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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Eugene P Warr, Jr, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RAY EDWARD CHESTNUT,

APPELLANT

APPELLATE CASE NO. 2025-001447

RECORD ON APPEAL

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #2 (THUMB DRIVE)]**

STATE OF SOUTH CAROLINA)

TRANSCRIPT OF RECORD

COUNTY OF HORRY)

CASE NO. 2025-GS-26-00631

March 10, 2025

BEFORE: The Honorable Benjamin H. Culbertson

State of South Carolina,

Plaintiff,

vs.

Ray Edward Chestnut,

Defendant.

APPEARANCES:

Joshua Holford, Esq.
Solicitor for the State.

Brett Perry, Esq.
Attorney for the Defendant.

Official Court Reporter,
Cynthia D. Weaver

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. HOLFORD: Your Honor, this is the State of
3 South Carolina vs. Ray Edward Chestnut. It's true billed
4 indictment 2025-GS-26-00628, that's for trafficking
5 methamphetamine, 28 grams or more, second offense. That
6 carries seven to 30 years, it's violent, it's serious, and
7 is non-parolable.

8 As well as true billed indictment
9 2025-GS-26-00631, trafficking in fentanyl, four to 14 grams,
10 second offense. That's a 25 mandatory minimum -- mandatory
11 sentence, Judge has no discretion in that.

12 The State has made a comprehensive plea offer, I'm
13 just going to read this for the record: Mr. Chestnut has a
14 possession of controlled substance, schedule one to five,
15 second offense, carries a year; PWID cocaine, second,
16 carries five to 30; PWID fentanyl, second, five to 30;
17 trafficking crack/cocaine, 10 to 28, second, five to 30;
18 possession of a firearm by a felon, up to five; trafficking
19 meth, 28 to 100, second, seven to 30; trafficking fentanyl
20 four to 14, second, 25 mandatory, those are were the last
21 two I just read. PWID fentanyl, second, five to 30;
22 unlawful possession of a pistol, zero to five; PWID cocaine,
23 second, five to 30; PWID meth, second, five to 30;
24 possession of cocaine base, second, up to five; trafficking
25 crack, 10 to 28, second, five to 30; three separate counts

1 of that.

2 The State had made an offer if the defendant would
3 plead to a fentanyl second, trafficking fentanyl, four to
4 14, first, and an unlawful possession of a pistol, three
5 charges, the State would be dismissing the remaining 13
6 warrants and would either recommend 15 years or allow him to
7 plead straight up under the trafficking fentanyl, four to
8 14, first, which carries seven to 25. The defendant has
9 rejected that offer. The State will be going forward on the
10 trafficking fentanyl, 25 year mandatory minimum. He faces
11 up to 30 for the meth and 25 on the fentanyl. This case is
12 on the April 7th trial roster.

13 THE COURT: All right.

14 MR. HOLFORD: The drug report in this case has
15 already been provided, it is over four grams of fentanyl.
16 We have also served copies of the true billed indictment,
17 but I'll do that again today in court so he and his attorney
18 have copies of those.

19 THE COURT: All right. Mr. Perry, you represent
20 Ray Edward Chestnut on the charge of trafficking
21 methamphetamine, 28 grams or more second offense, and
22 trafficking in fentanyl, four to 14 grams, second offense?

23 MR. PERRY: I do, Your Honor. I'm appointed under
24 a 608 contract.

25 THE COURT: All right. Have you discussed with

1 your client the charge against him, or charges against him
2 his rights as a defendant and the consequences of being
3 convicted of these crimes?

4 MR. PERRY: I have, Your Honor, it's very
5 thorough.

6 THE COURT: In your opinion, does your client
7 understand the charges against him, his rights as a
8 defendant, and the consequences of being convicted of these
9 crimes?

10 MR. PERRY: He does understand the charges and the
11 consequences.

12 THE COURT: Does he wish to plead guilty or not
13 guilty?

14 MR. PERRY: Your Honor, before we make that
15 election, I'd like to put something on the record if it
16 would be an appropriate time.

17 THE COURT: All right.

18 MR. PERRY: Your Honor, this is a case where these
19 were actual buys, these were not search warrants where
20 trafficking weight was found. Your Honor, the State has
21 afforded me the opportunity to look at those videos. The
22 State has provided me with still captures from those videos.
23 I have relayed to my client what those videos show, what my
24 impression of those videos are and how they would possibly
25 affect the case if we went forward to trial.

1 My client believes that pursuant to Rule 5 of the
2 South Carolina Rules of Criminal Procedure, and the U.S.
3 Constitution and the State Constitution that he is entitled
4 to avail himself of all the evidence that's in the State's
5 possession such that he is able to make a knowing and
6 educated decision about whether or not to enter a plea.

7 My client will take the position on the record
8 now, Your Honor, that if he were to accept the plea -- the
9 State's offer and enter a plea that he could not do so
10 knowingly and fully informed without having seen those
11 videos. The State has informed my client through me that if
12 he insists on seeing the evidence that the plea offer will
13 be withdrawn.

14 Your Honor, I don't have any case law to cite for
15 you, we discussed this previously, there's -- about the best
16 I can come up with is an old 2004 memorandum of then Chief
17 Justice Toal, indicated that she felt that it was improper
18 for solicitor's offices to make plea offers contingent on
19 clients not having -- defendants not having all of the
20 evidence with which to make a decision to enter a plea or
21 not enter a plea.

22 I simply want to make a record now that my client
23 is asking to see the evidence. And if, upon viewing the
24 evidence it reveals what I have told him it reveals, I
25 believe that he would be inclined to take the plea, but he

1 does not want to do that without seeing the evidence for
2 himself.

3 Your Honor, as I mentioned, I'm appointed on a 608
4 contract, and notwithstanding that fact, I have an ethical
5 obligation to fight for my client and represent my client
6 just as much as if he had come in and paid me a bunch of
7 money. Your Honor, from my client's perspective, I'm paid
8 by the same State that's trying to convict him and put him
9 in jail for 30 years.

10 And so, you know, regardless of the rapport that I
11 may have developed with my client, the trust that I may have
12 developed with my client, and, you know, however much he
13 respects me, for me to simply tell him I've seen the video,
14 it's a good video. You know, I don't think that that's
15 enough -- I think that -- I think that he needs to see the
16 video. I think he needs an opportunity to view it. And I
17 believe that if he did that we could get this case pled we
18 wouldn't have to go through all of this.

19 What I'd be asking the Court to do, I don't know
20 that the Court has the authority to do it, separation of
21 powers being what they are, I'd ask the Court to compel
22 discovery of the video for my client to view pursuant to
23 Rule 5 and ask the State to maintain the plea offer open
24 until he's had the opportunity to review that video and make
25 a knowing and fully informed decision about whether or not

1 to enter a plea.

2 THE COURT: All right. Well, the Constitution of
3 the United States does mandate that they must make that
4 available to your client for him to view prior to trial.
5 However, the Constitution does not guarantee him a right to
6 a plea bargain. So, therefore, the State can make an offer
7 and withdraw an offer at any time. The only thing that they
8 are bound to is to stick with their offer if it is accepted
9 before they withdraw it.

10 So I agree with you that your client is entitled
11 to see the video prior to trial, but the State cannot be
12 required to leave their plea offer on the table. They can
13 condition it however they want to because there is no
14 constitutional right to a plea off from the State. They
15 don't have to make any offer at all if they choose not to.

16 So I cannot make them provide that to you client
17 for his view prior to him making a decision on whether or
18 not to accept the offer or not accept the offer.

19 MR. PERRY: Your Honor, I understand that and
20 respect the Court's decision. Given that decision, I'm
21 going to have my client respond to the Court, but it's my
22 impression that my client now chooses to reject the offer
23 and go forward with the trial.

24 THE COURT: Okay.

25 MR. PERRY: Mr. Chestnut, is that, in fact, your

1 choice?

2 THE DEFENDANT: That is correct, Your Honor.

3 THE COURT: All right. So you wish to plead not
4 guilty and go to trial on this charge -- or these charges;
5 is that correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. If I can get you to
8 raise -- have we put him under oath?

9 THE CLERK: No, sir.

10 THE COURT: All right. Let's put him under oath,
11 please.

12 THE CLERK: Please raise your right hand. Do you
13 solemnly swear or affirm to tell the truth, the whole truth,
14 and nothing but the truth, so help you God?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Sir, your name is Ray
17 Edward Chestnut?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: All right. Mr. Chestnut, you have
20 been charged and indicted by the Grand Jury with trafficking
21 methamphetamine, 28 grams or more, second offense as well as
22 trafficking in fentanyl, four to 14 grams, second offense.
23 And according to your lawyer you wish to plead not guilty
24 and go to trial on those charges; is that correct?

25 THE DEFENDANT: Correct.

1 THE COURT: All right. I'll be back with you in
2 just a minute.

3 All right. Mr. Perry, are you aware of any
4 conflict of interest in representing your client on these
5 charges?

6 MR. PERRY: No, sir, Your Honor, I'm not.

7 THE COURT: Are you aware of any reason why this
8 case cannot proceed to trial on April the 7th 2025?

9 MR. PERRY: No, sir, Your Honor, I'm not.

10 THE COURT: All right. Mr. Chestnut, I understand
11 you wish to plead not guilty and go to trial on these
12 charges; is that correct?

13 THE DEFENDANT: Correct.

14 THE COURT: All right. Have you had an ample
15 opportunity to discuss with your attorney the plea offer
16 from the State?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. And is it your decision to
19 reject that offer and go to trial on these charges?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right. Are you aware of any
22 reason why this case cannot proceed to trial on April the
23 7th, 2025?

24 THE DEFENDANT: No, I'm not aware of anything at
25 this time.

1 THE COURT: All right. Are you aware of any
2 reason or any conflict of interest in Mr. Perry representing
3 you on these charges?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. And you understand that if
6 you are convicted of these crimes you could then you could
7 receive up to 55 years in prison, do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right. Because one of the
10 charges -- what is it the trafficking in 28 or more is a
11 minium of seven...

12 MR. HOLFORD: Up to 30.

13 THE COURT: 30. In other words, you can receive
14 up to 30 years in prison on that one and it carries a
15 mandatory minimum of seven years in prison on trafficking in
16 methamphetamine, do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And do you understand that trafficking
19 in fentanyl, four to 14 grams, second offense carries a
20 mandatory sentence of 25 years in prison, do you understand
21 that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: All right. So if you receive the
24 maximum sentences and they run consecutively, you could go
25 to prison for 55 years and be fined, do you understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And is it your desire to reject the
3 offer from the State and go to trial on these charges?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. You understand that by
6 rejecting this offer it will be withdrawn at this time and
7 it will not be offered to you again, do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right. Anything further the State
10 wants on the record?

11 MR. HOLFORD: Just that if he fails to appear for
12 the trial the state can try him in his absence.

13 THE COURT: All right. Mr. Chestnut, you
14 understand that if you don't appear at trial on your trial
15 date then they can go forward with the trial even though
16 you're not there, do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Anything else the State
19 wants on the record in this regard?

20 MR. HOLFORD: Nothing further, Your Honor.

21 THE COURT: All right. Mr. Perry, anything
22 further you want on the record?

23 MR. PERRY: No, sir, Your Honor, I appreciate you
24 letting me put the things on the record that you did.

25 THE COURT: All right. Hold for one second.

1 All right. Mr. Holford, I understand the State
2 has withdrawn the offer at this time?

3 MR. HOLFORD: That's correct. And trafficking
4 fentanyl, second offense, doesn't allow for anything other
5 than 25 years after this date.

6 THE COURT: All right. We'll enter a not guilty
7 plea, set a trial date not before April 7th, 2025.

8 MR. HOLFORD: Thank you, Your Honor.

9 MR. PERRY: Thank you, Your Honor.

10 THE COURT: All right. Thank you.

11 END OF REQUESTED PROCEEDINGS

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CERTIFICATE OF REPORTER

State of South Carolina)

County of Horry)

I, Cynthia D. Weaver, Official Court Reporter the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions Pleas for Horry County, South Carolina, on the 10th day of March, 2025.

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

October 10, 2025

Cynthia D Weaver

Cynthia D. Weaver,
Official Court Reporter
State of South Carolina

1 STATE OF SOUTH CAROLINA * GENERAL SESSIONS
2 COUNTY OF HORRY * TRANSCRIPT OF RECORD
3 -----X
4 STATE OF SOUTH CAROLINA *
5 vs. * Case No. 2025-GS-26-00628
6 RAY EDWARD CHESTNUT, *
7 Defendant. *
-----X

8 July 14-15, 2025

9 JURY TRIAL

10 B E F O R E:

11 The Honorable Michael Nettles, Presiding Judge (July 14)
12 The Honorable Eugene Warr, Presiding Judge (July 15)

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

14 Joshua D. Holford, Esq.
Assistant Solicitor for the State

15 Brett Perry, Esq.
Attorney for the Defendant

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19

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21

22 Court Stenographer: Bobbi Fisher, RPR
23 SC Official Court Reporter III

24

25

I N D E XWITNESS/DESCRIPTIONPAGE

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Opening Statement on Behalf of the Defendant

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Cross-Examination By Mr. Perry

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Redirect Examination By Mr. Holford

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DET. MICHAEL MANEMEIT

Direct Examination By Mr. Glasgow

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MERRELL HAWKINS

Direct Examination By Mr. Holford

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E X H I B I T S

(Exhibits on file in Clerk of Court's Office.)

State's Exhibit

No.	Description	MKD.	ADM.
1	Thumb Drive	30	56
2	Thumb Drive	30	56
3	Photo of Defendant	30	59
4	Photo of Hand at Car Door Area	30	59
5	Chain of Custody	30	79
6	Drug Analysis Report	30	94
7	Envelope Containing Drugs	30	92

Court's Exhibit

No.	Description	MARKED
1	United States District Court Document	179

P R O C E E D I N G S

(The following proceedings started at 12:09 PM,
Judge Nettles presiding:)

THE COURT: Any motions?

MR. PERRY: Yes, Your Honor. Two pending motions.
Actually, three.

Your Honor, the defendant has, pro se, filed a motion for a change of venue and a motion to relieve counsel. You have previously ruled on motions to relieve counsel filed by myself and my client. Since you ruled on those motions, events took place that prompted my client to file these motions and for me to file a second motion to be relieved. I don't know what order you want to take those motions in.

THE COURT: Let's hear from Mr. Chestnut, unless you have an objection to him speaking.

MR. PERRY: Absolutely not, Judge. He filed these motions. I think it's best that he argue them.

THE COURT: Mr. Chestnut, I'll be glad to hear from you.

THE DEFENDANT: Yes, sir. I filed a motion to relieve Mr. Perry due to things that I felt were disrespectful and unprofessional of him, which I state clearly in the motion what was said. And I'm asking the Court to relieve him.

THE COURT: Mr. Holford, has Mr. Chestnut had other counsel?

MR. HOLFORD: Your Honor, he has not had other counsel in

1 this case. He does have other files with our office in which
2 he's had Ms. Carla Todd. But back in June 2nd of 2025 when he
3 first raised the motion to relieve, he was given the
4 opportunity to hire an attorney, represent himself, or have
5 Mr. Perry as his attorney. It was right after that hearing
6 that he filed this new motion.

7 THE COURT: All right. Anything further, Mr. Chestnut,
8 on the motion to be relieved?

9 THE DEFENDANT: No, sir, other than the Court should
10 relieve him, being that I'm already appointed Carla Thomas, I
11 believe that's her name if I'm saying it correctly.

12 I would ask the Court to allow her to represent me.

13 THE COURT: We're right here on the eve of trial. We
14 have got the jury coming in and we're ready to select the
15 jury. And your choices at this time -- unfortunately, you
16 chose not to hire your own lawyer, and your choices are to
17 proceed forward pro se or allow counsel to assist you. Which
18 would you rather do?

19 THE DEFENDANT: I'd rather have an attorney.

20 THE COURT: Well, I will ask that he assist you in that
21 regard.

22 MR. PERRY: Your Honor --

23 THE COURT: As far as the change in venue, what is the
24 grounds for that?

25 THE DEFENDANT: Well, I don't feel or believe that I will

1 receive a fair trial here in Horry County. You know, I feel
2 like it should be changed to somewhere else.

3 THE COURT: Well, there would have to be -- there's
4 really no basis for that. You know, we have got people from
5 all over the country down here in Horry County, and they don't
6 know you. And, as a matter of fact, I'm going to ask them if
7 they know you or if there's any reason why they couldn't give
8 you a fair and impartial trial.

9 We will go through that process. And as it stands now,
10 there's not any reason for me to do that. For instance, if we
11 were to ask -- I'm going to ask, when they come in here, for
12 you to stand, turn around, and face the jury. I'm going to
13 ask if they know you or have a close or personal relationship
14 with you. And if three-quarters of them stand up and say they
15 couldn't be fair and impartial, then we might entertain the
16 possibility of a change in venue, but it's premature at this
17 time, and we'll see how that goes.

18 Anything further?

19 All right. We're ready for the jury to come in, and
20 we'll begin the jury selection process.

21 MR. PERRY: Your Honor, with respect to the motion that I
22 filed?

23 THE COURT: I'll be glad to hear from you, yes, sir.

24 MR. PERRY: Your Honor, just briefly. I anticipate where
25 this is going, but, Your Honor, subsequent to the last ruling

1 that Your Honor had on the motions to be relieved, in the
2 change of venue, Mr. Chestnut alleged that there was improper
3 communications between myself and the solicitor's office and
4 Your Honor.

5 If you'll remember, prior to that hearing, we went back
6 in chambers, and I had asked the Court about clearing the
7 courtroom, to include clearing of the solicitor's office, so
8 we could air fully the concerns that Mr. Chestnut had about my
9 representation of him and not to have to worry about anything,
10 you know, that would violate his right to remain silent that
11 would have been perhaps, you know, potentially incriminate him
12 during the course of arguing those motions, and Your Honor
13 basically said, "Hey, you know, I'm not going to do that. You
14 just need to be careful what's said. He needs to be careful
15 what's said."

16 But, basically, in his change of venue motion, he alleged
17 that I conducted or that there was improper communications
18 between the Court -- Your Honor, myself, and Mr. Holford.

19 And in addition to, Your Honor, the Motion to be
20 Relieved, he made allegations that I committed an assault
21 against him and his girlfriend, and she filed what purports to
22 be a sworn statement but is not notarized, alleging that I
23 told them that I was going to beat the shit out of them if
24 they didn't shut up when we were leaving the courthouse,
25 Judge.

1 THE COURT: Did that take place?

2 MR. PERRY: It did not, Your Honor.

3 Moreover, I FOIAed the video camera footage from here at
4 the courthouse, and it's obvious, on that video camera
5 footage, that, as we left, we left separate and that,
6 notwithstanding the fact that they were saying various and
7 sundry things, that I never addressed them whatsoever, walking
8 out into the parking lot. I walked straight and made a
9 beeline for my vehicle, got in the vehicle, and drove away.

10 But, Your Honor, my motion for a -- to be relieved, quite
11 frankly, Your Honor, is the fact that the attorney-client
12 relationship has been damaged to the point that I do not
13 believe that it is possible for me to provide effective
14 assistance of counsel based on the fact that, because of the
15 animus that has arisen, there has been ineffective
16 communication between the attorney and client and it is
17 extremely difficult for me to go forward and adequately
18 represent Mr. Chestnut, given the allegations that have been
19 made against me.

20 THE COURT: Did you make yourself available to speak with
21 him?

22 MR. PERRY: I have been available, yes, Your Honor.

23 THE COURT: All right. Your motion is denied. We're
24 ready for the jury.

25 (Pause in the proceedings while Mr. Perry confers with

1 the defendant.)

2 MR. PERRY: Your Honor, I'm not sure -- I just want to be
3 sure -- Ms. McCoy -- Kanetta McCoy is Mr. Chestnut's
4 significant other. She's seated here in the courtroom. Is
5 she okay where she's at, or is there another place you would
6 prefer her to be, given the jury coming in?

7 THE COURT: I don't have a problem with her sitting right
8 there.

9 MR. PERRY: Okay. All right. I just wanted to be sure
10 she was where she needed to be.

11 (Pause in the proceedings.)

12 THE COURT: If y'all want a copy of the struck list...

13 (The jury panel entered the courtroom at 12:22 p.m.)

14 THE COURT: Mr. Holford, I'm going to ask that you call
15 your first case.

16 MR. HOLFORD: Thank you, Your Honor. This is the State
17 of South Carolina versus Ray Chestnut. It is true-billed
18 Indictment 2025-GS-26-00631 for trafficking in fentanyl, 4 to
19 14 grams.

20 THE COURT: Thank you.

21 Ladies and gentlemen of the jury, I'm going to ask you a
22 number of questions once again. And these questions are
23 focused on whether or not you can be fair and impartial with
24 regard to the trial of this case, State versus Ray Edward
25 Chestnut.

1 I'll remind you that you're still under oath. Pay very
2 close attention to the questions and give truthful answers.

3 Before we start, I hold in my hand an indictment, and it
4 accuses the defendant, Ray Edward Chestnut, of trafficking in
5 fentanyl on or about August 22nd, 2023. The fact that he's
6 been accused of this has absolutely no evidentiary value
7 whatsoever. It's just an accusation that's put on a piece of
8 paper that brings us to court here today.

9 As Mr. Chestnut is seated at that table right there, he's
10 presumed to be just as innocent as me or you. That's
11 important as part of our constitutional right that we're all
12 entitled to. No presumption whatsoever.

13 Mr. Chestnut, I'm going to ask that you stand and face
14 the jury pool for one moment.

15 (The defendant complies.)

16 THE COURT: Thank you, Mr. Chestnut.

17 Is anyone related by related by blood or marriage or have
18 a close social, business, or personal relationship with
19 Mr. Chestnut? If so, please stand.

20 (No response given.)

21 THE COURT: Potential witnesses in this case -- and pay
22 very close attention -- Detective Michael Manemei- --

23 MR. HOLFORD: Manemeit.

24 THE COURT: -- from the Horry County Police Department,
25 Courtney M. Johnson from the Horry County Police Department.

1 Joanna Nikolakakos –

2 Is that close?

3 MR. HOLFORD: Nikolakakos.

4 THE COURT: – Nikolakakos, Horry County Police
5 Department.

6 Merrell Hawkins, Horry County Police Department.

7 Bryant Neil Clark and Korey Easterby, formerly of the
8 Horry County Police Department.

9 Dixie Sauls, Kanetta McCoy, Rachael Hernandez, Brittany
10 Jones, and Amanda McKnight.

11 Is anyone related by blood or marriage or have a close,
12 social, business, or personal relationship with any of these
13 potential witnesses? If so, please stand.

14 (No response given.)

15 THE COURT: No response.

16 I'm going to ask the attorneys -- start with the State,
17 Mr. Holford. Could you stand up and identify yourself to the
18 jury.

19 MR. HOLFORD: Yes, Your Honor.

20 My name is Joshua Holford, and I'm a senior assistant
21 solicitor here in Horry County.

22 THE COURT: Is anyone related by blood -- yes, sir.

23 MR. GLASGOW: And I'm Jesse Glasgow. I'm an assistant
24 solicitor.

25 THE COURT: Is anyone related by blood or marriage, or do

1 you have a close, social, business, or personal relationship
2 with either of these lawyers? If so, please stand.

3 (No response given.)

4 THE COURT: No response.

5 I'm not real sure whether either of these lawyers have
6 ever been engaged in the private practice of law. Have they
7 ever represented you in the past? If so, please stand.

8 (No response given.)

9 THE COURT: No response.

10 Mr. Perry, you can stand and identify yourself.

11 MR. PERRY: My name is Brett Perry. I'm an attorney in
12 private practice here in Horry County and in Kershaw County,
13 South Carolina.

14 THE COURT: Thank you.

15 Is anyone related by blood or marriage or have a close,
16 social, business or personal relationship with Mr. Perry? If
17 so, please stand.

18 Yes, please come forward.

19 BENCH CONFERENCE

20 (The following bench conference was held outside the
21 hearing of the jury panel and others:)

22 THE COURT: Yes, ma'am, your name and number.

23 JUROR NO. 342: I'm Juror 342, Michelle Sign. I dated
24 Mr. Perry --

25 THE COURT REPORTER: I'm sorry. One minute.

1 JUROR NO. 342: I'm sorry. I'm married to someone else.

2 THE COURT: All right. Well, let me ask you this: How
3 long ago was that?

4 JUROR NO. 342: More than 15 years.

5 MR. PERRY: Yeah, it was probably closer to 20 years ago.

6 JUROR NO. 342: Yeah, a long time ago.

7 MR. PERRY: The early 2000s.

8 THE COURT: If called upon to serve on this jury, can you
9 set aside the fact that you had a relationship with him back
10 then and give the State and the defendant a fair and impartial
11 trial?

12 JUROR NO. 342: I believe I could.

13 THE COURT: Okay. In polite conversation, we always
14 qualify what we say, but these are matters where we have to
15 deal in absolutes, and my question to you is: Could you be
16 fair and impartial to both the State and the defendant?

17 JUROR NO. 342: Yes, I could.

18 THE COURT: All right. You're qualified to serve. Thank
19 you very much.

20 JUROR NO. 342: Okay.

21 (Open court resumes as follows:)

22 THE COURT: Ladies and gentlemen, these allegations that
23 they're alleging took place on August 22nd, 2023, took place
24 in Horry County. And those of you who are familiar with Horry
25 County, it's up in the northern region of Myrtle Beach, kind

1 of near the Bass Pro Shop, kind of in between there and
2 Walmart. It's kind of near the Tanger Outlets.

3 Having been armed with this basic information, did
4 anybody witness any of the events that led to these
5 accusations? If so, please stand.

6 (No response given.)

7 THE COURT: Has anybody read anything or heard anything
8 about this particular incident? If so, please stand.

9 (No response given.)

10 THE COURT: No response.

11 Has any member of the jury panel formed or expressed an
12 opinion about any issue or matter in this case? If so, please
13 stand.

14 (No response given.)

15 THE COURT: No response.

16 Is any member of the jury panel aware of any bias or
17 prejudice towards either the State or the defendant in this
18 case? If so, please stand.

19 (No response given.)

20 THE COURT: No response.

21 Is there any member of the jury panel who is a member or
22 contributor of a group whose primary purpose is the promotion
23 of law enforcement? There are a number of such organizations:
24 Mothers Against Drunk Driving; CAVE, Citizens Against Violent
25 Crime. Virtually every sheriff's department and highway

1 patrol have associations.

2 Is anyone a member or contributor to any of these type of
3 organizations whose primary purpose is the promotion of law
4 enforcement? If so, please stand.

5 (No response given.)

6 THE COURT: No response.

7 Does any member of the jury panel know of any reason
8 whatsoever why you should not serve as a juror on this case
9 with particular emphasis being placed on your ability to be
10 fair and impartial to both the State and the defendant? If
11 so, please stand.

12 (No response given.)

13 THE COURT: Any additional questions from the State?

14 MR. HOLFORD: No, Your Honor.

15 THE COURT: Any from defense?

16 MR. PERRY: No, Your Honor.

17 THE COURT: All right. Strikes are -- hang on one
18 second. Strikes are five and five; is that correct?

19 MR. HOLFORD: I believe so, Your Honor.

20 THE COURT: Defense?

21 MR. PERRY: I believe so, Your Honor.

22 THE COURT: All right. Five and five. Madam Clerk, you
23 may give us the jury.

24 JURY SELECTION

25 THE CLERK: When I call your name and juror number,

1 please come to the front of the courtroom, turn around and
2 face the back of the courtroom, and please bring any of your
3 belongings with you whenever you come.

4 Juror No. 32, Brandy Blevins.

5 (Juror No. 32, a White female, approached.)

6 JUROR NO. 32: Face this way?

7 THE CLERK: Yes, ma'am.

8 What say the State?

9 MR. HOLFORD: Please present this juror.

10 THE CLERK: Defense?

11 MR. PERRY: Please seat the juror.

12 THE CLERK: Please be seated in the jury box. So you're
13 going to go over there.

14 Juror No. 60, Matthew Cheattle.

15 (Juror No. 60, a White male, approached.)

16 MR. HOLFORD: Please excuse this juror in this case.

17 THE CLERK: You're excused from this particular case so
18 you'll just go sit back down.

19 Juror No. 21, Jacob Barfield.

20 (Juror No. 21, a White male, approached.)

21 THE CLERK: What say the State?

22 MR. HOLFORD: Please present this juror.

23 THE CLERK: Defense?

24 MR. PERRY: Please seat this juror.

25 THE CLERK: Please be seated in the jury box.

1 Juror No. 374, Nakita Thomp- -- or, sorry, Nakita Thomas.
2 (Juror No. 374, a White female, approached.)

3 THE CLERK: What say the State?

4 MR. HOLFORD: Please present this juror.

5 THE CLERK: Defense?

6 MR. PERRY: Please excuse this juror.

7 THE CLERK: You're excused from this particular case.
8 Juror No. 128, Jennifer Gable.

9 (Juror No. 128, a White female, approached.)

10 THE CLERK: What say the State?

11 MR. HOLFORD: Please present this juror.

12 THE CLERK: Defense?

13 MR. PERRY: Please seat this juror.

14 THE CLERK: Please be seated in the jury box.

15 Juror No. 36, Sean Scanlin.

16 (Juror No. 36, a White male, approached.)

17 THE CLERK: What say the State?

18 MR. HOLFORD: Please excuse this juror in this case.

19 THE CLERK: You're excused from this particular case.
20 Juror No. 102, Lisa Diehl.

21 (Juror No. 102, a White female, approached.)

22 THE CLERK: What say the State?

23 MR. HOLFORD: Please present this juror.

24 THE CLERK: Defense?

25 MR. PERRY: Please seat this juror.

1 THE CLERK: Please be seated in the jury box.
2 Juror No. 119, Catrina Fernandes.
3 (Juror No. 119, a White female, approached.)
4 THE CLERK: What say the State?
5 MR. HOLFORD: Please present this juror.
6 THE CLERK: Defense?
7 MR. PERRY: Please seat this juror.
8 THE CLERK: Please be seated in the jury box.
9 Juror No. 161, Nina Hansley.
10 (Juror No. 161, a White female, approached.)
11 THE CLERK: What say the State?
12 MR. HOLFORD: Please present this juror.
13 THE CLERK: Defense?
14 MR. PERRY: Please seat this juror.
15 THE CLERK: Please be seated in the jury box.
16 Juror No. 164, Aaron Harrison.
17 (Juror No. 164, a White male, approached.)
18 THE CLERK: What say the State?
19 MR. HOLFORD: Please present this juror.
20 THE CLERK: Defense?
21 MR. PERRY: Please seat this juror.
22 THE CLERK: Please be seated in the jury box.
23 Juror No. 56, Amanda Case.
24 (Juror No. 56, a White female, approached.)
25 THE CLERK: What say the State?

1 MR. HOLFORD: Please present this juror.

2 THE CLERK: Defense?

3 MR. PERRY: Please seat the juror.

4 THE CLERK: Please be seated in the jury box.

5 Juror No. 11, James Anderson.

6 (Juror No. 11, a White male, approached.)

7 THE CLERK: What say the State?

8 MR. HOLFORD: Please present this juror.

9 THE CLERK: Defense?

10 MR. PERRY: Please seat this juror.

11 THE CLERK: Please be seated in the jury box.

12 Juror No. 12, Christopher Arbia.

13 (Juror No. 12, a White male, approached.)

14 THE CLERK: What say the State?

15 MR. HOLFORD: Please present this juror.

16 THE CLERK: Defense?

17 MR. PERRY: Please seat this juror.

18 THE CLERK: Please be seated in the jury box.

19 Juror No. 186, Tindall Huggins.

20 (Juror No. 186, a White female, approached.)

21 THE CLERK: What say the State?

22 MR. HOLFORD: Please excuse this juror from this case.

23 THE CLERK: You're excused from this particular case.

24 Juror No. 36, Katherine Bowers.

25 (Juror No. 36, a White female, approached.)

1 MR. HOLFORD: Please present this juror.

2 THE CLERK: Defense?

3 MR. PERRY: Please excuse this juror.

4 THE CLERK: You're excused from this particular case.

5 Juror No. 45, Lee Brown.

6 (Juror No. 45, a White male, approached.)

7 THE CLERK: What say the State?

8 MR. HOLFORD: Please present this juror.

9 THE CLERK: Defense?

10 MR. PERRY: Please excuse this juror.

11 THE CLERK: You're excused from this particular case.

12 Juror No. 270, Julie Nealy.

13 (Juror No. 270, a White female, approached.)

14 THE CLERK: What say the State?

15 MR. HOLFORD: Please present this juror.

16 THE CLERK: Defense?

17 MR. PERRY: Please seat this juror.

18 THE CLERK: Please be seated in the jury box.

19 Juror No. 136, Robert Gerner.

20 (Juror No. 136, a White male, approached.)

21 THE CLERK: What say the State?

22 MR. HOLFORD: Please present this juror.

23 THE CLERK: Defense?

24 MR. PERRY: Please excuse this juror.

25 THE CLERK: You're excused from this particular case.

1 Juror No. 342, Michelle Sine.

2 (Juror No. 342, a White female, approached.)

3 MR. HOLFORD: Please excuse this juror from this case.

4 THE CLERK: You're excused from this particular case.

5 Juror No. 409, Susan Williams.

6 (Juror No. 409, a White female, approached.)

7 THE CLERK: What say the State?

8 MR. HOLFORD: Please present this juror.

9 THE CLERK: Defense?

10 MR. PERRY: Please seat this juror.

11 THE CLERK: Please be seated in the jury box.

12 THE COURT: Strikes are one and two on each alternate.

13 THE CLERK: Juror No. 142, Kimber Goolsby.

14 (Juror No. 142, a White female, approached.)

15 THE CLERK: What say the State?

16 MR. HOLFORD: Please present this juror.

17 THE CLERK: Defense?

18 MR. PERRY: Please seat this juror.

19 THE CLERK: Please be seated in the jury box.

20 Juror No. 118, Jackson Feldman.

21 (Juror No. 118, a White male, approached.)

22 THE CLERK: What say the State?

23 MR. HOLFORD: Please excuse this juror from this case.

24 THE CLERK: You're excused from this particular case.

25 Juror No. 322, Jazilea Samuels.

1 (Juror No. 322, a "M" female, approached.)

2 THE CLERK: What say the State?

3 MR. HOLFORD: Please present this juror.

4 THE CLERK: Defense?

5 MR. PERRY: Please seat this juror.

6 THE CLERK: Please be seated in the jury box.

7 THE COURT: Might counsel approach the bench for one
8 moment?

9 BENCH CONFERENCE

10 (The following bench conference was held outside the
11 hearing of the jury panel and others:)

12 THE COURT: I just wanted the balance of the jury --

13 MR. PERRY: Say again.

14 THE COURT: Has Hyman already picked his jury?

15 MR. HOLFORD: I don't know. I know they were going to,
16 but I don't know if they brought them down there.

17 THE COURT: The reason I'm asking is -- let me ask the
18 clerk.

19 Madam Clerk, has Hyman already picked his jury?

20 THE CLERK: I'm not sure they have picked them yet.

21 THE COURT: Do we have anything else to try this week?
22 Can we just go ahead and cut them loose?

23 MR. HOLFORD: That's correct.

24 THE COURT: All right. Let's do that.

25 MR. HOLFORD: As long as they don't need them for the

1 pool for his.

2 THE COURT: He doesn't need these for the pool for his
3 jury, do they?

4 THE CLERK: For Judge Hyman? No.

5 THE COURT: Okay. All right. Very good. We'll go ahead
6 and cut them loose.

7 (Open court resumes:)

8 THE COURT: Any objections with regard to the jury
9 selection process from the State?

10 MR. HOLFORD: No, Your Honor.

11 THE COURT: Any from the defense?

12 MR. PERRY: No, Your Honor.

13 THE COURT: Ladies and gentlemen who remain in the jury
14 pool, your jury service has been concluded for the entire
15 week. You will receive handsome payment for your
16 participation so far, and you're free to leave. Thank you.

17 (The jury panel exited the courtroom at 12:42 p.m.)

18 THE COURT: Ms. Julie Nealy? I'm going to ask that you
19 serve as the forelady of this jury. I'm going to ask that you
20 change chairs with this man with the Gillz shirt on.

21 Ms. Nealy, you, like everyone else, when it comes time to
22 deliberate, you're going to have one vote, but you're going to
23 be given additional responsibilities, one of which is that, if
24 there are questions or concerns that develop throughout the
25 trial of this case, I'm going to ask that the jurors

1 communicate that concern to you, you reduce it to writing, and
2 give it to the bailiff. If it's something I can help you
3 with, I'll be happy to do that.

4 Any questions or concerns whatsoever?

5 JUROR NO. 270: No.

6 THE COURT: And when it comes time to deliberate, you're
7 going to be given the responsibility of presiding over the
8 deliberation process, and that essentially means that you're
9 to ensure that everybody's voice is heard.

10 I'm going to ask that all of you stand and raise your
11 right hand as the clerk administers the oath.

12 (The jury was duly sworn.)

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

14 THE COURT: We have some legal matters that we need to
15 tend to. We're going to start this trial in earnest at 9:30
16 in the morning. There's a good chance we might conclude the
17 case tomorrow or maybe the next day, but the bottom line is
18 we're going to start in earnest at 9:30, 9:30 sharp in the
19 morning.

20 Y'all have been sworn, and I'm going to give you some
21 admonitions: Do not do any independent investigation. I've
22 told you a little bit about this case, where it took place.
23 Don't go out and look at this area. You need to base your
24 decision on what transpires here in this courtroom.

25 And there's not anything that you can't look up on the

1 Google nowadays. You can look up events, you can look up
2 personalities, you can look up the law. Do not do that. I'm
3 ordering that you not do that. You need to base your decision
4 on what transpires here in this courtroom. This is a
5 proceeding that's governed by the Rules of Evidence and the
6 Rules of Criminal Procedure, and we need to abide by that.

7 I can promise you, when you get back to your work or your
8 home, they're going to say, "Well, tell me what's going on
9 with your jury service." This is one time where you don't
10 have to respond to them. As a matter of fact, I'm going to
11 order that you not, because it might be that they know
12 something about this case. It might be that they have an
13 opinion about this particular type of litigation. Once again,
14 you need to base your decision on what transpires here in this
15 courtroom.

16 If anyone were to try to contact you about this case,
17 that's unlawful. If they were to do that -- and I don't
18 anticipate they ever would -- but if they were to do that,
19 identify them as best you can, report that to me, and I will
20 deal with them accordingly.

21 I'm going to ask that you be here at 9:30, 9:30 sharp. I
22 know some of you may be tempted to stay up and watch
23 late-night TV because you don't have to work tomorrow, but
24 don't do that because these are important matters. It's
25 important to the State of South Carolina, and it's important

1 to Mr. Chestnut, and it's important to you, because you've
2 taken a solemn oath to listen to the evidence in this case,
3 apply it to the law, and render a verdict that speaks the
4 truth.

5 So let's be here and be attentive, and I'll see you at
6 9:30, 9:30 sharp in the morning.

7 One more thing: There's a thing I hear tell about social
8 media. Do not put anything on Facebook, LinkedIn,
9 Tweeter [verbatim], or all these other social -- that has no
10 place in this courtroom.

11 When we finish this case and there's a rendering of a
12 verdict, I'll release you from that order, but do not do that.
13 Does everybody understand that?

14 All right. We'll see you at 9:30, 9:30 sharp in the
15 morning.

16 (The jury exited the courtroom at 12:47 p.m.)

17 THE COURT: Anything from the State before we recess?

18 MR. HOLFORD: Your Honor, the jury having been sworn,
19 Mr. Chestnut's bond for this case is now null and void. He no
20 longer has a bond. I anticipate this would be a one-day case
21 so it will be wrapped up tomorrow. The State requests that he
22 be taken into custody at this time.

23 THE COURT: Be glad to hear from the defense.

24 MR. PERRY: Your Honor, Mr. Chestnut has always been in
25 court when he's supposed to be in court. He's never fled.

1 He's here today to proceed with this matter, Judge. If he
2 were a flight risk, if he was going to go anywhere, he would
3 have done it a long time ago; he's had ample opportunity. As
4 you well know, this case was first called for trial, I
5 believe, back in May and has lingered on for the past couple
6 of months. Notwithstanding the relationship deteriorating
7 between he and I as far as attorney-client goes, Mr. Chestnut
8 has never fled.

9 Your Honor, I'd ask you to allow him to stay out on bond
10 or to -- or to stay out. I guess the State is correct in
11 their position that bond is now null and void, but there's no
12 reason to believe that Mr. Chestnut will not show up for court
13 tomorrow, as he has been here at every term thus far.

14 THE COURT: Mr. Chestnut, if I were allow you to stay out
15 on bond, will you be here in the morning?

16 THE DEFENDANT: Yes, Your Honor, I sure will.

17 THE COURT: I want you to understand that, if you don't
18 show up in the morning, I'm going to send the U.S. Marshal
19 after you, and they will pick you up.

20 THE DEFENDANT: Right.

21 THE COURT: It might take them a little while, but
22 they'll get you.

23 THE DEFENDANT: Right. I understand.

24 THE COURT: In addition to that, if you don't show up,
25 then it's an additional charge for failure to appear, an

1 additional criminal charge. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you willing to accept the responsibility
4 and be back at 9:30?

5 THE DEFENDANT: Yes, sir, I understand that's my
6 responsibility.

7 THE COURT: Very good. All right. We'll allow him to
8 remain out.

9 MR. PERRY: Thank you, Judge.

10 MR. HOLFORD: Your Honor, I would request that he be
11 warned that he could be tried in his absence.

12 THE COURT: Oh, certainly. The trial is going forward
13 one way or the other. You understand that, don't you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Anything further from the State?

16 MR. HOLFORD: No, Your Honor.

17 THE COURT: Anything further from the defense?

18 MR. PERRY: Nothing from the defense, Your Honor.

19 THE COURT: We'll see you at 9:30. 9:30 sharp in the
20 morning.

21 MR. PERRY: We'll be ready to go.

22 MR. HOLFORD: Thank you, Your Honor.

23 (The trial adjourned for the day at 12:51 PM.)

24 *****

25

1 TUESDAY - JULY 15, 2025

2 (The trial resumes at 9:41 a.m., Judge Eugene Warr now
3 presiding:)

4 (State's Exhibit No. 1, Thumb Drive, was marked for
5 identification.)

6 (State's Exhibit No. 2, Thumb Drive, was marked for
7 identification.)

8 (State's Exhibit No. 3, Photo of Defendant, was marked
9 for identification.)

10 (State's Exhibit No. 4, Photo of Hand/Car Door Area, was
11 marked for identification.)

12 (State's Exhibit No. 5, Chain of Custody, was marked for
13 identification.)

14 (State's Exhibit No. 6, Drug Analysis Report, was marked
15 for identification.)

16 (State's Exhibit No. 7, Envelope Containing Drugs, was
17 marked for identification.)

18 THE COURT: As you folks can see, I'm Gene Warr from
19 Darlington County, going to be your judge today. So hopefully
20 y'all -- I know I'm not as pretty to look at as Judge Nettles,
21 but you're going to have to deal with me.

22 How about our defendant?

23 MR. PERRY: Judge, he is en route. He had to stop and
24 pick someone up that needed a ride to be here.

25 THE COURT: Do you know how far away he might be?

1 MR. PERRY: The clerk just spoke to him. I'm not
2 entirely certain, Judge, because I think his arrival is
3 imminent.

4 THE COURT: He didn't say how far?

5 THE CLERK: He said he was picking up some friends.

6 THE COURT: Well, I don't think we can be on
7 Mr. Chestnut's time frame today.

8 MR. PERRY: Oh, no, sir, we absolutely can't.

9 THE COURT: We have to get going. And what he misses in
10 the opening here -- that's just for the jury, of course,
11 anyway.

12 All right. Ready to get going?

13 MR. PERRY: We are, Judge.

14 THE COURT: All right. Let's bring the jury in.

15 MR. HOLFORD: Your Honor, can I just put a couple of
16 matters on the record before we --

17 THE COURT: Before the jury comes in? Before the jury?

18 MR. HOLFORD: Yes, Your Honor.

19 THE COURT: Sure.

20 MR. HOLFORD: Just procedurally, since we are starting
21 the trial of this case, Your Honor, this arrest happened back
22 in February of 2024. It was after some controlled buys on
23 August 22nd of 2023.

24 Discovery was turned over to the defense counsel.

25 Mr. Chestnut was arraigned on March the 10th, 2025. He had

1 been given plea offers at that point. He rejected all those
2 plea offers and decided to go forward with the trial.

3 This trial was scheduled for trial in April of 2025. It
4 was continued at that time. The CI videos and the CI identity
5 were turned over in April of 2025. This matter was then
6 scheduled for trial in May of 2025.

7 We had a status conference with Judge Nettles on May the
8 8th. At that time, Defense and State both said there were no
9 issues. We were ready for trial. The defendant again
10 rejected a plea offer. He could have pled straight up to a
11 trafficking fentanyl first offense, which carries 7 to 25,
12 without a recommendation from the State and have the benefit
13 of not facing a 25-year mandatory minimum plea or trial.

14 At that time, the defendant rejected that offer. No
15 issues were raised. Everyone was ready for trial. It was --
16 subsequently, the day after that, the defendant, pro se, filed
17 his first motion to relieve counsel. Mr. Perry,
18 unfortunately, got COVID the week of trial and we were not
19 able to do it, May 12th, 2025. This was continued to June
20 2nd. We did not -- were not able to reach the trial that week
21 because of another trial that went forward.

22 After that, another Motion to Relieve Counsel was filed.
23 That was denied by Judge Nettles. And then he filed this
24 subsequent motion that was heard yesterday.

25 I just want to make sure that the record is clear,

1 especially for appellate purposes, of Mr. Chestnut's
2 opportunities to resolve this case prior to facing a mandatory
3 25-year sentence.

4 THE COURT: Mr. Perry?

5 MR. PERRY: No objection to the State's recitation with
6 respect to the posture of this case, Your Honor. I think that
7 Mr. Holford has accurately relayed every step of how this
8 thing has proceeded, and I find no inaccuracies with what he
9 just put on the record.

10 THE COURT: Very good. Thank you, sir.

11 All right. With that, are we ready for the jury?

12 MR. HOLFORD: Yes, sir.

13 THE COURT: All right. Bring the jury please, sir.

14 (The jury entered the courtroom at 9:46 a.m.)

15 OPENING REMARKS

16 THE COURT: All right. Thank you-all for being here and
17 being on time. As you can see, I'm Gene Warr. Judge Nettles
18 is back here today, and I will be your trial judge.

19 I appreciate all of you being here on time. The clock
20 says 9:45. I know we were supposed to start at 9:30. We were
21 not, I promise, out here playing around. Sometimes there are
22 things that must be taken care of. There will be times when
23 you have to take a break or you may wonder, "What are those
24 guys doing out there?" We'll be out here working. We're not
25 just playing around. Just let you know that. We take your

1 time seriously, and we do appreciate you being here on time.

2 What I'm about to do now is tell you some about how this
3 case will go, sort of set the stage a little bit, and then
4 we'll actually get started with the testimony. The case we're
5 about to try is the case of the State versus Ray Edward
6 Chestnut, the defendant. Mr. Chestnut is charged with
7 trafficking in fentanyl.

8 Before we begin this trial, I'll tell you the trial
9 probably will be different from what you might expect. Many
10 people do not have the chance to attend actual court as you
11 are doing now and may think, from watching TV or movies, that
12 trials are always full of high drama, intense action, or
13 riveting circumstances. While all these things may be true at
14 times, the trial is not entertainment. It is the fundamental
15 part of our democracy. The courtroom is a place of honor
16 dedicated to the protection and preservation of citizens'
17 rights through what many have called the greatest justice
18 system ever created.

19 The attorneys appearing before you are advocates for the
20 parties they represent. So, first and foremost, they are
21 officers of the court, sworn to uphold the integrity and
22 fairness of our judicial system and help you in the search for
23 the truth. You should expect them to be professional,
24 competent, and ethical in the representation of their client's
25 interest.

1 Remember that you have taken an oath to try this case and
2 reach a fair and just verdict, and you're expected to be
3 professional, reasonable, and ethical. Thank you for
4 accepting this responsibility as jurors.

5 What I will say now is intended to serve as an
6 introduction to the trial of this case. These remarks are not
7 a charge on the law of the case, which will come later. This
8 is merely an explanation of the procedure that we will follow
9 in the trial to give you a better understanding of what may be
10 happening.

11 I ask that you not take notes. If you take notes,
12 sometimes that becomes an issue. It's better for y'all to
13 rely on your collective memory that you have rather than
14 taking notes.

15 The indictment is simply the charge -- this indictment is
16 just a charge by which the case is brought into court. It is
17 not in any sense evidence of any of the allegations it
18 contains. The defendant has pled not guilty to this
19 indictment, and the State, therefore, has the burden of
20 proving each of the elements of the indictment beyond a
21 reasonable doubt, and it will be your duty as jurors to decide
22 whether the State has met that burden.

23 Your purpose as jurors is to find and determine the
24 facts. You are the sole judge of the facts. If, at any time,
25 I make any comment regarding the facts, you should disregard

1 it. You are here to determine the facts from the testimony
2 you hear and other evidence introduced into court. It is up
3 to you to determine the inferences which you feel may properly
4 be drawn from the evidence.

5 It's especially important that you perform your duty of
6 determining the facts diligently and conscientiously because,
7 ordinarily, there's no way to correct an erroneous
8 determination of the facts by a jury.

9 On the other hand and with equal emphasis, the same law
10 that makes you the judge of the facts makes me the judge of
11 the law. The law as given by the Court is the only law you
12 may consider. You may accept and follow it even though you
13 disagree with it. I cannot tell you what the facts are, and
14 you cannot disagree about what the law is or should be. Your
15 job is to take the law as I give it to you and apply it to the
16 facts as you find them from the testimony of the witnesses and
17 any other evidence that is introduced. After doing that, you
18 will render your verdict, a true and just verdict under the
19 solemn oath that you just took.

20 Until I advise you to begin your deliberations, you must
21 not discuss the case with anyone, including your fellow jurors
22 even. Can't talk amongst yourselves, friends, family members,
23 anyone else involved in the case. This includes discussions
24 face-to-face and those by telephone, email, text, blogs, or
25 any other method of communication.

1 After the case is submitted to you, you must discuss it
2 only in the jury room with your fellow jurors. The attorneys
3 and parties in this case have been advised that you are --
4 they are not to talk with you. So if you see one of them
5 involved in the case and they don't even say anything to you
6 or say "hello" or anything, they're not being unfriendly;
7 they're just doing what they've been told to do: Not to talk
8 to you.

9 During the trial, do not read, listen to, or watch any
10 news reports about this case. This includes anything that may
11 be in the newspapers, on TV, on the internet, on the radio.
12 You must not consider anything you may have read or heard
13 about this case outside of the courtroom, whether before or
14 during the trial. You are only to consider what you see and
15 observed in this courtroom in this trial.

16 It is important that you keep an open mind and not decide
17 any issue in this case until all the evidence has been
18 presented, the parties have made their closing arguments, and
19 I have instructed you on the law. Only then should you start
20 considering your verdict or what you believe about this case.

21 It is your solemn responsibility to determine the guilt
22 or innocence of the defendant, and your verdict must be based
23 solely on the evidence as it is presented to you in this trial
24 and on the law as I instruct you during and at the close of
25 the trial.

1 In just a moment, the solicitor will make what is called
2 an opening statement in which the solicitor will explain the
3 issues in this case. The attorney for the defendant will also
4 make an opening statement, although he is not required to do
5 so. What the attorneys tell you in their opening statements
6 is not evidence in this case but only their contention of what
7 the issues are.

8 The evidence will be presented to you by the testimony of
9 sworn witnesses from the witness stand and/or by exhibits that
10 may be introduced into evidence.

11 From time to time during the trial, you may hear one of
12 the lawyers say something like, "Your Honor, I believe we have
13 a question of law or a matter of law to discuss" or "may we
14 approach the bench" or something of that sort. If that
15 happens and if I find it necessary to excuse you from the
16 courtroom for a little while, please understand the attorneys
17 and I are discussing the matters of law. The reason that this
18 cannot be done in front of you is because I may comment on
19 matters of fact. That cannot be with you in the courtroom.
20 I'm not supposed to tell you what I think the facts are, so
21 I'll excuse you from the courtroom at any time such discussion
22 takes place.

23 In determining what the true facts are in this case, you
24 must decide whether or not the testimony of the witnesses is
25 believable. It will be my responsibility to rule as a matter

1 of law as to whether certain testimony is admissible at all or
2 not, but once the testimony is admitted, whether or not you
3 believe it is solely up to you.

4 In deciding whether to believe a witness, you have the
5 right to consider the interest of any witness, the bias of any
6 witness, the prejudice of any witness, the opportunity for the
7 witness to have seen the matters and things about which the
8 witness may testify, and the way the witness acts on the
9 witness stand. You have a right to consider anything that is
10 in the record that will help you evaluate the testimony of the
11 witnesses. That means it is your duty to pay close attention
12 to these witnesses, to observe them, to listen to them, and to
13 pay close attention to the attorneys and to the Court. Try
14 not to let your thoughts wander but give strict attention to
15 the testimony in this case so that, at the end of the
16 testimony, after the arguments and the charge on the law, you
17 will be in the best position to determine what the true facts
18 are and apply the law to the facts and render a true and just
19 verdict.

20 It is your added duty, Madam Forelady, to preside in the
21 jury room and be the jury spokesperson to the Court, as Judge
22 Nettles spoke to you yesterday. It will also be your duty to
23 write the verdict, but I will give you further instructions
24 about that at the conclusion of the case.

25 In order to preserve everyone's rights, I will give the

1 parties an opportunity to object to anything that I have said.

2 Any exceptions to anything I have said to the jury?

3 By the State?

4 MR. HOLFORD: No, Your Honor.

5 THE COURT: By the defendant?

6 MR. PERRY: No, Your Honor.

7 THE COURT: Very well. Then we're ready to begin.

8 (The defendant is now present in the courtroom at
9 9:55 AM.)

10 THE COURT: Mr. Holford?

11 OPENING STATEMENT ON BEHALF OF THE STATE

12 MR. GLASGOW: Thank you for coming out this morning.

13 Y'all could be anywhere in the world, but you're here with me,
14 and I appreciate that.

15 We're here today for a drug trial. More specifically,
16 we're here because the defendant, Mr. Crawford [sic], has been
17 charged -- formally charged with trafficking in fentanyl.
18 It's my job and it's Josh's job here today to prove that he's
19 guilty of that charge beyond a reasonable doubt.

20 That's a big -- that's a serious crime, and that's a big
21 bar. Trafficking in fentanyl or trafficking in any narcotic,
22 including the distribution, possession, cultivation, or any
23 introduction of large quantities of controlled substances into
24 our state. Now, that sounds very serious and it is. We have
25 got drug problems that we see on the news all the time, and

1 these laws are aimed at making sure that we address the
2 introduction of those into the stream of commerce.

3 As serious as that is, the elements are actually fairly
4 simple. In order to establish somebody's guilt for
5 trafficking in fentanyl, we need to establish an intentional
6 act. We need to establish that the controlled substance or
7 the fentanyl that they were in possession of or sold or
8 distributed was, in fact, fentanyl, and we have to prove that
9 it meets a certain threshold or amount; that's determined by
10 weight.

11 In this case, this defendant has been charged of
12 trafficking in more than 4 grams of fentanyl.

13 So two of those seem pretty easy. We need to be able to
14 say that the fentanyl is fentanyl. We use tests in science to
15 establish that. We need to say how much it weighs and how
16 much there actually is and be able to attest to that. Those
17 are fairly simple.

18 The intentional act seems like it should be a little more
19 difficult. In fact, the intentional act can be as simple as
20 possession or distribution or anything of that matter. And
21 that seems, to me at least when I first think about it, that
22 seems a little unreasonable. Why would we assume that just
23 because somebody has a large amount of something that it's
24 going to be introduced into our stream of commerce or into our
25 state?

1 It seems like maybe I should have to do a little more
2 than simply saying because he possessed more than 4 grams of
3 fentanyl that he's guilty of trafficking. But it makes more
4 sense, if you really think about it.

5 When I was in high school, I had a buddy. And my buddy,
6 one weekend, his parents were going to go out of town. And he
7 was a little bit on the wild side. As soon as he heard that,
8 he called up all of us, all of his buddies, and said, "Hey,
9 I'm going to have a party this weekend." And the next thing
10 that he did was he called up an older friend, and he said,
11 "Hey, I need to buy a keg of Coca-Cola. I need a keg of
12 Coca-Cola, and I'm going to get a bunch of red Solo cups and
13 I'm going to charge everyone \$5 for these red Solo cups, and
14 they can drink all the Coca-Cola out of this keg."

15 Me? I don't like Coca-Cola, so I didn't want to
16 participate or anything like that.

17 But he was excited about it. And so he did all the work
18 and he called up the friend. He got the money together. He
19 got all the red Solo cups. Got his keg of Coca-Cola.

20 Now, his parents were supposed to leave at 4:30 on that
21 Friday. So he called the older buddy and said, "Hey, you can
22 bring that keg over at 5:00. They'll be gone. They won't see
23 the Coca-Cola that I'm getting."

24 Friday comes around, my buddy's mama, she took a little
25 longer getting on the road than she meant to. So around 4:50,

1 while they're starting to pull out and get in the car, the
2 older buddy bringing the keg of Coca-Cola pulls up. So he
3 pulls up right at the same time, and his parents see him.
4 There's this keg of Coca-Cola.

5 We didn't have a party that night. They never saw any
6 party or anything like that, and I'm very certain that my
7 friend told them, "Hey, I was going to drink all this
8 Coca-Cola just by myself," but that wasn't entirely reasonable
9 to the parents. So we had a regular weekend without any
10 Coca-Cola, and he went on to attend military academy the next
11 year.

12 This is the kind of the same thing that we're looking at
13 here with the drug trafficking. If you see somebody with a
14 large amount -- such a large amount, you can assume that it's
15 not just for that individual, and that's what our law states.

16 The parents pretty much caught him red-handed there.
17 They really did. If you think about it, they could have
18 caught him more red-handed. Let's say that they figured out
19 that he was going to do this or they had an inkling and they
20 had a little neighbor kid show up with his phone recording or
21 wired with audio and video, and he went and bought his little
22 red cup and filled it up with Coca-Cola and that was all on
23 video. When the parents get home, they showed, "Hey, we know
24 what you did." That's a little more sure. That's a little
25 more "we can establish that this was something terrible going

1 on." Maybe not in the sense of Coca-Cola, but you can image
2 in the sense of fentanyl.

3 And that's what we have here. This isn't merely
4 possession of more than 4 grams of fentanyl.

5 During the month of August 2023, Detective Manemeit of
6 the Horry County Police Department Narcotics Unit was
7 conducting a narcotics investigation of a fellow named Snoop.
8 He met with a CI. Established a CI, Mr. Bryant Clark. They
9 met.

10 Mr. Clark was given a certain amount of funds. He was
11 wired with a video and audio recording, and he had a prior
12 relationship with this defendant. He knew he could buy
13 fentanyl or heroin from him, specifically is what he was
14 asking for on this day.

15 So, on that day, he met -- Mr. Clark met with Detective
16 Manemeit. He was wired up, given the money, and sent on his
17 way. He contacted Snoop, our defendant. They met at a
18 Walmart. He got into his car. He gave him the money, and he
19 was given what was supposed to be 7 grams of heroin.

20 He returned to Detective Manemeit. He was searched
21 again. The audio and video stuff was taken off. He handed
22 over the suspected heroin and that was that.

23 Detective Manemeit secured that according to procedure in
24 something we called a BEST kit to make sure that it was kept
25 in its regular and consistent state. He submitted it to

1 Evidence for testing, following procedure the entire time.

2 It was tested, and the purported heroin ended up coming
3 back as being about 5.669 -- 5.966 grams of a mixture of
4 cocaine and fentanyl.

5 So we don't have to assume that just because this
6 defendant had such a large amount of drugs that he was going
7 to distribute it. We have him distributing it. We have a
8 video of the neighbor kid buying this little red Solo cup and
9 filling it up. But we're going to show you that. We're going
10 to walk you through this investigation today.

11 First, we're going to put up Mr. Bryant Clark, our CI.
12 He's going to tell you about how he became a CI, about what
13 information he had at that time, about how he met with
14 Detective Manemeit. He's going to tell you about all of this.
15 He's going to tell you about how they video- and
16 audio-recorded his whole interaction, and we're going to be
17 able to show you that interaction.

18 Then we're going to hear from Detective Manemeit himself.
19 He led this investigation. He organized it. He was boots on
20 the ground. He's going to tell you about how he met with the
21 CI. He's going to tell you about how, after the CI returned
22 with the suspected heroin, he secured it. He's going to tell
23 you about how he submitted it for testing and how we know that
24 the narcotics that were tested were the same narcotics that
25 were bought on that day.

1 Then we're going to hear from Ms. Merrell Hawkins. She's
2 going to tell you how she received the BEST kit that Manemeit
3 submitted. She's going to tell you about the role she played
4 in securing and monitoring the BEST kit so it remained
5 identifiable in its original condition, and she's going to
6 tell you about how she got the BEST kit to a secure location,
7 an evidence locker, so it remained safe and unaltered until it
8 was ready for testing.

9 And then we're going to hear from Courtney Johnson.
10 She's our Horry County Police Department forensic chemist.
11 She's going to tell you about why she's normally qualified to
12 test these narcotics and sensitive material for purposes of
13 trial. She's going to tell you about how she received this
14 BEST kit from an evidence locker. She's going to tell you
15 that it wasn't tampered with. She's going to tell you how she
16 tested the drugs. She'll tell you that it weighed 5.966 grams
17 and she's going to tell you that it wasn't heroin like we
18 thought but, instead, fentanyl and cocaine.

19 After that, we're going to do a closing statement, and
20 y'all are going to go back and have a discussion. And I
21 promise you, if you listen to what each of these witnesses are
22 going to say and just pay attention, then you're going to have
23 everything that you need to go back in there and have a quick
24 discussion and come back and return a guilty verdict.

25 So thank y'all for being here and thank y'all for

1 listening to me go on here. Let's go ahead and get started.
2 Thank you.

3 THE COURT: Mr. Perry?

4 MR. PERRY: If it pleases the Court, Your Honor.

5 THE COURT: Yes, sir.

6 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

7 MR. PERRY: Good morning, everybody. I'm Brett Perry. I
8 represent Ray Chestnut. I'm not entirely sure who
9 Mr. Crawford is -

10 MR. GLASGOW: Yeah, I messed that up.

11 MR. PERRY: - but I represent Ray Chestnut. He is the
12 defendant in this case.

13 The State has accused him of committing a crime. And
14 your role in this is so important, as the judge mentioned
15 earlier. It is essential to the democratic republic that we
16 live in.

17 The obligations that you took as jurors yesterday
18 whenever you were sworn in to well and truly try this case,
19 one of the things that you have been asked to do, one of the
20 things the judge instructed you to do is not discuss the case,
21 not think about the case, not talk about the case until you
22 have heard all the evidence, until the judge has charged you
23 with the law and says, "Here's what the law is. Apply the
24 facts to the law and the law to the facts, and then go and
25 deliberate."

1 So I'm probably dating myself by saying this; I see some
2 of you in the jury that are going to remember this, but
3 whenever I was a younger man, there was a fellow that used to
4 be on the radio named Paul Harvey. Paul Harvey would get on
5 there and he would tell these stories, and it was called, "The
6 rest of the story." And he'd start out telling this story,
7 and then he'd get to the part of it that really mattered, and
8 it was the rest of the story. And it always ended up being
9 something that you knew, something that was maybe not uncommon
10 knowledge but, you know, it was the rest of the story that was
11 important.

12 And so the only thing I'm going to stand here and ask you
13 to do -- I'm not going to go over everything the State told
14 you, because, just as the judge mentioned earlier, none of
15 that's evidence. You're getting ready to start hearing the
16 evidence and seeing the evidence. I just ask you to be very,
17 very cautious and not formulate any opinions, any ideas about
18 what happened or didn't happen. Pay attention to the
19 evidence, to everything that you see and hear but also to
20 everything that you don't see and hear.

21 And wait until you've heard everything, everything the
22 State presents, anything that we may present, if we present a
23 case at all. Wait until you've heard everything. Wait until
24 you go back in that jury room to deliberate when the judge
25 tells you you can start thinking about it, and start

1 considering whether or not the State has met their burden,
2 whether or not they have proved every element of this crime
3 beyond a reasonable doubt.

4 And I'd ask you to do one more thing when you go back in
5 that room to deliberate. You know, a jury trial isn't
6 supposed to be something that involves a collective verdict.
7 If it was just one verdict, there would only be one juror or a
8 trial in front of a judge. There are 12 of you here -- 14 --
9 there will be 12 of you that will deliberate for a reason.
10 Each and every one of you has a solemn obligation to determine
11 within yourself whether or not you believe that the State has
12 met its burden and proved beyond a reasonable doubt every
13 element of this crime, and only if all 12 of you individually
14 make that determination can the jury then collectively come
15 back with one verdict.

16 So it's essentially 12 individual decisions that have to
17 be made. When you get back in that room to deliberate, don't
18 become part of a group thing. Don't become part of a
19 collective. You have to make up your mind individually.
20 That's the way this process is supposed to work. That's why
21 there's 12 of you that will be deliberating. Each and every
22 one of you has to decide within yourself whether or not you
23 can be -- based on the evidence that's presented before you
24 today and the evidence that's not and the law that the judge
25 gives you, whether or not you believe individually that the

1 State has met its burden. And I would suggest to you, after
2 you have heard everything, all the story, the rest of the
3 story, that you're going to have some doubts. And if any of
4 those doubts are reasonable doubts, you don't have any choice
5 but to come back with a verdict of not guilty.

6 Thank you for your service.

7 THE COURT: Mr. Holford, ready to call your first
8 witness?

9 MR. HOLFORD: Thank you, Your Honor. At this time,
10 before calling a witness, I noticed some people have walked
11 in. The State would request that witnesses be sequestered at
12 this time for both the State and the defense. Our lead
13 investigator is Michael Manemeit. And so, other than him, I
14 would ask that the witnesses be sequestered in this case.

15 THE COURT: Mr. Perry?

16 MR. PERRY: I don't believe I have any position to object
17 to that, Your Honor. I think it's perfectly reasonable.

18 THE COURT: Sure. That's what we'll do.

19 And who is your first witness?

20 MR. HOLFORD: Bryant.

21 THE COURT: Okay.

22 MR. HOLFORD: Your Honor, sometimes I use words that I
23 understand and maybe our witnesses understand. I haven't seen
24 anyone from the defense side move, so I assume that none of
25 them would be witnesses in this trial.

1 MR. PERRY: Beg the Court's indulgence.

2 THE COURT: Sure. Let's take a moment to figure that
3 out.

4 Mr. Clark?

5 MR. CLARK: Yes, sir.

6 THE COURT: Hold on just one moment right there. Thank
7 you.

8 MR. PERRY: Your Honor, we have two witnesses that may
9 testify later, and so they're now exiting the courtroom.

10 THE COURT: Thank you, Mr. Perry.

11 Mr. Clark, I'm sorry.

12 MR. HOLFORD: I'm sorry, Your Honor. The State does call
13 Bryant Clark to the stand.

14 THE COURT: Mr. Clark, if you'll come up. Place your
15 left hand on the Bible and raise your right hand, please, sir,
16 so you can be administered the oath.

17 BRYANT CLARK,
18 after having been duly sworn, was examined and testified
19 to as follows:

20 THE COURT: Mr. Clark, if would have a seat right there
21 hopefully in a comfortable chair, and try to get close to that
22 microphone so everybody can hear you, if you would, please,
23 sir.

24 THE CLERK: State your name and then spell your last name
25 for the Court.

1 THE WITNESS: Bryant Clark. Last name is C-l-a-r-k.

2 DIRECT EXAMINATION

3 BY MR. HOLFORD:

4 Q Mr. Clark, can you tell the jury a little bit about
5 yourself. We don't need specific addresses but, you know,
6 where do you live, who are you, and how are you related to
7 this case.

8 A Like I said, my name is Bryant Clark. I own my own
9 business, King Tide Property Services. I do interior remodels
10 and property management. I have a wife and an 8-year-old
11 little girl.

12 Q Back in 2023, did you have an occasion to become involved
13 as a confidential informant with the Horry County Police
14 Department?

15 A Yes, sir.

16 Q And let me ask you this: Do you know the defendant, Ray
17 Chestnut?

18 A I do.

19 Q How did you know him back in August of 2023? By what
20 name?

21 A Snoop.

22 Q And so let's tell the jury, back in August of 2023, what
23 is a confidential informant? What were you doing and what was
24 Horry County Police Department asking you to do with that?

25 A To make buys, to help me with my charge.

1 Q Okay. Do you have a criminal history?

2 A No, sir.

3 Q Okay. Did you have a charge at the time?

4 A Yes.

5 Q Since you just said it.

6 A Yes.

7 Q What happened to that charge?

8 A The charge has been dismissed for helping.

9 Q So you got the benefit -- no question -- we're not hiding
10 from the jury -- you got a benefit for acting as a
11 confidential informant?

12 A Yes, sir.

13 Q Now, we're going to talk about August 22nd, 2023, with
14 this defendant. Not naming other individuals or any other
15 defendants or not assuming that it's him but was that the only
16 buy that you did for the Horry County Police Department?

17 A No, sir.

18 Q So this is not the only case that you have been involved
19 in, but you did other work and, as a result, law enforcement
20 deemed your cooperation sufficient?

21 A Yes, sir.

22 Q Okay. Did you target Snoop, or Ray Chestnut, in August
23 of 2023?

24 A What do you mean by "target"?

25 Q Well, was he someone you knew before or --

1 A Yes.

2 Q Okay. I guess what I want to make clear to the jury is,
3 did you pick him out of a hat? How did you decide that, in
4 August 22nd of 2023, you might have been able to buy heroin
5 from him?

6 A Well, they had a good idea where I got it from, and I
7 told them, "Yes, that's where I got it from."

8 Q Let's talk specifically August 22nd, 2023. Walk me
9 through what does a confidential informant do? Do you meet
10 with the police? Do you set up where you're going to buy
11 drugs from? Do you get -- do you bring the cash yourself?
12 How does that all work?

13 A I meet with the detective, and he has me sign all this
14 paperwork about how it's going to go. He gives me the funds
15 to buy it. I would call Snoop and set up a place and an
16 amount and meet him there. And the detectives would be not
17 far, for my protection.

18 Q When we talk about audio and video recording, how did
19 that happen in this case?

20 A It was with a cell phone that was recording audio and
21 video, and I would have that on me.

22 Q And did you, on August 22nd, 2023, in Horry County, have
23 communication with the defendant and set up a sale of
24 narcotics?

25 A Yes.

1 Q What did you believe at the time those narcotics that you
2 were purchasing were supposed to be?

3 A Heroin.

4 Q Do you remember about how much you were supposed to
5 purchase?

6 A A quarter ounce. 7 grams.

7 Q And do you remember how much that was going to cost you
8 and what you received from the police in police funds?

9 A I would say 400 bucks. Somewhere around in there.

10 Q Prior to coming in here and testifying in preparation for
11 trial, have you watched a video that is the audio recording
12 that occurred from that day?

13 A Yes.

14 Q I'm going to approach you with what's been marked as
15 State's 1 and 2. And these are hard drives, but are you
16 familiar with what's on these hard drives?

17 A I am.

18 Q And how are you familiar with what's on State's 1 and 2?

19 A It's me and him having conversation and meeting and doing
20 the exchange.

21 Q Okay. And have you initialled on these?

22 A Yes.

23 Q Meaning you have watched it prior?

24 MR. HOLFORD: Your Honor, at this time, the State would
25 seek to introduce State's 1 and 2 into evidence.

1 THE COURT: Mr. Perry?

2 MR. PERRY: Your Honor, obviously, subject to actually
3 seeing what's on those hard drives, at this time, I have no
4 objection.

5 THE COURT: Very good.

6 (State's Exhibit Nos. 1 and 2 admitted.)

7 MR. HOLFORD: And we have provided the CI videos to
8 defense well in advance of trial.

9 THE COURT: Yes, sir.

10 MR. PERRY: Again, Your Honor, I don't know what's
11 actually on those hard drives. They provided me with videos,
12 but I can't speak to the content of something that I haven't
13 seen yet. I understand what the State purports it to be, and
14 at this time, I have no objection.

15 THE COURT: Yes, sir. All right.

16 MR. HOLFORD: Permission to publish?

17 THE COURT: Yes, sir.

18 (Video plays.)

19 BY MR. HOLFORD:

20 Q All right. This video, it appears it picks up on August
21 22nd, 2023, at 1526, about 3:30 PM; is that accurate?

22 A Yes.

23 (Video continues to play.)

24 BY MR. HOLFORD:

25 Q Is this the beginning of the video where you are meeting

1 with police officers?

2 A Yes.

3 Q Let me ask you this: Did you come to this location -- do
4 they search you? Do you have drugs at the time? Do you have
5 cash on you? Tell me about that, please.

6 A They searched me personally, and they searched my
7 vehicle.

8 Q Is there some time in this video where you are driving a
9 car and the phone is just down on your lap and there's just
10 music?

11 A Yes.

12 Q Do you have communication over the phone with the
13 defendant during that drive?

14 A No.

15 Q Okay. Did you call him or did he call you and agree to
16 meet at a certain place?

17 A Yes.

18 Q Is this video maybe an hour or so long?

19 A Yes.

20 Q The transaction itself, is it only a couple of minutes?

21 A Yes.

22 Q State's 2 has been entered and you viewed this. Is it
23 fair to say that State's 2 is the clipped-down version of the
24 actual buy itself?

25 A Yes.

1 Q Contained within the larger video from State's 1?

2 A Yes.

3 MR. HOLFORD: Permission to publish State's 2.

4 THE COURT: Yes, sir.

5 (Video plays.)

6 BY MR. HOLFORD:

7 Q All right. Here we are. It's August 22, 2023, at about
8 1653. So now we're nearing 5:00 the same day. Does that
9 sound right?

10 A Yes.

11 (Video continues to play.)

12 BY MR. HOLFORD:

13 Q Who is that on the phone?

14 A Snoop.

15 Q And you?

16 A Yes.

17 (Video continues to play.)

18 BY MR. HOLFORD:

19 Q Was that where you gave the defendant cash and he gave
20 you what he said was heroin?

21 A Yes, sir.

22 Q I'm going to show you what's been marked as State's
23 Exhibit 3 and 4.

24 MR. HOLFORD: May I approach?

25 THE COURT: Yes, sir.

1 BY MR. HOLFORD:

2 Q State's 3 and 4, are those pictures timestamped and
3 dated?

4 A Yes.

5 Q Do they appear to be screen grabs from the video we just
6 watched?

7 A Yes.

8 Q And is that the individual that you bought what he told
9 you was heroin from that day?

10 A Yes.

11 Q And is that a picture of the bag that you got from him?

12 A Yes.

13 MR. HOLFORD: Your Honor, at this time, the State would
14 seek to introduce State's 3 and 4 into evidence.

15 THE COURT: Mr. Perry?

16 MR. PERRY: Without objection, Your Honor.

17 THE COURT: And let's go ahead and make clear, Exhibit's
18 1 and 2 also in evidence then.

19 MR. HOLFORD: Thank you, Your Honor.

20 (State's Exhibit Nos. 3 and 4 admitted.)

21 BY MR. HOLFORD:

22 Q That video was actually very short and it's on a phone
23 and it's kind of wobbling; right?

24 A Yes.

25 Q But if we pause it and take a grab, you can actually see

1 who you're dealing with and what you got; is that right?

2 A Yes.

3 Q And we can watch that video and pause it itself and see
4 the same thing as this; correct?

5 A Yes.

6 Q Looks like August 22nd, 2023, at 16:55:01.

7 Was there anyone else in that car with the defendant at
8 the time?

9 A No, sir.

10 Q Was there anyone else in your car at the time?

11 A No, sir.

12 Q And did you give the defendant 400-something dollars at
13 that time?

14 A Yes.

15 Q And right here in your hand, he did give you a bag of
16 something?

17 A Yes.

18 Q What did you think that was?

19 A Heroin.

20 Q And you might have said this, how much heroin did you
21 think you were buying?

22 A Seven grams.

23 Q After this, where do you go? What do you do?

24 A After this, I was instructed to stay in my vehicle, meet
25 at a certain spot. And then detectives met me at my vehicle,

1 took the product, wrote all the paperwork up. I wrote my --
2 my part of who I met and time I met and date I met, what I was
3 buying, the money I gave him. And then they would look back
4 through my vehicle again, make sure there was nothing else in
5 there, and that was basically it.

6 Q There's about eight minutes left on this video. Did you
7 go anywhere in between? Did you meet with anyone else? Did
8 anyone else come in contact with you?

9 A No. That time is where we met at a certain store. I was
10 instructed to stay in my vehicle until the coast was clear and
11 then I interacted with the detectives.

12 (Video continues to play.)

13 BY MR. HOLFORD:

14 Q So, 16:55:36, you're back in your vehicle.

15 (Video continues to play.)

16 BY MR. HOLFORD:

17 Q By the end of this video, 17:04:10 so approximately 10
18 minutes later, is this you turning over the narcotics to the
19 detectives?

20 A Yes.

21 Q Okay. And that was the end of that transaction that day?

22 A Yes.

23 Q Let me ask you this: Have you ever had to testify to a
24 jury before?

25 A No.

1 Q Does that kind of explain your demeanor? Is this
2 comfortable for you?

3 A Not at all.

4 Q I have no further questions at this time.

5 THE COURT: Mr. Perry?

6 MR. PERRY: If it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. PERRY:

10 Q Good morning, Mr. Clark.

11 A Good morning.

12 Q My name is Brett Perry. I represent Mr. Chestnut in this
13 matter, and I've just got a few questions for you.

14 A Sure.

15 Q I'll try not to drag on too long with this, but the State
16 sort of glossed over it earlier whenever they were asking you
17 about it. At the time these things allegedly occurred, the
18 time that you say that you bought drugs from my client,
19 Mr. Chestnut, you had charges pending; correct?

20 A Yes.

21 Q And that was previously mentioned in your direct
22 examination; correct?

23 A Yes.

24 Q Specifically what charge did you have pending?

25 A Trafficking methamphetamines.

1 Q Okay. And if you had been convicted of that, there was a
2 mandatory minimum that was going to require you to go to
3 prison; was there not?

4 A Not necessarily that because it was my first charge.

5 Q If you had been convicted of the charge that you were
6 charged with --

7 A I'm not sure, sir.

8 Q Okay. All right. You mentioned having a family, having
9 a little girl that you cared about; correct?

10 A Yes.

11 Q You didn't want to go to prison, did you?

12 A No, I did not.

13 Q And you would have done just about anything not to go to
14 prison, wouldn't you?

15 A No, not anything.

16 Q Well, you allegedly did this; correct?

17 A Yes.

18 Q And the reason that you agreed to cooperate and work with
19 the State to try to get other people in trouble was to get
20 yourself out of trouble; is that not correct?

21 A Yes.

22 Q That's the essence of what you did --

23 A Yes.

24 Q -- is to let the cup pass, get somebody else in trouble to
25 get yourself out of trouble. And you didn't want to go to

1 jail because you've got a family, got a little girl that you
2 care about.

3 A (No response.)

4 Q Let's see. You mentioned that before you allegedly went
5 to go to attempt to buy drugs from my client that you were
6 searched -- that your vehicle was searched; is that correct?

7 A I don't remember saying that. Oh, before I went to buy
8 it? Yes.

9 Q Did law enforcement search you?

10 A Yes.

11 Q Okay. All right. How thoroughly did they search you?

12 A Well, they patted me down and went all through my truck.
13 Under the floor mats, under the seats. You know, the typical.

14 Q They patted you down on the exterior of your clothes;
15 correct?

16 A Yes.

17 Q They didn't strip-search you. They didn't check to see
18 if you had anything hidden under your clothes, did they?

19 A Sir, you know, for me to do something to hide more drugs
20 on me while I'm making this -- it would be absolute asinine,
21 wouldn't it?

22 Q That's not the question I asked you.

23 A Well, that's what I gave you.

24 Q Did they strip-search you? Yes or no?

25 A No, they didn't strip-search me, man.

1 Q Okay. That's fine. They did not check under your
2 clothes to see if you had anything hidden on you, did they?

3 A No. You think I would be able to have that on me and not
4 feeling it by patting me down?

5 Q I'm just asking the questions. I'm not here to answer
6 any.

7 A I understand.

8 Q Law enforcement gave you approximately \$400?

9 A Yes.

10 Q And you gave that to my client?

11 A Yes.

12 Q The video originally started at about 3:30: Correct? Is
13 that what we talked about earlier, whenever you met with law
14 enforcement?

15 A Yes.

16 Q Okay. And you didn't allegedly make this purchase until
17 approximately 5:00, almost an hour and a half later; correct?

18 A Yes, sir.

19 Q And during that approximate hour and a half, you were not
20 with law enforcement, were you?

21 A No, I was not. I was sitting there in the parking lot,
22 waiting.

23 Q But you weren't with law enforcement?

24 A They were sitting across the road, watching me.

25 Q And the extended video, there's a lot of that video that

1 doesn't really show much of anything, does it?

2 A It shows enough.

3 Q I'm talking about the extended video, the hour and a half
4 that you were not with law enforcement.

5 A Yeah, I had it on my lap there.

6 Q Okay. And after you told law enforcement that you
7 purchased drugs from my client, that trafficking charge
8 against you was dismissed; was it not?

9 A After, yes.

10 Q So you never did have to face any sort of consequences
11 for the crime you committed, did you?

12 A A lot of consequences.

13 Q You didn't have to go to prison, did you?

14 A Well, the life that I live right now is basically like a
15 prison. You know, my whole family knows about it. So it's
16 really killed me within.

17 Q But I ask again: You didn't have to go to prison, did
18 you?

19 A Not behind bars.

20 MR. PERRY: No further questions at this time, Judge.
21 Beg the Court's indulgence. Beg the Court's indulgence.

22 THE COURT: Sure, yes.

23 (Mr. Perry conferred with the defendant.)

24 MR. PERRY: No further questions at this time, Judge. I
25 just wanted to consult with my client. Appreciate your

1 indulgence.

2 THE COURT: Mr. Holford?

3 REDIRECT EXAMINATION

4 BY MR. HOLFORD:

5 Q I want this jury to be clear. Did you set the defendant
6 up just to save yourself?

7 A Yes.

8 Q Did he, in fact, sell you narcotics that day?

9 A Yes.

10 Q Did you bring your own narcotics?

11 A No.

12 Q Could the jury watch that hour-long video and see that
13 you had no contact with anyone else?

14 A Yes.

15 Q Would 50-something minutes of it be a phone on your lap?

16 A Yes.

17 Q Did you introduce your own narcotics after the buy?

18 A No.

19 Q And when I asked "Did you set him up?" explain what you
20 mean by that. Did you pick him out of a hat, go target
21 someone -- some innocent guy off the street?

22 A No, sir, I didn't.

23 Q Explain what you mean by "you set him up."

24 A He was a dealer at the time. He was my dealer.

25 Q And you bought from him?

1 A Yes.

2 MR. HOLFORD: I have no further questions.

3 MR. PERRY: Nothing in response, Your Honor.

4 THE COURT: Thank you, Mr. Clark. You may step down,
5 sir.

6 MR. HOLFORD: I would ask that Mr. Clark be excused from
7 his subpoena.

8 MR. PERRY: Without objection.

9 THE COURT: He's excused.

10 Mr. Holford, are you ready to call your next witness?

11 MR. GLASGOW: At this time, the State would call
12 Detective Michael Manemeit.

13 THE COURT: Mr. Glasgow, thank you.

14 Sir, wait for the clerk to come up.

15 THE WITNESS: My apologies.

16 THE COURT: That's okay. Come up and place your left
17 hand on the Bible and raise your right hand so she can
18 administer the oath.

19 DET. MICHAEL MANEMEIT

20 after having been duly sworn, was examined and testified
21 to as follows:

22 THE COURT: Sir, if you would, try to talk into the
23 microphone so everybody can hear you good.

24 THE WITNESS: Absolutely.

25 THE COURT: Hopefully you have a comfortable chair. I'm

1 not sure how comfortable the seats here are in Darlington --
2 in Horry County since I'm in Darlington County, but hopefully
3 they're comfortable.

4 THE CLERK: Need you to state your name and then spell
5 your last name.

6 THE WITNESS: Detective Michael Manemeit. Last name is
7 spelled M-a-n-e-m-e-i-t.

8 DIRECT EXAMINATION

9 BY MR. GLASGOW:

10 Q Thank you for being here. Detective Manemeit, where do
11 you work at?

12 A I work for the Horry County Police Department. I'm a
13 patrol sergeant in the North Precinct.

14 Q And how long have you been with Horry County Police
15 Department?

16 A I have been with Horry County for five years. I have
17 been a police officer for 12.

18 Q Okay. Okay. And I believe you just said it, but what's
19 your current assignment? I missed it. I'm sorry.

20 A Sergeant of patrol in the North Precinct. I was promoted
21 since Narcotics.

22 Q Wonderful. So what was -- and what was your assignment
23 back in August of 2023?

24 A I was a narcotics detective.

25 Q Okay, wonderful.

1 And during that time, August of 2023, did you conduct an
2 undercover narcotics trafficking investigation involving this
3 defendant, Mr. Chestnut?

4 A Yes, I did.

5 Q Could you just tell us a little bit about that maybe?

6 A Sure. In August of 2023, I utilized a confidential
7 informant. We had just met. We conducted a controlled buy.
8 We met with the CI, confidential informant. He came to the
9 location that we determined -- predetermined and wired him
10 with audio and video recording. I issued him I believe \$430
11 in official police funds, and he coordinated the meet with the
12 defendant, at which point they met at a location within Horry
13 County -- I believe in North Myrtle Beach -- in which that
14 video that you just saw was conducted. We met with him after
15 to receive the packaged narcotic, which was placed into
16 evidence.

17 Q Okay. So how did y'all know the defendant at the time of
18 this investigation? How did y'all know him by?

19 A We knew him as Snoop, based on what the confidential
20 informant had told us.

21 Q Okay. And how -- at what point did you figure out that
22 that was not his....

23 A The defendant was known within the Department. We also
24 utilized J. Reuben Long booking photos and South Carolina DMV
25 photos to match up with the video and what we saw through the

1 controlled buy.

2 Q Wonderful. Now, let's just go back to this real quick.

3 MR. PERRY: Your Honor, I have got something I need to
4 take up with the Court.

5 THE COURT: Yes, sir. All right.

6 MR. PERRY: Outside the presence of the jury, if
7 possible, please.

8 THE COURT: All right. Ladies and gentlemen of the jury,
9 this is one of the things that I mentioned might come up, and
10 we'll make this as quick as possible. Hopefully give you a
11 chance to take a little rest. We'll call you back shortly.
12 Thank you. If y'all will go to the jury room.

13 And just remember: No talking about the case yet.

14 (The jury exited the courtroom at 10:44 AM.)

15 THE COURT: All right. The door is shut.

16 Mr. Perry?

17 MR. PERRY: Your Honor, if it please the Court, so, in
18 the direct examination just now, the State asked how they had
19 identified or how they figured out that Snoop was allegedly my
20 client.

21 Detective Manemeit mentioned booking photos from
22 J. Reuben Long. I think it's improper for the jury to know
23 that my client has a criminal record. I think booking photos
24 comment implies that he has a criminal record; otherwise, why
25 would there be booking photos?

1 Your Honor, at this time, I'd move for a mistrial. I
2 think that the jury has heard that, it's in evidence, and they
3 cannot remove the fact that they now know that my client has a
4 criminal history, and I don't think that they're supposed to
5 know that when it comes to deliberating about this case.

6 THE COURT: All right? Mr. Holford, Mr. Glasgow, any
7 response?

8 MR. GLASGOW: It could have been the booking from this
9 particular arrest. He never said anything about any other
10 specific convictions prior to this.

11 MR. PERRY: Your Honor, it couldn't be from this arrest
12 because they mentioned that it took place before this
13 transaction took place. This couldn't be from this arrest.

14 THE COURT: Any other response, Mr. Glasgow?

15 (Mr. Glasgow and Mr. Holford confer.)

16 MR. PERRY: And, Your Honor, if I might, any curative
17 instruction is only going to highlight the issue. It's only
18 going to draw even more attention to it.

19 THE COURT: I understand.

20 In other words, you're telling me you don't want one.

21 MR. PERRY: I'd prefer not to have a curative
22 instruction, Your Honor. I don't want to have to try this
23 case again, but I don't -- I believe that my client's rights
24 have been compromised.

25 MR. GLASGOW: Your Honor, I will say I don't think it's

1 unduly prejudicial. He mentioned it in passing fairly
2 quickly. He didn't say anything about any specific
3 conviction, no mention of a drug conviction or anything prior
4 to this.

5 He didn't mention any specifics as to the conviction. As
6 far as the jury knows, he could just be talking about, okay,
7 we have this booking photo and then we related it to other
8 investigation.

9 THE COURT: Well --

10 (Mr. Glasgow and Mr. Holford confer.)

11 MR. GLASGOW: And this was -- we're speaking about at the
12 time of -- during 2023 when he did know him as Snoop.

13 THE COURT: Yes, sir. I don't think it's prejudicial to
14 the point of justifying a mistrial. I think that -- I will
15 emphasize again to the jury, you consider what you see and
16 hear in the courtroom. Anything outside of that is not
17 proper.

18 And, Mr. Perry, I understand where you're coming from
19 there, but it was -- as Mr. Glasgow just stated, as he
20 mentioned, it was not focused on, not zeroed in on. I just
21 don't think it has that kind of weight to be prejudicial.

22 Anything further?

23 I would just say that, sir, please stay away from
24 mentioning anything in the past, anything that might be
25 outside the scope of this arrest.

1 THE WITNESS: Yes, Your Honor.

2 MR. GLASGOW: We'll keep questioning away from that.

3 THE COURT: Sir?

4 MR. GLASGOW: We'll keep questioning away from that.

5 THE COURT: Yes, sir. Thank you. All right.

6 Ready for the jury to come back? Or maybe we should --
7 let's -- would you ask them if they need a few more minutes
8 just for everybody to take a bathroom break before we bring
9 them back in because it's only been a few minutes.

10 We have been going for a while. They might need a little
11 bit more of a break.

12 MR. PERRY: Thank you, Your Honor.

13 THE COURT: Make sure we don't rush them back in.

14 THE DEPUTY: They could use a few more minutes, if you'd
15 allow, Judge.

16 THE COURT: Sir?

17 THE DEPUTY: They could use a few more minutes, if you'd
18 allow it.

19 THE COURT: Folks, would y'all like to take a few-minutes
20 break?

21 MR. PERRY: Sure, Your Honor, that'd be great.

22 THE COURT: And, sir, you understand you're not to speak
23 to anyone about your testimony.

24 THE WITNESS: Yes, sir. May I step down?

25 THE COURT: Yes, sir.

1 (A brief recess was taken from 10:49 AM to 11:04 AM.)

2 THE COURT: All right. Let's bring the jury back in.

3 (The jury entered the courtroom at 11:05 a.m.)

4 THE COURT: All right. I think we're ready to get going
5 again.

6 MR. GLASGOW: Yes, sir.

7 BY MR. GLASGOW:

8 Q All right, Detective Manemeit. I believe that we had
9 just gone through the actual CI buy that occurred on
10 August 22nd, 2023. Now, you have had the opportunity to
11 review the CI buy videos from that date; correct?

12 A Yes.

13 Q Now, on -- on August 22nd, 2023, the person that you
14 identified on the video, you identified him as Snoop; correct?

15 A Correct.

16 Q Now, today, after having watched that video, you could
17 tell the jury and me that you can identify that person you saw
18 in the video as Ray Chestnut?

19 A Yes.

20 Q Okay. So you have seen the video and who -- who is the
21 person in the video?

22 A The defendant.

23 Q Okay. So you met with the CI, you wired him up, gave him
24 some money. He went and met with the defendant, returned to
25 you with the purported 7 grams of heroin?

1 A Correct.

2 Q What did you do next? What do you do with that?

3 A We take it back and submit a -- what we call a BEST kit.
4 It's for narcotics that we have control over. Submit it to
5 our evidence clerk or evidence section. It then goes through
6 a process, and we have the lab chemist who will check it out
7 once it goes to evidence and run a test on it and see what
8 exactly the substance is.

9 Q Okay. I'm going to show you now what's marked as State's
10 Exhibit 7. Could you tell us what this is?

11 A That is the substance that was purchased.

12 Q Okay. And how do you know that?

13 A Based on the BEST kit and the substance being identical
14 to what we had purchased that day.

15 Q Did you -- I mean, you say BEST kit. What is a BEST kit?
16 What do you mean?

17 A It's the State or the County, depending on what package
18 you use, I believe it's pretty the same in terms of filling it
19 out and submitting it, but it's for narcotics. So it
20 basically ensures that the narcotics that was seized stays
21 sealed and maintains a smooth chain of custody, per se, while
22 it goes through the court process.

23 Q And how do you know that this is the same BEST kit that
24 you secured the suspected heroin?

25 A Based on the fact chain and the numbers on it.

1 Q What do you mean by numbers?

2 A So each one is numbered. And I sign the BEST kit itself.
3 So there are numbers at the top. That is tracked. We have
4 another form that goes through evidence as well, so all the
5 numbers are consistent along the way.

6 After it's sealed, I did sign and initial or sign and
7 hand-print my name with the date on there. As you see, I
8 wrote "suspected heroin or fentanyl."

9 Q So with -- so this is the BEST kit and the packaged
10 narcotics from August 22nd?

11 A It is, yes.

12 Q Okay. And you're positively ID'ing it yourself?

13 A Yes.

14 Q And what did you do with this after you packaged it?

15 A We submitted it to the evidence section, which I believe
16 I probably put that one in a drop slot. Evidence has a small
17 mailbox that you put in small envelopes; that way, it doesn't
18 take up a whole evidence locker.

19 Q Okay. And that's kind of the start of the process of
20 storage and everything like that?

21 A Yes, correct.

22 Q Is there any sort of, like, a process or anything that
23 y'all use or documentation to make sure that you're keeping up
24 with where this BEST kit is going throughout the testing
25 process and storage process?

1 A Yes, there is a chain of custody form with the BEST kit
2 that we have to fill out or included in the case file for the
3 cases.

4 Q Wonderful. I'm going to show you right now what's marked
5 as State's Exhibit 7 -- or State's Exhibit 5. Could you tell
6 the jury what that is.

7 A This is the chain of custody or physical custody or
8 control form that goes along with the BEST kit. As you see
9 the number on the top, it stays consistent along with way with
10 the BEST kit that we filled out previously. The kit itself
11 and all the forms have that same number at the top.

12 And as you can see -- or maybe you can't -- but I sign it
13 over to the evidence clerk. The evidence clerk takes it out
14 of the drop slot and it goes through the whole chain of
15 whoever analyzes it and tests it all the way back to court
16 today.

17 Q And how do you know that that's the same sheet that
18 you --

19 A Because I signed and dated it.

20 MR. GLASGOW: At this time, the State would move to enter
21 State's Exhibit 7 -- or 5 into evidence.

22 THE COURT: Mr. Perry?

23 MR. PERRY: I haven't seen it, Judge.

24 THE COURT: Okay.

25 MR. PERRY: (Reviews exhibit.) Without objection, Your

1 Honor.

2 THE COURT: Thank you. No. 7 is entered.

3 MR. GLASGOW: Thank you, Your Honor.

4 COURT REPORTER: Your Honor, that number was No. 5.

5 THE COURT: Mr. Glasgow, it's No. 5?

6 MR. GLASGOW: Exhibit 5.

7 THE COURT: I'm sorry.

8 (State's Exhibit No. 5 was admitted.)

9 BY MR. GLASGOW:

10 Q Just briefly returning to State's Exhibit 5, that chain
11 of custody sheet, I notice on here that it says the "suspect
12 unknown," that this narcotic was seized from "unknown." Could
13 you explain that to us a little bit?

14 A Sure. So when we do not know the actual name of the
15 suspects, as we have in this case a nickname of Snoop, I put
16 "unknown" until it was at a later date which we actually
17 identified him as Mr. Chestnut.

18 Q Wonderful. Thank you.

19 I don't have anything else for you at this time. If you
20 could answer anything that the defense has for you, that would
21 be great. Thank you.

22 MR. PERRY: Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 MR. PERRY: Your Honor, I don't have any questions for
25 this witness on cross and no objection to him being excused.

1 THE COURT: All right. Thank you, sir. You may be
2 excused.

3 THE WITNESS: Thank you, Your Honor.

4 MR. HOLFORD: Your Honor, the State calls Merrell
5 Hawkins.

6 THE CLERK: Please raise your right hand and place your
7 left hand on the Bible.

8 MERRELL HAWKINS,
9 after having been duly sworn, was examined and testified
10 to as follows:

11 THE CLERK: Thank you.

12 THE COURT: I hope that you will be comfortable there,
13 and please try to speak into that microphone so that everyone
14 can hear you.

15 THE WITNESS: Yes, sir.

16 THE COURT: Thank you.

17 THE CLERK: State your name and spell your last name for
18 the Court.

19 THE WITNESS: Merrell Hawkins. H-a-w-k-i-n-s.

20 DIRECT EXAMINATION

21 BY MR. HOLFORD:

22 Q Ms. Hawkins, where are you currently employed?

23 A I work for the Horry County Police Department in the
24 Property and Evidence Unit.

25 Q And how long have you been there?

1 A A little over six years.

2 Q Property and Evidence Unit. Can you explain to the jury
3 what some of your duties are?

4 A Our duties essentially are to maintain the care, custody,
5 and control of the evidence and property that comes in to us.
6 We ensure that it's secure, that we do an inventory to make
7 sure that the property is what it's supposed to be or the
8 evidence is what it's supposed to be, and then we facilitate
9 the evidence getting to where it needs to go for testing.

10 Q I'm going to hand you what's been entered as State's 5.
11 Are you familiar with what State's 5 is?

12 A Yes, sir.

13 Q And do you use this chain of custody in the regular
14 course of business with the Property and Evidence?

15 A We do. This is specifically used for testing of drugs.

16 Q And does your name appear on that chain of custody?

17 A It does.

18 Q I'm going to hand you what's been marked -- it's just ID
19 at this point -- State's 7.

20 A Mm-hmm.

21 Q And are you familiar with what State's 7 is?

22 A I am, yes, sir.

23 Q And how are you familiar and how does State's 5 and
24 State's 7 tie together?

25 A So this paperwork would have been turned in with -- you

1 can see on the inside of this heat-sealed -- this packet,
2 which we call -- refer to it as a BEST kit. The detective or
3 officer would put the evidence in this kit, this plastic bag,
4 and it's secured when it comes to me. And then I check it
5 in -- I sign for it and check it in. In this case, it was
6 left by -- into our drop slot at our evidence room -- our
7 secured evidence room by Detective Manemeit.

8 Q First, I want to talk about the BEST kit generally. Why
9 does Horry County Police use BEST kits? Are they uniquely
10 identifiable? Do you open them?

11 A I do not open them. They are secured when they come to
12 us.

13 Q When you say "secure," what do you mean?

14 A There's a -- at the top of the kit, there's a strip that
15 the officer or detective will pull and they seal it. So it
16 has to be sealed when it comes to evidence. If it's not
17 sealed, we won't accept it.

18 Q Okay. So when you accept this -- when you write on the
19 form that you have accepted it on whatever date you accepted
20 it, you're saying that it had already been sealed?

21 A Correct. Correct. And there's an identifying number
22 right here, this "HC" stands for Horry County, and then it's a
23 control number. And those are unique to each kit.

24 Q And the unique control number, is that then also used on
25 the chain of custody?

1 A It is, yes.

2 Q And tell the jury why that's important. Why do we want
3 to track that specific control number in that kit throughout
4 the process?

5 A So the drug lab uses it but we also use it, but in
6 addition to that, in Property and Evidence, we also assign
7 what we call a tag number, which is another unique number. So
8 there will be two unique numbers to this kit so that any time
9 we can look in our system and tell you exactly where it is and
10 what the status of it is.

11 Q And is that to be able to tell you that the sealed kit
12 that Officer Manemeit dropped into the slot is the same one
13 that we're looking at today?

14 A Absolutely.

15 Q Now, talk to the jury about what's the drop slot? How
16 does that process work? How is evidence secured? How do we
17 make sure that people can't come in and out and move things
18 around or change them?

19 A So we have a secure area that is the Property and
20 Evidence Unit. It's behind doors that are locked and
21 key-carded. There's only our unit that is allowed in there,
22 which consists of my supervision, myself, and two others.
23 Nobody else is allowed back there unescorted and, really, they
24 don't come back there.

25 The drop slot is literally that. It's a slot that --

1 where the -- they can put evidence into, and then it is in
2 our -- it's used mostly for purposes of after-hours or to make
3 sure that the evidence is secured until we get to it. And
4 then the next morning presumably -- yeah, looking at the time,
5 the next morning when I come in, I would take it from the drop
6 slot. So nobody else has access to that.

7 Q Okay. No one else has access so no one else can then
8 come tamper with or mess with the evidence that's been dropped
9 in that slot?

10 A No, they cannot.

11 Q Can you tell the jury about fungible or non-fungible
12 evidence? Do you know what would be considered fungible
13 evidence or drugs?

14 A Not really my area. My area is just the kit.

15 Q Understood.

16 A Yeah, that's not really my area.

17 Q So in State's 7, based on State's 5, you're able to say
18 that that kit and what was inside it is the same thing that
19 was dropped in that slot on August 22nd, 2023?

20 A Yes, sir.

21 Q Okay. Who is the next person -- so then who do you turn
22 it over to or what do you do with the evidence in this case
23 after that?

24 A So once I verified it and put it into our system, it was
25 turned over to Korey Easterby. He used to be a chemist with

1 us, but he's moved on to another job.

2 Q Now, explain to the jury about the evidence room at Horry
3 County and the drug lab, where are they in relation to each
4 other? Do they have different security measures? When you
5 say you transferred it over to -- I guess to the Horry County
6 drug lab, where is it moving to?

7 A It physically moves to the drug lab. And they have
8 secure lockers in their lab where they secure it. And there
9 are less people that can get into the drug lab that can get
10 into our evidence room.

11 At that time, I believe it was only Courtney Johnson and
12 Korey Easterby were the only two that had access to that drug
13 lab.

14 Q And when it's written on that form, State's 5,
15 "analysis," does that mean that that's the person analyzing
16 the drugs or does that mean you've just shifted it from
17 Property and Evidence over to the drug lab for future testing?

18 A That is at the request. So the request is to analyze it,
19 and so that's the request. So it's being shifted to them to
20 fulfill that request.

21 Q And then we also have, after testing and all that, we can
22 see on the bottom of that form it's come to court; right?

23 A Correct. Well, it came back to evidence, and today it's
24 come to court.

25 Q Okay. I have no further questions.

1 THE COURT: Thank you.

2 MR. PERRY: No questions for this witness, Judge.

3 THE COURT: All right.

4 MR. HOLFORD: I would ask that Ms. Hawkins be excused
5 from her subpoena.

6 MR. PERRY: Without objection.

7 THE COURT: Ms. Hawkins, you're excused. Thank you.

8 MR. HOLFORD: The State calls Courtney Johnson.

9 THE COURT: Ms. Johnson, would you place your left hand
10 on the Bible and raise your right to be sworn.

11 COURTNEY JOHNSON,
12 after having been duly sworn, was examined and testified
13 to as follows:

14 THE COURT: If you would, please speak into the
15 microphone as best you can, ma'am, so we can hear you good.

16 THE WITNESS: Sure.

17 THE CLERK: Would you state your name and spell your last
18 name for the Court.

19 THE WITNESS: My name is Courtney Johnson.
20 J-o-h-n-s-o-n.

21 DIRECT EXAMINATION

22 BY MR. HOLFORD:

23 Q Ms. Johnson, where are you currently employed?

24 A I'm employed by the Horry County Police Department.

25 Q And what function do you serve for them?

1 A I am the lab supervisor of the drug analysis laboratory
2 and I'm also a forensic drug chemist.

3 Q How long have you been a forensic drug chemist?

4 A 11 years and 10 months.

5 Q What kind of education did you have to have or
6 specialization certifications in order to be a forensic drug
7 chemist?

8 A I received my bachelor's of science in forensic science
9 from Southern Wesleyan University as well as my bachelor's of
10 science in chemistry and my bachelor's of science in forensic
11 science or, sorry, biology from South Wesleyan University. I
12 also received my master's of science in forensic science from
13 Grand Canyon University.

14 Upon being hired on by the Horry County Police
15 Department, I completed my training in the analysis of
16 controlled substances at the South Carolina Law Enforcement
17 Division. I've also attended the Drug Enforcement
18 Administration's forensic chemist training seminar, as well as
19 the Ashland gas chromatographic mass spectrometer maintenance
20 and troubleshooting seminar, and we also participate annually
21 in a proficiency test through an outside vendor named
22 Collaborative Testing Services.

23 Q And how long have you been operating in the Horry County
24 drug lab?

25 A 11 years and 10 months.

1 MR. HOLFORD: Your Honor, at this time, the State would
2 tender Ms. Johnson as an expert in forensic chemistry and drug
3 analysis.

4 MR. PERRY: Without objection, Your Honor.

5 THE COURT: All right. Ladies and gentlemen of the jury,
6 I need to tell you something about this. Normally a person
7 can only give testimony about what they have seen or heard or
8 sensed as a witness, but there's an exception to that when
9 someone is qualified as an expert because of their education
10 or experience.

11 And Ms. Johnson is now being qualified as an expert in
12 the area of forensic chemistry and drug analysis, which means
13 she can now give you opinion testimony in that area. It does
14 not mean that you have to accept the opinion. It's evidence
15 for you to use and whatever give -- excuse me, give whatever
16 weight you see fit and whatever credibility you believe is
17 appropriate to it. You're still the judge of the facts.

18 You may proceed.

19 MR. HOLFORD: Thank you, Your Honor.

20 BY MR. HOLFORD:

21 Q Ms. Johnson, did you have an occasion to test a substance
22 in this case relating to this case with Ray Chestnut?

23 A I did.

24 Q I'm going to hand you what's been entered as State's
25 Exhibit 5 first. Can you tell the jury, from your

1 perspective, what State's 5 is?

2 A This is a chain of custody document --

3 Q And --

4 A -- for this case.

5 Q I apologize.

6 Does your name appear on there?

7 A It does.

8 Q After it gets dropped into evidence, it goes to what
9 section for you?

10 A It's transferred to the drug analysis laboratory and it's
11 placed into a secure location inside the drug analysis
12 laboratory.

13 Q On this sheet, can we see that it went to a Korey
14 Easterby for analysis?

15 A Yes, it went to Korey Easterby first, and Korey Easterby
16 put it in the locker.

17 Q Explain it to the jury, did he analyze the drugs in this
18 case? Did he actually test them?

19 A He did not. So they were just logged in by him and then
20 placed in the secure storage location. And Korey left the
21 Horry County Police Department in February, I think, of 2024.

22 And so, after he left, it wasn't feasible, obviously, to
23 sign everything in the locker. So I had to assume
24 responsibility for the stuff in the locker from that point on.

25 Q That locker -- who has access to that locker?

1 A It's just me, the other drug chemist at this time, and
2 then we do have an admin assistant at this time. At that
3 time, it would have just been me.

4 Q Okay. I'm going to hand you what's been marked as ID as
5 State's 7. Are you able to identify what State's 7 is?

6 A Yes, I am.

7 Q And how are you able to identify what's in State's 7?

8 A So this is a K-Pak bag, but you'll see here, the lab
9 number, C23-0611, that is what I have reported for this case.
10 The date that I worked it as well as my initials are on the
11 inside of the seal. And the control number that's printed
12 above this bar code, that's what I have reported in my notes
13 as well: 9592.

14 Q That control number, is it included on the chain of
15 custody?

16 A It is.

17 Q In this case, were you the first one to open that BEST
18 kit?

19 A I was.

20 Q Okay. And do you note that somewhere that a seal is
21 intact or that it hadn't been opened?

22 A I do. So, on the front of the actual BEST kit -- it's
23 sort of hard to see -- but it says, "C23-0611" and it says,
24 "seal intact" with the date that I establish that and my
25 initials on the actual bag inside of this bag.

1 Q Can you talk to the jury about a BEST kit and does it
2 show if someone tried to open it, does it show if someone cut
3 and put something in or tried to take something out?

4 A Sure. So the BEST kit is a tamper-evident bag. So it's
5 the bag inside of this outer K-Pak bag. And you can see
6 there's a blue swirl pattern that actually lines the outside,
7 and that swirl pattern will become distorted if it's pulled on
8 or tampered with in any way.

9 So before we begin analysis, we look at those swirl
10 patterns as well as a blue seal across the top. But it will
11 show words like "open," "void," "broken," if it's been
12 tampered with. So we have those two ways of looking at it to
13 decide.

14 Q Can you tell the jury a little bit about fungible
15 evidence like drugs and the reason for a chain of custody and
16 now the reason for a BEST kit?

17 A So a BEST kit is useful because it allows only the
18 officer that seized the evidence and the drug chemist that
19 works the evidence to be the ones that come into contact with
20 it. So once it's put inside this bag, we can say that the
21 person that sealed this bag, it was not touched again until
22 the analyst that opened it worked it.

23 Q Do you know about how long we have been using BEST kits?

24 A I do not. I can say that we have been using them my
25 entire career there, for 11 years and 10 months.

1 Q So based on the chain of custody in that BEST kit, what
2 you've told the jury is, after Officer Manemeit sealed it, no
3 one opened it until you did?

4 A Yes.

5 Q Even though Merrell Hawkins received it and then Korey
6 transferred it to the drug lab, you were the one that actually
7 opened it and tested it?

8 A Yes.

9 Q And you can be sure of that because of the tamper-evident
10 nature?

11 A Correct.

12 MR. HOLFORD: Your Honor, at this time, the State would
13 seek to introduce State's 7 into evidence.

14 THE COURT: Mr. Perry?

15 MR. PERRY: Beg the Court's indulgence.

16 THE COURT: Sure.

17 MR. PERRY: Without objection, Judge. Without objection.

18 THE COURT: Without objection. No. 7 is into evidence.

19 (State's Exhibit No. 7 was received.)

20 BY MR. HOLFORD:

21 Q So State's 7 "suspected heroin/fentanyl, CJ, seal intact,
22 12/24," does that mean that you tested this substance?

23 A I did, but I did not write the "suspected heroin" on
24 there. My writing starts at the C23.

25 Q Okay.

1 A So that was probably from the officer.

2 Q Okay. So the "C23-0611, seal intact, 12/12/24, CJ,"
3 that's you?

4 A That's me.

5 Q And that's when you tested this substance?

6 A Yes, sir.

7 Q And it remained in this bag, sealed and intact, until you
8 tested it?

9 A Yes, sir.

10 Q Do you produce a report after you test this substance?

11 A We do.

12 Q And did you do that in this case?

13 A I did.

14 Q While I'm grabbing this report, can you tell the jury how
15 do you do testing? How is it scientifically done? How are we
16 certain that this substance is what you're going to tell them
17 it is?

18 A Okay. So analysis begins by opening the kit and
19 itemizing the evidence accordingly. Once it's itemized, we
20 then take a net weight, which means no packaging is included
21 so it's just a substance of each item one by one. After we
22 take that net weight, we do what we call a presumptive test,
23 and in this case, it's a chemical spot test so we're looking
24 for a specific color change. Again, just presumptive, not for
25 confirmatory reasons. And then we take a representative

1 sample of each item and we place that into a test tube for an
2 extraction process. And that readies these samples to be
3 placed onto our gas chromatograph mass spectrometer, and that
4 provides our confirmatory results for each sample.

5 Q And did you do that in this case?

6 A I did.

7 Q I'm going to approach you with what's been marked as ID
8 for State's 6. Are you familiar with what State's 6 is?

9 A I am.

10 Q And how are you familiar with it?

11 A This is my drug analysis report for HC009592, and it has
12 my signature at the bottom.

13 Q Is that a true and accurate copy?

14 A It is.

15 Q And do you produce those after you test suspected
16 narcotics?

17 A We do.

18 Q Is it kept in the regular course of business?

19 A It is.

20 MR. HOLFORD: Your Honor, the State would introduce
21 State's 6 into evidence.

22 THE COURT: Mr. Perry?

23 MR. PERRY: Without objection, Your Honor.

24 THE COURT: State's 6 is in evidence.

25 (State's Exhibit No. 6 was admitted.)

1 BY MR. HOLFORD:

2 Q And, in this report, it has the lab numbers, it has the
3 control numbers and the case numbers and those match up; is
4 that correct?

5 A Yes, sir.

6 Q So tell the jury what's inside State's 7 -- let me ask
7 you this: You called it a compressed powder substance, and
8 the officer called it a gray rock-like substance. This
9 rock-like or compressed powder substance, what did it test to
10 be?

11 A It was cocaine and fentanyl.

12 Q Okay.

13 A The compressed powder substance explanation is mainly
14 because, whenever we come into the contact with the drugs,
15 we're actually able to cut it, and we can tell the difference
16 between it being a compressed powder and, when we cut it, it
17 becomes crumbly, versus a rock, when we cut it, it's hard and
18 breaks into pieces.

19 So the difference is just in the fact that I'm able to
20 look deeper into what that substance actually is for my
21 description.

22 Q And so this substance we have right here was -- what is
23 it? A mixture of cocaine and fentanyl?

24 A It was.

25 Q Do you do an analysis to determine how much either

1 percentage of cocaine or fentanyl exists?

2 A We do not.

3 Q And why do you not do that? Is it necessary?

4 A South Carolina law doesn't require us to quantitate
5 analysis, only qualitative.

6 Q Okay. So qualitative analysis, explain that to the jury.
7 What does that mean as for this substance?

8 A So we're stating just what's in it instead of how much
9 was in it.

10 Q Is that -- well...

11 Do you have to know exactly how much of -- or a
12 percentage of narcotic is in a certain substance?

13 A We do not.

14 Q Can it be a mixture that contains that?

15 A It can.

16 Q And, in this case, how much did the substance weigh?

17 A The substance weighed 5.966 grams.

18 Q And this is a silly question but is that over 4 grams?

19 A Yes.

20 Q And on State's 6, we can see that you have written that
21 out. It says, "Cocaine and fentanyl is detected in this
22 substance, and the substance weighs 5.966 grams." Is that
23 correct?

24 A Yes.

25 Q You have checked on here chemical test gas chromata- --

1 say it for me.

2 A Chromatography.

3 Q -- chromatography and mass spectrometry. I believe you
4 explained that before but can you just explain again
5 specifically, as it relates to this substance, how did you
6 test this substance in this case?

7 A Sure. So, for the chemical test, we did a marking
8 reagent, and for fentanyl, we would be looking for a light
9 orange color. And each drug is going to turn a different
10 color if it was reactive with the marking reagent. So we do
11 that. That's for every case that we work, essentially.

12 And then the gas chromatography mass spectrometry, that
13 is our confirmatory instrument and, we have to do an
14 extraction. So, in this case, I performed a base methylene
15 chloride extraction and prepared it for instrumental analysis.

16 And then the instrument itself is a robot that I tell, on
17 a sequence log, how to work and what to run and what to punch
18 and so then, when it enters into the mass spec part, it
19 basically generates a fingerprint for each compound, and then
20 that fingerprint is analyzed by the analyst at that time and
21 then conclusions are drawn.

22 MR. HOLFORD: Your Honor, I have no further questions.

23 THE COURT: Mr. Perry?

24 MR. PERRY: If it pleases the Court, Your Honor.

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

1
2 BY MR. PERRY:

3 Q Ms. Johnson, the gas chromatography -- am I saying that
4 correct?

5 A Yes, sir.

6 Q Can you tell us a little bit more about how that works?
7 What's the scientific principle behind it? How does -- how
8 does that process determine what something is?

9 A So chromatography is basically just separation. So for a
10 gas chromatograph, it's basically a giant oven that has a long
11 hollow tube, and it carries the mixture around and around and
12 around and based on its affinity to binding certain parts of
13 that column, it comes off at different times.

14 So say a mixture goes in as meth, cocaine, and heroin.
15 It goes in as one mixture but then as it goes around and
16 around the column, carried by a gas -- helium in this case --
17 it separates them. So meth comes off first and then cocaine
18 comes off and then heroin comes off.

19 And so after it leaves the gas chromatograph, then we get
20 into the mass spec side of it because it's two separate
21 instruments. So after the gas chromatograph, which is what
22 you were stating, it would then go into an analyzer of some
23 sort.

24 Q And the analyzer was the mass spectrometry?

25 A Yes, sir.

1 Q And how does that work exactly? Explain that to us.

2 A So we use an electron ionization mass spectrometer, and
3 basically what happens is, once the substance is entered from
4 the GC, it gets bombarded with electrons, which causes the
5 compounds to fragment. And that fragmentation pattern, you
6 can think of it like a fingerprint. They have ions that are
7 specific to each compound, and we can use that fingerprint
8 that it generates to compare against reference standards as
9 well as our retention times for the standards that we run and
10 stuff like that.

11 Q So these are very complicated, very highly technical
12 machines; correct?

13 A They could be considered that, yeah.

14 Q I mean, it's certainly not something that most people
15 have in their garage. Would you agree?

16 A Agree. It's an analytical instrument, yes, sir.

17 Q Exactly.

18 And how do we know that these machines -- these highly
19 complicated machines were working properly on the date that
20 you analyzed this substance?

21 A Okay. So we have our instruments' preventative
22 maintenance from an outside source twice a year, but we also
23 -- every single day that we run the instrument, we generate
24 what's called a tune report or tune file. And that tune has
25 set parameters, and it generates a report and it tells us each

1 one of those parameters, and we have to make sure that those
2 parameters fall into line with what our acceptable standards
3 are.

4 And so we would have generated a tune file on that date
5 to say that the mass spec was working properly, the GC was
6 working properly.

7 We also run a blank in between each sample. And so in
8 between each sample, we run methylene chloride, which is --
9 has nothing in it so it's in -- what we consider to be free of
10 analytes of interest, and that makes sure that, before we run
11 the actual sample, that we can say the instrument is free of
12 any other drugs, no contamination is present.

13 Q And do you have, with you today, have records of what you
14 just mentioned?

15 A I do not.

16 Q So we don't have any records that the machines were
17 working properly, not here today in court, we don't have --

18 A Correct. No, sir.

19 Q And we don't have any record of the sample -- the blank
20 sample that you ran?

21 A So the blank is included in my case file and I would
22 assume that you -- you do have a copy of the case file, but
23 I'm not sure.

24 Q We don't have any of the preventative maintenance records
25 or any of the analysis records to determine whether or not

1 those machines were working properly on this day; correct?

2 A Correct. We do not have those at this time in court, no,
3 sir.

4 MR. PERRY: No further questions, Judge.

5 THE COURT: Any redirect?

6 REDIRECT EXAMINATION

7 BY MR. HOLFORD:

8 Q Ms. Johnson, is the GCMS, this machine, is it reliable
9 and accepted use not only in this jurisdiction but others
10 around the country?

11 A It is.

12 MR. HOLFORD: No further questions.

13 RECROSS-EXAMINATION

14 BY MR. PERRY:

15 Q But we don't have any record of whether or not it was
16 working reliably on this particular day, do we?

17 A We do have record. We just don't have it in the
18 courtroom at this time.

19 Q But it's not in evidence; right?

20 A Yes, sir. Correct.

21 THE COURT: All right. Thank you, ma'am. You may be
22 excused.

23 THE WITNESS: Thank you.

24 MR. HOLFORD: I would ask that she be released from her
25 subpoena.

1 MR. PERRY: No objection.

2 THE COURT: All right. Thank you, ma'am.

3 MR. HOLFORD: Your Honor, the State rests.

4 THE COURT: The State rests?

5 MR. HOLFORD: Yes, Your Honor.

6 THE COURT: Mr. Perry?

7 MR. PERRY: Your Honor, we'll, of course, have a motion
8 at the appropriate time.

9 THE COURT: Yeah. Let's go ahead and take a little break
10 right here then and discuss a couple of things.

11 Folks, I hope we don't hold you long, but go ahead and go
12 back to the jury room, if you would.

13 (The jury exited the courtroom at 11:42 a.m.)

14 MOTIONS/MATTERS OF LAW

15 THE COURT: All right. Just assess where we are. State
16 rests.

17 MR. HOLFORD: Yes, sir.

18 THE COURT: Are you prepared to go forward at this time,
19 Mr. Perry?

20 MR. PERRY: I am, Your Honor. We have got two witnesses
21 that we intend to call, and, obviously, before we would start,
22 I have got a Motion for Directed Verdict.

23 THE COURT: Yes, sir. Do you want to go ahead and make
24 that motion now?

25 MR. PERRY: Yes, Your Honor. On behalf of the defendant,

1 I would move for a directed verdict, dismissing the charges
2 against the defendant.

3 Your Honor, the video that was shown does not clearly
4 show any drugs passing from the alleged -- or from the
5 defendant to the CI. I think that's problematic. You know,
6 there's evidence in the record that the CI was not completely
7 and thoroughly searched.

8 Your Honor, there's absolutely no evidence in the record
9 that the machines that analyzed these drugs were working
10 properly. So notwithstanding whatever results the machine
11 supposedly gave, there's no evidence that's present to
12 establish that the machines were working properly that day.

13 There's been no evidence that, if they had not been
14 working properly, that any type of alert would have been
15 given, that the analyst would have known that they weren't
16 working properly. She didn't testify to that on redirect, you
17 know, "Hey, if the machine wasn't working properly, it would
18 tell you it wasn't working properly? How would you know it
19 wasn't working properly?"

20 You know, we don't really know for certain whether or not
21 the drug analyst was -- or the results of the test were
22 correct. We don't know if the machines were working properly.
23 There's nothing at all to establish that those machines were
24 not in error that day.

25 Your Honor, I just believe that there's enough there

1 certainly, even taking the evidence in the light most
2 favorable to the State, that there's beyond a reasonable doubt
3 that my client committed the offense that they have got him on
4 trial for today.

5 THE COURT: Very good.

6 State wish to respond?

7 MR. HOLFORD: Your Honor, the offense from which the
8 defendant is charged is trafficking fentanyl, 4 to 14 grams.
9 That requires a showing that he either possessed or
10 distributed or dispersed or brought into the state an amount
11 of fentanyl over 4 grams or a substance containing fentanyl
12 over 4 grams, including a mixture.

13 Your Honor, in this case, there's ample evidence to go to
14 the jury, and the State most favorable to -- or in the light
15 most favorable to the State, we have heard direct testimony
16 and seen video from a confidential informant who bought the
17 substance from this defendant and then turned it over to
18 police who testified that they then turned it over to Evidence
19 and that that evidence was intact and sealed and taken to a
20 chemist and that chemist did test it.

21 And she testified as to the reliability of the device.
22 She's also been qualified as an expert, and the jury can take
23 however much of what she has said into account, whether they
24 believe her or not.

25 I believe that the defense's arguments go to maybe the

1 weight of the evidence but not necessarily the existence
2 thereof. There's certainly existence of evidence in the
3 record that the defendant has trafficked in fentanyl in this
4 case and that the substance did test positive as fentanyl and
5 it weighed more than 4 grams.

6 THE COURT: Mr. Perry, even though you make a well-argued
7 directed verdict motion, I believe that I agree with the
8 State. I believe it's up to the jury to decide. I think
9 there's adequate evidence there that they should make the
10 decision. As Mr. Holford said, the weight's up to them, what
11 weight they put on it.

12 So I will deny your motion, respectfully.

13 How long do you think -- do you have any idea how long
14 your witnesses might take, Mr. Perry?

15 MR. PERRY: I would imagine they're going to be fairly
16 brief, Your Honor. I'm going to be pretty direct and to the
17 point with them. These are witnesses that purport to have
18 been there and seen what happened or what didn't happen.

19 THE COURT: We're at 11:45. We should go ahead -- do you
20 think you might could do both of them before we break for
21 lunch?

22 MR. PERRY: I don't see why not, Judge, which would be a
23 good place to break, and we would rest. The jury could take a
24 lunch, and we could come back argue and charge.

25 THE COURT: How long of a lunch break would you folks

1 want to take? Y'all tell me what you'd like. I like to have
2 input from the lawyers about things like that.

3 MR. HOLFORD: Your Honor, I think typically the clerk's
4 office will get lunch for them.

5 Is that correct?

6 THE CLERK: I did not order lunch for them today.

7 MR. HOLFORD: Okay. So if they do not have lunch
8 provided for them, maybe an hour and a half is what they're
9 going to need to go get lunch and come back.

10 THE COURT: I would think an hour and a half.

11 MR. PERRY: That sounds appropriate to me, Judge. And,
12 again, given where we're at -- it's almost noon -- we finished
13 up and we rest about 12:30, hour and a half, you know, that
14 puts us back and ready to start at 2:00. I can't imagine that
15 we still won't be through by the end of the day.

16 THE COURT: Okay. All right. So just to get an idea of
17 what we're looking for.

18 MR. HOLFORD: Your Honor, before the witnesses take the
19 stand, maybe now is the time to discuss whether they would be
20 able to be impeached with their prior criminal history and
21 records.

22 MR. PERRY: And, Your Honor, of course they would be able
23 to be. I don't believe either one of them has any criminal
24 history. That's what I have been told at least at this point.
25 I certainly haven't run RAP sheets on them.

1 THE COURT: As far as you know.

2 MR. PERRY: Yeah. And, Your Honor, I don't believe at
3 this time my client is choosing to exercise his Fifth
4 Amendment right. I don't think he has any intention of
5 testifying.

6 Do you, Mr. Chestnut?

7 THE DEFENDANT: (No audible response.)

8 THE COURT: Very well.

9 MR. PERRY: He understands he's got the right to testify.
10 We've talk about that. He knows he can take the stand. He
11 knows that, if he doesn't, the Court is going to instruct the
12 jury that they can't infer that not taking the stand is any
13 type of admission of guilt.

14 THE COURT: The jury will certainly be instructed that.
15 Yes, sir.

16 All right. Very good. We'll bring the jury back in and
17 start on your witnesses, Mr. Perry.

18 MR. PERRY: Sounds great.

19 (The jury entered the courtroom at 11:50 a.m.)

20 THE COURT: Hope y'all had a good break. We have now
21 entered the stage of the trial where the defendant will call
22 witnesses and present the defense. We don't think it will
23 take a long time today for the defense to rest their case. At
24 some point, of course, I'll let you take a lunch break. We'll
25 get to that shortly.

1 Mr. Perry?

2 MR. PERRY: Your Honor, we would first call Rachael
3 Hernandez.

4 THE COURT: Ms. Hernandez, if you would, please come up
5 and place your left hand on the Bible and raise your right
6 hand so you can be sworn.

7 RACHAEL HERNANDEZ,
8 after having been duly sworn, was examined and testified
9 to as follows:

10 THE CLERK: Thank you.

11 THE COURT: Ma'am, please speak into the microphone as
12 best you can so we can hear you. Okay?

13 THE WITNESS: Okay.

14 THE CLERK: Get you to state your name and spell your
15 last name for the Court.

16 THE WITNESS: Rachael Hernandez. H-e-r-n-a-n-d-e-z.

17 MR. PERRY: If it pleases the Court, Your Honor.

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION

20 BY MR. PERRY:

21 Q Ms. Hernandez, my name is Brett Perry, and I represent
22 Ray Chestnut in this trial that we're here at today.

23 You and I have never met before today, have we?

24 A No, sir.

25 Q We haven't talked today or anything today?

1 A No, sir.

2 Q Or any time prior?

3 A No, sir.

4 Q And how do you know Mr. Chestnut?

5 A He's a friend of mine. I just moved here from West
6 Virginia a couple of years ago, and I met him through a friend
7 of mine -- another friend of mine.

8 Q So y'all have known each other for at least several
9 years?

10 A A couple of years, yeah.

11 Q And the reason I'm standing so far away from you is
12 sometimes people have a tendency to talk a little bit quietly,
13 particularly people that aren't used to testifying, and I want
14 to be sure that I can hear you all the way down here. That
15 way, these folks that are down on this end of the jury box can
16 hear you. I'm not staying far away from you for any other
17 reason. I just want to be sure that everybody can hear.

18 A Okay. Yes, sir.

19 Q So I want to take you back to August the 22nd of 2023
20 now. I mean, it's kind of hard to remember specific dates --
21 specific days, that type of thing.

22 A Mm-hmm.

23 Q But do you remember being with Mr. Chestnut and
24 Ms. McCoy -- or not McCoy -- his girlfriend?

25 A Yes.

1 Q Drawing a blank there.

2 On that day?

3 A Yes, sir.

4 Q Tell us about the afternoon of August 22nd, 2023, and
5 your interaction with Mr. Chestnut and anybody else that y'all
6 came into contact with that afternoon.

7 A Okay. Mr. Chestnut was driving us -- we were going to
8 the dance party, I think it was, at the -- oh, Lord, I'm not
9 from here so just bear with me. The blue something.

10 Anyways -- and we were going to go eat first. Going to
11 go get something to eat before we went. But he was driving us
12 because we were going to do, like, a little girls' night thing
13 or whatever.

14 So we went to -- we were on our way to eat. He got a
15 phone call. We stopped. A man got out of his truck and came
16 over to the car and opened the passenger door and talked to
17 Ray.

18 Q Where were you seated in Mr. Chestnut's vehicle? Was
19 Mr. Chestnut driving?

20 A Yes.

21 Q Okay. Where were you seated?

22 A I was in the backseat on the passenger side.

23 Q Okay. All right. And so you said a man got out of his
24 truck --

25 A Mm-hmm.

1 Q -- and walked over and approached the vehicle that y'all
2 were in?

3 A Yes, sir.

4 Q And then what happened?

5 A He opened the passenger side door and was talking to Ray,
6 and he was telling him, you know, that we were going to get
7 some food, get something to eat. They talked about that for a
8 couple of minutes, and that was pretty much it.

9 Q Okay. So you were just in the backseat. You were where
10 you could have seen anything that happened between these two
11 people?

12 A Yes, sir. Yes, sir.

13 Q At any point in time, did you see Mr. Chestnut give this
14 person anything?

15 A No, sir. No, sir. No.

16 Q At any point in time, did you see that person give
17 Mr. Chestnut anything? Any money, anything else of value,
18 anything of any sort whatsoever? Did you see anything pass
19 back and forth between the two of them?

20 A No, sir. Nothing. No.

21 Q Okay. All right. But just to clarify again, you never
22 saw Mr. Chestnut give this person anything?

23 A No, sir. No, sir.

24 Q And if he had given this person that approached the
25 vehicle anything, are you sure you would have seen it? Could

1 you have been looking behind yourself or looking at your phone
2 or something? Is there any way you could have missed that?

3 A No, sir. No. We were just wait- -- we were all ready to
4 go, so, you know. But, no.

5 Q But weren't distracted by being hungry to the point you
6 wouldn't have noticed something like that?

7 A No. I was just listening and watching.

8 Q So you understand that you're hear -- you've taken an
9 oath to tell the truth; right?

10 A Yes, sir.

11 Q And you understand that you've got to tell the whole
12 truth and nothing but the truth; right?

13 A Yes, sir.

14 Q And Mr. Chestnut is your friend; right?

15 A Right.

16 Q But would you lie under oath about anything that you're
17 here testifying to today?

18 A No, sir. No, sir.

19 Q Do you understand you could get in a whole lot of trouble
20 for that?

21 A Yes, sir. Yes, sir.

22 Q So your testimony today is at no time in the afternoon of
23 August the 22nd of 2023 did you see Ray Chestnut give anyone
24 anything as they approached the vehicle?

25 A No, sir.

1 Q At approximately, say, 5:00 or so in the afternoon?

2 A Probably close, yeah, because the party thing started at
3 7:00. So, yeah, probably.

4 Q Okay. Y'all were going to get something to eat before
5 then?

6 A Yeah, before we went, yes, sir.

7 MR. PERRY: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 MR. PERRY: No further questions for this witness, Your
10 Honor.

11 Please answer any questions that the State has for you,
12 Ms. Hernandez.

13 CROSS-EXAMINATION

14 BY MR. HOLFORD:

15 Q Ms. Hernandez, was your last name Hall at one point?

16 A Yes, sir.

17 Q And you're from West Virginia?

18 A Yes, sir.

19 Q Is your date of birth [REDACTED]/74?

20 A Yes, sir.

21 Q And you've had some run-ins with the law yourself,
22 haven't you?

23 A Yes.

24 Q You have been convicted of offenses?

25 A I have two DUIs.

1 Q Ray is your friend?

2 A Mm-hmm.

3 Q And you're saying that you remember, back in August 22nd
4 of 2023, that you were with him and he met some guy?

5 A Mm-hmm.

6 Q Do you remember how long that meeting was for?

7 A It wasn't long at all.

8 Q Just a very quick meeting?

9 A Not like super quick but not long either.

10 Q What was it for?

11 A Oh, Lord.

12 Q Don't look at him.

13 A I'm trying to remember. I don't know. He got a phone
14 call. We met the man. I -- I don't know. I don't know.

15 Q Met him for no purpose?

16 A I don't know. I wasn't on the phone. I didn't hear
17 all -- I don't know.

18 Q Who was in the front passenger seat?

19 A Nobody.

20 Q Who was in the back passenger side?

21 A Me.

22 Q Who was in the back driver's side?

23 A His girlfriend.

24 Q So Ray is chauffeuring you around in this car?

25 A Yeah. We were doing our makeup on the way. Yes, sir.

1 Q Now, your friend got arrested for selling drugs back in
2 2024.

3 A Okay.

4 Q Right?

5 A I guess. I don't know.

6 Q And you're telling the jury "I was there that day and he
7 didn't do anything."

8 Did you happen to go tell the police any of this?

9 A No.

10 Q No?

11 Is this the first time we have ever heard about you being
12 in the car?

13 A That, I don't know. I have no idea.

14 Q Did Mr. Chestnut contact you and ask you to come testify
15 that you were in that vehicle?

16 A Not -- tell me -- asked me if I would testify, yes.

17 Q Do you remember what vehicle you were in that day?

18 A We were in his Chrysler 300. Black.

19 Q Do you remember what the man he met with that day was
20 wearing?

21 A Was wearing? Oh, Lord. I'm not sure. I know he was in
22 a white truck.

23 Q Okay.

24 A But as far as wearing -- I don't even know what I was
25 wearing.

1 Q Did you know who he was?

2 A No. I don't know a lot of people.

3 Q Did you hear what they talked about?

4 A Well, me and her were -- well, kind of sort of. They
5 were talking about -- he was telling -- Ray was telling him
6 that we were on our way to that '90s thing, and we were going
7 to get some food.

8 Q And do you remember where you met him?

9 A In the Walmart parking lot.

10 Q And you're telling the jury you remember this because you
11 were there?

12 A Yes, sir.

13 Q In the car?

14 A Yes, sir.

15 (Exhibit No. 2 video plays.)

16 BY MR. HOLFORD:

17 Q I pulled up what's been entered as State's 2. You're
18 saying you're in this car at this time on this date?

19 A I don't know what time or -- I'm in the car with Ray,
20 yes.

21 Q On August 22nd, 2023, at 4:54?

22 A Yes, sir.

23 Q And you watched the transaction that went down between
24 the two of them?

25 A Well, I was sitting in the backseat. I mean, yeah, I was

1 sitting right there. I didn't see nothing, no.

2 (Video continues to play.)

3 BY MR. HOLFORD:

4 Q This man who came up to the car, he could have seen you
5 if you were in the vehicle, couldn't he?

6 A That, I don't know. I don't know if he saw me or not.
7 The windows are tinted, so I don't know. He didn't get in the
8 car. He just opened the door. So I don't know what he saw or
9 not.

10 (Video continues to play.)

11 BY MR. HOLFORD:

12 Q That transaction that took maybe, I don't know, less than
13 30 seconds, you're saying that you were there for that?

14 A Yes.

15 Q So you watched the defendant get cash from the
16 confidential informant and give him drugs?

17 A No, no. No.

18 Q Okay. So what are you telling the jury just happened?

19 A I mean, he didn't give him anything.

20 Q So some man just comes up to the vehicle for about 30
21 seconds, talks about cash, walks away with something in his
22 hand for no reason?

23 A There was nothing in his hand. He had his hand in his
24 pocket at one point, his left pocket. I don't know what he
25 was doing. I could see that through the side of the -- from

1 the seat and the door. He had to -- he would tuck it in his
2 pocket. And I don't know if he pulled something out. I don't
3 know if he pulled anything out of his pocket or not. I just
4 know I saw his hand in there and then they were talking about
5 food like that and that was it. So I don't -- I didn't see --
6 I didn't see anything.

7 Q And that's normal? Just come up, drive 30 minutes out of
8 the way to meet someone for 30 seconds for no reason?

9 A I don't know, sir.

10 Q You don't know what was happening?

11 A No, sir. I just -- I know I didn't see nothing --
12 nothing -- nothing was given or whatever. You know? No, I
13 didn't see nothing like that.

14 Q Okay. And that's what you're going to tell the jury.
15 You didn't see anything?

16 A Yes. Because I didn't see anything.

17 Q But you know he didn't give him drugs, is what you're
18 saying?

19 A I mean, he didn't give him anything. He didn't hand off
20 or nothing, nothing.

21 Q So he just came up, said something about being hungry and
22 walked away?

23 A I mean, I guess.

24 Q And Ray is your friend?

25 A Yes.

1 Q Have you seen this video before?

2 A No, sir.

3 MR. HOLFORD: I have no further questions, Your Honor.

4 THE COURT: Mr. Perry?

5 (Mr. Perry conferred with the defendant.)

6 MR. PERRY: Nothing further, Your Honor.

7 THE COURT: Very good.

8 MR. PERRY: Appreciate the Court's indulgence to consult
9 with my client.

10 THE COURT: Yes, sir.

11 MR. PERRY: Your Honor, I'd ask that she be excused.

12 MR. HOLFORD: No objection.

13 THE COURT: Ms. Hernandez, you're excused. Thank you.

14 MR. PERRY: And, Your Honor, our next witness will be
15 Kanetta McCoy. That's Mr. Chestnut's girlfriend.

16 THE COURT: Ms. McCoy, if you would come forward here and
17 place your left hand on the Bible and raise your right hand so
18 you can be sworn, please, ma'am.

19 KANETTA McCOY,

20 after having been duly sworn, was examined and testified
21 to as follows:

22 THE CLERK: Watch your step.

23 THE COURT: Ms. McCoy, try to speak into that microphone
24 so we can hear you good.

25 THE CLERK: Get you to state your name and spell your

1 first and last name for the Court.

2 THE WITNESS: My name is Kanetta McCoy. That's
3 K-a-n-e-t-t-a M-c-C-o-y.

4 MR. PERRY: May it please the Court, Your Honor.

5 THE COURT: Yes, sir.

6 DIRECT EXAMINATION

7 BY MR. PERRY:

8 Q Ms. McCoy, I'm standing way down here at the end of the
9 jury box so that, when we're speaking with each other, I can
10 know that, if I'm hearing you, it's a good chance that
11 everybody else is. So I'm not standing far away from you for
12 any other reason than that. I just want to be sure that
13 everybody in the jury box hears your testimony. Okay?

14 All right. So you understand that you are here
15 testifying today under oath; correct?

16 A Yes, sir.

17 Q And you understand that there are penalties that you
18 could suffer if you don't tell the truth and the whole truth
19 today; correct?

20 A Yes, sir.

21 Q Now, you know and I know each other. We met each other
22 before through my representation of Mr. Chestnut, who I
23 believe is your significant other; is that correct?

24 A That's correct.

25 Q Okay. But have we, at any time, discussed your testimony

1 or what your testimony would be today?

2 A (No audible response.)

3 Q Okay. And so --

4 THE COURT REPORTER: I'm sorry. I need an answer.

5 A No, sir.

6 BY MR. PERRY:

7 Q You have to answer yes or no.

8 A Oh, I'm sorry.

9 No, sir.

10 Q All right. And so, again, Ray is important. You care
11 about him and you don't want to see anything bad happen to
12 him, but would you run the risk of the penalties that you
13 could face if you told a lie on that stand today just to keep
14 him out of trouble?

15 A No, sir.

16 Q All right. So, with all that in mind, I'm going to take
17 you back to August the 22nd of 2023, which is the date that
18 he's alleged to have distributed drugs. Were you with
19 Mr. Chestnut that day?

20 A Yes, sir, I was.

21 Q Okay. And in particular in the afternoon, say from the
22 time period from 3:30 until around 5:00 or so, were you with
23 him and, if so, could you kind of relate to the jury what went
24 on that afternoon and what your plans were?

25 A Well, actually, on August the 22nd of 2023, I was

1 supposed to have girls' night out, along with Ms. Rachael
2 Hernandez.

3 Q Okay.

4 A And --

5 Q You said the 22nd. That was the date before this; right?

6 A No. The 23rd. I'm sorry. Excuse me. No --

7 Q You're right. Got me confused. On the 22nd, you were
8 supposed to have girls' night with Ms. Hernandez.

9 A You're confusing me. Yeah, me and Ms. -- I called
10 Ms. Rachel Hernandez --

11 Q Okay.

12 A -- you know, because I call her Mama Rachael, you know,
13 and I wanted to have a girls' night. I wanted to go to the
14 House of Blues, which that was our plan. And because
15 Mr. Chestnut is my significant other, because he does not
16 drink or do anything, I felt like he would be the best
17 designated driver for us.

18 Q Okay.

19 A So, because I know I wanted to have a couple of drinks of
20 wine, I didn't need to be driving, so he was our designated
21 driver for that particular day.

22 Q Okay.

23 A So in between that, we went and picked up Ms. Rachael.
24 We was on our way to get a bite to eat as a phone call came
25 in.

1 Q Okay.

2 A As the phone call come, I couldn't quite make out what
3 the phone conversation on the phone was because I'm, of
4 course, in the backseat.

5 Q Let me stop you for just one second. You guys were --
6 the eventual plan was to go to the House of Blues; correct?

7 A House of Blues.

8 Q At the time, were you guys living pretty much where
9 you're living now? You're still in the Myrtle Beach area?
10 Where were you living?

11 A At the time, we wasn't living together.

12 Q No, no, no. Where were you living?

13 A I was living, yeah, in Myrtle Beach. Yes, sir.

14 Q And so had you come from the Myrtle Beach --

15 A Myrtle Beach, yes.

16 Q And you were headed up to House of Blues?

17 A No. I left Myrtle Beach to go pick Ms. Rachael
18 Hernandez up --

19 Q Gotcha.

20 A -- from her house. Then we went towards North Myrtle
21 Beach to get a bite to eat before we go to the House of Blues.

22 Q Okay. I'm with you then. So what happens next?

23 A So we went by Walmart and he met Bryant.

24 Q Okay.

25 A But as --

1 Q Where were you seated in the car?

2 A I was at the back passenger left.

3 Q On the left?

4 A On the left, behind the driver.

5 Q Okay. All right. And there was nobody seated in the
6 front seat?

7 A No, sir.

8 Q And so what happened whenever you got to Walmart?

9 A We got to Walmart, and I see Bryant get out of a white
10 Tacoma truck, I want to say. I seen him with some shorts, a
11 white shirt. And as he approached the vehicle, he was like
12 kind of sort of fidgeting with his pocket. If I can recall,
13 it was the left side of his pocket, he kept fidgeting. You
14 know, but other than that, I can't, you know...

15 Q So did he approach Mr. Chestnut's vehicle?

16 A He did.

17 Q Did he open the door of the vehicle?

18 A He did.

19 Q Was there a conversation between the two of them?

20 A There was a conversation.

21 Q Okay. Did you ever at any point in time see Mr. Chestnut
22 give Bryant anything?

23 A No, sir.

24 Q Were you paying attention to what was going on or were
25 you occupied watching your phone or anything like that?

1 A One thing I'm aware of: My surroundings.

2 Q And if Mr. Chestnut had given Bryant anything, would you
3 have seen that?

4 A I would have.

5 Q Sitting behind Mr. Chestnut, passenger door, was your
6 view not obscured by the backseat of the front passenger seat,
7 or could you see past that?

8 A I could see past that being that I'm on the passenger --
9 I mean, the driver.

10 Q Do you know what -- do you know what the purpose of that
11 meeting was? Do you have any idea why they met?

12 A No. All I know was the conversation was -- he said, "I
13 thought you was going to bring me some food, man." And he
14 said, "No."

15 "I'm hungry. I want something to eat." Mr. Chestnut say
16 he wanted something to eat.

17 Q Did you see anything exchanged between those two --

18 A No, sir.

19 Q -- individuals at all, from Bryant to Ray or Ray to
20 Bryant?

21 A No, sir. Never once saw anything.

22 But I know it was a conversation about some food because
23 Mr. Bryant said, "I thought you was bringing me something to
24 eat."

25 Q Under oath today --

1 A Mm-hmm.

2 Q - in court -

3 A Mm-hmm.

4 Q - it's your testimony that Ray Chestnut did not give
5 Bryant anything that day?

6 A Yes.

7 MR. PERRY: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 MR. PERRY: No further questions at this time. Please
10 answer any questions that the State may have for you.

11 THE COURT: Mr. Holford?

12 CROSS-EXAMINATION

13 BY MR. HOLFORD:

14 Q Ms. McCoy, is your date of birth [REDACTED]/89?

15 A That is correct.

16 Q And this is your boyfriend?

17 A Yes, sir.

18 Q How long have you guys been dating?

19 A Off and on probably about like seven or eight years.

20 Q Okay. And you're telling the jury that you remember this
21 date, August 22nd, 2023?

22 A Yes, I do.

23 Q And you remember being in the car?

24 A I do.

25 Q And you remember no one sitting in the front seat --

1 A I actually do.

2 Q Did he chauffeur you guys around a lot?

3 A Chauffeur us around a lot?

4 Q Yeah. He doesn't let you sit in the front seat?

5 A I do, but because it was a girls' night, I felt like me
6 and Mama Rachael, we was bonding in the backseat.

7 Q But he had to have a stop on the way to your girls'
8 night?

9 A Right.

10 Q Had to meet someone?

11 A Mm-hmm.

12 Q Is he an Uber driver? Does he deliver food?

13 A Yes, he does DoorDash.

14 Q He does?

15 A Mm-hmm.

16 Q Was he DoorDashing this day?

17 A Well, no, because it was my girls' night. He took that
18 time off to take us out.

19 Q You have been with him for a while. Did you know Bryant?

20 A I didn't know him.

21 Q Oh, you said he met Bryant. I assume you knew him.

22 A No. What I meant by "he met Bryant," that particular
23 day.

24 Q Okay. How did you know him?

25 A How did I know him?

1 Q Yeah.

2 A Because they called him "B." So I heard -- I don't know
3 him personally, but I know of him. And the first time I saw
4 him was that actual particular day we was on our outing.

5 Q Did he say his name was Bryant that day?

6 A No, but I -- but that was one -- you know, somebody he
7 knew. I didn't know him.

8 Q That's someone he knew?

9 A Somebody he knew. I didn't know him.

10 Q So he had business with B that day?

11 A I can't say it was business or what it was. All I know
12 is we made the stop at Walmart.

13 Q Just go out of your way.

14 Do you remember about how long you stopped?

15 A It didn't take long.

16 Q It was really quick, wasn't it?

17 A Maybe.

18 Q He comes up, B gives him some cash, he gives B some
19 drugs?

20 A I didn't see that.

21 Q You didn't see it?

22 A No. I didn't see no cash. I didn't see no drugs.

23 Q Because he's your boyfriend --

24 A No, it's not because he's -- not because he's my
25 boyfriend. One thing about it: The truth is the truth, and I

1 have no reason to stand up here and lie.

2 Q The truth is the truth?

3 A Right.

4 Q So you did or didn't know Bryant before? The truth is
5 the truth.

6 A Well, to be honest with you, I seen Bryant a couple of
7 times.

8 Q Because he knew Ray.

9 A I met Bryant -- we met Bryant through somebody else.

10 Q So you have seen Bryant a number of times before?

11 A Yes.

12 Q So what's Bryant's business with Ray on this day?

13 A Well, as far as I know, it was supposed to be about some
14 work, as far as painting or whatever, for my concern.

15 Q Work or painting?

16 A Yeah.

17 Q Do you remember this conversation? Did they talk about
18 work or painting?

19 A No, they didn't. I told you the conversation was about
20 getting some food. The man missed the beat and asked to bring
21 him -- did he bring him something to eat. He said no. He was
22 hungry. He said, "What you hungry for? Cash?"

23 He said, "No, I'm hungry, hungry."

24 Q So you've seen the video?

25 A No. I haven't seen the video. I just remember --

1 Q It sounds like you –

2 [Cross-talk]

3 Q – the video?

4 A I just remember the conversation, sir.

5 Q You remember the exact conversation from August 22nd,
6 2023?

7 A I do.

8 Q Verbatim. And you're telling the jury you have never
9 seen the video?

10 A Never once got the chance to watch the video. I didn't
11 know nothing about a video.

12 Q I'm going to show you what's been entered as State's 2.
13 Did Ray tell you what to say?

14 A Ray didn't coach me on what to say, no. But you're
15 making me feel like you're trying to make me lie and I don't
16 like to lie.

17 Q I'm not trying to make you lie. I'm trying to understand
18 how, two years ago, you remember an exact conversation. And
19 you're telling the jury you've never seen that video.

20 A No. How I remember the conversation, sir, is because I
21 was in the vehicle at that present moment. We were on our way
22 to the House of Blues to the '90s party.

23 Q Okay. So if, on the way to the House of Blues before he
24 met with Bryant in that parking lot, they had a conversation
25 on the phone, can you tell me exactly what they said?

1 A I couldn't tell you what the conversation was. Why?
2 Because I'm in the backseat.

3 Q Okay. So you remember that exact conversation that we're
4 talking about here during the drug buy, but you don't remember
5 the conversation he had on the way?

6 A What drug buy?

7 Q Where he met him at the Walmart and he sold him some what
8 he told him was --

9 A Well, I didn't see none of that because I didn't see no
10 drugs.

11 THE COURT: Let me interrupt you just one moment.
12 Ms. McCoy, make sure -- give Mr. Holford the chance to finish
13 his question before you start answering.

14 THE WITNESS: All right.

15 THE COURT: And, Mr. Holford, make sure you let Ms. McCoy
16 finish her answer before you start. We're starting to run
17 over each other a little bit, which I understand happens. It
18 happens a lot. It's a tendency we all do. When we have a
19 conversation, often we do it without realizing it.

20 But we want to make sure the jury can hear everything and
21 we want to make sure we get the record straight exactly what's
22 being asked and exactly what's being said in response. Okay?

23 BY MR. HOLFORD:

24 Q So do you remember the exact conversation Ray had with
25 Bryant on the phone going there?

1 A I do.

2 Q Okay. What was that conversation?

3 A "Man, where you at?"

4 "I'm on 31."

5 "31?"

6 "Yeah, leaving Myrtle Beach."

7 "Leaving Myrtle Beach?"

8 "Yeah, that's where I live."

9 So I remember that much of a conversation as far as the
10 ride.

11 Q And what were they going to do?

12 A I -- I can't tell you that.

13 Q You can't tell me that.

14 A Because I don't know what all that meant.

15 (Exhibit No. 2 video plays.)

16 BY MR. HOLFORD:

17 Q This is a video from that day, and you're saying you were
18 there with Ray this day; is that right?

19 A Yes.

20 Q And you're familiar with this day?

21 A Yes.

22 (Exhibit No. 2 video continues to play.)

23 BY MR. HOLFORD:

24 Q You're telling the jury you're sitting in that car right
25 there?

1 A Yes.

2 Q No question that's Ray Chestnut?

3 A Can you say that again?

4 Q There's no question that's Ray Chestnut there; right?

5 A Yeah, that's -- that's no question, that's him.

6 Q That's him?

7 A Yes.

8 Q And no question he's meeting with Bryant Clark that day?

9 A I don't know. I guess, yes, because, unfortunately,
10 that's what it's showing.

11 Q Well, you said you were there.

12 A I was.

13 Q And you're present when he's meeting with Bryant at this
14 day and this time?

15 A Right. But you keep asking me what the meeting was
16 about. I couldn't tell you, but I know it wasn't a drug
17 exchange.

18 Q Because they had a painting business or something?

19 A I don't know.

20 Q Or was it food?

21 A Well, from my understanding from the conversation what he
22 said when he approached the vehicle, it was about food.

23 (Exhibit 2 video continues to play.)

24 BY MR. HOLFORD:

25 Q "Hungry for some cash. Appreciate you."

1 And you're telling the jury you didn't see him, Ray, give
2 Bryant that bag?

3 A No.

4 Q And you're telling the jury that you're sitting in the
5 backseat and you didn't see him give him cash?

6 A No.

7 Q And you're telling the jury that Ray took, out of this
8 girls' trip, out of his way to the Walmart to meet Mr. Bryant,
9 who he's had dealings with before, for, like, a 30-second
10 conversation about food? That's what you want them to
11 believe?

12 A I mean, they have got a right to believe what they want
13 to believe.

14 Q But that's what you're saying happened?

15 A That's what I'm saying.

16 Q And you're saying Ray Chestnut, your boyfriend, did not
17 give him drugs that day?

18 A He did not give the man no drugs. My eyes have not seen
19 no drugs. My eyes have not seen no money exchanged. I have
20 not seen no money. So I can't say that that man gave that man
21 drugs.

22 MR. HOLFORD: I have no further questions.

23 MR. PERRY: No further questions, Your Honor.

24 THE COURT: Thank you.

25 Thank you, Ms. McCoy. You may step down.

1 She can be excused, can't she?

2 MR. PERRY: Yes, of course.

3 MR. HOLFORD: No objection.

4 MR. PERRY: Your Honor, I'd ask that she be able to
5 rejoin family for the remainder.

6 THE COURT: Yes.

7 MR. HOLFORD: No objection.

8 THE COURT: All right. I think now is a good time for us
9 to take a break for lunch. It's 12:25, 12:26. Let's be back
10 at 2:00 and ready to start at 2:00, and hopefully we'll be
11 ready to start at 2:00. My intention is not to keep you
12 waiting. Okay? Thank y'all.

13 (The jury exited the courtroom at 12:27 p.m.)

14 MR. PERRY: Judge, I hit the nail right on the head about
15 when I thought he'd finish.

16 THE COURT: You did a good job estimating, Mr. Perry.
17 I've got to give you credit for that.

18 I think now is probably a good time for me to instruct
19 Mr. Chestnut about his right to testify.

20 Mr. Chestnut, if you would please stand.

21 Please give Mr. Chestnut the oath.

22 THE CLERK: Please raise your right hand.

23 RAY CHESTNUT,

24 after having been duly sworn, was examined and testified
25 to as follows:

1 DEFENDANT'S RIGHTS

2 THE COURT: Mr. Ray Edward Chestnut?

3 MR. CHESTNUT: Yes, sir.

4 THE COURT: At this time, I'm going to explain to you
5 certain of your rights. And this is important, and I ask that
6 you listen to me carefully. I know you will.7 If you don't understand anything I say, please let me
8 know, and I'll try to state it better. If you want me to
9 explain anything over or whatever, you just let me know.
10 Okay?

11 MR. CHESTNUT: Yes, sir.

12 THE COURT: We've now reached the stage of the trial
13 where you may, of course, continue to present your defense by
14 testifying. You have the right to claim the protections given
15 to you by the Fifth Amendment of the Constitution of the
16 United States, and this amendment states in part that no
17 person shall be compelled in any criminal case to be a witness
18 against himself, as a wonderful constitutional protection that
19 you have, sir, and that we have all. This means that you
20 cannot be required to testify in this case.21 You have the right to testify on your own behalf;
22 however, no one can make you testify. This is a personal
23 right, and no one can waive this right except you.24 If you decide to testify, you will be subject to the same
25 rules that govern other witnesses, and you may be examined and

1 cross-examined on any relevant issue in this case.

2 In addition, if you have any convictions involving
3 dishonesty or false statement or for crimes punishable by
4 imprisonment for more than one year and this Court determines
5 that the probative value of admitting this evidence outweighs
6 the prejudicial effect to you, the solicitor will be able to
7 introduce your record to attack your credibility.

8 If you decide to testify, this decision on your part must
9 be freely, voluntarily, and intelligently made with the
10 knowledge of the protections given to you by the Fifth
11 Amendment and the consequences of your decision to testify.

12 If you decide not to testify, I will instruct the jurors
13 that they cannot give the fact that you did not testify any
14 consideration whatsoever and that there is absolutely no
15 prejudice to you because you did not testify.

16 It is left entirely up to you whether or not you testify.
17 You may talk with your attorney, your family, your friends, or
18 anyone else but the final decision will be left entirely up to
19 you.

20 Do you understand what I have explained to you,
21 Mr. Chestnut?

22 MR. CHESTNUT: Yes, Your Honor, I do.

23 THE COURT: Do you have any questions about what I've
24 explained to you, sir?

25 MR. CHESTNUT: No, sir.

1 THE COURT: Have you had a chance to discuss with your
2 lawyer whether or not you should or shouldn't testify, or
3 would you like to have further time to talk with him about it?

4 MR. CHESTNUT: I do not wish to testify.

5 THE COURT: Very well. Thank you, sir.

6 MR. PERRY: Your Honor, I'm sorry.

7 THE COURT: Mr. Perry, yes, sir.

8 MR. PERRY: I was just going to say, at this time, then,
9 the defense would rest, but we would renew our motions for
10 directed verdict as well as the motion for a mistrial based on
11 the testimony that was given by the defendant.

12 THE COURT: Yes, sir. Mr. Perry and I understand. Of
13 course, I would expect that you would make those motions on
14 behalf of your client. For the same reasons that I've stated
15 before, though, I think this is a case that raises questions
16 for a jury, and we'll have to let the jury decide.

17 All right. We're down until 2:00. All right. Just make
18 sure we're ready to go sharp at 2:00. Okay?

19 MR. PERRY: Thank you, Your Honor.

20 THE COURT: Thank y'all.

21 (A lunch recess was taken from 12:31 p.m. to 2:02 p.m.)

22 MR. PERRY: Beg the Court's indulgence. I think my
23 clients are out here.

24 THE COURT: Yes, sir. That's fine.

25 (Pause in the proceedings.)

1 MR. PERRY: Judge, they're attempting to get my client up
2 here. I believe he's pulling up downstairs right now. I
3 spoken to a cousin who is here. I apologize for him being
4 late. We're not on his schedule. We're ready to proceed.

5 THE COURT: I think it's fine. I don't think he'll miss
6 anything.

7 MR. PERRY: Yeah.

8 THE COURT: All right. Let's bring the jury in.

9 Excuse me, excuse me. Can't bring the jury in yet. I've
10 got to go over, gentlemen, the charges. Let me go over with
11 you what I have got here. Let's talk about that a minute.

12 MR. PERRY: Judge, I think I need to be sure and rest on
13 behalf of the defense in front of the jury.

14 THE COURT: In front of the jury, yeah, you do.

15 MR. PERRY: Yes, sir.

16 THE COURT: Yes, sir. Thank you for bringing that up.

17 MR. PERRY: Yes, sir.

18 CHARGE CONFERENCE

19 THE COURT: All right. What I've got here -- y'all
20 follow along with me, please.

21 First, duties of the jury and the trial judge. Then the
22 charge/arrest/indictment are not evidence. Presumption of
23 innocence of the defendant. Reasonable doubt. Credibility of
24 witnesses. Expert witnesses. Direct and circumstantial
25 evidence. Failure of the defendant to testify. And, finally,

1 trafficking fentanyl.

2 Mr. Holford, anything? Any objection to those?

3 MR. HOLFORD: Your Honor, do you mind if I just look at
4 the trafficking fentanyl?

5 THE COURT: Sure.

6 MR. PERRY: And, Your Honor, I would like to look at the
7 reasonable doubt.

8 THE COURT: Very good.

9 MR. HOLFORD: May we approach?

10 MR. PERRY: But I certainly don't have any...

11 THE COURT: Okay.

12 MR. PERRY: Thank you.

13 THE COURT: You wanted to see reasonable doubt?

14 MR. PERRY: Yes, Judge.

15 (Counsel review the charge documents at the bench.)

16 MR. HOLFORD: Thank you.

17 THE COURT: Is that good?

18 MR. HOLFORD: Yes, sir.

19 THE COURT: Thank you.

20 MR. HOLFORD: Your Honor, the State has no objection to
21 the charges as the Court has laid out, understanding that,
22 when you do go over the verdict form, you will include the
23 unanimous -- it must be unanimous.

24 THE COURT: Yes, sir, I certainly will. I'll explain
25 that.

1 MR. PERRY: No objections from the defense, Your Honor.

2 THE COURT: Thank y'all.

3 MR. PERRY: Everything seems in order.

4 MR. HOLFORD: Does the Court have the verdict form or do
5 I need to prepare one?

6 THE COURT: I have got it.

7 MR. HOLFORD: And, Your Honor, again, before the jury
8 comes out, just to place on the record, the State's
9 understanding is that State's 1, 2, 3, 4, 5, 6, and 7 have
10 been entered in evidence, and I believe that the -- Madam
11 Court Reporter has confirmed the same.

12 THE COURT: I believe that's correct.

13 MR. PERRY: And they were all entered without objection,
14 Your Honor.

15 THE COURT: Thank you, Mr. Perry.

16 Then we're ready to go. You can bring the jury, please,
17 in. Thank you.

18 (The defendant is present in the courtroom at 2:09 p.m.)

19 (The jury entered the courtroom at 2:09 p.m.)

20 THE COURT: Thank you-all for being back on time.
21 Appreciate that.

22 Mr. Perry, you're recognized. Do you wish to rest, sir?

23 MR. PERRY: Yes, Your Honor. At this time, the defense
24 would rest.

25 THE COURT: Very well.

1 MR. PERRY: Renewing all motions.

2 THE COURT: Thank you.

3 I'm sorry to ask you to go back out after that, but I'm
4 going to ask you to go back out for just a few minutes, and
5 we'll bring you back in. I apologize.

6 (The jury exited the courtroom at 2:10 p.m.)

7 MOTION/MATTER OF LAW

8 THE COURT: Mr. Perry, do you wish to renew your motion,
9 sir?

10 MR. PERRY: Yes, renewing all motions, Judge. The Motion
11 for a Mistrial, Motion for Directed Verdict. Just simply
12 renewing those motions from earlier.

13 THE COURT: Yes, sir. And I'll, again, respectfully deny
14 those motions but you're covered. Thank you, sir.

15 MR. PERRY: Thank you, Your Honor.

16 THE COURT: All right. I think we're now ready to bring
17 the jury back in. Sorry about that.

18 (The jury entered the courtroom at 2:13 p.m.)

19 THE COURT: All right, folks. I'm sorry to have you come
20 in and send you back out and bring you back in again.

21 We're now about to hear from the attorneys in their
22 closing arguments. I'd ask that you pay very close attention
23 to their arguments, please.

24 The State is recognized and please remember to open in
25 full, Mr. Holford.

1 MR. HOLFORD: Yes, Your Honor. Thank you.
2 May it please the Court.

3 CLOSING ARGUMENT ON BEHALF OF THE STATE

4 MR. HOLFORD: Ladies and gentlemen, this morning, Jesse
5 Glasgow came before you and talked to you about what
6 trafficking in fentanyl really is. It doesn't have to be the
7 moving across state lines but it can be. It doesn't have to
8 be the physical possession; it could be constructive
9 possession. It could be. It doesn't always have to be
10 distribution but it can be.

11 In this case, what we have is distribution, dispensing,
12 or delivering of a quantity of fentanyl that weighs more than
13 4 grams.

14 Now, what the state law says is that a mixture containing
15 that narcotic has to weigh more than 4 grams. The State
16 doesn't require us to prove percentages of that substance.
17 The substance itself, when mixed with fentanyl, is counted as
18 fentanyl, and that's what the law says.

19 So what we have in this case is the defendant, Ray
20 Chestnut, delivered this, this gray rock-like compressed
21 powder, for an amount of \$430, and he sold it to an
22 individual, who he didn't know at the time was working with
23 the police but, in fact, he was.

24 The confidential informant purchased this on audio and
25 video from the defendant. That's the distribution, the

1 delivery, the dispensing of this substance to the confidential
2 informant.

3 The confidential informant then took this substance.
4 Within eight to ten minutes -- you can tell on the video
5 exactly how long it was -- goes and turns it over to Detective
6 Manemeit.

7 Detective Manemeit says, "I got this substance. This is
8 what Snoop/Ray Chestnut gave to the confidential informant. I
9 put it in this bag. I sealed it up. No one else can get
10 inside it, and I dropped it into Evidence."

11 The reason we went to excruciating lengths to talk about
12 chains of custody and the sealing is because we don't want to
13 come in here and you think, "Well, maybe someone else put
14 something else in there. Maybe someone introduced fentanyl
15 into a substance that didn't have it already or cocaine or any
16 other substance therein."

17 What we have is a sealed package from what the defendant
18 gave to the confidential informant. The officer took it,
19 sealed it up. And so then it goes to a chemist. Because, at
20 that point, we think it, you know, it was purported to be
21 heroin. He thought he was buying heroin.

22 Fentanyl, as it turns out, is more potent and more
23 dangerous. The chemist gets it. She comes back and she tests
24 it, and she says, actually, that substance that he sold to the
25 confidential informant is a mixture of cocaine and fentanyl,

1 and it weighs 5.966 grams. That's over the 4-gram threshold.

2 And that's how we have trafficking. That's why this case
3 isn't just a normal distribution of narcotics. Because a
4 distribution could be .1 grams, 2 grams, 3 grams. Once you
5 get over 4 grams, it's considered trafficking in narcotics.

6 On the video, we saw -- and you'll be able to see it.
7 We're going to show it again. You can see that's Ray
8 Chestnut. That's who the CI identified as Snoop, who officers
9 identified as Snoop, who they later determined to be, in fact,
10 the defendant, Ray Chestnut.

11 That little bag right there in the palm of his hand,
12 which occurs after he meets with the defendant -- not before,
13 but after -- maybe a 20-second transaction, that is this
14 plastic baggie that contains the fentanyl and cocaine mixture.

15 I don't know if there was anyone in the backseat of that
16 car or not. The confidential informant says no one else is in
17 the car. Whether you believe that they were in the car or
18 not, the defendant still distributed fentanyl to the
19 confidential informant in August 22nd of 2023.

20 You had a witness come on the stand and testify almost
21 verbatim to a conversation that happened almost two years ago.
22 Almost verbatim. And told you she had never seen the video.
23 She just remembered exactly what was said. I find that odd.

24 She testified that she didn't know Bryant but used his
25 name. And then said, well, maybe she did know him; yet, he

1 knew the defendant. Of course he knew the defendant.

2 On this date, August 22nd, 2023, he purchased drugs from
3 him. This wasn't about food. This wasn't about artwork or
4 mechanics or painting. That was never discussed. We have
5 seen the video. We'll watch it again here in a second.

6 This is about a drug transaction. And how can you be
7 sure? Well, he audio- and video-recorded it. He gets there
8 for the purpose of buying drugs with cash. Buys the drugs.
9 Walks away with them. He had been searched by the police
10 prior to -- not strip-searched, sure. Searched by the police
11 prior. Doesn't have any narcotics on his person. He takes
12 the cash. He comes back to the police. The video runs the
13 entire time. And you are welcome -- it's in evidence --
14 you're welcome to watch that entire video of the phone sitting
15 on his lap and him not meeting people. You're welcome to it.

16 Did we show you the entire thing? No. It's in evidence.
17 But you can do that. You can see just -- like he testified,
18 it's in evidence. He didn't meet with anyone before and he
19 didn't meet with anyone afterwards, other than Ray Chestnut.

20 So he doesn't have drugs on him. He's got cash on him.
21 He meets the defendant. Now, he doesn't have cash, he only
22 has drugs.

23 Ray gave him the drugs. Takes about 20 seconds. This
24 wasn't an out-of-the-way "we're on the way to a girls' night"
25 House of Blues, just randomly decided to go to Walmart to meet

1 him to talk to him about art for a 20-second interaction.
2 This is a drug deal. This is what drug deals look like. And
3 that's exactly what happened.

4 When you're watching this video, you can see right when
5 he gets up there -- yes, it's shaky; he's using a cell phone.
6 But you can see the defendant move towards the front seat. If
7 you pause it and do it frame by frame, you'll be able to see
8 him with a clear plastic bag, and then he doesn't have the bag
9 in his hand, and then the CI has the bag in his hand.

10 But what we're about to watch is the defendant dealing
11 drugs.

12 (Exhibit No. 2 video plays.)

13 MR. HOLFORD: That's a drug deal. That's exactly what it
14 is. You got to see it. Not only did you get to see it but
15 you heard the confidential informant testify that's what it
16 was. That's what it was set out to be. That's why they're
17 meeting in the first place.

18 And then the drugs get passed on to law enforcement, and
19 law enforcement gives them to a chemist, and the chemist tests
20 them and says it is, in fact, drugs. This is fentanyl. This
21 is what you would sell them. And that's why we're here for
22 trafficking in fentanyl.

23 I don't need to make the case more difficult or more
24 complex than it is. You have seen the evidence. You have
25 heard the evidence. You can use your common sense to

1 determine whether you think they met for that 20 seconds about
2 food or artwork or whether there were even people in the back
3 of that car or not. You can use your common sense for that.

4 Thank you.

5 THE COURT: Mr. Perry?

6 MR. PERRY: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

9 MR. PERRY: This is not an indication that I'm not going
10 to be brief. Needed some place to put my pad down.

11 First of all, we don't know what's in that bag. We don't
12 know what's in that bag. We know what the report says. We
13 know what the chemist told you was in the bag, but what we
14 don't know is, we don't know whether or not the machines, the
15 highly technical, complicated machines that she says told her
16 that this is fentanyl and cocaine, we don't know if those
17 machines were working properly.

18 Anybody that knows anything about machines know that they
19 don't always work properly. Sometimes they break. Sometimes
20 they malfunction.

21 All the resources of the State, they can bring this,
22 whatever it is, in here. They can bring videos and they can
23 bring pictures and they can bring reports -- I have got
24 reports right here -- but they couldn't be bothered to bring
25 you a report that says that the machine was working properly?

1 She says they have that. We just don't have it here in
2 evidence.

3 So I would submit to you that there's reasonable doubt as
4 to whether or not this is even fentanyl.

5 You know what her report says. It's in evidence. You
6 heard her testimony, but you also heard her say that they run
7 reports to determine whether or not those machines are working
8 properly, and she doesn't have the reports to show you that
9 they were.

10 She also didn't say -- the State could have asked her on
11 redirect; she didn't say whenever I was asking her on cross
12 that, "Oh, no, no, no, if those machines aren't working, they
13 alert us. We get some sort of, you notice. There's a red
14 light that's flashing or a horn that's making a noise or
15 something that says 'hey, I'm not working -- I'm not working
16 properly.'"

17 She says that they test them before and they test them
18 after. You didn't see any of those reports. We don't know
19 that that machine was properly working whenever the machine
20 told her what this supposedly was.

21 If this isn't fentanyl, you've got to acquit him. I
22 would submit to you there's reasonable doubt that that's
23 fentanyl.

24 Now, what is reasonable doubt? The judge is going to
25 tell you in just a few minutes -- he's going to give you the

1 law, and he's going to explain to you what reasonable doubt
2 is, and I'm going to be very careful not to misstate. But I
3 think the judge is going to tell you that reasonable doubt is
4 that sort of doubt that would cause a reasonable person to
5 hesitate to act.

6 And as I mentioned to you in my opening statement, this
7 is not a collective verdict. This is 12 individual verdicts.
8 Each of you have to make up your own mind whether you believe
9 the State has proven every element of this crime beyond a
10 reasonable doubt.

11 And I would submit to you that whenever you go back there
12 and you ask yourself whether or not a reasonable person would
13 hesitate to act, to decide whether or not what's in here is
14 fentanyl, you have got to ask yourself why didn't the State
15 bring the report that shows that the machine was working
16 properly? How do we know for sure that the machine was
17 working properly? Because, if it wasn't, you can't count on
18 what that report says. That's reasonable doubt.

19 And as far as what actually happened that day, you heard
20 Mr. Clark testify. He told you that he had a drug trafficking
21 charge that was pending, and he didn't want to go to prison.
22 He had a family that he cared about. He had a little girl
23 that he cared about. And he was willing to do just about
24 anything to keep from going to prison. He even set Ray
25 Chestnut up.

1 Mr. Holford asked him, "Did you set Ray Chestnut up to
2 keep from going to prison?" And what did he say? "Yep,
3 that's what I did." Came straight out of his mouth. He set
4 my client up so that he wouldn't have to go to prison. Let
5 the cup pass. "I don't want to drink from it. Let
6 Mr. Chestnut have a swallow." His charges were dismissed. He
7 didn't have to go to prison because he passed the cup to Ray
8 Chestnut.

9 Watch the video. You won't see anything pass from
10 Mr. Chestnut's hands into Mr. Clark's hands nor from
11 Mr. Clark's hands to Mr. Chestnut's hands. You have got to
12 believe his word that that's how it went down, that that's how
13 it happened.

14 Mr. Clark said they didn't search him thoroughly. They
15 didn't search under his clothes. I'm not saying they should
16 have done a full body cavity search in the middle of a parking
17 lot somewhere, but law enforcement could have had him
18 someplace where they could search him more thoroughly. They
19 could have taken the time to ensure that he didn't have drugs
20 hidden on himself somewhere that he could set someone up with.

21 Watch those videos. And you will not see -- I'm telling
22 you, you will not see drugs pass from my client's hands to
23 Mr. Clark's hands, nor will you see money pass from Mr. Clark
24 to Mr. Chestnut.

25 And you heard two witnesses come in. Neither one of them

1 were charged with anything. I think one lady had some old
2 DUIs or something. None of us are perfect. They didn't have
3 any charges pending at the time. They don't have any charges
4 pending. And, yeah, they're friends with Mr. Chestnut.

5 But they were here under oath testifying to you that they
6 were in the back seat of that vehicle and that they didn't see
7 any transaction take place. They did not see Mr. Chestnut
8 give Mr. Clark any drugs. That's two people who told you that
9 they didn't see that take place.

10 One person who had every reason to lie, because he didn't
11 want to leave his family and leave his daughter and have to go
12 to prison telling you, "Oh, yeah, yeah, those are
13 Mr. Chestnut's drugs, he gave me those drugs."

14 Law enforcement, who did a less-than-adequate job
15 searching him to determine whether or not he had those drugs
16 hidden on himself somewhere or in his vehicle somewhere.
17 Watch the videos, any video of him searching him or searching
18 the vehicle, making sure that he didn't have drugs; that he
19 could say he got from Mr. Chestnut?

20 An hour and a half passed from when law enforcement was
21 with the CI until this transaction allegedly took place. From
22 3:30 until 5:00.

23 He might not have met with anybody else, but it was
24 certainly time to fish those drugs out of someplace, he might
25 have had hidden in the car or hidden on himself.

1 And, again, you're reasonable people. Would any of these
2 things cause you to hesitate to act? "Hesitate," what's that
3 mean? It just means that you don't do it immediately. If you
4 have to go back there and think about it, if you have to go
5 back there and ponder with it or wrestle with it, I would
6 suggest to you that that's hesitating to act.

7 Again, all 12 of you have to make this decision
8 individually because it takes all 12 of you individually for
9 there to be a verdict of guilty to come back from this jury.
10 You have to make up your own mind and not be part of the
11 collective or let someone else change your mind. Look at the
12 evidence. It's not a complicated case.

13 The State's got the burden to prove, beyond a reasonable
14 doubt, the drugs changed hands from my client to Mr. Clark.
15 And they got a video of everything else, but we don't have a
16 video of that happening. Two people saying that it didn't.
17 One person that didn't want to go to prison saying that it
18 did. I would suggest to you that's a reasonable doubt, that
19 whatever this is was not given to the CI by my client.

20 Thank you for your service.

21 THE COURT: Mr. Holford?

22 MR. HOLFORD: Thank you, Your Honor, briefly.

23 FINAL CLOSING ARGUMENT ON BEHALF OF THE STATE

24 MR. HOLFORD: The chemist told you that she ran the test
25 that morning like she does every time, to make sure the

1 machine was working properly.

2 She also told you she went out and tested the drugs had
3 the machine not been working properly. She also told you that
4 she runs blanks before to make sure the machine is running
5 properly.

6 You can believe beyond a reasonable doubt that the
7 machine was running properly, and it did, in fact, as her
8 testimony, that this is fentanyl.

9 The setup. He explained to you what he meant by that.
10 You see, Ray thought he was just selling drugs to a guy he
11 knew, Bryant. He didn't know that police were involved. He
12 didn't know that he was being audio- and video-recorded. That
13 was the setup, not that Bryant Clark picked some random person
14 out of thin air and tried to fabricate an entire story and
15 plant drugs where drugs didn't exist. That's not the setup
16 here we're talking about.

17 He explained to you -- the first time testifying -- he
18 doesn't have any pending charges; I can't do anything to him
19 now, whether he comes in and tells the truth or lies. He told
20 you those were already dismissed.

21 What the setup he was discussing and told you about was
22 that he didn't know, when he sold him drugs, that he was
23 working for the police, but he was at the time. And that's
24 how we have it on audio and video. That's how we can show it
25 to you and that's how we prove to you that the defendant did,

1 in fact, traffic fentanyl.

2 Thank you.

3 JURY CHARGE

4 THE COURT: All right. Ladies and gentlemen of the jury,
5 what I'm going to do now is give you the law, and I appreciate
6 you listening closely to those closing arguments by the
7 attorneys. I'll ask you to listen a little longer to me as I
8 go through this with you. After I go over the law with you, I
9 will then send you out again and catch up on a few matters
10 with the attorneys or bring you back in. But we're getting
11 close to the end of this trial.

12 First, I'll charge you as to the duties of a jury and the
13 duties of the trial judge. You and I have specific duties to
14 perform. As the trial judge, it is my responsibility to
15 preside over the trial. It is your responsibility to consider
16 the testimony which has been presented from the witness stand,
17 the exhibits, and any stipulations of counsel.

18 I also have the duty to charge the law. As the presiding
19 judge, I'm the sole judge of the law, and it is your duty as
20 jurors to accept and apply the law as I now state it to you.
21 If you already have any idea as to what the law is and what
22 the law ought to be and it does not agree with what I now tell
23 you the law is, you must abandon your idea because you are
24 sworn to accept the law and apply the law exactly as I state
25 it to you.

1 Your duty is to determine the facts. In every case, the
2 jury is the sole and exclusive judge of the facts. The trial
3 judge cannot suggest, state, comment on, or make any statement
4 to a trial jury about the facts. Since you, the jury, are the
5 sole judge of the facts, you are not to infer from what I have
6 said during the progress of this trial, in ruling upon the
7 admissibility of evidence or otherwise, as to anything that I
8 may say now or during the course of this that I have any
9 opinion about the facts. The law does not allow me to have an
10 opinion about the facts. This is a matter solely for you to
11 determine. As jurors, it is your duty to determine the fact,
12 the value, and the weight of the evidence presented during
13 this trial.

14 Next I'll charge you as to the charge, arrest, and the
15 indictment not being evidence. Indictments charge -- the
16 indictment charges the defendant with one count of trafficking
17 fentanyl. The fact that the defendant was arrested, charged,
18 and indicted is not evidence and cannot be considered by you
19 as evidence of guilt, nor does it create any presumption or
20 inference of guilt. This is not just simply the formal
21 written instruction which contains the charge made against the
22 defendant; it's the formal document by which this case is
23 brought to the court.

24 Next I charge you on presumption of innocence. The
25 defendant has pled not guilty to the indictment and that plea

1 puts the burden on the State to prove the defendant guilty
2 beyond a reasonable doubt.

3 A person charged with committing a criminal offense in
4 South Carolina is never required to prove himself innocent. I
5 charge you that it is a guiding rule of the law that the
6 defendant in a criminal trial, no matter how serious the
7 charge is, is always presumed innocent of the crime to which
8 the indictment was issued, unless guilt is proven by evidence
9 satisfying you of that guilt beyond a reasonable doubt.

10 This presumption of innocence does not end when you begin
11 your deliberations, but it accompanies the defendant
12 throughout the trial until you reach a verdict of guilt based
13 on evidence satisfying you of that guilt beyond a reasonable
14 doubt.

15 The presumption of innocence is like a robe of
16 righteousness placed about the shoulders of the defendant,
17 which remains with the defendant until it has been stripped
18 from the defendant by evidence satisfying you of the
19 defendant's guilt beyond a reasonable doubt.

20 The presumption of innocence is not mere legal theory.
21 It is not just a legal phrase. It is a real and substantial
22 right to which every defendant is entitled unless you, the
23 jury, are satisfied from the evidence of the defendant's guilt
24 beyond a reasonable doubt.

25 Next I want to charge you as to reasonable doubt. What

1 is reasonable doubt in the law? A reasonable doubt is the
2 kind of doubt that would cause a reasonable person to hesitate
3 to act. The State has the burden of establishing every fact
4 necessary to prove the defendant guilty beyond a reasonable
5 doubt. The law presumes every person charged with a crime to
6 be innocent, and the burden of establishing guilt is placed
7 solely on the State.

8 Some of you may have served as jurors in civil cases
9 where you were told it is only necessary to prove that the
10 fact is more likely true than not true, such as by the greater
11 weight or preponderance of the evidence.

12 Other civil cases use the clear and convincing evidence
13 standard. In those cases, it is necessary to prove that a
14 fact is highly probable. But this is a criminal case, and the
15 State's proof must be more powerful than those burdens of
16 proof. In a criminal case, the State must prove beyond a
17 reasonable doubt its charge.

18 Proof beyond a reasonable doubt is proof that leaves you
19 firmly convinced of the defendant's guilt -- let me say that
20 sentence again. Excuse me. Proof beyond a reasonable doubt
21 is proof that leaves you firmly convinced of the defendant's
22 guilt. There are very few things in this world that we know
23 with absolute certainty, and in criminal cases, the law does
24 not require proof that overcomes every possible doubt.

25 If, based on your consideration of the evidence, you are

1 firmly convinced the defendant is guilty of the crime charged,
2 you must find the defendant guilty. The defendant is not
3 required to prove his innocence. If, on the other hand, you
4 think there's a real possibility that the defendant is not
5 guilty, you must give the defendant the benefit of every
6 reasonable doubt and find him not guilty.

7 Next, I will charge you as to the credibility of
8 witnesses. Necessarily, you must determine the credibility of
9 witnesses who have testified. Credibility simply means
10 believability. It is your duty as jurors to analyze and
11 evaluate the evidence and determine which evidence convinces
12 you of its truth.

13 In determining the believability of witnesses who have
14 testified, you may believe one witness over several witnesses
15 or several witnesses over one witness. You may believe a part
16 of the testimony of a witness and reject the remaining part of
17 the testimony of that same witness. You may believe the
18 testimony of a witness in its entirety or reject the testimony
19 of a witness in its entirety. You may consider whether any
20 witness has exhibited to you any interest, bias, prejudice, or
21 other motive in the case. You may also consider the
22 appearance and manner of the witness while on the witness
23 stand.

24 Next, I will charge you as to expert witnesses. The
25 Rules of Evidence ordinarily do not permit witnesses to

1 testify to opinions or conclusions. An exception to this rule
2 are witnesses that we call expert witnesses exist [verbatim],
3 a witness who, by education and experience, has become expert
4 in some art, science, profession, or calling may state an
5 opinion as to relevant and material matter in which the
6 witness claims to be an expert may also state the reasons for
7 the opinion.

8 You should consider an expert -- any expert opinion
9 received in evidence and, like any other evidence, give it the
10 weight that you think it deserves. If you decide that the
11 opinion of an expert witness is not based on sufficient
12 education and experience or if you conclude that the reasons
13 given in support of the opinion are not sound or that the
14 opinion is outweighed by other evidence, you may disregard the
15 opinion entirely.

16 An expert witness's testimony is to be given no greater
17 weight than that of other witnesses simply because the witness
18 is an expert.

19 Further, you are not required to accept an expert's
20 opinion even though it is not contradicted.

21 Now I'll charge you as to direct and circumstantial
22 evidence. There are two types of evidence generally presented
23 during a trial: direct evidence and circumstantial evidence.

24 Direct evidence directly proves the existence of a fact
25 and does not require deduction. Circumstantial evidence is

1 proof of a chain of facts and circumstances indicating the
2 existence of a fact. Crimes may be proven by circumstantial
3 evidence. The law makes no distinction between the weight or
4 value to be given to either direct or circumstantial evidence.
5 However, to the extent the State relies on circumstantial
6 evidence, the circumstances must be consistent with each
7 other, and when taken together, point conclusively to the
8 guilt of the accused beyond a reasonable doubt.

9 If these circumstances merely portray the defendant's
10 behavior as suspicious, the proof has failed. The State has
11 the burden of proving the defendant guilty beyond a reasonable
12 doubt. This burden rests with the State regardless of whether
13 the State relies on direct evidence, circumstantial evidence,
14 or some combination of the two.

15 I'll now charge you as to whether the defendant testifies
16 in a trial. I instruct you and emphasize that the fact that a
17 defendant did not testify is not a fact to be considered by
18 any -- in any way by you in your deliberation and in your
19 consideration on the question of the guilt or innocence of the
20 defendant. It must not be considered by you in any manner
21 whatsoever. A defendant has the constitutional right to
22 remain silent. An assertion of this right must not be
23 considered by you in your deliberations.

24 I repeat: Under your oath, you are to draw no conclusion
25 whatsoever from the fact that the defendant in this case did

1 not testify. The fact that this defendant did not testify
2 should not even be discussed in the jury room.

3 Madam Forelady, the burden of proof, as I have stated to
4 you, is on the State. The defendant is not required to prove
5 his innocence. The burden of proof remains on the State to
6 prove guilt beyond a reasonable doubt.

7 And, finally, I will charge you as to trafficking in
8 fentanyl. The defendant is charged with trafficking in
9 fentanyl. The State must prove beyond a reasonable doubt that
10 the defendant knowingly sold, manufactured, cultivated,
11 delivered, purchased, brought into this state, provided
12 financial assistance, or otherwise aided, abetted, attempted,
13 or conspired to sell, manufacture, cultivate, deliver,
14 purchase, or bring into this state, was knowingly in actual or
15 constructive possession, knowingly attempted to become in
16 actual or constructive possession of fentanyl.

17 The State must also prove beyond a reasonable doubt that
18 the amount of the fentanyl, fentanyl-related substance, or any
19 mixture containing fentanyl was 4 grams or more but less than
20 14 grams.

21 To prove possession, the State must prove beyond a
22 reasonable doubt that the defendant had both the power and
23 intent to control the disposition or use of the fentanyl.
24 Possession may be either actual or constructive.

25 Actual possession means that the fentanyl was in the

1 actual physical custody of the defendant. Constructive
2 possession means that the defendant had dominion and control
3 or the right to exercise dominion or control over either the
4 fentanyl itself or the property in which the fentanyl was
5 found.

6 Mere presence at the scene where the drugs are found is
7 not enough to prove possession.

8 Two or more people may have joint possession of a drug.

9 Having now charged you with the law, I ask that you
10 retire to the jury room for a brief period. Again, please do
11 not begin your declarations. We're not quite ready to start
12 that yet; we'll let you know when it's time to do that.
13 There's some matters I must take up with the attorneys.

14 So please do go back to the jury room, and again, don't
15 start discussing the case yet. Thank you.

16 Excuse me. Can you two alternates please stay with me?
17 The rest of you retire to the room.

18 (The jury exited the courtroom at 2:25 p.m.)

19 THE COURT: Everyone appreciates your service. At this
20 point, we're going to let you go. I know that may disappoint
21 you. You're welcome to stay around if you want to see what
22 happens in the trial, but you are free to go, and we
23 appreciate your service.

24 I hope you understand that having alternates is a sound
25 thing to do because you never know what come up in the course

1 of the trial at some point, having to go -- getting sick or
2 whatever.

3 So at this point, because we're at the conclusion of
4 the -- basically, the conclusion of the process of the trial
5 and I'm about to give the case over to the jury, I'm going to
6 let you be excused.

7 Thank you very much for your service. We appreciate it.
8 Couldn't do it without you.

9 (The alternate jurors exited the courtroom at 2:46 p.m.)

10 THE COURT: Any objections from the State as to the
11 charge on the law?

12 MR. HOLFORD: No, Your Honor.

13 THE COURT: From the defense?

14 MR. PERRY: None, Your Honor.

15 THE COURT: Thank you.

16 All right. Going to bring the jury back in and go over
17 the verdict form and then send them on their way to
18 deliberate. Okay?

19 MR. HOLFORD: Yes, Your Honor.

20 THE COURT: Bring the jury back in. Thank you.

21 MR. PERRY: Your Honor, did you want us to approach to
22 take a look at the verdict form?

23 THE COURT: Yeah, sure. Come on and do that.

24 MR. PERRY: I'm sure it's fine. I just wanted to...

25 (Counsel review the verdict form.)

1 MR. PERRY: Pretty straightforward. No objection from
2 the defense.

3 MR. GLASGOW: Looks great. Thank you.

4 (The jury entered the courtroom at 2:48 p.m.)

5 THE COURT: Madam Forelady, I want to present to you this
6 verdict form. This is the form that you will use to indicate
7 the decision that is reached by the jury.

8 As you all will see, this must be unanimous. This must
9 be a 12:0 decision. It cannot be 7:5. It cannot be 11:1. It
10 must be 12:0.

11 After you have had a chance to reach a decision, of
12 course, you indicate the verdict and sign and date it as the
13 forelady.

14 If any question arises, of course, you can indicate that.
15 Write it down, let the bailiff know that you've got a
16 question. And with that, I don't anticipate that you'll have
17 any questions, but if you do we will deal with that.

18 And I would ask you not to begin your deliberations yet.
19 I know I have been saying that all along. We're not quite
20 there yet. We're very close to allowing you to begin.

21 Got a couple more things we need to go over. Got to get
22 the exhibits together and make sure they're all proper and
23 ready to go.

24 Once the exhibits are brought to you, then you can start
25 discussing this case.

1 So, again, one more time: just hold off a little bit
2 longer and we'll let you start. Okay? Thank y'all. You can
3 be excused. Thank you.

4 (The jury exited the courtroom at 2:50 p.m.)

5 THE COURT: All right. I'd ask the attorneys to look at
6 the exhibits in evidence and make sure that we have got
7 everything there. Make sure it's properly marked the best you
8 can determine that. And once we have got it all together and
9 you gentlemen are satisfied, then we'll send it back to the
10 jury. Y'all take a moment to do that, please.

11 MR. HOLFORD: Your Honor, I believe all the exhibits, 1
12 through 7, are present, in order.

13 We also have a laptop. If the Court would permit or
14 prefer, there are two hard drives, State's 1 and 2. This
15 laptop has no password, it has no Wi-Fi capability. Jurors
16 cannot get on the internet or look anything up, but it would
17 allow them -- if we sent that back, it would allow them to
18 open those videos.

19 It has clear instructions about not having a password,
20 inserting the flash drive, selecting the media, and playing
21 it, if that's permissible with the Court.

22 THE COURT: Mr. Perry, do you have a position on that?

23 MR. PERRY: Absolutely no objection, Your Honor. In
24 fact, I want the jury to watch those videos.

25 THE COURT: All right. Well, y'all think -- for the

1 instructions now, keep in mind that everybody is not an
2 18-year-old and born knowing this stuff. They'll take from
3 the instructions they --

4 MR. PERRY: It's pretty straightforward, Judge.

5 THE COURT: Okay. All right.

6 MR. PERRY: The idiot's guide to opening a video file.

7 THE COURT: All right. Anything further before we send
8 that back?

9 MR. HOLFORD: Nothing before we send the stuff back, Your
10 Honor.

11 MR. PERRY: Nothing from the defense, Your Honor.

12 THE COURT: Any objection to the verdict form that you
13 reviewed?

14 MR. HOLFORD: No, Your Honor.

15 MR. PERRY: None from the defense, Your Honor.

16 THE COURT: Thank you. Very good.

17 All right. Can we go ahead and have this sent back --
18 the exhibits sent back, along with the computer, to the jury
19 room, please, sir.

20 Sir, when you hand that to them, tell them they may now
21 being their deliberations.

22 THE DEPUTY: Yes, sir.

23 THE COURT: Thank you, sir.

24 MR. PERRY: Your Honor, we're going to stand down at this
25 time? My client needs to use the restroom.

1 THE COURT: Yes, sir.

2 MR. HOLFORD: Your Honor, the State would inquire, as is
3 typical at this point in the case and in any case -- nothing
4 about Mr. Chestnut specifically -- but, at this time, the case
5 has been tried, the jury has it for the deliberations. Is it
6 the Court's intention to take him into custody until the jury
7 returns a verdict or to allow him to remain as he has been
8 prior?

9 THE COURT: Do you wish to respond to that?

10 MR. PERRY: Your Honor, I mean, notwithstanding him being
11 a few minutes late this morning for picking folks up that
12 needed a ride, he's been here when he's supposed to be. He's
13 never missed court. I don't think he's going to go anywhere.

14 THE COURT: I don't either. I'm not holding it against
15 him that he was a few minutes late this morning. That could
16 happen to anyone.

17 I'm satisfied Mr. Chestnut will be back with us. I see
18 no reason to hold him.

19 MR. PERRY: Thank you, Your Honor.

20 MR. HOLFORD: Thank you, Your Honor.

21 (A recess was taken from 2:55 p.m. to 3:21 p.m. while the
22 jury deliberated.)

23 THE COURT: All right. Mr. Holford, it's my
24 understanding that the jury has a verdict; is that right?

25 MR. HOLFORD: Yes, sir.

1 THE COURT: And so, folks, I just want to say to
2 everybody in the courtroom that anything -- any matter like
3 this -- serious matter involves emotions and afflict, but it's
4 important that the courtroom remain a place under control, and
5 it's my duty to make sure that there's a decorum and control
6 in the courtroom at all times.

7 So if anyone believes there -- that they just couldn't
8 control their emotions or whatever reaction there might be,
9 whatever the verdict might be -- which we don't know yet -- I
10 would ask that you excuse yourself now. Use your own good
11 judgment and evaluate yourself.

12 If you think you might have a problem, please excuse
13 yourself now because, if there is some outburst, then that
14 would subject you to contempt of court, which could be
15 imprisonment. So please make that decision for yourself
16 before we, the jury, comes in and we get this verdict.

17 All right. We're ready to bring the jury in.

18 (The jury entered the courtroom at 3:23 p.m.)

19 VERDICT

20 THE COURT: Madam Forelady, have you reached a verdict?

21 MADAM FORELADY: Yes, we have.

22 THE COURT: Is it a unanimous verdict?

23 MADAM FORELADY: Yes, it is.

24 THE COURT: Would the clerk please take the verdict.

25 (Pause in the proceedings while the Court reviews the

1 verdict form.)

2 THE COURT: Please publish the verdict.

3 THE CLERK: The State of South Carolina, County of Horry,
4 versus Raymond Edward Chestnut, Indictment
5 No. 2025-GS-26-00631, as to the offense of trafficking
6 fentanyl, occurring on or about August 22nd, 2023, we, the
7 jury, by unanimous consent, find the defendant guilty. Signed
8 by Foreperson Julie Nealy, dated July 15th, 2025.

9 Ladies and gentlemen of the jury, if this is your
10 verdict, please so signify by raising your right hand.

11 (All jurors raise their right hand.)

12 THE CLERK: Thank you.

13 MR. PERRY: Your Honor, we'd move to poll the jury.

14 THE COURT: Move to poll the jury?

15 POLLING OF THE JURY

16 THE CLERK: Please stand when I call your number. And
17 I'm going to ask you two questions. After you answer the
18 questions, you may be seated.

19 Juror No. 270. Is this your verdict?

20 JUROR NO. 270: Yes.

21 THE CLERK: Is it still your verdict?

22 JUROR NO. 270: Yes.

23 THE CLERK: Thank you.

24 Juror No. 32, is this your verdict?

25 JUROR No. 32: Yes.

1 THE CLERK: Is it still your verdict?
2 JUROR NO. 32: Yes.
3 THE CLERK: Juror No. 21, is this your verdict?
4 JUROR NO. 21: Yes.
5 THE CLERK: Is it still your verdict?
6 JUROR NO. 21: Yes.
7 THE CLERK: Thank you.
8 Juror No. 128, is this your verdict?
9 JUROR NO. 128: Yes.
10 THE CLERK: Is it still your verdict?
11 JUROR NO. 128: Yes.
12 THE CLERK: Thank you.
13 Juror No. 102, is this your verdict?
14 JUROR NO. 120: Yes.
15 THE CLERK: Is it still your verdict?
16 JUROR NO. 120: Yes.
17 THE CLERK: Thank you.
18 Juror No. 119 -- or 1 -- 119. Sorry.
19 Is this your verdict?
20 JUROR NO. 119: Yes.
21 THE CLERK: Is it still your verdict?
22 JUROR NO. 119: Yes.
23 THE CLERK: Thank you.
24 Juror 161, is this your verdict?
25 JUROR NO. 161: Yes.

1 THE CLERK: Is it still your verdict?
2 JUROR NO. 161: Yes.
3 THE CLERK: Juror No. 164, is this your verdict?
4 JUROR NO. 164: Yes, ma'am.
5 THE CLERK: Is it still your verdict?
6 JUROR NO. 164: Yes, ma'am.
7 THE CLERK: Thank you.
8 Juror No. 56, is this your verdict?
9 JUROR NO. 56: Yes.
10 THE CLERK: Is it still your verdict?
11 JUROR NO. 56: Yes.
12 THE CLERK: Thank you.
13 Juror No. 11, is this your verdict?
14 JUROR NO. 11: Yes.
15 THE CLERK: Is it still your verdict?
16 JUROR NO. 11: Yes.
17 THE CLERK: Thank you.
18 Juror No. 12, is this your verdict?
19 JUROR NO. 12: Yes.
20 THE CLERK: Is it still your verdict?
21 JUROR NO. 12: Yes.
22 THE CLERK: Thank you.
23 And Juror 409, is this your verdict?
24 JUROR NO. 409: Yes.
25 THE CLERK: Is it still your verdict?

1 JUROR NO. 409: Yes.

2 THE CLERK: Thank you.

3 THE COURT: Ladies and gentlemen of the jury, again, I
4 thank you for your service. Your role is critical in this
5 process. It's difficult to have your schedule and your life
6 interrupted to come and serve on a jury. We understand that.
7 But it is highly appreciated because it is a critical part of
8 our system. It is the way that we do things in America. It's
9 one of the things that makes America great, and I do thank you
10 again.

11 You may be excused now. You're through for the week, and
12 you may leave the courtroom if you wish to. If you prefer to
13 stay around and watch further proceedings, then you certainly
14 can do that, but if you'd like to be excused, I'll give you
15 the opportunity now to take a moment and be excused if that's
16 what you prefer to do.

17 (Jurors exited the courtroom at 3:28 p.m.)

18 SENTENCING

19 THE COURT: All right. I'd ask the defendant to please
20 stand.

21 I'll hear from the State as to sentencing, please.

22 MR. HOLFORD: Your Honor, the defendant having been found
23 guilty of trafficking fentanyl, 4 to 14 grams, he was indicted
24 as a second offense. This is a second offense. That is a
25 violent, serious, and non-parolable offense. It carries a

1 mandatory 25 years and \$100,000.

2 His criminal record shows that, in 2006, he entered a
3 guilty plea and was then sentenced in federal court in 2007.
4 That was for a PWID cocaine -- or crack cocaine as well as a
5 gun charge. He was sentenced to 240 months on the drug charge
6 and an additional 60 months on the gun charge.

7 I know that that was in 2007, but the pendency of that --
8 of the time that he served in prison and then was out on
9 supervised release reaches into the past ten years, making
10 this a second offense.

11 Your Honor, I won't go too far into it because there's
12 really nothing else that can be done in this case. The
13 legislature is set in their penalty. It is 25 years and
14 \$100,000.

15 I would like to reiterate, as I did at the beginning just
16 for purposes of the record, that Mr. Chestnut had every
17 opportunity prior to today to accept the responsibility and
18 plead to lesser offenses, for which he was not facing
19 necessarily 25 years. He was given that opportunity. He
20 rejected that opportunity.

21 He has -- since it won't weigh into the sentencing, he
22 has four other pending files with our office. All are either
23 PWID, trafficking, controlled substances, and he has other
24 distributions.

25 The State went forward and tried him on this one

1 distribution but he was distributing narcotics on a number of
2 offenses and has a number of trafficking drugs still pending
3 in our office at this time.

4 I will present the sentencing sheet.

5 THE COURT: And I think that you said, Mr. Holford, that
6 it's 25 years plus -- it's "and \$100,000 fine"?

7 MR. HOLFORD: That is what the statute says, Your Honor.

8 THE COURT: That's what the statute says.

9 MR. HOLFORD: Now, in all candor with the Court, there
10 are a number of times where the statute says "and" and the
11 fine does not get imposed.

12 THE COURT: Yes, sir. Thank you.

13 MR. HOLFORD: That's just what it says, but...

14 THE COURT: Yes, sir.

15 Mr. Perry?

16 MR. PERRY: Your Honor, if it please the Court, we would
17 renew all motions previously made.

18 With respect to the sentencing, Your Honor, we would
19 disagree with the State's reading of the statute. We object
20 to him being sentenced as a second. Our reading of the
21 statute would be that he would have needed to have been --
22 this conviction would have had to have been within ten years
23 of the past conviction. That was not the case for this to be
24 a second or subsequent.

25 I understand the State's reading of the statute is that

1 that time begins to run once the sentence is complete. I take
2 a different position on that. We would object to him being
3 sentenced as a second. We believe this should be a first
4 offense, which would provide a sentencing range of 7 to 25
5 years, in which the Court can sentence him. So we'd ask the
6 Court to consider sentencing him under a first offense rather
7 than a second offense.

8 THE COURT: So your position is the 25 years applies only
9 if it's a second offense, and 7 to 25 if it's first offense.

10 MR. PERRY: That's correct, Your Honor. I think the
11 statute is clear about that. The penalty for trafficking 4 to
12 14, fentanyl, second offense, is 25 years.

13 The same, you know, amount, 4 to 14, first offense, would
14 be 7 to 25.

15 Your Honor, our reading of the statute would be that this
16 should be a first offense, not a second offense. I think the
17 Court can sentence him anywhere between 7 and 25 years.

18 Your Honor, I certainly think that for someone who --
19 first of all, if the Court agrees to sentence him as a first
20 rather than a second -- and I believe it should --
21 Mr. Chestnut is not alleged to have harmed anybody, taken
22 anything from anyone.

23 The drug problem that we have in this country is
24 discouraging. We spend ridiculous amounts of money trying to
25 stop the flow of drugs and hardly any money at all trying to

1 address the addiction problems that, quite frankly, Your
2 Honor, you can try to cut drugs off at the source all you
3 want. As long as people are providing a demand, somebody is
4 going to supply that demand.

5 So, philosophically, that seems that we should maybe be
6 focused more on addiction rather than that the folks that are
7 -- that are alleged to be supplying the drugs for those that
8 are addicted.

9 If nobody wanted to buy drugs, nobody would be selling
10 drugs. If Your Honor agrees with our position that this is a
11 first offense, I think a sentence more in the range of, you
12 know, 10 years, 15 years would certainly be more reasonable
13 than a 25-year sentence.

14 Again, I think a close look at that statute -- I
15 understand the State's position, but the language of it is a
16 little bit confusing. At this point, we would request that he
17 be sentenced as a first rather than a second.

18 THE COURT: Mr. Holford, do you wish to respond?

19 MR. HOLFORD: Yes, sir, one moment. I'm pulling the
20 statute up because it is not --

21 THE COURT: Take your time. Take your time.

22 MR. HOLFORD: Because I just want to be clear.

23 It is 44-53-470. I'm pulling up the exact language.

24 THE COURT: Give me that number again. I'm sorry.

25 MR. HOLFORD: It's 44-53-470. And it states, "Second or

1 subsequent offenses define certain convictions considered
2 prior offense. An offense is considered a second or
3 subsequent offense if, for an offense" -- I'm going to read
4 3 and 4 because they relate to non-marijuana -- "for an
5 offense involving a controlled substance other than marijuana,
6 pursuant to this article, the offender has been convicted
7 within the previous ten years of the first violation of the
8 controlled substance offense provision other than marijuana
9 offense of the article or any other state or federal statute
10 relating to narcotic drugs, depressants, stimulants, or
11 hallucinogenic drugs."

12 And then it says in Section C -- that's 44-53-470(C) --
13 "If a person is sentenced to confinement as a result of a
14 conviction pursuant to this article, the time period specified
15 in this section begins on the date of the conviction or the
16 date the person is released from confinement imposed toward
17 the conviction, whichever is later.

18 For purposes of this section, confinement includes
19 incarceration and supervised release, including, but not
20 limited to, probation, parole, house arrest, community
21 supervision, work release, and supervised further."

22 The statute is not ambiguous at all. It says that it is
23 the later of either release from incarceration, and it
24 includes supervised release and probation.

25 Mr. Chestnut was on probation. In fact, he had a

1 violation for the PWID crack as late as 2021.

2 And I can -- I'd be happy to provide to the Court, if the
3 Court would like to review, the United States District Court
4 indictment for probation violations. These are filed in the
5 District Court. I can make them a part of the Court's record.

6 THE COURT: Yes, sir. Mr. Perry, any position on that?

7 MR. PERRY: Without objection on that. I've seen those.

8 THE COURT: I would like to see them.

9 And what I'm going to do is I'm just going to ask you to
10 stand down for a few minutes. I want to take a little bit
11 further look at this. Just give me a few minutes. I want to
12 look at this and look at the statute one more time as well.

13 (Court's Exhibit No. 1, United States District Court
14 Document, was marked for identification and received into the
15 record.)

16 (A recess was taken from 3:37 p.m. to 3:43 p.m.)

17 THE COURT: All right. Thank you for allowing me that
18 time to go back and again closely review the statute. I
19 always try to closely review a statute for something this
20 serious. I want to make sure I read again closely every word
21 and that I understood it.

22 And, Mr. Perry, you make a good argument again, but I
23 don't see any way to read it other than the way Mr. Holford
24 has proposed to me. It is very clear that this must be
25 considered a second offense. It doesn't matter how I think

1 about it. It is the law. It doesn't matter what I think
2 about the minimum. It is the law.

3 And our legislature decided some time ago that fentanyl
4 is a deadly, dangerous -- extremely dangerous drug, and in
5 their wisdom, decided, in this situation, this offense, 25
6 years would be the minimum.

7 And no matter my personal feelings about that, no matter
8 what -- who Mr. Chestnut might be -- if he was the President
9 of the United States, it wouldn't matter; he would be subject
10 to 25 years minimum. I have no else -- other place else to go
11 with that.

12 And, therefore, it is my sentence -- Mr. Chestnut, please
13 stand.

14 It is my sentence that Mr. Chestnut be committed to the
15 South Carolina Department of Corrections for the mandatory
16 minimum period of 25 years.

17 Again, I'll say it probably the fifth time: That is the
18 law. That is the minimum. I have no discretion to go below
19 that, sir.

20 MR. PERRY: Your Honor?

21 THE COURT: Yes.

22 MR. PERRY: My client has asked -- and I told him that I
23 would ask -- if he could have just a moment to speak to family
24 before they take him away. Here in the courtroom, obviously.

25 THE COURT: Mr. Holford, do you have any objection to him

1 speaking to his family for a moment?

2 MR. HOLFORD: Your Honor, I don't object. I leave that
3 up to the deputies and their security. I have no position on
4 that.

5 THE COURT: Well, I think we have a number of deputies in
6 here.

7 You gentlemen okay with that?

8 I'm going to allow him to have a moment to speak with his
9 family.

10 I do need to cover one more thing. Mr. Perry, you renew
11 your motions?

12 MR. PERRY: I have, Your Honor.

13 THE COURT: And, again, I must respectfully deny your
14 motions. You've already made well-stated arguments on the
15 motion, and you made them very clearly, and I must
16 respectfully deny those motions again for the record.

17 MR. PERRY: And, Your Honor, we'll file the necessary
18 paperwork tomorrow here with the Clerk with respect to the
19 Notice of Intent to Appeal.

20 THE COURT: Yes, sir. Excuse me. How much time did
21 Mr. Chestnut serve when he was initially arrested? Do we have
22 that?

23 MR. HOLFORD: Your Honor, on this offense, he served from
24 February 7th, 2024, until, it appears, March 19th, 2024.

25 THE COURT: So he served -- to March what? 19th? That's

1 40 days? That's 40 days, if my math is correct.

2 MR. HOLFORD: I show that bond was granted March 19th of
3 2024.

4 THE COURT: Okay. I believe that would be --

5 MR. PERRY: Your Honor, he was also on an ankle monitor,
6 I believe, when he was released, for approximately five
7 months.

8 MR. HOLFORD: That is correct, Your Honor. When he was
9 released on that bond, he was required to have a GPS monitor,
10 and it appears that was removed upon defense's motion on
11 July 11th, 2024.

12 MR. PERRY: And, Your Honor, we would request -- I think
13 the statute allows you to give credit for that, if you want
14 to, but it says "may." He was not on home confinement where
15 the statute, I believe, says "must." We'd ask for five
16 months' credit.

17 THE COURT: I'm going to give him credit for that time as
18 well. Until July 11th; is that right?

19 MR. HOLFORD: I show that the Motion to Remove was
20 granted by Judge Hyman on July 11th. It may have taken
21 another day or two for him to be removed.

22 MR. PERRY: And my client reminds me well because there
23 were issues with getting it off. It was actually about ten
24 days after the judge ordered that it be taken off. We had an
25 issue with the monitoring company not wanting to take it off.

1 There were some fees or something I think that were owed.
2 Mr. Chestnut eventually got those paid. They didn't take them
3 off until he took care of that.

4 THE COURT: Let's determine how many days it is that he's
5 entitled for.

6 Mr. Holford, would you do that math while I'm doing the
7 math to see if we get the same number, please, sir.

8 MR. HOLFORD: Are we including that -- I don't know what
9 date he actually got it off.

10 MR. PERRY: It would have been ten -- what was the date
11 of the motion?

12 THE COURT: July 11th.

13 MR. PERRY: So through July 21st.

14 THE COURT: Okay.

15 MR. HOLFORD: Your Honor, I have -- from February 7th,
16 2024, to July 21st, 2024, including the end date, the
17 calculation is 166 days.

18 THE COURT: Very good. That's what I get too.

19 MR. PERRY: Thank you, Your Honor.

20 THE COURT: 166 days' credit for him.

21 Anything further, Mr. Holford?

22 MR. HOLFORD: Nothing further.

23 THE COURT: Anything further, Mr. Perry?

24 MR. PERRY: Nothing further.

25 THE COURT: Very well. Thank you-all.

1 And we'll allow Mr. Chestnut to talk with his family
2 right now.

3 MR. PERRY: Thank you, Judge.

4 THE COURT: We'll stand at ease now, Folks.

5 (The trial concluded at 3:40 p.m.)
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Certificate of Court Reporter

CASE NAME: State v. Ray Chestnut

DATE OF HEARING: July 14-15, 2025

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the above-captioned proceedings to the best of my ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher_____

Bobbi Fisher, RPR, Official Court Reporter III

Date Prepared: 10/20/25

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY) OF THE FIFTEENTH JUDICIAL CIRCUIT
)

STATE OF SOUTH CAROLINA)
)

CERTIFICATE OF REPRESENTATION

-VS-

(APPOINTING AS COUNSEL)

RAYMOND CHESTNUT

KIA WILSON

DEFENDANT)
)

FILE NO: 26A24-00000656

TO: Clerk of Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

FILED
HORRY COUNTY
2024 FEB 22 A 9 50
FOREST ELVIS
CLERK OF COURT

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 20th day of February, 2024, regarding the charge(s) of:

2023A2610700932 Drugs / Trafficking in meth. or cocaine base - 28 g or more, but less than 100 g - 1st offense

2023A2610700934 Drugs / Trafficking in Heroin, morph., etc., 4 g or more, but less than 14 g - 1st offense

2024A2610200317 Drugs / Trafficking in Fentanyl, 4 grams or more, but less than 14 grams - 1st offense

2024A2610200316 Drugs / Distribution, etc. of methamphetamine, 1st (Excludes manufacturing meth; see CDR Code 3776)

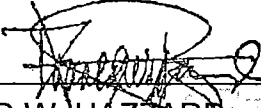
2024A2610200315 Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

2024A2610200314 Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

2024A2610200313 Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistol

The Defendant's Counsel is **Kia Wilson**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.

CONWAY, SC
DATED: February 21, 2024


RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

FILED
15TH CIRCUIT
2024 FEB 22 A 9 53
JEREMY N. ELVIS
CLERK OF COURT
CONWAY, SC

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

) COURT OF GENERAL SESSIONS

) ELEVENTH JUDICIAL CIRCUIT

)

STATE OF SOUTH CAROLINA

) Warrant NOS.

) 2023A2310700932, 934

- VS -

) 2024A2410200313, 317

)

RAYMOND EDWARD CHESTNUT

)

MOTION TO RELIEVE

KIA WILSON AS APPOINTED COUNSEL

The Defendant, Raymond Edward Chestnut, prase moves this Honorable Court and requests to relieve Kia Wilson as counsel for Defendant. The Defendant does not wish to have Kia Wilson as his attorney due to a possible conflict of interest and having appointed counsel (Brent Perry) in another case currently pending before the court.

Respectfully submitted,

/s/ Ray Chestnut

Raymond Edward Chestnut

J. Reuben Long Detention Center

413 J. Reuben Long House

Conway, SC 29526

Dated: February 24, 2024

p.1

FILED
HORRY COUNTY
2024 FEB 29 A 1:50
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) COURT OF GENERAL SESSIONS
) FIFTEENTH JUDICIAL CIRCUIT
)

STATE OF SOUTH CAROLINA

) Warrant Nos.

) 2023A2610700932, 934

- VS -

) 2024A2610200313-317
)

RAYMOND EDWARD CHESTNUT
DEFENDANT

) CERTIFICATE OF SERVICE
) BY U.S. MAIL

The Defendant, named above, certify that on February 24, 2024 he has served a copy of the attached motion to Relieve Kia Wilson as Appointed counsel on the persons addressed below by via U.S. mail with postage pre-paid.

Addressee(s):

Kia Wilson, Asst. Public Defender
Horry County Public Defender's Office
P.O. Box 1666
Conway, SC 29526

FILED
HORRY COUNTY
2024 FEB 29 A 7:50
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Ryan Waller, Asst. Solicitor
Horry County Solicitor's Office
P.O. Box 1276

Conway, SC 29526

151 Ray Chestnut
Raymond Edward Chestnut

FILED
HORRY COUNTY
2021 FEB 29 A 7:50
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
 OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

VS.)

ORDER
 APPOINTING CONFLICT
 ATTORNEY
 PURSUANT TO
 RULE 608 SCAR

RAYMOND CHESTNUT)
DEFENDANT)

FILE NO: 26A24-00000656

This matter comes before me regarding appointment of counsel for the defendant, pursuant to Rule 608 SCACR. The defendant was arrested on for the offense(s) of:

2023A2610700932 Drugs / Trafficking in meth. or cocaine base - 28 g or more, but less than 100 g - 1st offense

2023A2610700934 Drugs / Trafficking in Heroin, morph., etc. 4 g or more, but less than 14 g - 1st offense

2024A2610200317 Drugs / Trafficking in Fentanyl, 4 grams or more, but less than 14 grams - 1st offense

2024A2610200316 Drugs / Distribution, etc. of methamphetamine, 1st (Excludes manufacturing meth; see CDR Code 3776)

2024A2610200315 Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

2024A2610200314 Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

2024A2610200313 Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistol

1
mtc

It appears that the defendant is already represented by BRETT PERRY for previous charges. After hearing from the Office of the Public Defender, the Court finds that the defendant is eligible for court-appointed counsel, based upon the attached Certificate of Representation. Inasmuch as a conflict exists with the Office of Public Defender, the Court must appoint a private attorney for the above list defendant.

The defendant is placed on notice that Defense of Indigents Act as contained in S.C. Code 17-3-30 (A), (1993 as amended), requires defendant to pay Forty (40.00) Dollars to the Clerk of Court for the services of the Public Defender.

IT IS ORDERED that, pursuant to Rule 608 SCACR, the following attorney is appointed to represent the defendant on the above-referenced offense(s):

BRETT PERRY
P.O. Box 1
Camden, SC 29021
803-360-7032

AND IT IS SO ORDERED.

DATED: *Feb. 27, 2024*

CONWAY, SC

Benjamin H. Culbertson
BENJAMIN H. CULBERTSON
ADMINISTRATIVE JUDGE
COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online within fifteen (15) days of this appointment at www.sccid.sc.gov and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or the clerk of court. See SCCID website for further details.

Please indicate appointment was pursuant to Rule 608 SCACR 02/26/2024

FILED
HORRY COUNTY
FEB 29 A 8:18
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY) OF THE FIFTEENTH JUDICIAL CIRCUIT
)

STATE OF SOUTH CAROLINA)
) CERTIFICATE OF REPRESENTATION
) (APPOINTING AS COUNSEL)
-VS-)

RAYMOND CHESTNUT

BRETT PERRY

DEFENDANT

FILE NO: 26A24-00000656

TO: Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, February 26, 2024, regarding the charge(s) of:

2023A2610700932 Drugs / Trafficking in meth. or cocaine base - 28 g or more, but less than 100 g - 1st offense

2023A2610700934 Drugs / Trafficking in Heroin, morph., etc., 4 g or more, but less than 14 g - 1st offense

2024A2610200317 Drugs / Trafficking in Fentanyl, 4 grams or more, but less than 14 grams - 1st offense

2024A2610200316 Drugs / Distribution, etc. of methamphetamine, 1st (Excludes manufacturing meth; see CDR Code 3776)

2024A2610200315 Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

2024A2610200314 Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

2024A2610200313 Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistol

3
MNC

FILED
HORRY COUNTY
CLERK OF COURT
RENEE ELVIS
2024 FEB 26 A 8:14
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA

)

COUNTY OF HORRY

)

COURT OF GENERAL SESSIONS

vs

)

)

INDICTMENT NO(S): 2025-GS-26-00628

RAY EDWARD CHESTNUT

)

2025-GS-26-00631

2023A2610700932,
-934

MOTION TO RELIEF COUNSEL

COMES NOW, Ray Edward Chestnut, defendant, Pro-se, in the above captioned matter, hereby moves this Honorable Court and respectfully requests to relief Brent Perry as attorney for the Defendant. The Defendant advises that he is not satisfied with the representation provided by his attorney as he has failed to provide defendant with all the evidence against him and has failed to provide a defense to defendant regarding the charges. Defendant asks this Court to relief his appointed attorney and appoint Ryan Payne as his new attorney.

IT IS SO PRAYED

Respectfully Submitted,

/s/ Ray Chestnut

RAY EDWARD CHESTNUT

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2025 MAY -7 P 1:43

FILED
HORRY COUNTY

DATED: MAY 7, 2025

STATE OF SOUTH CAROLINA	)	COUNTY OF HORRY
	)	COURT OF GENERAL SESSIONS
Vs	)	
	)	INDICTMENT NO(S): 2025-GS-00628
RAY EDWARD CHESTNUT	)	2025-GS-00631

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion to Relief Counsel was served on all persons named below on this 7th day of May, 2025 by via U.S. mail with pre-paid postage.

/s/ Ray Chestnut
RAY EDWARD CHESTNUT

Addressee(s):

Joshua Holford, Senior Asst. Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Brent Perry, attorney

P.O. Box 1

Camden, SC 29201

FILED
HORRY COUNTY
2025 MAY -7 P 1:43
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
COUNTY OF HORRY	)	FIFTEENTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA	)	INDICTMENT NO(S): 2025-GS-26-00628
Vs	)	2025-GS-26-00631
RAY EDWARD CHESTNUT	)	

MOTION TO RELIEVE COUNSEL

COMES NOW, the Defendant, Ray Edward Chestnut, pro-se, hereby moves this Honorable Court and respectfully requests to relief Brent Perry as counsel for Defendant. The Defendant advises that upon leaving the courthouse on June 2, 2025 Mr. Perry was very disrespectful to him and his girlfriend (Kanetta McCoy). He specifically advised that he would slap the s**t out of defendant and his girlfriend if we didn't shut up (see witness statement attached hereto). The statement made by Mr. Perry is so disrespectful and defendant believes its in his best interest to have attorney relieved as counsel for defendant and new counsel be appointed for him.

IT IS SO PRAYED

/s/ Ray Chestnut

RAY EDWARD CHESTNUT

FILED
HORRY COUNTY
2025 JUN -2 P 4:58
JEREE A. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
COUNTY OF HORRY	)	FIFTEENTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA	)	INDICTMENT NO(S): 2025-GS-26-00628
Vs	)	2025-GS-26-00631
RAY EDWARD CHESTNUT	)	

CERTIFICATE OF SERVICE BY U.S. MAIL

This is to certify that a true and correct copy of the foregoing Motion to Relieve Counsel has been served on all parties stated below by via U.S. mail with pre-paid postage on this 2nd day of June, 2025.

/s/ Ray Chestnut

RAY EDWARD CHESTNUT

Addressee(s):

Joshua Holford, Senior Asst. Solicitor
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

Brent Perry

P.O. Box 1

Camden, SC 29201

FILED
Horry County
2025 JUN -2 P 4:58
RECEIVED
CLERK OF COURT
HORRY COUNTY, SC

STATEMENT OF KANETTA MCCOY

On the 2nd day of June, 2025 upon exiting the Horry County Courthouse in Conway, South Carolina

Attorney Brent Perry threatened me and my boyfriend Ray Chestnut that he would slap the s**t out of me and him if we didn't shut up.

The above statement is true and correct under penalty of perjury.

/s/ Kanetta McCoy
KANETTA MCCOY

Dated: June 2, 2025

FILED
HORRY COUNTY
2025 JUN -2 P 4:58
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

STATE OF SOUTH CAROLINA)

-vs-)

RAYMOND EDWARD CHESTNUT)
_____)

COURT OF GENERAL SESSIONS

Warrant #s: 2023A2610700932

2023A2610700934

2023A2620601228

2023A2620601233

2023A2620601234

2023A2620601235

2023A2620601236

2024A2610200313

2024A2610200314

2024A2610200315

2024A2610200316

2024A2610200317

2024A2610200901

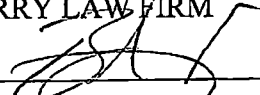
MOTION TO BE RELIEVED AS COUNSEL

The undersigned Counsel has been appointed to represent the Defendant, Ray Edward Chestnut, in the above listed charges, pursuant to a contract with the South Carolina Commission on Indigent Defense and the Horry County Public Defender's Office. This Defendant is currently on the active Trial Roster, on among other charges, Indictment Number 2025A2600631 Trafficking in Fentanyl. Previous Motions for Counsel to be relieved, were heard and denied by the Court on May 2, 2025. Since that time, the Defendant has filed on his own behalf, another Motion to have Counsel relieved as well as a Motion for a change of venue. In those Motions, the Defendant has made allegations against Counsel and the Court, that necessitate the filing of this Motion, and upon information and belief, the removal of the undersigned as Counsel for the Defendant.

FILED
Horry County
2025 JUN 11 PM 12:11
CLERK OF COURT
Horry County, SC

WHEREFORE, the undersigned, respectfully requests that the Court schedule a hearing on the Defendant's Pro se Motions as well as this Motion, that the Court inquire into this matter and issue its Order relieving Brett A. Perry as Counsel for the Defendant.

RESPECTFULLY SUBMITTED,
PERRY LAW FIRM



Brett A. Perry
Attorney for the Defendant
Post Office Box 1
Camden, South Carolina 29021
Brett@PerryLawFirm.us
(803) 360-7032

May 10, 2025
Camden, South Carolina

FILED
Horry County
2025 JUN 11 P 12:14
CLERK OF COURT
Horry County, SC

DOCKET NO. 2025-GS-26-00631

WITNESSES

Detective Michael J Manneit, Jr., Horry
County Police Department
HCPD2023101786

Greg Dewitt

ARREST WARRANT NUMBER

2023A2610700934

DOA: 02/08/2024

ACTION OF GRAND JURY

TRUE BILL

Greg Dewitt
Foreperson of Grand Jury
Date: FEB 12 2025

VERDICT

Foreperson of Petit Jury
Date:

214

The State of South Carolina
County of Horry

Joshua D. Holford
0356703

COURT OF GENERAL SESSIONS

February 2025 TERM

THE STATE

V.

RAY EDWARD CHESTNUT

B/M
DOB
SSN



Indictment for

TRAFFICKING IN FENTANYL

CDR: 4084

Statute: 44-53-370(e)(9)

FILED
HORRY COUNTY

2025 FEB 13 P 12:05

RENEE H. ELYS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on February 12, 2025, the Grand Jurors of Horry County present upon their oath:

Trafficking in Fentanyl

CDR: 4084 44-53-370(e)(9)

The defendant, Ray Edward Chestnut, did on or about August 22, 2023, in Horry County, South Carolina, sell, distribute, dispense, or deliver, or was knowingly in actual or constructive possession of more than four (4) grams but less than fourteen (14) grams or more of fentanyl, or fentanyl related substance, or four (4) grams but less than fourteen (14) grams or more of any mixture containing any of these. This was in violation of 44-53-370(e)(9) of the South Carolina Code of Laws (1976) as amended.

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



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



W. Chandler Norville
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Dec 31 2025

SC Court of Appeals

This 31st day of December, 2025.

RECEIVED

Dec 31 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Eugene P Warr, Jr, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RAY EDWARD CHESTNUT,

APPELLANT

APPELLATE CASE NO. 2025-001447

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Ray Chestnut, #304094, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 31st day December, 2025.



W. Chandler Norville
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT