

STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA

vs.

CORY L. GETHERS

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS  
NINTH JUDICIAL CIRCUIT

Indictment No.: 2025-GS-08-00764  
Indictment No.: 2025-GS-08-00765  
Indictment No.: 2025-GS-08-00766  
Indictment No.: 2025-GS-08-00767

*JLG*  
**FILED**

SEP 12 2025

CASE NO.  
BERKELEY COUNTY, SC  
CLERK OF COURT  
LEAH GUERRY DUPREE

**VERDICT FORM**

**PLEASE CIRCLE THE APPROPRIATE VERDICT BELOW.**

1. We the jury unanimously find the Defendant, Cory L. Gethers, as to the charge of **TRAFFICKING IN COCAINE, TWENTY-EIGHT GRAMS OR MORE, BUT LESS THAN ONE HUNDERED GRAMS:**

**GUILTY**

**NOT GUILTY**

2. We the jury unanimously find the Defendant, Cory L. Gethers, as to the charge of **TRAFFICKING IN COCAINE BASE, TEN GRAMS OR MORE BUT LESS THAN TWENTY-EIGHT GRAMS:**

**GUILTY**

**NOT GUILTY**

3. We the jury unanimously find the Defendant, Cory L. Gethers, as to the charge of **TRAFFICKING IN METHAMPHETAMINE, TEN GRAMS OR MORE, BUT LESS THAN TWENTY-EIGHT GRAMS:**

**GUILTY**

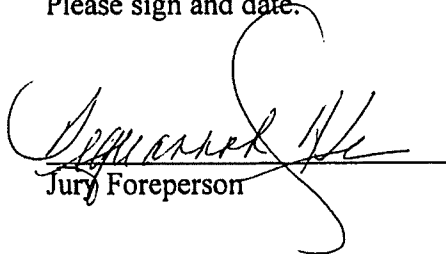
**NOT GUILTY**

4. We the jury unanimously find the Defendant, Cory L. Gethers, as to the charge of  
**TRAFFICKING IN FENTANYL, TWENTY-EIGHT GRAMS OR MORE.**
- 5.

**GUILTY**

**NOT GUILTY**

Please sign and date.

  
\_\_\_\_\_  
Jury Foreperson

9.12.25  
Date



STATE vs.

Cory L. Gethers

AKA: Consondra Ann

SSN: 200-58-8013

Gethers, Consondra Gethers

RACE: B

SEX: M

DOB: 03/03/1977

) INDICTMENT/CASE#: 2025-GS-08-00765

) AW#: 2024A0810200198

) Date of Offense: 01/31/2024

) S.C Code§: 44-53-0375(C)(1)(a)

) CDR Code #: 0450

) Range of Offense: Traff Meth/Crack 10g but <28g (3 years - 10 years & \$25,000)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF  or  PLEADS

TO: Traff Meth/Crack 10g but <28g

Range of Offense Pled: (5 years - 30 years & \$50,000)

In violation of § 44-53-0375(C)(1)(b) of the S.C. Code of Laws, bearing CDR Code # 0451

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  MANDATORY GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted  Lesser Included Offense  Defendant Waives Presentation to Grand Jury

The plea is:  w/o Rec/Negotiations  Negotiated  Recommendation

/s Adam G. Carr

101690

/s Christopher D. Lizzi

64325

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the  SCDC  County Detention Center  Home Incarceration Program  
for a determinate term of 20 days/months/years/Time Served  YOANTE      years and/or shall pay a fine  
of \$ 50,000; provided that upon the service of      days/months/years/Time Served and or payment  
of \$      plus costs and assessments as applicable\*; balance is suspended with probation for      months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run  CONCURRENT or  CONSECUTIVE to sentence on: 9/12/25

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC  
590 509 days/months  To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

- PTUP
- No Contact with Victim  Domestic Violence Intervention Program
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other:

Hold for Inpatient Treatment NO  
BERKELEY COUNTY, SC.  
CLERK OF COURT  
LEAH GUERRY DUPREE

SEP 12 2025

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

§17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Fine/Costs and Assessments are to be paid to the Clerk of Court within      days/months

RECEIVED

Dec 19 2025

SC Court of Appeals

Restitution	\$	
FINE:	\$	50,000.00
	\$	53,850.00
	\$	100.00
	\$	
	\$	
	\$	25.00
	\$	150.00
	\$	
	\$	
	\$	
	\$	
	\$	3,120.75
	\$	
	\$	
	\$	
TOTAL	\$	107,145.75

/s J. Gibson

Clerk of Court/Deputy Clerk

Melissa Singletary 2783  
Court Reporter Judge Code

9/12/25  
Sentence Date

[Signature]  
Presiding Judge

SCCA217B  
01/27/2025

STATE vs.

Cory L. Gethers

AKA: Consondra Ann Gethers, Consondra Gethers

RACE: B SEX: M

SSN: 200-58-8013

DOB: 03/03/1977

) INDICTMENT/CASE#: 2025-GS-08-00766

) AW#: 2024A0810200199

) Date of Offense: 01/31/2024

) S.C. Code§: 16-53-0370(e)(9)

) CDR Code #: 4096

) Range of Offense: Drugs / Trafficking in Fentanyl, 28 grams or more (25-40 years & \$200,000)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF  or  PLEADS

TO: Drugs / Trafficking in Fentanyl, 28 grams or more

Range of Offense Pled: (25-40 years & \$200,000)

In violation of § 16-53-0370(e)(9) of the S.C. Code of Laws, bearing CDR Code # 4096

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  MANDATORY GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted  Lesser Included Offense  Defendant Waives Presentment to Grand Jury

The plea is:  w/o Rec/Negotiations  Negotiated  Recommendation

/s Adam G. Carr

101690

/s Christopher D. Lizzi

64325

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the  SCDC  County Detention Center  Home Incarceration Program  
for a determinate term of 27 days/months/~~years~~ Time Served  YOANTE \_\_\_\_\_ years and/or shall pay a fine  
of \$ 200,000 provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
of \$ \_\_\_\_\_ plus costs and assessments as applicable\* ; balance is suspended with probation for \_\_\_\_\_ months/years  
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run  CONCURRENT or  CONSECUTIVE to sentence on: 9/12/25

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC  
590 days/months  To include time spent on monitored house arrest prior to trial and sentencing

*JLG*  
**FILED**

SPECIAL CONDITIONS:

- PTUP \_\_\_\_\_
- No Contact with Victim  Domestic Violence Intervention Program
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: \_\_\_\_\_

SEP 12 2025  
CASE NO  
BERKELEY COUNTY, SC  
CLERK OF COURT  
LEAH GUERRY DUPREE

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B) )

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

§17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution	\$
FINE:	\$ 200,000.00
	\$ 215,000.00
	\$ 100.00
\$100	\$
\$100	\$
\$12	\$
\$25	\$
\$25	\$ 25.00
\$150	\$ 150.00
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$ 12,458.25
\$500	\$
\$40	\$
TOTAL	\$ 427,733.25

**RECEIVED**  
**Dec 19 2025**  
**SC Court of Appeals**

/s J. Gibson

Clerk of Court/Deputy Clerk

Melissa Singletary 2783  
Court Reporter Judge Code

9/12/25  
Sentence Date

*[Signature]*  
Presiding Judge

SCCA217B  
01/27/2025



**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

JEN/0410109

WITNESSES

Berkeley County Sheriff's Office

DOCKET NO. 2025-GS-08-00764

The State of South Carolina

County of Berkeley

AGENCY CASE NUMBER

2024-01000952

COURT OF GENERAL SESSIONS

MARCH TERM 2025

ARREST WARRANT NUMBER

2024A0810200197

DATE OF ARREST

01/31/2024

THE STATE

VS.

CORY L. GETHERS  
B/M DOB: 03-03-1977

ACTION OF GRAND JURY

**FILED**

FILED  
25 MAR 12 AM 2:43  
CLERK OF COURT  
BERKELEY COUNTY, SC

*J. M. Dade*  
Foreperson of Grand Jury

3/12/2025  
Date:

VERDICT

*Guilty*

Indictment for

**TRAFFICKING IN  
METHAMPHETAMINE, TEN (10) GRAMS  
OR MORE, BUT LESS THAN TWENTY-  
EIGHT (28) GRAMS**

SC Code: § 44-53-0375(C)(1)(b)  
CDR Code: 0451

*[Signature]*  
Foreperson of Petit Jury

9.12.25  
Date:

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened March 2025, the Grand Jurors of Berkeley County present upon their oath:

**Trafficking in Methamphetamine, Ten (10) Grams or More, but Less than Twenty-Eight (28) Grams, 2<sup>nd</sup> Offense**

The defendant, Cory L. Gethers, did on or about January 31, 2024, in Berkeley 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 ten (10) grams or more, but less than twenty-eight (28) grams 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 44-53-0375(C)(1)(b) of the South Carolina Code of Laws (1976) as amended.

**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
JONATHAN B. NEWLON  
ASSISTANT SOLICITOR

RECEIVED

Dec 19 2025

SC Court of Appeals

JBN/0410109

WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2024-01000952

ARREST WARRANT NUMBER

2024A0810200198

DATE OF ARREST

01/31/2024

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Foreperson of Grand Jury

3/12/2025  
Date:

VERDICT

*guilty*

*[Signature]*  
Foreperson of Petit Jury

9.12.25  
Date:

DOCKET NO. 2025-GS-08-00765

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

MARCH TERM 2025

THE STATE

VS.

CORY L. GETHERS  
B/M DOB: 03-03-1977

Indictment for

TRAFFICKING IN COCAINE BASE, TEN  
(10) GRAMS OR MORE, BUT LESS THAN  
TWENTY-EIGHT (28) GRAMS

SC Code: § 44-53-0375(C)(1)(b)  
CDR Code: 0451

25 MAR 12 AM 2:43  
LEARN QUERREY SUPRE  
CLERK OF COURT  
BERKELEY COUNTY, SC

FILED

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened March 2025, the Grand Jurors of Berkeley County present upon their oath:

**Trafficking in Cocaine Base, Ten (10) Grams or More, but Less than Twenty-Eight (28) Grams, 2<sup>nd</sup> Offense**

The defendant, Cory L. Gethers, did on or about January 31, 2024, in Berkeley 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 ten (10) grams or more, but less than twenty-eight (28) grams of Cocaine Base 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 44-53-0375(C)(1)(b) of the South Carolina Code of Laws (1976) as amended.

**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
JONATHAN B. NEWLON  
ASSISTANT SOLICITOR

RECEIVED

Dec 19 2025

SC Court of Appeals

JBN/0410109

WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2024-01000952

ARREST WARRANT NUMBER

2024A0810200199

DATE OF ARREST

01/31/2024

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Foreperson of Grand Jury

3/12/2025  
Date:

VERDICT

*guilty*

*[Signature]*  
Foreperson of Petit Jury

9.12.25  
Date:

DOCKET NO. 2025-GS-08-00766

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

MARCH TERM 2025

THE STATE

VS.

CORY L. GETHERS  
B/M DOB: 03-03-1977

Indictment for

TRAFFICKING IN FENTANYL, TWENTY-EIGHT (28) GRAMS OR MORE

SC Code: § 16-53-0370(e)(9)  
CDR Code: 4096

25 MAR 12 AM 2:43  
LEAH BERRY DUPREE  
CLERK OF COURT  
BERKELEY COUNTY, SC

*[Signature]*  
FILED

5

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened March 2025, the Grand Jurors of Berkeley County present upon their oath:

**Trafficking in Fentanyl, Twenty-Eight (28) Grams or More**

That defendant, Cory L. Gethers, did on or about January 31, 2024, in Berkeley 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 twenty-eight (28) grams or more of Fentanyl or Fentanyl-related substance, as described in Section 44-53-190(B) or 44-53-210(c). All in violation of 44-53-370(e)(9)(c) of the South Carolina Code of Laws (1976), as amended.

**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
JONATHAN B. NEWLON  
ASSISTANT SOLICITOR

**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

JBN/0410109

WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2024-01000952

ARREST WARRANT NUMBER

2024A0810200200

DATE OF ARREST

01/31/2024

ACTION OF GRAND JURY

**True Bill**

*J. W. Dade*  
Foreperson of Grand Jury

3/12/2025  
Date:

VERDICT

*Guilty*

*Dequon A* 9-12-25  
Foreperson of Petit Jury Date:

DOCKET NO. 2025-GS-08-00767

**The State of South Carolina**

County of Berkeley

COURT OF GENERAL SESSIONS

MARCH TERM 2025

THE STATE

VS.

**CORY L. GETHERS**  
B/M DOB: 03-03-1977

Indictment for

**TRAFFICKING IN COCAINE, TWENTY-EIGHT (28) GRAMS OR MORE, BUT LESS THAN ONE HUNDRED (100) GRAMS**

SC Code: § 44-53-0370(e)(2)(b)2  
CDR Code: 0388

25 MAR 12 AM 2:42  
LEAH ROBERTS PURPREE  
CLERK OF COURT  
BERKELEY COUNTY, SC

*HP*  
**FILED**

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened March 2025, the Grand Jurors of Berkeley County present upon their oath:

**Trafficking in Cocaine, Twenty-Eight (28) Grams or More, but Less than One Hundred (100) Grams, 2<sup>nd</sup> Offense**

The defendant, Cory L. Gethers, did on or about January 31, 2024, in Berkeley 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, but less than one hundred (100) grams of Cocaine or any mixtures containing Cocaine, as provided in 44-53-210(b)(4). All in violation of 44-53-0370(e)(2)(b)2 of the South Carolina Code of Laws (1976) as amended.

**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
JONATHAN B. NEWLON  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF BERKELEY ) FOR THE NINTH JUDICIAL CIRCUIT

LEAH GUERRY DUPRE  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
BERKELEY COUNTY, SC )

INDICTMENT NO: 2025-GS-08-00764  
INDICTMENT NO: 2025-GS-08-00765  
INDICTMENT NO: 2025-GS-08-00766  
INDICTMENT NO: 2025-GS-08-00767

Plaintiff,

vs.

CORY LANARD GETHERS.

Defendant.

**POST TRIAL BRIEF ON  
MOTION FOR NEW TRIAL**

**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

**FACTS**

1. This matter came before the Court on September 8, 2025, through September 12, 2025, for a trial on the above referenced indictments.
2. On January 31, 2024, the Defendant was stopped at the area of 2500 North Main Street, Berkeley County. The Officer reported the vehicle making an unlawful lane change and a U-turn without a signal. Traffic stop was made; occupants of the vehicle were the Defendant and two female passengers. The Defendant provided his driver's license, insurance card and registration and the two occupants indicated they did not have I.D. in their possession. The Officer made the two occupants of the vehicle exit the vehicle.
3. The Officer ran the Defendant's information and came back with no warrants. No citation was issued at this time.
4. The Officer then extended the stop asking the Defendant if there were any illicit drugs in the vehicle and went on to request several times if the Defendant would allow him to search the vehicle. The Defendant informed the Officer that the vehicle did not belong to him, and he was only the driver of the vehicle, not the owner, and that the vehicle was titled to his mother.

5. After extended questioning the Defendant allowed the Officer to search the vehicle and the Officer reported finding a bag with white powdery substance on the front seat which was not field tested and later turned out from the analysis from State Law Enforcement Divisions laboratory to not contain illegal substances.

6. The Officers then searched the entire vehicle at which they found the narcotics, which are the subject of these indictments, inside of a bag under the cupholder in the center console of the vehicle.

7. Officer Hunter's body camera did not capture his finding of the drugs. Highway Patrol man Cameron Hendrix was also involved in the search and had a body camera in place and was standing in the front passenger doorway when the alleged drugs were found. This body camera footage was never provided in discovery even though first discovery request by the Defendant's attorney was received within approximately two weeks after the arrest.

8. Later inquiry at trial indicated that the body camera footage had been destroyed automatically after 180 days.

9. Trial was conducted and the Defendant made several motions, first being a Motion to Dismiss pursuant to SC Code of Laws Section 23-1-240, pursuant to the due process clause of the SC United State Constitution, *Giglio v. U.S.*, 405 U.S. 150 (1972), due to the States Rule 5 and Brady violations and due process violations for the failure to provide body camera footage from the Highway Patrol Man assisting in the search. This Motion was denied.

Defendant also filed a Motion to Suppress Evidence pursuant to 4<sup>th</sup> amendment of the United States Constitution protections from unlawful search and seizures and that the evidence obtained subsequent to the unlawful stop, and unlawful extension of the stop for reasonable suspicion, pursuant to the doctrine of the "fruit of the poisonous tree", *Terry v. Ohio*, 392 U.S. 1 (1968); *State v. Prosser*, 369 S.C. 320, 632 S.E.2d 863 (Ct. App. 2006). This Motion was denied.

10. Trial was conducted for five days, during the trial the State made a Motion to Remove the

Jury Foreman, claiming that the Jury Foreman had made a statement during testimony of a witness when the Defense Attorney made an objection and had said Foreman made a comment and the Prosecutor said the Foreman had looked her in the eyes. The Court held a hearing in which it interviewed the Jury Foreman, the Juror beside said Foreman, and the Juror behind said Foreman. The Court found that there was no indication by any of the Jurors that there was an indication that the Foreman had made up her mind or was trying to interfere with the proceedings and the Court denied the States Motion and allowed the Foreman to continue in her role. This procedure took several hours during the middle of the State's case and testimony.

11. That after the Jury was charged and in deliberations after approximately five hours the Jury indicated that they could not reach a decision, and the Court instructed them to continue to deliberate. The Judge as well as the Attorneys visited the Jurors in the Jury Deliberation room. The Court ordered food for the Jurors and approximately two hours later the Jury indicated they had reached a verdict and Court received the verdict of guilty on all counts.

12. Defendant then filed a Motion for a New Trial.

### ARGUMENT

13. That the evidence showed that the arresting officer initiated a traffic stop for the Defendants illegal lane change and failure to signal a left-handed turn. That upon stopping the vehicle the Defendant produced his appropriate documents, indicated the vehicle belonged to his mother, and the police officers had no additional circumstances that would raise reasonable suspicion to extend said traffic stop.

14. The arresting officer in his testimony said that he observed the Defendant perspiring on a cold winter night, which caused him to extend the traffic stop. The Defendant set forth that the arresting officer had no reasonable cause to extend the traffic stop past that of issuing a citation for illegal lane change and failure to signal in that the officer testified to circumstances that he believed to reach a level to create a reasonable, articulable, suspicion that the Defendant had

committed, was committing, or was about to commit any other illegal acts to legally extended the traffic stop. As a result of this improper extension of the stop the officer conducted a search of the Defendant's person and vehicle leading to discovery and seizure of evidence subject to these charges.

15. The officer when conducting the traffic stop, received the Defendant's appropriate documents, cleared all three occupants of the car for not having warrants and then extended the stop without reasonable suspicion to do so. It is well established law in South Carolina that any consent given would be coercive in nature due to unlawful detention. That the Defendant believes it was an error of law in the Court for not granting the Motion to Dismiss or in the alternative to suppress the evidence found during such traffic stop, pursuant to *U.S. vs. Cortez*, 449 U.S. 41 418 (1981).

16. The law is well established that any traffic stop is a seizure as defined by the 4<sup>th</sup> amendment of the constitution, and to extend such seizure beyond its original purpose requires reasonable suspicion that particularized and on which a objective basis must be present that would lead someone to suspect suspicion activity, *U.S. vs. Cortez*, 449 U.S. 41 418 (1981) that if a law officer lacks a valid objective reason for the stop and/or extension of the stop is unconstitutional. This stop occurred late at night with an African American driver and two white females. Although it is questionable as to the use of a signal, it is apparent that such stop was pretextual and meant to investigate a much more serious crime without having probable cause to do so. Even if such basis for stop was reasonable, the extension of such stop had no real articulable basis.

17. The Defendant relies on *Terry v. Ohio*, 392 U.S. 1 (1968); *State v. Prosser*, 369 S.C. 320, 632 S.E.2d 863 (Ct. App. 2006), where the evidence obtained subsequent to the unlawful extension of the stop is the "fruit of the poisonous tree", which must be excluded *Wong Sun v. United States*, 371 U.S. 471 (1963) All evidence included but not limited to: any statements by the Defendant, any physical evidence seized and observations by the officer should have been

suppressed.

18. The law is clear that any traffic stop is a seizure as defined by the 4<sup>th</sup> amendment of the constitution, and to extend such seizure beyond its original purpose requires reasonable suspicion that particularized and on which a objective basis must be present that would lead someone to suspect suspicion activity, *U.S. vs. Cortez*, 449 U.S. 41 418 (1981) that if a law officer lacks a valid objective reason for the stop, the stop is unconstitutional. This stop occurred late at night with an African American driver and two white females. Although it is questionable as to the use of a signal, it is apparent that such stop was pretextual and meant to investigate a much more serious crime without having probable cause to do so. Even if such basis for stop was reasonable, the extension of such stop had no real articulable basis. The court denied such motion which the Defendant believes is violative of his rights and therefore would entitle him to a new trial.

19. Furthermore, the State violated the Defendant's rights by failing to provide body cam footage Highway Patrolman Hendrix who has assisting the search and/or providing testimony of said officer. Not only did the State fail to provide such materials that would aid in the defense of the Defendant, but they also failed to even identify the officer in their incident report. South Carolina Code Section 23-1-240 requires body worn cameras. It further provides that a person who is a subject to recording, a criminal defendant, if the recording is relevant to the pending criminal action and the attorney for such persons are entitled to request and receive data recorded by body worn cameras. That the State received a request pursuant to our Motion to Discovery in *Brady v. Maryland* in early February of 2024 and failed to obtain and produce such evidence.

20. Rule 5 of South Carolina Rules of Criminal Procedure is the state codification of the United States Supreme Court decision in *Brady v. Maryland*, 373 U.S. 83 (1963) which establishes that the prosecution must turn over all evidence that might exonerate the Defendant and aid in its defenses. Furthermore, the South Carolina Legislative Government has a proposal to amend South Carolina code of laws 23-1-240 (6).

21. The purpose behind Rule 5 requires the State to disclose evidence of any written or recorded record of the Defendant to able the Defendant to prepare for trial, to access potential exculpatory relevant evidence.

22. Brady and its prodigies impose a duty upon the State to preserve evidence which is favorable to the Defendant. Such failure to comply warrant the dismissal of the criminal charges or suppression of evidence or other remedies seen appropriately by the Court.

23. In this case the destroyed evidence proved to be crucial, inasmuch as evidence in trial proved that the arresting officer contorted himself to where his body camera did not capture his finding of evidence in the Defendants mother's vehicle. Such evidence was purported to be located in a cavity under the cupholder in the center console. However, Officer Hunter's body camera somehow recorded the front driver's seat while he was supposedly retrieving the drugs from such cavity. Due to the Court's, error in its failure to suppress such evidence, as being the "fruit of the poisonous tree" due to Brady violations and the lack of reasonable suspicion and lack of probable cause to extend the stop, such is an error of law should entitle the Defendant to a new trial.

24. Though South Carolina does not have a specific juror instruction for the spoliation of evidence by the State in criminal proceedings to require a jury charge allowing the jury to draw a negative inference against the State, the Defendant believes that the destruction of evidence in this case was extreme. The Sate received at least two Rule 5 Brady Motion request prior to the expiration of the 180 days that the Highway patrol claims that it automatically deletes their body camera footage. Furthermore, the State named and failed to call Officer Hendrix to testify at trial. The State's failure to secure such evidence was at best inexcusable neglect.

25. That the Defendant believes that such egregious behavior should have entitled him to a charge of negative inference of the State on such evidence or in the alternative that the evidence found should have been suppressed. Therefore, the Defendant should be entitled to a new trial as

a result of the trial Courts denial of his Motion to Suppress such Evidence.

26. That the Defendant further sets forth that the Court's error in failing to deny the submission to the Jury of the evidence regarding the telephone data and recordings of a video of the same cavity in the car that is purported to be where the drugs were found. There was evidence set forth on the record that there were at least several user accounts on the phone, and the State had no evidence to prove that the phone was in the exclusive control of the Defendant and that such video was recorded by the Defendant. That the inclusion of such recorded video retrieved from the Defendant's cell phone was extremely prejudicial and lacked a credible foundation that such evidence was recorded by my Client or related to the event at trial. That the trial Court denied Defendant's objection and request to exclude this video was an error and should entitle the Defendant to a new trial.

27. The States attempt to remove the Jury Foreman during the middle of the evidentiary portion of the trial is violative of his 6<sup>th</sup> amendment rights to have a trial in front of a fair and impartial Jury, the attempt of a midtrial removal challenging the Foreman's impartiality can raise concerns about fairness among the remaining Jurors, they may question the basis for the attempted removal of the Juror or question why the Prosecutor wanted her removed, potentially distracting them from evidence.

28. Furthermore, the Jurors may feel pressured to avoid expressing their views which could lead to their own dismissal possibly inhibiting their honest deliberation. The Jurors may have also been worried that the Prosecutor was trying to manipulate the Jurys composition. Here the Court found that the Juror was not impartial and that the Juror's removal was not warranted and that the Juror clearly articulated that they could provide a fair and accurate trial. Three Jurors in total were questioned.

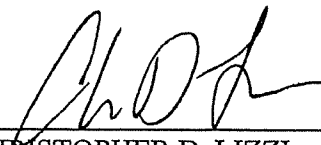
29. The Defendant contends that the Prosecutors' request for removal lacked a valid non-discriminatory reason and violated the Defendant's rights, Prosecutors contended that the Juror

had engaged in misconduct, such could be viewed as an attempt to intimidate the Jurors and/or make them overly cautious and afraid to fully express themselves in the deliberation of the case, therefore the Defendant believes that such attempt by the Prosecution to replace such Juror inferred with the fair process and his right to the a fair trial and should be granted a new trial.

### CONCLUSION

30. Based on the aforementioned arguments the Defendant believes that he is entitled to a new trial, due to the Courts failure to suppress evidence found in the vehicle, the inclusion of the video regarding the same cavity in the vehicle in which the drugs were found without any credible evidence that the Defendant was the person who took such video or the purpose of why such video was taken several months before the incident, the State's attempt to remove the Jury Foreman, the Courts finding that there was reasonable suspicion to expand the traffic stop from a minor traffic violation and denial of its motion to dismiss or suppress the evidential discovery and the full record of this trial and that the Defendant is entitled to the Court granting him a new trial in this matter.

Respectfully submitted,



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November 7, 2025

MPP  
**FILED**

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

NINTH JUDICIAL CIRCUIT

2025 NOV 19 AM 11:38

LEAH GUERRY DUPREE  
CLERK OF COURT  
BERKELEY COUNTY, SC

STATE OF SOUTH CAROLINA

**STATE'S MEMORANDUM IN OPPOSITION TO  
DEFENDANT'S MOTION FOR NEW TRIAL**

vs.

CORY LANARD GETHERS,

Indictment No.: 2025-GS-08-00764

Indictment No.: 2025-GS-08-00765

Indictment No.: 2025-GS-08-00766

Indictment No.: 2025-GS-08-00767

DEFENDANT.

Trafficking Methamphetamine, 10-28g, 2<sup>nd</sup> Offense  
Trafficking Cocaine Base (Crack), 10-28g, 2<sup>nd</sup> Offense  
Trafficking Fentanyl, 28g or more  
Trafficking Cocaine, 28-100g, 2<sup>nd</sup> Offense

TO: THE HONORABLE MILTON G. KIMPSON,  
South Carolina Circuit Court Judge

**RECEIVED**

**Dec 19 2025**

**SC Court of Appeals**

The State respectfully submits this memorandum in opposition to Defendant's Motion for New Trial. The motion restates issues already resolved before and during trial and raises no new factual or legal basis for relief. Each argument concerning reasonable suspicion, probable cause, consent, the missing bodycam video, the phone evidence, and the juror issue was fully litigated on a developed record. The Defendant has not met his burden under Rule 29(b), SCRCrimP, and the motion should be denied.

**I. The Court Properly Found Probable Cause, Reasonable Suspicion, and Consent**

Prior to trial, this Court held a full suppression hearing at which Deputy Rogers testified and the bodycam and dashcam videos were played. The Court found probable

cause for the initial stop based on multiple lane-change and signaling violations observed in real time. The Court also found reasonable suspicion to briefly extend the encounter based on the totality of the circumstances, including the late hour, two erratic lane changes followed by a sudden U-turn upon noticing law enforcement, the vehicle's trash-filled condition including a garbage bag used as a window, the presence of three occupants with only one identification, and the Defendant's sweating on a cold January night.

The defense argues that once the officer completed the ordinary tasks of the traffic stop, such as checking documents and confirming no warrants, he lacked reasonable suspicion to extend the encounter further. That argument ignores the governing legal standard. An officer may briefly detain and question occupants when specific, articulable facts give rise to reasonable suspicion of criminal activity. See *Terry v. Ohio*, 392 U.S. 1 (1968); *Arizona v. Johnson*, 555 U.S. 323 (2009). Reasonable suspicion is evaluated under the totality of the circumstances rather than by isolating individual factors. See *State v. Taylor*, 401 S.C. 104, 736 S.E.2d 663 (2013); *United States v. Arvizu*, 534 U.S. 266 (2002). Here, the combined factors provided more than sufficient grounds for a brief investigatory extension, and the Court properly so ruled.

The Defendant further argues that any consent to search was invalid because the stop was allegedly unlawfully prolonged and that the consent should be deemed coercive as a matter of law. That contention fails because the Court already found the extension of the stop supported by reasonable suspicion, and the videos show a calm, non-coercive exchange. Voluntariness is a factual determination reviewed only for clear error. See *State v. Mattison*, 352 S.C. 577 (Ct. App. 2003). The Court also found that, independent of reasonable suspicion and probable cause, the Defendant voluntarily consented to the search

of the vehicle. Once suspected narcotics were located on the driver's seat, probable cause independently justified a full vehicle search under the automobile exception. See *Carroll v. United States*, 267 U.S. 132 (1925).

## **II. The Missing Hendrix Bodycam Does Not Warrant a New Trial**

The Defendant again claims prejudice from the absence of Trooper Hendrix's body-worn camera footage. This issue was fully litigated before trial. The Court correctly found that section 23-1-240 of the South Carolina Code provides no dismissal remedy, that there was no evidence of intentional suppression or bad faith, and that the Defendant made no showing that the missing recording was materially exculpatory. Under *Arizona v. Youngblood*, 488 U.S. 51 (1988), and *State v. Cheeseboro*, 346 S.C. 526, 552 S.E.2d 300 (2001), due process is violated only when evidence is materially exculpatory and destroyed in bad faith. The Defendant identifies no evidence of bad faith.

The missing recording was also not material. The encounter was fully documented by the body-worn cameras of Deputy Rogers and Deputy Smith, which the jury viewed in their entirety. The defense suggested at trial that Rogers's bodycam did not capture the moment the drugs were located. The record explains why. Rogers testified, and the videos show, that his camera is mounted on the right pectoral area. When he leaned into the driver seat, he placed his left knee on the seat, placed his right elbow on the driver seat headrest and reached toward the center console with his left hand, and as a result his body naturally rotated slightly to the right. That orientation pointed his camera away from the compartment. This explains the angle of the footage and does not imply misconduct.

Nothing in the record establishes that Hendrix's camera, had it been preserved, would have depicted anything materially different from what the jury already saw. Because the footage was not suppressed, was not shown to be favorable, and was not destroyed in bad faith, neither *Brady v. Maryland*, 373 U.S. 83 (1963), nor *Youngblood* provides relief. The Court's ruling was correct and should not be disturbed.

### **III. The Court's Juror Inquiry Was Proper and Did Not Intimidate or Influence the Jury**

The Court properly addressed the juror issue and ensured that the panel remained impartial. After receiving a report that a juror had said "That's right" out loud during testimony, the Court held a hearing under section 14-7-1020 of the South Carolina Code. The Court received sworn testimony from courtroom personnel and observers, and then individually questioned three jurors with counsel present. The juror who made the remark credibly explained it as an involuntary reaction to a procedural matter among the attorneys rather than a comment on the evidence and stated she had not made up her mind about the case and favored neither the State nor the Defense. The other two jurors confirmed that no discussions about the merits and no premature deliberations had occurred.

The defense now speculates that the inquiry itself may have pressured or intimidated the remaining jurors or caused them to wonder why the prosecutor raised the concern. The record does not support that speculation. The Court took great care to explicitly frame the inquiry as arising from its own observations and from courtroom-camera review. No juror was ever told that the concern originated with the State, and there

is no evidence that any juror felt intimidated, distracted, or inhibited in their deliberations as a result of the inquiry.

Juror-impartiality determinations rest within the trial court's discretion and are entitled to substantial deference. See *State v. Aldret*, 333 S.C. 307, 509 S.E.2d 811 (1999); *State v. Woods*, 382 S.C. 153, 676 S.E.2d 128 (2009). The voir dire was thorough, the jurors' answers were clear, and the Court's finding that the panel remained fair and impartial is fully supported by the record. To the extent the motion hints at ineffective assistance in connection with the juror issue, such a claim is not cognizable in a Rule 29(b) motion and must be raised, if at all, through post-conviction relief.

#### **IV. The Court Properly Admitted the Phone Evidence to Establish Knowledge and Control**

The defense further argues that the State failed to prove the Defendant was the exclusive user of the cell phone from which the hidden-compartment video was recovered, noting that the device contained multiple user accounts and that there was no direct proof the Defendant personally recorded the video. Exclusivity, however, is not required for admissibility. The State presented expert testimony establishing that the video was stored in the phone's native camera application and originated from the device itself. The phone was found on the driver's seat where the Defendant had been sitting, its owner was listed in the device settings as "Cory Gethers," and nine separate user accounts on the device, including email, Google, Chrome, Drive, and CashApp—were also in the Defendant's name. The recording was relevant because it depicted the same hidden compartment where the narcotics were recovered and directly supported the Defendant's knowledge of and

access to that compartment, which is central to constructive possession. The Court instructed the jury on the limited purpose of this evidence. Under Rules 401, 403, and 901, SCRE, the video was properly admitted, and the defense has identified no basis for exclusion.

**V. The Court Did Not Err in Declining to Give an Allen Charge or Declare a Mistrial**

The Defendant also contends the Court erred by failing to give an Allen charge after the jury submitted a note stating, "No verdict." This contention is both unpreserved and substantively meritless. Defense counsel never requested an Allen instruction, never requested a mistrial at that stage, and never objected to the Court's response. Under South Carolina law, alleged errors in omitting a jury charge must be raised contemporaneously. See Rule 19, SCRCrimP; see also *State v. Pauling*, 322 S.C. 95 (1996) (objection to improper response to jury question required). Because no objection was made, the claim is not preserved for review in a Rule 29(b) motion.

Even if the Court were to reach the merits, there was no error. The record shows the jury never said it was deadlocked or at an impasse. The jury first asked for a copy of the jury instructions, which the Court provided. The jury then indicated it had a question but was unsure how to frame it, so the Court and counsel briefly met with the panel as a whole, encouraged them to put any question in writing, and ordered them dinner. The jury later submitted a written question regarding possession, and the Court properly responded that the answer was contained within the existing instructions. Only after these exchanges did the jury send a note that simply stated, "No verdict." The note did not say the jurors

were hopelessly deadlocked, did not express an inability ever to reach a unanimous decision, and did not ask to be discharged. The Court responded by instructing the jury to continue deliberating. The jury did so and later returned its verdict.

South Carolina permits a neutral Allen-type instruction when a jury affirmatively reports that it is deadlocked, and the touchstone is that the court may urge, but not coerce, continued deliberations. See *Green v. State*, 351 S.C. 184 (2002); *State v. Pauling*, 322 S.C. 95 (1996); *Tucker v. Catoe*, 346 S.C. 483 (2001). In *Pauling*, for example, the Allen analysis arose only after the foreperson stated the jury was at an impasse on two counts. No such statement was made here. The jury's brief "No verdict" note was merely a status report that a verdict had not yet been reached at that moment, not an assertion of permanent deadlock. Under these circumstances, the Court acted well within its discretion in instructing the jurors to resume their deliberations rather than declaring a mistrial or issuing an Allen charge.

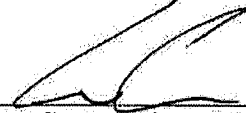
## **VI. No Cumulative Error Exists**

Because the challenged rulings were correct, there is no basis for cumulative error. See *State v. Chavis*, 412 S.C. 101, 771 S.E.2d 336 (Ct. App. 2015). The Defendant received a fair trial before an impartial jury, the Court correctly ruled on the evidentiary and procedural issues the Defendant now re-raises, and no newly discovered evidence or legal error has been shown that would justify a new trial.

**VII. Conclusion**

For all of the foregoing reasons, the State respectfully requests that the Defendant's Motion for a New Trial be denied in its entirety.

Respectfully Submitted,



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STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF BERKELEY	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA,	)	Indictment Nos. 2025-GS-08-00764
	)	2025-GS-08-00765
VS.	)	2025-GS-08-00766
	)	2025-GS-08-00767
CORY LANARD GETHERS,	)	
	)	
DEFENDANT.	)	
	)	

This matter is before the Court pursuant to the Defendant's Motion for New Trial (Motion). The Defendant was convicted by a jury on September 12, 2025, for the crimes of 1) Trafficking in Cocaine, twenty-eight grams or more, but less than one hundred grams; 2) Trafficking in Cocaine base, ten grams or more but less than twenty-eight grams; 3) Trafficking in Methamphetamine, ten grams or more but less than twenty-eight grams; and 4) Trafficking in Fentanyl, twenty grams or more. The Court sentenced the Defendant to twenty-seven years imprisonment on the Fentanyl charge and imposed twenty-year sentences on each of the remaining charges, all to run concurrently. The Defendant's Motion for New Trial renews all motions and objections made during the trial, seeks relief based upon the State's challenge to the jury foreperson and further asserts the Court erred in not giving an *Allen* charge to the jury.

After thorough consideration of the briefs submitted by the Defense and the State and the facts and circumstances of this case, the Court stands by its legal and evidentiary rulings for the reasons articulated during trial and thus, the Defendant's Motion, as it relates to the issues covered during trial (Paragraphs 13-26 of Defendant's brief) is respectfully denied.

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Defendant further offers that the State's attempt to remove the jury foreperson violated his 6<sup>th</sup> Amendment right to a trial before a fair and impartial jury. On the morning of the second day of trial, prior to the jury being brought into the courtroom, the State moved to remove the jury foreperson because of a remark the juror made during the testimony of a State's witness the day before, alleging that the foreperson's comment demonstrated bias against the State's case. As pointed out in the State's briefing, the Court then conducted individual examinations of the challenged juror, two other jurors and courtroom personnel pursuant to SC Code Ann. § 14-7-120 and ultimately determined that the juror's remark was unintentional and demonstrated no bias or unfairness to the State.<sup>1</sup> The Defendant asserts that because of this inquiry, "the Jurors may feel pressure to avoid expressing their views which could lead to their own dismissal possibly inhibiting their honest deliberation" and further that "[t]he Jurors may also have been worried that the Prosecutor was trying to manipulate the Jury's composition." The Court declines to grant a new trial on this basis. The jury was not made aware of the State's motion to remove the foreperson and the jurors who were examined were asked not to reveal the matter to their fellow jurors. There is no evidence that the jury was affected in any way by the proceedings under § 14-7-120.

Finally, the Defense asserts that it should be granted a new trial because of the Court's failure to give the jury an *Allen* charge after the jury submitted a note saying, "No verdict." See,

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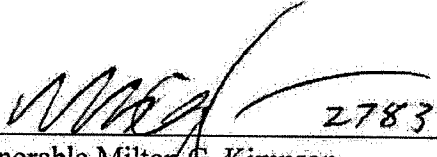
<sup>1</sup> After the Court sustained a Defense objection to a question asked by the State, the foreperson audibly remarked "That's Right." The juror explained that she had become engrossed in the testimony and that her remark was akin to her "talking back to her Pastor" during a church service and not meant to express any preference for one side or the other. The foreperson reaffirmed that she was fair, impartial and would listen to all the evidence before reaching any decision about the case. Based upon the juror's responses to the Court's questions, as well as her demeanor, the Court determined the remark was unintentional and did not reveal any bias. Nonetheless, under the circumstances, the Court rejects the Defense assertion that "the Prosecutor's request for removal lacked a valid non-discriminatory reason and violated the Defendant's rights."

*Allen v. United States*, 164 U.S. 492 (1896). The Court denies the Motion on this ground. The State accurately characterized the proceedings involving jury questions in its brief on this issue. After receipt of the jury's note – which said “No Verdict” but did not state the jury had reached an impasse – the Court instructed the jury to continue to deliberate but did not give an *Allen* charge. This procedure was within the Court's discretion.

As allowed by SCRCP 29(a), the Court did not hold oral arguments on the Defense Motion but instead decided the Motion based on the parties' briefs.

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** the Defendant's Motion for New Trial is hereby DENIED.

**IT IS SO ORDERED.**

  
2783  
\_\_\_\_\_  
Honorable Milton G. Kimpson  
Circuit Court Judge  
Ninth Judicial Circuit

This 18 day of December 2025.

Berkeley County, South Carolina.