizontal line.

Tara T. Scott, CVR

Official Court Reporter

September 17, 2025