

ORIGINAL

VOLUME 2 OF 3

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Robin B Stilwell, Circuit Court Judge

RECEIVED

MAR 19 2012

S C Supreme Court

CEDRIC EMMANUEL PERKINS,

PETITIONER,

V

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

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BRENDA DILL -- DIRECT BY MR ARMSTRONG

1 THE COURT ALL RIGHT THANK YOU, MA'AM YOU MAY STEP
2 DOWN

3 (WITNESS STEPS DOWN AT 4 34 P M)

4 THE COURT CALL YOUR NEXT WITNESS

5 MR. ARMSTRONG JUDGE, I WOULD LIKE AN INDULGENCE FOR
6 HALF A SECOND

7 THE COURT ALL RIGHT

8 (OFF RECORD DISCUSSION)

9 MR BANNISTER WILL YOU MARK THIS AS A HURKS EXHIBIT?
10 I THINK I'M ON 7

11 (CORPORATE CHOICE TEST RESULTS MARKED AS DEFENDANT HURKS
12 EXHIBIT NUMBER 7 FOR PURPOSES OF IDENTIFICATION ONLY)

13 THE COURT YES, SIR, MR ARMSTRONG

14 MR ARMSTRONG I HAVE NOTHING FURTHER, YOUR HONOR

15 THE COURT MR GIBSON, ARE YOU OR MR BANNISTER GOING
16 NEXT?

17 MR GIBSON I'LL GO NEXT, YOUR HONOR

18 THE COURT ALL RIGHT

19 MR GIBSON I'D CALL MR PERKINS TO THE STAND

20 THE COURT LET ME MAKE SURE FOR THE RECORD, MR
21 ARMSTRONG, AT THIS POINT YOU ARE RESTING YOUR CASE?

22 MR. ARMSTRONG THAT IS CORRECT

23 THE COURT OKAY THANK YOU

24 MR GIBSON ACTUALLY, YOUR HONOR, BEFORE I CALL MR
25 PERKINS, I'LL CALL MR WATERS VERY QUICKLY HE'S UNDER

BRENDA DILL -- DIRECT BY MR ARMSTRONG

1 SUBPOENA FOR -- I'VE JUST GOT ONE LITTLE THING AND THEN I
2 THINK---

3 THE COURT YOU HAVE THE RIGHT TO CALL YOUR WITNESSES
4 YES, SIR

5 MR GIBSON OKAY

6 THE COURT I REMIND YOU THAT YOU ARE STILL UNDER OATH
7 FROM THIS MORNING

8 MR GIBSON WOULD YOU MARK THIS AS MY NEXT EXHIBIT,
9 PLEASE?

10 (10/7/03 TEST MARKED AS DEFENDANT PERKINS EXHIBIT NUMBER
11 6 FOR PURPOSES OF IDENTIFICATION ONLY)

12 TONY WATERS, HAVING BEEN
13 PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS

14 DIRECT EXAMINATION BY MR GIBSON

15 Q MR WATERS, I'M HANDING YOU A DOCUMENT THAT'S BEEN
16 MARKED AS PERKINS DEFENDANT'S EXHIBIT 6 DO YOU RECOGNIZE
17 THAT DOCUMENT?

18 A YES, I DO

19 Q CAN YOU JUST TELL VERY QUICKLY WHAT IT IS?

20 A IT'S A DOCUMENT FROM -- FOR A DRUG COURT REQUEST OF A
21 FIVE-PANEL URINE DRUG TEST

22 Q AND IS IT IN FACT FROM MR PERKINS?

23 A YES, IT IS

24 Q AND WAS THAT TEST IN FACT CONDUCTED ON OCTOBER 7TH,
25 2003?

TONY WATERS -- DIRECT BY MR GIBSON

1 A YES, SIR, ACCORDING TO THE DATE, IT WAS

2 Q AND ACCORDING TO THIS DOCUMENT, WHAT IS THE RESULT OF
3 THAT TEST?

4 A IT WAS NEGATIVE

5 MR. GIBSON THANK YOU, MR WATERS

6 MS STROM NO OBJECTION, YOUR HONOR

7 (DEFENDANT PERKINS EXHIBIT NUMBER 6 MOVED INTO EVIDENCE)

8

9 THE COURT ANY QUESTIONS?

10 MS STROM NO, NO QUESTIONS BUT I THINK MR

11 BANNISTER HAS SOME SIMILAR DOCUMENTS TO GET IN

12 THE COURT ALL RIGHT

13 MS STROM AND I HAVE NO OBJECTION

14 CROSS EXAMINATION BY MR BANNISTER.

15 Q MR WATERS, LET ME LET YOU TAKE A LOOK AT A DOCUMENT

16 THAT'S BEEN IDENTIFIED AS HURKS EXHIBIT 7

17 A YES, SIR, IT'S THE SAME THING IT'S A REQUEST FOR A

18 DRUG -- TWO-PANEL URINALYSIS DRUG TEST

19 Q ALL RIGHT IS IT A SERIES OF TESTS OVER DIFFERENT

20 DATES?

21 A AUGUST THE 27TH, '03, AUGUST THE 29TH, '03, SEPTEMBER

22 THE 8TH, '03, SEPTEMBER 10TH, '03, SEPTEMBER 20TH, '03

23 Q ALL RIGHT ARE ALL THOSE NEGATIVE?

24 A ACCORDING TO THE RESULTS, YES, SIR

25 MR BANNISTER I'D MOVE THIS INTO EVIDENCE, AGAIN, AS

TONY WATERS -- CROSS BY MR BANNISTER

1 TO MY PROFFER

2 MS. STROM NO OBJECTION

3 THE COURT ALL RIGHT

4 (DEFENDANT HURKS EXHIBIT NUMBER 7 MOVED INTO EVIDENCE)

5 MR BANNISTER NO FURTHER QUESTIONS

6 THE COURT ANY QUESTIONS MS STROM?

7 MS. STROM IF I MAY LOOK AT A COUPLE OF THINGS, YOUR

8 HONOR IF I DO, THEY'LL BE VERY BRIEF

9 CROSS EXAMINATION BY MS STROM:

10 Q WITH REGARDS TO PERKINS EXHIBIT NUMBER 6, THE DATE ON

11 THAT TEST IS 10/7/03, CORRECT?

12 A YES, MA'AM

13 Q THE DATES FOR THE HURKS URINE TEST ARE 8/27/03, 8/29/03,

14 9/8/03, 9/10/03 AND 9/20/03?

15 A YES, MA'AM

16 MS STROM I BELIEVE THERE WAS ONE MORE ON MS. HURKS,

17 WAS THERE NOT, MR BANNISTER?

18 MR BANNISTER JUST THE ONE WHERE SHE GOES -- YES, THE

19 LAST ONE

20 MS STROM DO YOU MIND IF I INTRODUCE THAT AS PART OF

21 THE -- AS PART OF YOUR ORIGINAL EXHIBIT?

22 MR BANNISTER NO, THAT'LL BE FINE

23 Q AND THERE IS ONE MORE ON 9/24/03 WHICH JUST SHOWS A NO

24 SHOW?

25 A EXACTLY

TONY WATERS -- CROSS BY MS STROM

1 MS STROM I HAVE NO FURTHER QUESTIONS

2 THE COURT ALL RIGHT THANK YOU, SIR YOU CAN STEP
3 DOWN

4 (WITNESS STEPS DOWN AT 4 40 P M)

5 MR GIBSON YOUR HONOR, I WOULD NEXT CALL MS CAROLYN
6 PERKINS TO THE STAND, YOUR HONOR

7 MS. STROM YOUR HONOR, WE WOULD ASK THAT MR WATERS BE
8 EXCUSED

9 THE COURT ANY OBJECTION?

10 MR. GIBSON NONE WHATSOEVER, YOUR HONOR

11 MR BANNISTER NONE, YOUR HONOR

12 THE COURT ALL RIGHT THANK YOU, MR WATERS

13 CAROLYN PERKINS, HAVING BEEN

14 DULY SWORN, TESTIFIED AS FOLLOWS

15 DIRECT EXAMINATION BY MR GIBSON.

16 Q MS PERKINS, WHAT IF ANY RELATIONSHIP ARE YOU TO
17 DEFENDANT CEDRIC PERKINS?

18 A HE IS MY SON I'M HIS MOTHER

19 Q ON OR ABOUT OCTOBER 6TH, 2003, WAS MR PERKINS DOING ANY
20 WORK FOR YOU AROUND THE HOUSE?

21 A YES, HE WAS

22 Q CAN YOU TELL US WHAT THAT WORK WAS?

23 A WE HAD SPENT MOST OF THAT DAY PUTTING AWAY MY SUMMER
24 CLOTHES AND GETTING MY WINTER CLOTHES OUT OF THE ATTIC

25 Q YES, MA'AM

1 **A** I HAD HUGE TUBS OF CLOTHES BOTH WINTER AND SUMMER AND
2 I DON'T KNOW THE EXACT NUMBER OF TUBS THAT HE EITHER PUT IN
3 THE ATTIC OR TOOK DOWN FROM THE ATTIC

4 **Q** OKAY WOULD YOU DESCRIBE FOR US IN DETAIL WHAT STEPS
5 MR PERKINS WAS TAKING IN ASSISTING YOU WITH YOUR CLOTHES?

6 **A** THEY WERE QUITE HEAVY AND THIS WAS A TIME WHEN CEDRIC
7 HAD JUST COME HOME FROM ONE OF THE TREATMENT CENTERS, AND HE
8 HAD GAINED A TREMENDOUS AMOUNT OF WEIGHT, AND HIS ARMS AND
9 SHOULDERS WERE NEARLY AS WIDE AS THE AREA THAT HE HAD TO
10 HOIST OR LIFT THESE TUBS INTO OR GET THEM DOWN OUT OF AND
11 IN DOING SO HE WOULD HAVE TO TRY TO SQUEEZE HIMSELF TOGETHER
12 WHILE HOLDING ONTO THESE TUBS

13 **Q** YES, MA'AM

14 **A** AND I'M AT THE BOTTOM OF THE ATTIC STEPS TRYING TO HELP
15 HOLD THESE THINGS AND KEEP THEM FROM, YOU KNOW, FALLING OR
16 HELPING TO PUSH THEM UP IN THE ATTIC

17 **Q** OKAY DID YOU -- WHILE MR PERKINS WAS DOING THIS DID
18 YOU SEE HIM MAKE CONTACT IN ANY WAY WITH THE EDGES OF THE
19 ATTIC OPENING?

20 **A** MANY TIMES I WOULD VENTURE TO SAY ON EACH TUB OF
21 CLOTHES THAT HE PUT IN OR TOOK DOWN THERE WAS CONTACT WITH
22 THE EDGES OF THAT ATTIC ENTRANCE

23 **Q** YES, MA'AM ABOUT WHAT TIME DID MR PERKINS FINISH UP
24 DOING ALL THIS WORK FOR YOU?

25 **A** I WOULD SAY AROUND SEVEN OR EIGHT O'CLOCK IN THE

CAROLYN PERKINS -- DIRECT BY MR GIBSON

1 EVENING, BECAUSE AT THAT TIME HE WAS WORKING A THIRD SHIFT
2 JOB WHERE HE WOULD HAVE TO BE AT WORK AT 11 00 P M SO JUST
3 IN ENOUGH TIME TO GET A COUPLE OF HOURS MORE SLEEP AND THEN
4 BE READY TO GO TO WORK

5 Q OKAY WHAT HAPPENED AROUND -- TAKE ME THROUGH WHAT
6 HAPPENED AROUND 7 00 OR 8 00

7 A OKAY AS I SAID, WE STOPPED FOR THE EVENING AND HE LAY
8 DOWN FOR A COUPLE OF TWO OR THREE HOURS AND IT MUST HAVE
9 BEEN AROUND 10 00 P M OR SO WHEN HE GOT UP---

10 Q YES, MA'AM

11 A ---TO GET READY TO GO TO WORK

12 Q AND THEN WHAT HAPPENED?

13 A OKAY AND HE HAD TAKEN -- I CAN'T REMEMBER IF HE WAS
14 TAKING HIS SHIRT OFF -- HE MUST HAVE BEEN HE WAS TAKING THE
15 SHIRT OFF THAT HE HAD ON, AND IT WAS AT THAT TIME THAT HE
16 REALIZED THAT HIS PATCH WAS TORN AND IT MAY NOT BE AN EXACT
17 QUOTE, BUT I THINK IT WAS, HE SAID, "OH, MAMA," HE SAID, "MY
18 PATCH IS TORN " AND MY EXACT WORDS TO HIM AS SOON AS HE TOLD
19 ME WAS, "CALL BOBBIE GODWIN RIGHT NOW SO THERE WON'T BE ANY
20 PROBLEM SHE'LL BE AWARE OF WHAT'S HAPPENED "

21 Q OKAY WHAT HAPPENED NEXT?

22 A OKAY HE DRESSED AND AROUND 10 30 WE LEFT AND I CARRIED
23 HIM TO WORK HE WORKED AN EIGHT-HOUR SHIFT AND HE DID A
24 LOT OF LIFTING AND MOVING AROUND ON THAT JOB SO HE THOUGHT
25 RATHER THAN TO---

CAROLYN PERKINS -- DIRECT BY MR GIBSON

1 MS STROM OBJECTION, YOUR HONOR, AS TO WHAT MR
2 PERKINS THOUGHT

3 THE COURT SUSTAIN THE OBJECTION

4 MR GIBSON YES, YOUR HONOR

5 A WELL, IT WASN'T A THOUGHT I CAN YOU TELL YOU WHAT HIS
6 ACTIONS WAS IN ORDER TO KEEP THAT PATCH---

7 Q WELL, DID YOU SEE HIM TAKE THOSE ACTIONS?

8 A NO HE HAD A CO-WORKER DO IT

9 Q OKAY THEN I'LL HAVE MR PERKINS TESTIFY TO THAT

10 A OKAY

11 Q DO YOU KNOW WHAT, IF ANYTHING, MR PERKINS DID AFTER HE
12 GOT OFF OF WORK?

13 A YES PER BOBBIE GODWIN'S INSTRUCTION THE NIGHT BEFORE,
14 HE WENT TO MRW FOR THE PATCH TO BE REMOVED

15 Q OKAY WHEN HE WAS DOING THE WORK FOR YOU AROUND THE
16 HOUSE, WHAT KIND OF SHIRT DID HE HAVE ON?

17 A JUST HIS T-SHIRT

18 Q OKAY AND COULD YOU SEE THE EDGES OF THE PATCH THROUGH
19 THE T-SHIRT?

20 A YEAH, JUST BARELY

21 Q OKAY BASED ON YOUR OBSERVATION, DID IT APPEAR TO BE
22 TORN AT THAT TIME?

23 A NO

24 Q NOW, YOU HAVE -- MR PERKINS BEING YOUR SON, HAVE YOU
25 HAD EXPERIENCE WITH HIM WHILE HE WAS DOING DRUGS?

1 A ABSOLUTELY

2 Q WHEN HE'S USING DRUGS WHAT IS HE GENERALLY LIKE?

3 A REALLY DISTANT IN FACT, I WOULD VENTURE TO SAY THAT I
4 WOULD GO MONTHS, IN FACT MOST OF A YEAR OR YEARS, AND MAY NOT
5 SEE HIM HE DOESN'T CALL HE DOESN'T COME HE HAS NO
6 CONTACT WITH MOST OF THE -- HIS IMMEDIATE FAMILY, MYSELF, HIS
7 SISTERS, HIS GRANDPARENTS, NONE OF THAT

8 Q OKAY DURING THE TIME FRAME AROUND THE MIDDLE OF
9 SEPTEMBER THROUGH THE TIME THAT HE WAS ULTIMATELY PLACED IN
10 JAIL DID HE EXHIBIT ANY OF THAT TYPE OF BEHAVIOR?

11 A OH, ABSOLUTELY NOT MOST OF HIS TIME WAS SPENT EITHER
12 WITH MYSELF, ONE OF HIS SISTERS OR MY DAD

13 MR GIBSON THANK YOU, MS PERKINS

14 WITNESS THANK YOU

15 MR GIBSON ANSWER ANY QUESTIONS EITHER MR ARMSTRONG
16 OR MR BANNISTER MAY HAVE

17 MR. ARMSTRONG NO QUESTIONS

18 MR BANNISTER NONE, YOUR HONOR

19 THE COURT MS STROM?

20 MS. STROM VERY BRIEFLY

21 CROSS EXAMINATION BY MS STROM

22 Q MS PERKINS, YOU SAID HE WASN'T ACTING LIKE THAT -- I
23 FORGOT THE DATE THAT YOU SAID, I'M SORRY WHEN HE WASN'T
24 ACTING LIKE HE WAS ON DRUGS, WHAT DATE WAS THAT?

25 MR GIBSON MID-SEPTEMBER

- 1 MS STROM I'M ASKING THE WITNESS THANK YOU
- 2 MR GIBSON I APOLOGIZE
- 3 A I'M SORRY
- 4 Q THAT'S OKAY
- 5 A I WASN'T AWARE OF WHAT DATE EXACTLY
- 6 Q UH-HUH (AFFIRMATIVE)
- 7 A BUT IT WAS IN SEPTEMBER, BECAUSE HE HAD JUST COME HOME
- 8 FROM HOLMESVIEW
- 9 Q HE HAD JUST COME HOME FROM HOLMESVIEW?
- 10 A YES
- 11 Q AND RIGHT BEFORE THAT, SAY IN JUNE OF 2003, HE WASN'T
- 12 ACTING THAT WAY EITHER, WAS HE?
- 13 A NO, HE WAS NOT
- 14 Q OKAY AND BACK IN APRIL OF '03, APRIL OF 2003, HE
- 15 WASN'T ACTING THAT WAY EITHER, WAS HE?
- 16 A NO
- 17 Q AND BACK IN JANUARY AND FEBRUARY OF '03, HE WASN'T
- 18 ACTING THAT WAY EITHER?
- 19 A WELL, HE HAD JUST GONE INTO THIS PROGRAM, I THINK, A
- 20 COUPLE OF MONTHS BEFORE THAT
- 21 Q I HAVE HIM ENTERING THE PROGRAM IN SEPTEMBER OF '02
- 22 DOES THAT SOUND ABOUT RIGHT?
- 23 A YES SO---
- 24 Q AND BACK THEN, IN SEPTEMBER, HE WAS IN BAD SHAPE?
- 25 A YES, HE WAS HE REALLY WAS

1 Q OKAY BUT AS OF, I BELIEVE YOU SAID, MARCH OF '03 AND
2 THEN JUNE OF '03, HE WASN'T ACTING THAT SAME WAY?

3 A NO NOW, I DO KNOW THAT THE EARLY PART OF '03 THERE
4 WERE SOME INSTANCES WITH SOME THINGS THAT WAS GOING ON WITH
5 HIM WHERE---

6 Q SUCH AS WHAT?

7 A HE HAD SOME PERSONAL RELATIONSHIPS THAT WAS HAPPENING
8 WITH HIM AND IN FACT BOBBIE GODWIN AND MYSELF HAD TALKED
9 ABOUT IT AND---

10 Q WERE THESE PEOPLE THAT HE SHOULDN'T BE HANGING AROUND
11 WITH?

12 A WELL, NOT NECESSARILY -- IT WAS A PERSONAL RELATIONSHIP
13 IT WASN'T ANYTHING LIKE CASUAL HANGING AROUND OR LOAFING OR
14 ANYTHING LIKE THAT

15 Q WHAT WAS SO BAD ABOUT THIS RELATIONSHIP?

16 A HE LOVED THE PERSON

17 Q OKAY

18 A HE LOVES THE PERSON

19 Q AND WAS THAT PERSON NOT GOOD FOR HIM?

20 A I DON'T THINK SO

21 Q OKAY WHY NOT?

22 A WELL, NOT MANY PEOPLE CHOOSE OR LIKE WHO THEIR SIBLINGS
23 CHOOSE FOR A COMPANION AND IT WAS---

24 Q NOT BEING A PARENT MYSELF, I---

25 A AND THAT'S THE ONLY REASONING THAT I CAN GIVE YOU AS

1 FAR AS PERSONAL INFORMATION ABOUT THE PERSON, I DON'T HAVE
2 ANY PERSONAL INFORMATION IT'S JUST THAT IT'S NOT A PERSON
3 THAT I WOULD HAVE CHOSEN

4 Q DO YOU KNOW IF THAT PERSON WERE USING DRUGS?

5 A NO, I DO NOT

6 MS. STROM THANK YOU I HAVE NO FURTHER QUESTIONS

7 THE COURT ANY OTHER QUESTIONS, MR GIBSON?

8 MR GIBSON NO, SIR

9 THE COURT ALL RIGHT THANK YOU, MA'AM

10 (WITNESS STEPS DOWN AT 4 52 P M)

11 THE COURT YOU CAN CALL YOUR NEXT WITNESS

12 MR. GIBSON COURT'S INDULGENCE, YOUR HONOR, JUST A
13 MOMENT

14 THE COURT YES, SIR

15 (OFF RECORD DISCUSSION)

16 MR GIBSON YOUR HONOR, WE'D CALL MR PERKINS, PLEASE

17 THE COURT ALL RIGHT

18 CEDRIC PERKINS, HAVING BEEN

19 DULY SWORN, TESTIFIED AS FOLLOWS

20 DIRECT EXAMINATION BY MR GIBSON

21 Q MR PERKINS, LET'S DEAL WITH THIS ALLEGED TAMPERED PATCH
22 FIRST OKAY? CAN YOU TELL ME WHAT HAPPENED WITH THAT
23 SITUATION?

24 A I HAD JUST CAME HOME FROM HOLMESVIEW, LIKE A FEW DAYS
25 FROM MY BIRTHDAY MY BIRTHDAY IS [REDACTED], SO I MUST

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 HAVE CAME HOME SOMEWHERE AROUND THE [REDACTED] OR WHATEVER AND I
2 HAD A PATCH PUT ON THIS PATCH HERE WAS -- THIS PATCH HERE
3 REALLY, REALLY, REALLY, REALLY ITCHED IT WAS AN ITCHY
4 PATCH SO I HAD ALREADY BEEN SCRATCHING THE PATCH A GOOD
5 BIT AND BECAUSE I PAY CHILD SUPPORT -- I HAVE A COUSIN THAT
6 DOES CONCRETE WORK, AND HE'S ALMOST LIKE A WORK DAILY PLACE
7 IF YOU GET UP THERE EARLY ENOUGH, WHEN HE GET READY TO GO
8 OUT, IF HE NEEDS YOU, YOU CAN GO, BECAUSE YOU'RE SUBJECT TO
9 MAKE \$75, \$80 A DAY AND SO A LOT OF TIMES I WOULD GO, YOU
10 KNOW, WHEN I'M NOT -- WHEN I DO NOT HAVE A PERMANENT JOB OR
11 WITH A TEMPORARY SERVICE, I'LL GO WORK WITH HIM AND---

12 MR GIBSON EXCUSE ME YOUR HONOR, I DON'T WANT TO
13 CUT OFF MY OWN WITNESS, BUT JUST TO EXPEDITE THIS THING
14 ALONG, HE'S TALKING ABOUT A DIFFERENT SITUATION DO YOU MIND
15 IF I REDIRECT HIS ATTENTION TO---

16 THE COURT NO, SIR

17 MR GIBSON ---TO WHAT I'M ASKING HIM?

18 MS STROM DON'T MIND AT ALL OH, I'M SORRY IT'S
19 MS WINN'S WITNESS I'M SORRY

20 MS WINN NO OBJECTION

21 Q OKAY WHAT I'M ASKING YOU ABOUT FIRST IS WAS THERE A
22 TIME WHEN YOU WERE DOING SOME WORK FOR YOUR MOTHER AROUND THE
23 HOUSE?

24 A OH, YES THIS WAS IN OCTOBER WHEN SHE WANTED ME TO GET
25 THESE WINTER CLOTHES OUT OF THE ATTIC AND PUT THE SUMMER

1 CLOTHES IN THE ATTIC FOR HER AND MY GRANDPARENTS, MY
2 GRANDMOTHER AND MY GRANDDADDY

3 Q OKAY TELL ME WHAT YOU WERE DOING FOR HER -- TELL ME --
4 TELL ME WHAT YOU WERE DOING FOR HER

5 A SHE HAD LARGE TUBS THAT SHE, YOU KNOW, THAT SHE PUT
6 CLOTHES IN FOR MY GRANDPARENTS AND HERSELF AND SHE HADN'T
7 TOO LONG HAD THIS ATTIC REDONE AND WHAT THEY DID IS THEY
8 NARROWED THE THING LIKE THESE -- MORE ATTICS TODAY THIS IS
9 A HOUSE THAT WAS MADE IN THE FIFTIES IT WAS A NICE WIDE
10 ATTIC BUT NOW, WHEN SHE HAD THIS THING REDONE, IT'S A
11 NARROW ATTIC I MEAN, THIS THING AIN'T BUT ABOUT 23 INCHES,
12 MAYBE 25 INCHES WIDE AT THE MOST AND WHEN I CAME HOME FROM
13 HOLMESVIEW I WAS CLOSE TO THAT MYSELF, YOU KNOW, AND SHE HAD
14 ME TAKING THEM IN AND OUT OF THE ATTIC AND, YOU KNOW, THOSE
15 THINGS -- NOT ONLY ARE THE TOTES THAT WIDE, YOU KNOW, HECK, I
16 WAS ALMOST THAT WIDE TOO AS WELL AS HEAVY AND I WAS HAVING
17 TO GO UP AND DOWN, AND IT WAS RIGHT -- IT WAS VERY TIGHT
18 ACTUALLY, YOU KNOW, TRYING TO GET THEM UP AND IN AND OUT OF
19 THE ATTIC BECAUSE NOT ONLY DO YOU HAVE TO WORRY ABOUT THE
20 SIDES, YOU ALSO HAVE TO WORRY ABOUT THE SPRINGS THAT YOU PULL
21 THE LADDER DOWN WITH SO IT WAS -- YOU KNOW, IT WAS A
22 DIFFICULT TASK AND THERE WAS SEVERAL OF THEM, YOU KNOW,
23 THREE OR FOUR FOR HER AND THREE OR FOUR FOR MY GRANDDADDY AND
24 THREE OR FOUR FOR MY GRANDMAMA, YOU KNOW IT WAS A GOOD MANY
25 I HAD TO GET UP THERE IN AND OUT OF THE ATTIC, AND I WOULD,

1 YOU KNOW, SCRAPE THE SIDE OF THE THING TRYING TO BE CAUTIOUS
2 OF THE PATCH, YOU KNOW IT'S HOT UP THERE AND BY NOW I'M
3 GETTING TIRED, BECAUSE I'D ALREADY WENT TO GROUP EARLIER, YOU
4 KNOW SO I'M GOING TO LAY DOWN AND GET ME SOME REST SO I'M
5 PROBABLY AGITATED, WANTING TO HURRY UP AND GET IT DONE

6 Q SO YOU HAD GONE TO GROUP ALREADY EARLIER---

7 A OH, YEAH YOU GOING TO GO TO GROUP NOW

8 Q OKAY WHAT DID YOU WEAR TO GROUP?

9 A I MUST HAVE HAD ON -- I CAN'T REMEMBER IF IT WAS -- I
10 DON'T THINK I HAD A T-SHIRT ON I KNOW I HAD A, YOU KNOW, A
11 SHORT-SLEEVED SHIRT ON AND SOME JEANS, I BELIEVE

12 Q WHAT WAS THE CONDITION OF THE PATCH WHEN YOU WERE AT
13 GROUP?

14 A I DON'T KNOW, BECAUSE IT WAS LIKE THIS RIGHT HERE, YOU
15 KNOW YOU GOT IT COVERED UP YOU KNOW, I HAD ALREADY HAD IT
16 ON SEVERAL DAYS, YOU KNOW, AND I HAD ALREADY BEEN SCRATCHING
17 IT IT HAD STARTED ITCHING ME FROM DAY ONE AND AFTER YOU
18 TAKE A BATH FOR A LITTLE WHILE, YOU KNOW, IT'LL -- THIS ONE
19 ANY WAY, YOU CAN -- YOU CAN SCRATCH THEM I SCRATCHES THEM

20 Q OKAY

21 A IF YOU ITCH, YOU GONNA SCRATCH IT NOW

22 Q OKAY SO YOU'RE DOING THIS WORK FOR YOU MOTHER AND
23 ABOUT WHAT TIME DID YOU FINISH UP DOING THE WORK?

24 A IT MUST HAVE BEEN AROUND THE TIME SHE STATED IT MUST
25 HAVE BEEN ANYWHERE BETWEEN 7 30 AND 8 00, 8 30 SOMETIME I

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 LAID DOWN BECAUSE I WANTED TO TRY TO GET A COUPLE HOURS TO
2 GET BACK UP AND, YOU KNOW, MAKE IT TO WORK ON TIME BECAUSE
3 I HAD JUST -- YOU KNOW, I HADN'T HAD THE JOB BUT MAYBE TEN
4 DAYS, IF THAT LONG

5 Q OKAY AT THIS TIME HAD YOU NOTICED ANY PROBLEMS WITH
6 THE PATCH?

7 A NO IT WAS JUST AN ITCHY PATCH, WHICH IS THAT'S -- THEY
8 BEEN ITCHING -- THEY ITCH FROM TIME TO TIME YOU MAY GET ONE
9 THAT'S EXCESSIVELY ITCHY YOU MIGHT GET ONE THAT DON'T ITCH
10 THAT MUCH YOU MIGHT GET ONE THAT YOU DON'T HAVE NO PROBLEM
11 OUT OF YOU MAY GET ONE THAT YOU DO HAVE -- YOU KNOW, YOU
12 HAVE TO BE CONCERNED WITH THE PROBLEMS OF IT YOU KNOW, THEY
13 JUST DIFFER YOU KNOW, YOU MIGHT GET ONE THAT'S -- MAY NOT
14 STICK THAT WELL YOU MIGHT GET ONE THAT DO IT'S JUST---

15 Q OKAY

16 A ---YOU KNOW, I DON'T REALLY PAY THEM ATTENTION I'VE
17 NEVER, YOU KNOW, HAD THEM TO, YOU KNOW, HAD ANY PROBLEM OUT
18 OF THEM MORE THAN THEY ITCH

19 Q OKAY AFTER YOU WOKE UP FROM GOING TO SLEEP, WHAT
20 HAPPENED THEN?

21 A WELL, I TRIED TO GET READY TO, YOU KNOW, GO TO WORK, YOU
22 KNOW, WIPE OFF, CLEAN MY FACE, BRUSH MY TEETH, YOU KNOW,
23 TRYING TO GET READY TO START GOING, BECAUSE IT WAS A
24 MANUFACTURING JOB AND WHEN I TOOK MY SHIRT OFF, I CAME IN
25 AND I TOLD MY MAMA, BECAUSE, I BELIEVE, SHE WAS ON THE PHONE,

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 I SAID, "MAMA, THIS PATCH IS TORN " SO SHE IMMEDIATELY GOT
2 OFF THE PHONE AND SAID, YOU KNOW, "CALL BOBBIE GODWIN " SO
3 WE CALLED HER, AND SHE TOLD ME TO, YOU KNOW, TO GO TO MRW IN
4 THE MORNING

5 Q UH-HUH (AFFIRMATIVE)

6 A SO IT OLD HER THAT, YOU KNOW, I HAD TO GO TO WORK
7 TONIGHT SHE SAID, "THAT'S NO PROBLEM SHE JUST GO-TO MRW
8 IN THE MORNING "

9 Q OKAY SO THEN WHAT HAPPENED?

10 A SO I WENT ON TO WORK AND WHEN I GOT TO WORK -- BECAUSE
11 THIS -- LIKE I SAID, IT'S A MANUFACTURING JOB IT WAS AT
12 WATERMARK WHAT WE DID, WE ASSEMBLED THOSE SEATS FOR THOSE
13 RAFTER THINGS, IF THAT'S THE -- CANOES SO WE ASSEMBLED
14 DIFFERENT KINDS AND, YOU KNOW, YOU GOING TO BE MOVING YOU
15 DRILLING, YOU SCREWING, YOU LIFTING, YOU MOVING YOU PICKING
16 THEM UP YOU MOVING AND BEFORE I GOT THERE I KNEW IT WAS
17 GOING TO BE -- I KNEW I WAS -- BECAUSE SOMETIMES IT'S ALL
18 OVER MY HEAD, YOU KNOW, WHATEVER I HAVE TO DO SO I ASKED
19 THE GUY, I SAID, "HEY, COULD YOU TAKE THAT THING AND TAPE MY
20 SLEEVE UP?" SO I, YOU KNOW, WOULDN'T LOSE THIS PATCH
21 BECAUSE SOME PEOPLE IN THE PROGRAM BEFORE HAVE -- THE PATCH
22 IS DONE TOTALLY LOST, YOU KNOW, AND I DIDN'T WANT THAT TO
23 HAPPEN SO ME TRYING TO MAKE SURE THAT THE PATCH WOULD, YOU
24 KNOW, STAY IN PLACE, I HAD HIM TAPE MY SLEEVE

25 Q WHAT KIND OF TAPE DID YOU USE?

1 A JUST REGULAR BOXING, YOU KNOW, THAT YOU WOULD SEAL BOXES
2 UP WITH, YOU KNOW, PACKAGING TAPE

3 Q SO WHAT HAPPENED THEN?

4 A I WENT ON TO WORK YOU KNOW, I WORKED THAT NIGHT AND
5 WHEN I GOT OFF THAT MORNING MY SISTER CAME AND PICKED ME UP
6 I THINK WE HAD TO TAKE HER DAUGHTER TO SCHOOL, AND THEN I
7 WENT STRAIGHT TO MRW

8 Q OKAY AND WHAT HAPPENED AT MRW?

9 A WHEN I GOT THERE I DON'T KNOW IF BOBBIE HAD ALREADY
10 CALLED THEM, BUT I HAD TOLD THEM THAT, YOU KNOW, THIS PATCH
11 WAS, YOU KNOW, COMING OUT OR LOOSE, AND I WANTED TO -- MS
12 BOBBIE TOLD ME TO COME ON IN THIS MORNING, YOU KNOW, AND HAVE
13 Y'ALL, YOU KNOW, WHATEVER, PUT ANOTHER ONE OR DO WHATEVER SHE
14 TOLD Y'ALL TO DO AND THAT'S WHEN THE YOUNG LADY WENT AHEAD
15 AND SHE CUT MY SLEEVE -- YOU KNOW, CUT THE TAPE, AND THEN SHE
16 PULLED UP MY SLEEVE AND WHEN SHE DID THAT SHE SAID --
17 THAT'S WHEN SHE SAID -- SHE CALLED ANGELA AND SHE SAID, "OH,
18 THIS THING IS NOT EVEN IN HERE " SHE SAID, "IT'S TORN IT
19 LOOKS LIKE IT'S BEEN CUT " I DIDN'T SAY ANYTHING TO HER
20 BECAUSE I ALREADY KNOW I HADN'T CUT THE THING SO THAT'S
21 WHEN THE OTHER GIRL, ANGELA, CAME IN, AND THEY PULLED MY
22 SLEEVE ON UP, AND THAT'S WHEN THEY SAW THE PATCH WAS UP
23 AROUND MY SHOULDER

24 Q OKAY WERE YOU ASKED TO DO ANYTHING ELSE WHILE YOU WERE
25 AT MRW THAT DAY?

1 A YEAH, I HAD TOOK A URINE TEST

2 Q OKAY DID YOU IN FACT TAKE A URINE TEST?

3 A YES

4 Q AND WERE YOU EVER TOLD WHAT THE RESULTS OF THAT TEST
5 WERE?

6 A YOU GET THEM BACK -- IT'S INSTANT JUST LIKE AT
7 ACCURATE DIAGNOSTICS YOU GONNA KNOW THE TEST RESULTS BEFORE
8 YOU LEAVE THERE, NOT UNLESS YOU JUST GONNA RUN OUT AND DON'T
9 WANT TO KNOW THE RESULTS

10 Q OKAY AND WHAT WERE THE RESULTS?

11 A WELL, YOU HAVE TO STAY AND WAIT THE RESULTS BECAUSE YOU
12 SIGN THE PAPER

13 Q WHAT WERE THE RESULTS?

14 A THEY WERE NEGATIVE

15 Q OKAY THIS IS VERY IMPORTANT DID YOU TAMPER WITH THAT
16 PATCH IN ANY WAY?

17 A NO, SIR, I HAD NO REASON TO TAMPER WITH THAT PATCH

18 Q OKAY WHEN YOU SAY YOU "HAD NO REASON," WHY DID YOU
19 HAVE NO REASON?

20 A BECAUSE I HADN'T DONE ANYTHING I HAD JUST CAME HOME
21 FROM HOLMESVIEW I KNEW I HADN'T BEEN AROUND OR DOING
22 ANYTHING THAT I SHOULDN'T HAVE BEEN DOING SO I HAD NO
23 REASON TO BE CONCERNED ABOUT, YOU KNOW, A PATCH

24 Q AND AT THAT TIME HAD YOU GOTTEN BACK THE RESULTS OF THE
25 PATCH THAT YOU HAD ON FROM SEPTEMBER 17TH THROUGH SEPTEMBER

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 26TH?
2 A NO
3 Q HAD YOU IN FACT USED DRUGS BETWEEN THE PERIOD OF
4 SEPTEMBER 17TH -- OR SEPTEMBER 16TH TO OCTOBER 7TH?
5 A NO, I HAVE NOT
6 Q OKAY NOW LET'S GO BACK AND TALK ABOUT THE PATCH THAT
7 WAS ON FROM SEPTEMBER 17TH THROUGH SEPTEMBER 26TH AND JUST
8 AS A PREFACE FOR THIS QUESTION, YOU HEARD DR KIDWELL AND HIS
9 TESTIMONY ABOUT ENVIRONMENTAL CONTAMINATION IS -- CAN YOU
10 THINK OF ANY EXPOSURE THAT YOU MAY HAVE HAD DURING THE TIME
11 FRAME WHERE YOU HAD THAT TEST ON THAT COULD HAVE RESULTED
12 IN---
13 MS WINN OBJECTION, YOUR HONOR IT'S LEADING
14 THE COURT DON T LEAD
15 MR GIBSON OKAY I'M SORRY
16 Q WHEN YOU HAD THE PATCH ON FROM SEPTEMBER 17TH THROUGH
17 THE 26TH -- OKAY? -- WERE YOU AROUND ANYONE -- THAT'S LEADING
18 TO, ISN'T IT?
19 MS WINN YEAH
20 MR GIBSON LET'S SEE IF I CAN FIX THIS
21 (LAUGHTER IN THE COURTROOM)
22 MR BANNISTER SKIP IT
23 THE COURT DON'T ASK HER LOOK THIS WAY, OKAY?
24 MR BANNISTER I OBJECT TO MR GIBSON OBJECTING TO HIS
25 OWN QUESTION

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1 (LAUGHTER CONTINUES)

2 Q WHERE WERE YOU WORKING?

3 A THAT'S WHEN I HAD JUST GOT OUT, SO THAT'S WHEN I WAS
4 TRYING TO, YOU KNOW, WORK WITH MY COUSIN SO I COULD, YOU
5 KNOW, START BACK PAYING MY CHILD SUPPORT AND HAVE A FEW COINS
6 IN MY POCKET THAT'S WHEN I WAS WORKING WITH MY COUSIN DOING
7 CEMENT WORK

8 Q OKAY LET'S BACK UP JUST A SECOND YOU SAID PAY CHILD
9 SUPPORT

10 A YEAH

11 Q DID YOU HAVE A CHILD SUPPORT ORDER?

12 A YEAH

13 Q HOW MUCH WAS THAT ORDER FOR?

14 A SEVENTY-FIVE DOLLARS A WEEK

15 Q OKAY AND IF YOU DID NOT PAY THAT CHILD SUPPORT, WHAT
16 WOULD HAPPEN?

17 A WELL, YOU GONNA GET A LETTER FROM THE FAMILY COURT JUDGE
18 AND YOU GONNA HAVE TO GO DOWN THERE AND EXPLAIN HOW COME YOU
19 NOT PAYING YOUR CHILD SUPPORT

20 Q AND IF YOU CAN PROVIDE NO EXPLANATION?

21 A THEY'RE GOING TO DETAIN YOU UNTIL YOU COME UP WITH SOME
22 MONEY OR WHATEVER TIME THEY ALLOT YOU TO STAY DOWN THERE FOR
23 THAT PUNISHMENT FOR NOT PAYING CHILD SUPPORT

24 Q JUST TO CLARIFY I'M NOT TRYING TO LEAD YOU BASICALLY
25 GO TO JAIL, RIGHT?

1 A YEAH

2 Q OKAY

3 A MOST DEFINITELY

4 Q SO YOU WERE TELLING ME YOU WERE WORKING WITH YOUR

5 COUSIN AND WHAT TYPE OF WORK WERE YOU DOING WITH YOUR

6 COUSIN?

7 A IT'S CONCRETE WORK, YOU KNOW, HELPING HIM, LIFT, SET UP

8 THE FORMS, TAKE UP THE FORMS, LOAD, UNLOAD THE TRUCK AND

9 MACHINES

10 Q DID YOU HAVE ANY CONTACT WITH ACTUAL CONCRETE?

11 A OH, YEAH CONCRETE AND FOUR, FIVE, SIX OTHERS

12 SOMETIMES IT'D BE AS MUCH AS TEN OR TWELVE OF US OUT THERE

13 Q THE TEN OR TWELVE OF YOU WHO WERE OUT THERE, TELL ME

14 ABOUT THEM

15 A WELL, LIKE I SAID, YOU KNOW, HE ALMOST LIKE A WORK DAILY

16 PLACE, YOU KNOW IT'S GOING TO BE CASH MONEY EVERY DAY AND

17 I KNOW SOME OF THE FELLOWS, IF THAT'S WHAT YOU'RE ASKING ME,

18 AND, YOU KNOW, I'VE BEEN KNOWING THEY, YOU KNOW, USED TO USE

19 DRUGS, THINGS LIKE THAT NOW, HE'S NOT GOING TO LET THEM,

20 YOU KNOW, USE ANY DRUGS OR DRINK ON THE JOB BUT I KNOW --

21 YOU GET PAID EVERY DAY SOME OF THOSE GUYS MAKE AS MUCH AS

22 \$125, \$130 A DAY THEY BEEN DOING IT FOR A LONG TIME THEY

23 AIN'T GOING TO WORRY ABOUT NO MONEY

24 Q OKAY JUST TO CLARIFY, WHAT, IF ANY, KNOWLEDGE DID YOU

25 HAVE ABOUT THE DRUG USING HABITS OF THE PEOPLE YOU WORK WITH?

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 A I JUST KNOW THEY WAS DRUG USERS HOW OFTEN AND WHEN AND
2 ALL OF THAT, YOU KNOW, I DON'T -- SINCE THE PROGRAM, SINCE
3 ABOUT APRIL, I'VE LEARNED THEN THAT YOU STAY AWAY FROM PEOPLE
4 THAT'S USING DRUGS SO JUST FROM THE WORK POINT OF VIEW,
5 THAT'S ALL I WOULD KNOW IS THAT THEY WERE -- YOU KNOW, THEY
6 WERE ADDICTS

7 Q OKAY DID ANY OF THESE INDIVIDUALS EVER USE DRUGS
8 AROUND YOU?

9 A NO, HE -- MY COUSIN NOT GOING TO ALLOW THAT MY COUSIN
10 DOES NOT USE ANY DRUGS YOU AIN'T GOING TO HARDLY GET HIM TO
11 DRINK A BEER HE'S NOT GOING TO TOLERATE THEM USING IT
12 AROUND HIM EITHER SO

13 Q WHAT TYPE OF WORK WAS IT?

14 A WHEN I STARTS WITH HIM, HE JUST -- I WAS JUST A LABORER,
15 YOU KNOW, SO I'M THE ONE JUST HELPING, YOU KNOW, PUT THE
16 CONCRETE OUT THEY WOULD ACTUALLY FINISH IT WITH THE MACHINE
17 AND STUFF AS TIME WENT ON, I LEARNED TO DO A LITTLE
18 FINISHING, YOU KNOW, DOWN ON YOUR KNEES SLICKING IT OUT, YOU
19 KNOW, AND STUFF LIKE THAT BUT I'M GOING TO BE DOING AS MUCH
20 AS GRADING WITH A SHOVEL YOU KNOW, THE MANUAL PART OF IT, I
21 WOULD HAVE TO DO THAT, AND SETTING DOWN THE FORMS

22 Q OKAY WAS IT --

23 MR. GIBSON OKAY LET ME JUST HAVE A SECOND, YOUR
24 HONOR, JUST TO FIGURE OUT IF I'VE GOT ANYTHING ELSE TO ASK
25 HIM

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 Q IS THERE ANYTHING THAT WE HAVE NOT COVERED THAT YOU
2 THINK IS RELEVANT FOR THE COURT TO HEAR?

3 MS WINN OBJECTION, YOUR HONOR THAT'S---

4 MR GIBSON IT'S HIS ONE TIME TO

5 (LAUGHTER IN THE COURTROOM)

6 THE COURT IF YOU HAVE ANYTHING ELSE YOU'D LIKE TO ASK
7 HIM, THAT DOES TEND TO BE A LITTLE BIT BROAD BASED

8 MR GIBSON YES, SIR LET ME LOOK, AND I MAY HAVE
9 NOTHING ELSE (PAUSE) I GUESS I DO

10 Q YOU MISSED A DRUG SCREEN, ACCORDING TO MS GODWIN, ON
11 SEPTEMBER 20TH DO YOU REMEMBER THAT?

12 A I DON'T RECALL IT EXACTLY, BUT I BELIEVE THAT WAS AROUND
13 SATURDAY, I BELIEVE

14 Q YES, SIR

15 A AND THAT WAS ON A SATURDAY BECAUSE, YOU KNOW, FRIDAY,
16 SATURDAYS AND SUNDAYS YOU'RE GOING TO HAVE TO GO TO THE NA
17 MEETINGS LIKE I SAY, I HAD JUST RECENTLY GOT OUT, SO I HAD
18 TO START BACK REMEMBERING TO DO ALL OF THESE THINGS SO --
19 AND THEN MY GRANDMAMA WAS ALSO IN THE NURSING HOME, SO I
20 WANTED TO GO SEE HER BECAUSE SHE HADN'T SEEN ME FOR THREE
21 MONTHS AND A COUPLE OF WEEKS SO I WAS TRYING TO ALSO SEE
22 HER AS WELL AS TRYING TO GO BACK AND FORTH TO WORK AND I
23 HAD JUST WENT TO SEE MY GRANDMAMA AND IT JUST TOTALLY SLIPPED
24 MY MIND, I THINK, TO EVEN CALL THE NUMBER ON THE WEEKEND
25 THAT'S SOMETHING NEW THEY HAD STARTED, YOU KNOW I HADN'T

1 EVEN---

2 Q WHAT DO YOU MEAN IT'S "SOMETHING NEW THEY STARTED"?

3 A YEAH, THEY -- WELL, WHEN I FIRST STARTED -- YOU GOTTA
4 REMEMBER, 2003 I HAD BEEN LOCKED UP A TOTAL OF EIGHT MONTHS
5 AND TWO OR THREE WEEKS FROM JANUARY UNTIL SEPTEMBER THAT'S
6 JUST NINE MONTHS SO I REALLY HADN'T HAD BUT A MONTH OUT
7 SO DURING THIS TIME WHEN I FIRST WENT IN IN JANUARY, WE
8 WASN'T EVEN CALLING IN ON THE WEEKENDS AND THEN IT TURNS
9 OUT WHERE YOU'RE CALLING IN ON THE WEEKENDS, AND THEN IT TURN
10 AROUND WHERE YOU CALLING AND YOU MAY EVEN BE GOING TO TAKE A
11 TEST ON THE WEEKENDS IT WAS JUST A WHOLE LOT OF DIFFERENT
12 CHANGES FROM WHAT IT VERY FIRST STARTED SO I HAD TO LEARN
13 HOW TO REMEMBER TO START CALLING ON THE WEEKENDS AND, YOU
14 KNOW, FOLLOWING THE INSTRUCTIONS THAT SHE LEAVES ON THE
15 ANSWERING MACHINE SO---

16 Q AFTER YOU MISSED THAT DRUG SCREEN, DID YOU HAVE A
17 CONVERSATION WITH MS GODWIN ABOUT THAT?

18 A YES OH, YEAH

19 Q TELL ME ABOUT THAT CONVERSATION

20 A SHE TOLD ME, SHE SAID, OKAY, CEDRIC NOW, WE'RE WORKING
21 WITH YOU NOW BUT WE -- I CANNOT -- WE CANNOT HAVE ANYMORE
22 VIOLATIONS SHE SAID ANYMORE VIOLATIONS AND IT'S, YOU KNOW,
23 IT'S GOING TO BE SUBJECT TO TERMINATION

24 Q DID YOU HAVE AN UNDERSTANDING AS TO WHETHER OR NOT YOU
25 WERE GOING TO REMAIN IN THE PROGRAM?

1 A YEAH IF I HAD -- AS LONG AS I DON'T HAVE NO
2 VIOLATIONS, I'M OKAY IF I ANY OTHER VIOLATIONS, THEN I WAS
3 GOING TO BE A -- YOU KNOW, THERE WAS GOING TO BE A -- THERE
4 WAS GOING TO BE STAFFING IT, YOU KNOW BECAUSE I ASKED HER,
5 OH, YOU KNOW, I'M JUST GETTING BACK, AT LEAST LET ME GET MY
6 FEET WET SHE SAID, WELL, I DON'T MIND THAT SHE SAID, BUT
7 NOW I'M TALKING ABOUT AS FAR AS SERIOUS THINGS THAT I ALREADY
8 KNOW -- I KNOW THAT YOU'RE GOING TO GO FRIDAY, SATURDAY AND
9 SUNDAY AND YOU'RE GOING TO GO TO NA MEETINGS THAT'S
10 MANDATORY I KNOW YOU'RE GOING TO CALL THE DRUG SCREEN
11 MONDAY THROUGH FRIDAY, YOU KNOW

12 I GUESS SHE WAS GIVING ME, YOU KNOW, THE OPPORTUNITY TO
13 START BACK AND REMEMBER ALL THESE NEW ADDITIONAL RULES THAT I
14 DID NOT HAVE THEN, AND I GUESS THAT WAS ONE OF THEM WITH THE
15 SATURDAY -- WITH THE SATURDAY NEW SCREEN

16 Q OKAY I WANT TO ADDRESS -- HOLD ON A SECOND IN THE
17 PROGRAM, DID YOU EVER FEEL ANY PRESSURE --

18 MR GIBSON LET ME REWORD THAT, YOUR HONOR

19 Q DID YOU HAVE A POSITIVE SWEAT PATCH SCREEN IN OR AROUND
20 JUNE 2003?

21 A YES YES

22 Q DID YOU IN FACT USE DRUGS IN OR AROUND JUNE -- OR DURING
23 THE TIME THAT THE SWEAT PATCH WAS ON?

24 A NO

25 Q OKAY BUT YOU ADMITTED THAT YOU HAD, IS THAT CORRECT?

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 A YES

2 Q WHY DID YOU DO THAT?

3 A I'VE SEEN -- MATTER OF FACT, I KIND OF WRESTLED WITH
4 THAT WHILE I WAS THERE BECAUSE I WAS TALKING TO MY MAMA ON
5 THE PHONE, AND I TOLD MY MAMA, I SAID, "MA'AM, THAT PATCH,
6 YOU KNOW, SEVERAL PEOPLE IN THE PROGRAM HAVE ALREADY SAID
7 THAT PATCH IS NOT RIGHT " I SAID, "I DID NOT USE NO DRUGS,
8 MAMA " "I MIGHT HAVE BEEN AROUND PEOPLE THAT WAS USING I
9 MIGHT HAVE BEEN, YOU KNOW, SOMEWHERE SOMETHING MIGHT HAVE
10 HAPPENED," I SAID BUT THERE'S NO WAY IN THE WORLD, YOU
11 KNOW, IT COME UP OUT OF MY SYSTEM AND SHE TELLS US THAT YOU
12 GOT TO USE IN ORDER FOR IT TO GET THIS CHEMICAL, THAT I'VE
13 LEARNED THROUGH THE EXPERT WITNESSES, "BZE," THAT YOU HAVE TO
14 USE I SAID, MAMA, "I DIDN'T "

15 AND AFTER SPEAKING WITH MY MAMA -- BECAUSE I WAS LOCKED
16 UP FOR SEVERAL DAYS BEFORE SHE EVEN CAME DOWN TO SEE YOU
17 SHE DON'T COME TO SEE YOU RIGHT AWAY SHE GIVE YOU A LITTLE
18 TIME TO THINK ABOUT IT AND MY MAMA SAID, "WELL, SHE AIN'T
19 GOING TO KICK YOU OUT THE PROGRAM, SO YOU JUST ADMIT IT AND
20 GO ON AND STAY AWAY FROM PEOPLE, PLACES AND EVERYTHING YOU
21 JUST MAKE SURE YOU STAY" -- I SAID, "WELL, "MAMA, YOU DON'T
22 NEVER KNOW WHO'S USING AND WHO'S NOT HAVE USED HOW YOU
23 GONNA DETERMINE THAT?" SHE SAID, "WELL, YOU JUST TRY TO DO
24 THE BEST YOU CAN AND STAY AWAY " SO I DID WHAT MY MAMA
25 SUGGESTED ME DO

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 AND I KNOW FROM TRACEY ALLEN, WHEN I FIRST CAME IN THE
2 PROGRAM, SHE WAS A PRETTY NICE YOUNG LADY, I THOUGHT AND I
3 LEARNED FROM HER INCIDENT AND TIMOTHY LEGGETT, YOU KNOW,
4 THESE PEOPLE WHO WAS AVIDLY -- THEY'RE OUT OF THE PROGRAM NOW
5 -- YOU KNOW, THEY, YOU KNOW, HAD WENT TO THESE TYPE THINGS
6 I GUESS THEY JUST DIDN'T GO AS FAR AS THE HAIR SAMPLES AND
7 WHATEVER ELSE, YOU KNOW, MEASURES THEY NEEDED TO TAKE TO, YOU
8 KNOW, TO TRY TO PROVE OR GET SOME EXPERT WITNESS CONCERNING
9 THESE PATCHES THEY AVIDLY SAID THAT THEY DID NOT USE, THEY
10 DID NOT USE BUT THEY WERE TERMINATED AND AS WELL AS SEVERAL
11 PEOPLE THAT'S IN THE PROGRAM NOW THAT I -- BECAUSE OBVIOUSLY
12 I DON'T WANT TO CAUSE THEM ANY PROBLEMS, THEY HAVE SAID THE
13 SAME THING, YOU KNOW THEY DIDN'T USE

14 Q WHEN YOU SAY "THE SAME THING," SAID WHAT?

15 A THEY SAID THEY DID NOT USE BUT THE PATCH---

16 MS WINN OBJECTION

17 A ---ACCUSED THEM OF USING

18 THE COURT I SUSTAIN THE OBJECTION AS TO WHAT SOMEONE
19 ELSE SAID

20 MR GIBSON HEARSAY

21 Q WHEN WAS THE LAST TIME THAT YOU ACTUALLY USED DRUGS?

22 A I WOULD HAVE TO SAY THE LAST TIME HE -- JUDGE SIMMONS
23 LOCKED ME UP IT WAS FEBRUARY THE -- IT WAS THE LAST -- IT
24 MUST HAVE BEEN THE LAST THURSDAY IN FEBRUARY I WANT TO
25 THINK IT'S AROUND THE 27TH AND THAT WAS THE LAST TIME,

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 BECAUSE I STAYED LOCKED UP FROM END OF FEBRUARY TO LIKE APRIL
2 THE 5TH OR 6TH TO GO TO FAITH HOME BECAUSE SHE CAME OUT
3 THERE AND SEEN ME AND, YOU KNOW, SHE HAD ASKED ME WHAT WAS
4 GOING ON

5 IT WAS LIKE MY MAMA STATED, YOU KNOW, THE FIRST PART OF
6 THE YEAR I WAS HAVING SOME PERSONAL PROBLEMS, AND, YOU KNOW,
7 I'D KIND OF GET TICKED, GO GET ME A BEER, AND AFTER I DO
8 THAT, YOU KNOW, I WANT TO SMOKE ME A JOINT, YOU KNOW, WITH
9 SOME CRACK ON IT SO -- AND I CAME IN HERE NOT NO FEES, AND
10 I THINK I CAME IN LATE THAT TIME, AND I DIDN'T COMPLETE SOME
11 COMMUNITY SERVICE THAT I WAS ORDERED, AND THEY LOCKED ME UP
12 THEN SO THAT'S WHEN I -- WHEN SHE CAME DOWN THERE TO SEE
13 ME, I TOLD HER, I SAID -- SHE SAID, "CEDRIC, WHAT IS GOING
14 ON?" YOU KNOW, AND I SAID, "WELL" -- YOU KNOW, THAT'S WHEN I
15 WAS TELLING HER, YOU KNOW, THAT I WAS HAVING SOME PROBLEMS
16 WITH MY BABY'S MOTHER AND, YOU KNOW, I SAID, "AIN'T NO NEED
17 IN CHECKING THAT NEXT PATCH OUT BECAUSE I'M GOING TO TELL YOU
18 IT'S DIRTY I KNOW THAT ONE'S DIRTY " AND THIS WAS IN
19 FEBRUARY, END OF FEBRUARY YEAH, THAT'S WHEN IT WAS,
20 FEBRUARY THE 27TH, THE LAST THURSDAY IN FEBRUARY

21 MR GIBSON THANK YOU, MR PERKINS

22 THE COURT ANY QUESTIONS, MR BANNISTER?

23 MR BANNISTER NO, SIR

24 THE COURT MR ARMSTRONG?

25 MR ARMSTRONG NO, SIR

CEDRIC PERKINS -- DIRECT BY MR GIBSON

1 THE COURT ALL RIGHT WITNESS WITH YOU

2 CROSS EXAMINATION BY MS WINN:

3 Q MS PERKINS, YOU HAVE A DRUG PROBLEM, DON'T YOU?

4 A YES, MA'AM

5 Q AND HOW LONG HAVE YOU BEEN ON DRUGS?

6 A (NO RESPONSE)

7 Q WHEN DID YOU START USING THEM?

8 A LORD HAVE MERCY I'D HAVE TO SAY I WAS AROUND, FIRST
9 EXPERIENCE WITH MARIJUANA WHEN I WAS ABOUT 13, I GUESS

10 Q AND HOW OLD ARE YOU NOW?

11 A THIRTY-SEVEN

12 Q SO THAT'S ALMOST 25 YEARS OF DRUG USING?

13 A THAT'S CORRECT

14 Q AND YOU HAVE A CRIMINAL RECORD, DON'T YOU?

15 A YES, MA'AM

16 Q AND YOU ENTERED THE DRUG COURT PROGRAM BY PLEADING
17 GUILTY TO POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE
18 SECOND OFFENSE?

19 A YES, MA'AM

20 Q AND WHILE IN THE PROGRAM, AROUND SEPTEMBER 16TH, AFTER
21 ENTERING THE PROGRAM YOU HAD A POSITIVE DRUG PATCH, DIDN'T
22 YOU?

23 A WELL, YEAH, AFTER YOU PLEAD IN YOU GO TAKE THE URINE
24 TEST I THINK THAT WAS ON FRIDAY AND YOU HAVE TO -- AND
25 THEN THEY TELL YOU, YOU KNOW -- WELL, WHEN YOU PLEAD IN,

CEDRIC PERKINS -- CROSS BY MS WINN

1 SHE'S GOING TO TELL YOU, "OKAY YOU CAN'T USE ANY DRUGS FROM
2 HERE ON " SO THAT WAS A FRIDAY I WENT UP THERE I HAD MY
3 DRUG SAMPLE -- YOU KNOW, HAD MY DRUG TEST, WHICH SHE SAID,
4 "IT'S PROBABLY GOING TO COME BACK NEGATIVE," YOU KNOW,
5 BECAUSE MARIJUANA DOESN'T GET OUT YOUR SYSTEM THAT FAST SO
6 WHEN WE CAME TO GROUP, MY FIRST DAY OF GOING TO GROUP,
7 MONDAY, YOU KNOW, WE WERE TALKING AND SHE SAYS THE THING
8 ABOUT HONESTY, IF YOU REALLY WANT TO GET CLEAN AND ALL OF
9 THAT, I SAYS, "WELL" -- THEY WAS GOING AROUND THE ROOM AND I
10 SAID, "WELL, I KNOW MINE'S GOING TO BE" -- BECAUSE YOU'RE
11 TAKING THESE DRUG TESTS, MONDAY, TUESDAY AND WEDNESDAY---

12 Q YOU KNOW YOURS WAS GOING TO BE WHAT?

13 A I KNOW IT WAS GOING TO BE POSITIVE, BECAUSE I HAD
14 ALREADY USED -- I PLED INTO IT FRIDAY I TOOK A DRUG TEST
15 THAT FRIDAY AND I USED AGAIN THAT SATURDAY AND SUNDAY AND
16 SHE SAID, "YOU USED?" I SAID, "YEAH " SHE SAID, "WELL,
17 THAT'S A SANCTION " SO IMMEDIATELY THEN I WAS SANCTIONED
18 THAT FOLLOWING WEEKEND

19 Q YOU GOT TWO WEEKENDS IN JAIL, ISN'T THAT RIGHT?

20 A THAT'S CORRECT

21 Q AND A PATCH YOU HAD WORN IN JANUARY OF 2003 ALSO CAME
22 BACK POSITIVE, ISN'T THAT TRUE?

23 A THAT'S CORRECT

24 Q AND I BELIEVE THAT YOU AT FIRST DENIED BUT LATER
25 ADMITTED TO USE?

1 A YEAH, BECAUSE THAT ONE WAS WORN OVER THE HOLIDAYS THE
2 FIRST TIME THE PATCHES HAD CAME INTO EFFECT, I THINK IT WAS
3 AROUND -- RIGHT AROUND THE FIRST PART OF NOVEMBER OR SO IT
4 MIGHT HAVE BEEN THE FIRST OR SECOND PATCH THAT I HAD ON IT
5 WAS IN NOVEMBER AND THIS ONE HERE WAS AROUND THE HOLIDAY
6 TIME, THANKSGIVING AND, YOU KNOW, I HAD -- WELL, IT TOOK A
7 WHILE FOR THE MARIJUANA TO GET OUT OF MY SYSTEM, SO I DIDN'T
8 GET ANY WEEKS TILL YOU GET CLEAN I THINK IT WAS ABOUT 21
9 DAYS BEFORE I EVEN STARTED GETTING SOME, YOU KNOW, WEEK TIME
10 AFTER I HAD GOT ABOUT, ABOUT A MONTH, MONTH AND A HALF, I
11 WASN'T WORRIED ABOUT THE FIRST PATCH I WAS DOING GOOD YOU
12 KNOW, I GUESS I STARTED FEELING A LITTLE COCKY SO AROUND
13 THESE HOLIDAY TIMES WHEN YOU'RE EXCUSED FROM GROUP BECAUSE
14 IT'S THE HOLIDAY TIME, AND I HAD, YOU KNOW, BEEN AROUND THE
15 WRONG COMPANY, AND I HAD SMOKED A JOINT BUT APPARENTLY,
16 BECAUSE IT TOOK SO LONG FOR THESE PATCHES TO COME BACK, I
17 DIDN'T USE, YOU KNOW -- I MEAN, IT WAS JANUARY BEFORE SHE
18 EVEN, YOU KNOW, BROUGHT IT TO MY ATTENTION

19 Q AND I BELIEVE THAT PATCH CAME BACK POSITIVE FOR COCAINE,
20 ISN'T THAT TRUE?

21 A YEAH, THAT'S CORRECT I TOLD YOU IT WAS FOR COCAINE AND
22 MARIJUANA

23 Q OKAY

24 A BUT WHEN SHE FIRST ASKED ME ABOUT THAT PARTICULAR PATCH,
25 I SAID NO, BECAUSE IT WAS SEVERAL -- IT WAS ONE OR TWO AFTER

CEDRIC PERKINS -- CROSS BY MS WINN

1 THAT I WASN'T EVEN CONCERNED WITH BECAUSE I -- YOU KNOW, I --
2 NOW YOU'RE GOING TO START GOING BACK TO GROUP THAT MONDAY,
3 YOU KNOW, YOU'RE BACK IN REALITY OH, SHIT, YOU KNOW YOU
4 GOT TO -- YOU GOT TO PAY ATTENTION

5 Q OKAY AND YOU ALSO HAD A POSITIVE PATCH, YOU SAID, AT
6 THE END OF FEBRUARY?

7 A WELL, THAT'S THE LAST TIME, I THINK, THAT I HAD USED
8 IT WAS AROUND RIGHT BEFORE FEBRUARY YEAH YEAH, THAT'S
9 CORRECT

10 Q AND ISN'T IT TRUE YOU TOLD BOBBIE THAT THE NEXT ONE
11 WOULD BE POSITIVE AS WELL?

12 A THAT'S CORRECT

13 Q YOU ALSO HAD A POSITIVE PATCH IN JUNE?

14 A YEAH, THAT'S THE ONE I ADMITTED TO, BUT I DID NOT USE

15 Q OKAY SO NOW YOU'RE DENYING USE?

16 A NO I'M TELLING YOU THAT PATCH CAME UP POSITIVE WHEN I
17 DIDN'T USE DRUGS SO IF YOU WANT TO SAY THAT'S DENYING, YOU
18 KNOW, THAT'S THE WORDS YOU WANT TO CHOOSE

19 Q AND I BELIEVE YOU MIGHT HAVE JUST TESTIFIED THAT THAT
20 WAS BECAUSE YOU WERE GETTING SOME PRESSURE AND YOU WERE
21 HANGING AROUND SOME PEOPLE THAT HAD BEEN USING DRUGS---

22 A NOT IN JUNE THIS WAS AT THE END OF FEBRUARY AND
23 JANUARY THE ONLY TWO SHE CAME UP WITH POSITIVE WHERE I
24 ACTUALLY USED AND ADMITTED TO -- THAT FIRST ONE IN JANUARY IS
25 BECAUSE I -- THAT WAS THE ONE I WAS TALKING ABOUT THAT COME

1 UP AROUND NOVEMBER BECAUSE THAT'S THE ONE---

2 Q OKAY WE'VE COVERED THOSE I'M TALKING ABOUT THE ONE
3 IN JUNE THE ONE IN JUNE, I BELIEVE, YOU JUST TESTIFIED THAT
4 YOU HAD FIRST ADMITTED USE BUT NOW HERE TODAY YOU ARE DENYING
5 USE---

6 A THAT'S CORRECT

7 Q ---SAYING THAT YOU FELT PRESSURE, THAT YOU HAD A
8 CONVERSATION WITH YOUR MOTHER, DIDN'T YOU, AND SHE TOLD YOU
9 TO GO AHEAD AND ADMIT TO USE?

10 A WHEN -- THAT'S THE CONVERSATION I HAD WITH MY MAMA BUT
11 THE PRESSURE IS THE WHOLE ORDEAL OF THE PROGRAM AND WHETHER
12 YOU SHOULD EVEN DENY A PATCH AT ALL, BECAUSE IF YOU DO NOT
13 ADMIT TO USING, SHE'S GOING TO TELL YOU YOU'RE IN DENIAL AND
14 SHE CAN'T WORK WITH YOU SO I MEAN, HELL, I---

15 Q OKAY I JUST THOUGHT I HEARD YOU JUST TESTIFY THOUGH
16 THAT AT THAT SAME JUNE PERIOD THAT YOU HAD BEEN HANGING
17 AROUND OTHER PEOPLE THAT HAD BEEN USING DRUGS?

18 A WELL, I HAD -- BECAUSE I WORKED WITH MY COUSIN, MAYBE
19 WHEN I GET OFF WORK, YOU KNOW, WE MIGHT GO GET SOMETHING TO
20 EAT OR WHATEVER SO I PROBABLY WAS IN THAT -- I WAS AROUND
21 THEM, YOU KNOW WE'D BE IN A TRUCK AND STUFF, YEAH

22 Q AND I BELIEVE YOU ALSO TESTIFIED THAT YOU KNOW THAT
23 HANGING AROUND KNOWN DRUG USERS IS A DRUG COURT VIOLATION,
24 ISN'T THAT TRUE?

25 A OH, THAT'S CORRECT BUT LET ME STIPULATE TO WHEN I SAY

1 "HANGING AROUND THEM," LUNCHTIME, AFTER WORK I DON'T MEAN
2 HANGING AROUND THEM WHEN THEY GETTING HIGH, BECAUSE I HAD
3 JUST COME FROM FAITH HOME SO, NO, I'M NOT HANGING AROUND
4 ANYBODY IN THE PRESENCE OF JUST LEISURE TIME JUST JACKING
5 OFF I'M TALKING ABOUT DURING THE TIME OF YOUR WORK YOU
6 KNOW, LIKE WHEN YOU GO ON BREAK AT WORK, YOU DON'T HAVE TO BE
7 AROUND SOMEBODY OR YOU CAN I'M TALKING ABOUT LIKE THAT I
8 DON'T MEAN HANGING AROUND THEM WHEN I GET OFF WORK AND IT'S
9 TIME TO GO HOME -- YOU GO YOUR WAY, I'LL GO MINE -- I'M
10 HANGING AROUND THEM THEN I'M NOT TALKING ABOUT LIKE THAT
11 NOW

12 Q YOU WERE BEHIND ON A NUMBER OF YOUR PAYMENTS, WERE YOU
13 NOT?

14 A YES, MA'AM

15 Q AND HAD YOU PAID -- YOU HAD NOT PAID ANY MONEY TOWARD
16 YOUR INDICTMENT FEE, ISN'T THAT CORRECT?

17 A NO, I HAD NOT

18 Q AND I ALSO BELIEVE THAT YOU WERE SANCTIONED 18 TIMES
19 WHILE YOU WERE IN THE DRUG COURT PROGRAM, ISN'T THAT TRUE?

20 A I WON'T ARGUE WITH IT

21 Q AND YOU WERE ONLY IN THE DRUG COURT PROGRAM FOR 13
22 MONTHS, ISN'T THAT TRUE?

23 A THAT'S CORRECT AND EIGHT OF THOSE MONTHS AND ONE WEEK
24 I WAS INCARCERATED, 2003 I WILL ADMIT THE FIRST PART I HAD
25 A TIME TRYING TO GET IT TOGETHER AND MAKE THE NA MEETINGS AND

1 CALL THE DRUG SCREEN LINE AND ALL THAT IT WAS A NEW THING
2 FOR ME TO LEARN TO DO WE HAVE ALREADY ESTABLISHED THAT I
3 HAVE A DRUG PROBLEM, YOU KNOW BUT, NOW, FROM JUNE ON -- AND
4 I BELIEVE IF YOU LOOK AT THAT RECORD, YOU'RE NOT GOING TO
5 FIND MANY SANCTIONS FROM JUNE ON FROM JUNE UNTIL NOW, YOU
6 MAY FIND FOUR, AND THAT'S---

7 Q WERE YOU DISCHARGED FROM FAITH HOME?

8 A YES, I WAS

9 Q HOW LONG HAD YOU BEEN IN FAITH HOME?

10 A SEVEN DAYS, I THINK, TO THE DAY, IF THAT

11 Q YOU WERE DISCHARGED FOR MULTIPLE RULE VIOLATIONS, WERE
12 YOU NOT?

13 A THAT IS WHAT THEY SAID I SPOKE WITH MS BOBBIE ABOUT
14 THAT AND WHAT HAD HAPPENED MATTER OF FACT, WE SPENT ALMOST
15 FROM EIGHT O'CLOCK IN THE MORNING -- I MET HER -- THEY KICKED
16 ME OUT ON A SUNDAY I HAD TO LEAVE, YOU KNOW, THERE THEN,
17 YOU KNOW AND SO WHEN I GOT HOME THAT NIGHT WHEN THEY HAD
18 KICKED ME OUT, I CALLED HER THEN, AND I LEFT A MESSAGE
19 BECAUSE I COULDN'T REACH HER SO WHEN SHE CAME TO WORK
20 MONDAY MORNING, I MET HER COMING THROUGH THE SOLICITOR'S
21 OFFICE DOOR, AND I TOLD HER WHAT HAD HAPPENED AND HOW THEY
22 WAS ACCUSING ME OF WANTING TO MAKE METHAMPHETAMINE AND ALL
23 THIS THEY WAS -- OH, MAN, THESE PEOPLE WAS WAY -- TALKING
24 ABOUT SOMETHING THAT I HAD NO KNOWLEDGE OF AT ALL

25 Q REFERRING BACK TO THE PATCH THAT YOU SAY HAD TORN ON

CEDRIC PERKINS -- CROSS BY MS WINN

1 YOUR ARM, WAS YOUR SHIRT RIPPED?

2 A NO, IT WASN'T

3 MS WINN ONE SECOND (OFF RECORD WITH CO-COUNSEL)

4 NOTHING FURTHER

5 THE COURT ANY OTHER QUESTIONS?

6 MR GIBSON NOTHING FURTHER, YOUR HONOR

7 THE COURT ALL RIGHT THANK YOU, SIR YOU CAN STEP
8 DOWN

9 (WITNESS STEPS DOWN AT 5 25 P M)

10 THE COURT MR GIBSON, HOW MANY OTHER WITNESSES DO YOU
11 HAVE, SIR?

12 MR GIBSON YOUR HONOR, CAN I HAVE JUST A SECOND AND
13 I'LL BE ABLE -- I THINK WE HAVE A COUPLE OF WITNESSES WHO MAY
14 BE IN COMMON

15 THE COURT THAT'S FINE

16 (OFF RECORD DISCUSSION)

17 MR GIBSON YOUR HONOR, I'M GOING TO REST I MAY HAVE
18 SOME QUESTIONS FOR A WITNESS THAT MR BANNISTER CALLS

19 THE COURT THAT'S FINE YOU CERTAINLY HAVE THAT
20 RIGHT

21 MR BANNISTER, HOW MANY WITNESSES DO YOU ANTICIPATE?

22 MR. BANNISTER HOW LONG DO YOU WANT TO GO TODAY? OH,
23 YOU'RE ASKING ME FOR TOTAL?

24 THE COURT YES, SIR

25 MR BANNISTER I'M SORRY REBECCA LAWRENCE, BRENDA

1 NABORS, ANGELA HURKS AND THEN SHEREE AIKEN TO TIE IN THE
2 DOLLAR BILLS THAT WE'VE INTRODUCED BEFORE AND THERE ARE TWO
3 -- THERE'S A DEPUTY AND A POLICEMAN WHO HAVE STATISTICS ABOUT
4 DRUG ACTIVITY AROUND THE AREA WHERE MS HURKS WAS WORKING I
5 WOULD EXPECT THEM TO BE QUICK

6 THE COURT ARE YOU FAMILIAR WITH THESE WITNESSES OR
7 MS STROM I'M NOT FAMILIAR WITH ALL THE OFFICERS
8 THEY WERE NOT PART OF THE PRETRIAL BRIEFS THAT WE WERE
9 REQUIRED TO SUBMIT TO THE COURT I GOT THE NAME OF MS
10 HURKS' NEIGHBORS, YOUR PARALEGAL---

11 MR BANNISTER SHEREE AIKEN

12 MS STROM ---I'M SORRY AND I KNOW SHEREE I'M
13 SORRY I KNOW THAT I JUST DIDN'T HEAR THE FIRST NAME YOU
14 SAID I'M SORRY

15 MR. BANNISTER ALL RIGHT GLORIA JONES

16 MS STROM OKAY

17 MR BANNISTER AND THAT IS ONE THAT IS COMMON TO BOTH
18 OF US REBECCA LAWRENCE, BRENDA NABORS, ANGELA HURKS, SHEREE
19 AIKEN, AND THEN -- I'VE STILL GOT TO MEET WITH THESE
20 OFFICERS THEY'RE GOING TO BE HERE TOMORROW WITH THE
21 INFORMATION SO I REALLY DON'T KNOW WHAT INFORMATION THEY
22 HAVE TO GIVE ME UNTIL I SEE THEM TOMORROW IT'S JUST
23 STATISTICAL, SHOWING WHETHER OR NOT---

24 THE COURT DO YOU HAVE PERHAPS ONE SHORT WITNESS THAT
25 YOU COULD AVOID BRINGING BACK TOMORROW IF WE WENT AHEAD AND

MATTERS AND MOTIONS

1 DID IT?

2 MR. BANNISTER JUDGE, WE COULD PROBABLY GET THROUGH
3 MS NABORS VERY QUICKLY

4 THE COURT ALL RIGHT WE'LL GO AHEAD AND TAKE MS ---

5 MR. BANNISTER WELL, LET ME SEE -- MS LAWRENCE WANTS
6 TO---

7 MS. LAWRENCE I'M FINE I'M FINE

8 MR. BANNISTER CAN WE BRING YOU BACK TOMORROW?

9 MS. LAWRENCE (INDICATES AFFIRMATIVE RESPONSE)

10 THE COURT I JUST THINK MS LAWRENCE WILL BE A LITTLE
11 LONGER THAN---

12 THE COURT ALL RIGHT WE'LL TAKE MS NABORS AND THEN
13 ADJOURN FOR THE DAY

14 MR. BANNISTER THANK YOU, JUDGE

15 BRENDA NABORS, HAVING BEEN DULY
16 SWORN, TESTIFIED AS FOLLOWS

17 DIRECT EXAMINATION BY MR BANNISTER.

18 Q MS NABORS, IF YOU WOULD, WOULD YOU TELL ME HOW YOU KNOW
19 ANGELA HURKS?

20 A WE CAME INTO THE PROGRAM TOGETHER ON AUGUST 9TH, 2002

21 Q AND HOW LONG HAVE YOU -- WELL, WHAT EXPERIENCE HAVE YOU
22 HAD WITH HER IN THE PROGRAM?

23 A WE BECAME VERY GOOD FRIENDS WE SPENT A LOT OF TIME
24 TOGETHER WE TALKED ON THE PHONE ON A DAILY BASIS, HOURS
25 SOMETIMES TWO HOURS, SOMETIMES LONGER

- 1 Q HOW OFTEN WOULD Y'ALL TALK AND SEE EACH OTHER---
- 2 A GOING TO AA AND NA MEETINGS TOGETHER
- 3 Q HOW OFTEN WERE THOSE?
- 4 A SOMETIMES TWO OR THREE A WEEK
- 5 Q I'M SORRY TWO OR THREE A WEEK?
- 6 A UH-HUH (AFFIRMATIVE)
- 7 Q WOULD IT BE UNUSUAL FOR YOU TO SEE ANGELA ON A DAILY
- 8 BASIS?
- 9 A UH-UH (NEGATIVE)
- 10 Q SO IT WOULD BE USUAL THEN TO SEE HER VIRTUALLY EVERY DAY
- 11 DURING THE TIME Y'ALL WERE IN THE DRUG COURT PROGRAM?
- 12 A I SEEN HER SOMETIMES ON A DAILY BASIS SOMETIMES WE
- 13 WENT SHOPPING TOGETHER
- 14 Q DID YOU KNOW HER WHEN SHE WAS USING DRUGS?
- 15 A NO
- 16 Q DURING THE TIME PERIODS THAT YOU HAVE SEEN HER AND
- 17 GOTTEN TO KNOW HER, HAVE YOU EVER SEEN HER USE DRUGS?
- 18 A NO
- 19 Q WHAT IS HER Demeanor WITH YOU TYPICALLY?
- 20 A SHE'S VERY FOCUSED ON HER RECOVERY
- 21 Q IN WHAT WAY?
- 22 A SHE'S VERY ACTIVE IN HER NA MEETINGS, YOU KNOW SHE
- 23 DOES H AND I SHE'S VERY ACTIVE
- 24 Q HAVE YOU EVER SEEN HER DROP OFF IN TERMS OF HER ACTIVITY
- 25 WITH THOSE MEETINGS OR IN TERMS---

BRENDA NABORS -- DIRECT BY MR BANNISTER

1 A NO

2 Q IS THAT A NO?

3 A NO SHE KEPT ON, YEAH NEVER STOPPED

4 Q HAVE YOU EVER SEEN HER ATTITUDE OR HER DEemeanOR TOWARDS
5 HER RECOVERY CHANGE, SPECIFICALLY, SINCE MAY THE 30TH OF 2003
6 UNTIL NOW?

7 A NO SHE STAYED VERY FOCUSED ON HER RECOVERY I FEEL
8 LIKE THAT CAME BEFORE ANYTHING

9 Q I'M NOT ASKING YOU WHAT SHE SAID, BUT WHAT WAS YOUR
10 PERCEPTION OF HER WHEN -- DURING THE TIME PERIOD THAT SHE
11 FOUND OUT ABOUT THESE DIRTY PATCHES?

12 A WELL, SHE WAS VERY SHOCKED, AND SO WAS I, BECAUSE, YOU
13 KNOW, I THOUGHT, YOU KNOW, OF ANYBODY THAT WOULD MAKE IT, IT
14 WOULD BE ANGELA, YOU KNOW

15 Q WAS SHE ANGRY?

16 A WELL, SHE WAS -- YEAH, I GUESS SHE WAS A LITTLE ANGRY,
17 BUT, YOU KNOW, SHE WAS VERY SHOCKED I WAS SHOCKED TOO

18 Q WAS THERE ANYTHING THAT SHE DID DURING ALL THIS TIME
19 PERIOD THAT WOULD HAVE GIVEN YOU AN INDICATION THAT SHE HAD
20 BEEN USING DRUGS?

21 A NO

22 Q ARE YOU FAMILIAR WITH WHAT PEOPLE WHO USE DRUGS LOOK AND
23 ACT LIKE?

24 A WELL, I'M AN ADDICT, YES

25 Q WHAT WAS YOUR DRUG OF CHOICE?

1 A MINE WAS HEROIN

2 Q OKAY HAVE YOU EVER KNOWN ANYBODY THAT'S BEEN A COCAINE
3 ADDICT?

4 A YES

5 Q ALL RIGHT HOW DO THEY ACT?

6 A THEY ARE -- WELL, I HAVE A DAUGHTER THAT'S ON CRACK
7 AND THEY -- ONCE THEY START, ONCE THEY DO THAT FIRST ONE, YOU
8 KNOW, THEY CAN'T STOP THEY'VE JUST GOT TO -- THEY'VE GOT TO
9 HAVE IT

10 Q HOW DOES THAT AFFECT THE WAY THEY ACT IN TERMS OF WHAT
11 YOU PERCEIVE?

12 A THEY DON'T CARE ABOUT ANYTHING, NOTHING, THEIR KIDS,
13 THEIR HOME, NOTHING

14 Q SO ANY PERSONAL RELATIONSHIPS --

15 A NO, UH-UH (NEGATIVE)

16 Q DID YOU EVER SEE ANY OF THAT BEHAVIOR WITH ANGELA HURKS?

17 A NO

18 MR. BANNISTER JUST A MINUTE, JUDGE (OFF RECORD WITH
19 MS HURKS) I DON'T HAVE ANY FURTHER QUESTIONS FOR MS
20 NABORS, JUDGE

21 THE COURT MR GIBSON?

22 MR GIBSON NO QUESTIONS, YOUR HONOR

23 THE COURT MR ARMSTRONG?

24 MR ARMSTRONG NO QUESTIONS

25 MS STROM I'M SORRY JUST A QUICK QUESTION

1 CROSS EXAMINATION BY MS. STROM

2 Q WHEN DID YOU GRADUATE FROM DRUG COURT?

3 A MARCH 25TH OF 2004

4 Q CONGRATULATIONS

5 A THANK YOU

6 THE COURT ANY OTHER QUESTIONS?

7 MS. STROM NO, SIR

8 THE COURT ALL RIGHT THANK YOU, MS NABORS

9 WITNESS OKAY THANK YOU

10 THE COURT GOOD TO SEE YOU, MA'AM

11 ALL RIGHT MR BANNISTER

12 MR. BANNISTER THAT WAS PRETTY QUICK WANT TO TRY

13 ANOTHER ONE?

14 (LAUGHTER IN THE COURTROOM)

15 THE COURT WHY DON'T WE GO AHEAD AND WRAP UP FOR THE

16 DAY AND LET ME SEE COUNSEL BACK IN CHAMBERS

17 (COURT RECESSED FOR THE DAY AT 5 35 P M)

18

19

20

21

22

23

24

25

CERTIFICATE

I, THE UNDERSIGNED, DAWN V KOFFSKEY, OFFICIAL COURT REPORTER FOR THE 13TH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR GREENVILLE COUNTY, SOUTH CAROLINA, ON THE 27TH DAY OF APRIL 2004

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO

FEBRUARY 14, 2006

D2641

DAWN V KOFFSKEY
COURT REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF
GENERAL SESSIONS

THE STATE OF
SOUTH CAROLINA,

-vs-

DANE JANELLI,
CEDRIC PERKINS AND
ANGELA HURKS,

DEFENDANTS

TRANSCRIPT OF RECORD
DRUG COURT
TERMINATION PROCEEDING

VOLUME 3 -- 4/28/04

APRIL 26-28, 2004
GREENVILLE, SOUTH CAROLINA

B E F O R E

THE HONORABLE CHARLES B SIMMONS

A P P E A R A N C E S

BETTY C STROM, Esquire
KRISTIN WINN, Esquire
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DAVID ARMSTRONG, Esquire
Attorney for the Defendant Dane Janelli

KENNETH GIBSON, Esquire
Attorney for the Defendant Cedric Perkins

JAMES BANNISTER, Esquire
Attorney for the Defendant Angela Hurks

DAWN V KOFFSKEY
Court Reporter

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1 THE COURT ALL RIGHT YOU CAN CALL YOUR FIRST

2 WITNESS

3 MR BANNISTER THANK YOU, YOUR HONOR I CALL REBECCA
4 LAWRENCE

5 REBECCA LAWRENCE, HAVING BEEN
6 DULY SWORN, TESTIFIED AS FOLLOWS

7 DIRECT EXAMINATION BY MR BANNISTER.

8 Q MS LAWRENCE, IF YOU WOULD, TELL ME WHERE YOU RESIDE

9 A I LIVE AT [REDACTED]

10 Q AND WHERE IS THAT IN RELATIONSHIP TO WHERE MS HURKS
11 LIVES?

12 A MS HURKS LIVES AT [REDACTED], AND WE SHARE A
13 COURTYARD OUR HOUSES FACE EACH OTHER, MAYBE 15, 20 FEET
14 APART

15 Q HOW LONG HAVE YOU LIVED THERE?

16 A I'VE LIVED THERE FIVE YEARS

17 Q AND HOW LONG HAS MS HURKS BEEN LIVING IN HER RESIDENCE
18 WHILE YOU'VE BEEN IN YOURS?

19 A MS HURKS HAS BEEN IN HER RESIDENCE THREE YEARS, BUT SHE
20 STAYED WITH ME A PERIOD OF THREE MONTHS BEFORE GOING TO THE
21 NEXT HOUSE

22 Q HOW OFTEN DO YOU SEE MS HURKS? OR HOW OFTEN HAVE YOU
23 SEEN MS HURKS OVER THIS TIME PERIOD THAT WE'RE TALKING
24 ABOUT?

25 A WE ARE IN CONTACT PROBABLY EVERY DAY IN SOME WAY OR

REBECCA LAWRENCE -- DIRECT BY MR BANNISTER

1 ANOTHER OUR WORK SCHEDULES ARE DIFFERENT, BUT I WOULD SAY
2 MAYBE ANYWHERE FROM FIVE TO SIX OR SEVEN TIMES A WEEK WE'RE
3 IN EACH OTHER'S FACE OR ON THE PHONE WITH EACH OTHER WE'RE
4 IN CONTACT WE SHARE A NEWSPAPER WE SHARE COFFEE WE
5 SHARE MEALS BECAUSE I LIVE BY MYSELF AND A LOT OF TIMES I
6 DON'T COOK, SO MS HURKS COOKS AND INVITES ME OVER

7 Q HOW OFTEN IN A WEEK DO YOU EAT TOGETHER WITH MS HURKS?

8 A I MIGHT EAT A MEAL EVERY DAY OVER THERE, IF NOT TWO, AND
9 I DRINK COFFEE EVERY MORNING WE GET UP AND HAVE COFFEE
10 TOGETHER EVERY MORNING

11 Q HAVE YOU KNOWN MS HURKS WHEN SHE WAS USING DRUGS?

12 A YES

13 Q HOW DID SHE ACT AROUND YOU? WHAT WERE THE THINGS THAT
14 SHE DID THAT GAVE YOU THAT INDICATION?

15 A WELL, WHEN I FIRST MET MS HURKS SHE CAME IN FROM A, I
16 GUESS YOU CALL IT, A BOARDING HOUSE WHERE IT WAS LIKE A DEN
17 OF THIEVES AND WE HAVE A MUTUAL FRIEND THAT ASKED IF MS
18 HURKS COULD COME AND STAY WITH ME AND KIND OF GET OUT OF THAT
19 ENVIRONMENT AND MS HURKS WAS THE KIND OF PERSON THAT WAS
20 -- SHE WAS A THIEF SHE WAS A LIAR SHE WAS UNRELIABLE
21 SHE WAS -- IF YOU SENT HER TO THE STORE WITH SOMETHING, YOU
22 MIGHT NOT SEE HER AGAIN TWO OR THREE DAYS OR SOMETIMES SHE
23 DRANK SHE DIDN'T GO TO CHURCH SHE WAS NOT VERY
24 PRODUCTIVE

25 Q WHEN DID YOU SEE A CHANGE IN HER ATTITUDE AND HER

1 BEHAVIOR?

2 A I THINK AFTER SHE STARTED THE DRUG COURT THING HERE
3 SHE BECAME ACTIVE CIVICALLY IN OUR COMMUNITY I'M A MEMBER
4 OF THE WITHIN REACH AND SOUTHERNSIDE NEIGHBORHOOD IN ACTION
5 I'M THE SECRETARY SHE ALSO JOINED THAT SHE'S ACTIVE IN
6 CHURCH SHE HAS -- THE FRIENDS THAT WERE UNSAVORY THAT WERE
7 ASSOCIATED, WE EVEN GOT TRESPASS NOTICES FOR OUR PROPERTY
8 THAT WON'T ALLOW THEM ACCORDING TO OUR LANDLORD, AND WE ARE
9 IN CONTACT WITH OUR COMMUNITY SERVICE OFFICER AS WELL AS IN
10 DRUG PREVENTION AND REHABILITATION OF OUR COMMUNITY SO MS
11 HURKS IS VERY ACTIVE

12 AND ONE THING ABOUT IT, WHEN SHE WAS DOING DRUGS, SHE
13 WEIGHED MAYBE 120 POUNDS NOW SHE WEIGH MAYBE ABOUT 300
14 POUNDS, YOU KNOW SO THERE'S A BIG DIFFERENCE

15 (LAUGHTER IN THE COURTROOM)

16 Q ALL RIGHT MS LAWRENCE, WHAT WERE THE SPECIFIC AREAS
17 OR THE ACTIVITIES IN THE NEIGHBORHOOD? IF YOU WOULD, JUST
18 LIST THOSE THAT MS HURKS BECAME INVOLVED IN AFTER SHE GOT
19 INTO DRUG COURT?

20 A OKAY SHE WAS IN THE VOTER REGISTRATION DRIVE SHE WAS
21 IN THE CANCER RELAY THING AND AS FAR AS VICTIMS SHE'S IN
22 THE HOUSING -- REDEVELOPMENT OF HOUSING SHE'S IN -- WITHIN
23 REACH IS A DRUG PREVENTION PROGRAM, AND SHE'S VERY ACTIVE
24 WITH OUR COMMUNITY PATROL SHE IS A VERY ACTIVE MEMBER IN
25 THE CHURCH SHE HAS HELPED IN THE PROCESS OF STARTING

1 SOMETHING OF A HALFWAY HOUSE FOR DRUG USERS THROUGH HER
2 CHURCH FACILITY THEY'RE TRYING TO GET A PROGRAM STARTED
3 WHERE SHE IS GOING TO BE LIKE A COUNSELOR OR SOMEBODY THAT'S
4 GOING TO TALK TO GIRLS THAT COME THROUGH THE SAME SITUATION
5 SHE'S GONE THROUGH SO THEY'RE IN THE PROCESS OF DOING THAT
6 NOW

7 Q ALL RIGHT ANYTHING ELSE THAT YOU CAN THINK OF THAT
8 SHE'S ACTIVE IN CIVICALLY?

9 A WELL, I JUST SEE WHERE SHE'S MADE A 360-DEGREE CHANGE IN
10 HER LIFE AND HER ASSOCIATES AND MS HURKS DID -- WHEN SHE
11 WAS ON DRUGS, SHE HAD A VERY TERRIBLE ATTITUDE I DIDN'T --
12 I EVEN BLOCKED HER PHONE NUMBER OUT MY PHONE -- WE WERE JUST
13 20 FEET APART -- BECAUSE I DIDN'T WANT TO BE ASSOCIATED WITH
14 HER BUT NOW SHE'S A JOY TO BE AROUND PLUS, SHE HAS GOT
15 REAL ACTIVE IN HER CHURCH AND HER COMMUNITY, AND SHE'S
16 STARTING TO CARE ABOUT PEOPLE AND FEEL COMPASSION TOWARD
17 OTHER PEOPLE

18 Q WHEN SHE WAS USING DRUGS THERE WERE, I'M ASSUMING,
19 INDIVIDUALS THAT WOULD COME AROUND

20 MS STROM OBJECTION TO LEADING, YOUR HONOR

21 A WELL, WHAT IT WAS, SHE LIVED IN A BOARDING HOUSE---

22 THE COURT ALL RIGHT HOLD ON JUST A MINUTE

23 MR BANNISTER JUDGE, I'M CHANGING SUBJECTS I THINK
24 YOU'RE ALLOWED TO LEAD TO---

25 A SHE LIVED IN A BOARDING HOUSE---

1 Q HANG ON, MS LAWRENCE

2 THE COURT I'M NOT FAMILIAR WITH THAT RULE WHERE
3 CHANGING THE SUBJECT ALLOWS ONE TO LEAD, BUT

4 (LAUGHTER IN THE COURTROOM)

5 THE COURT BUT GO AHEAD, MR BANNISTER

6 A SHE LIVED AROUND PEOPLE THAT WERE---

7 Q HANG ON, MS LAWRENCE I'VE GOT TO ASK YOU A QUESTION
8 FIRST

9 A OKAY I GOT YOU

10 Q WHEN SHE WAS USING DRUGS, WHO WERE THE PEOPLE THAT SHE
11 WAS HANGING AROUND, IF YOU KNOW?

12 A WELL, I'VE ONLY SEEN THEM I DON'T KNOW -- I DON'T BE
13 AROUND THEM BUT SHE -- SHOPLIFTERS, THIEVES, THERE WAS
14 NOTHING FOR MAYBE A CARLOAD OF THEM, DRUG DEALERS, STUFF LIKE
15 THAT, YOU KNOW WHAT I'M SAYING?

16 Q WERE THEY PEOPLE THAT YOU AT LEAST RECOGNIZED THEIR
17 FACES?

18 A YES

19 Q WERE THOSE THE PEOPLE THAT Y'ALL HAD PUT ON TRESPASS
20 NOTICE?

21 A YEAH WELL, WHAT IT IS IS THAT OUR AREA IS A THOROUGH
22 BETWEEN -- BETWEEN THE DRUG -- THE PARK ON WASHINGTON STREET
23 AND MCDONALDS AND THIS WAS AN ESCAPE ROUTE ALSO SO WE HAD
24 OUR LANDLORD TO PLACE TRESPASS NOTICES AND THINGS SO THAT
25 THESE UNSAVORY CHARACTERS COULDN'T COME THROUGH HERE AND

1 MS HURKS' HOME HAS BEEN BROKEN INTO A COUPLE OF TIMES BY
2 SOME OF THESE PEOPLE TOO

3 SO WE DON'T ALLOW -- I WORK AT NIGHT SO WE DON'T ALLOW
4 -- YOU KNOW WHAT I'M SAYING? WE LIVE MAYBE 50 YARDS OFF THE
5 STREET FOR ONE THING, AND PEOPLE CAN COME IN AND HIDE BEHIND
6 AND DO DRUGS, SO WE DON'T ALLOW THINGS LIKE THAT TO HAPPEN
7 WE DON'T ALLOW PEOPLE UP IN THERE

8 Q SINCE SHE GOT INTO THE DRUG COURT PROGRAM HAVE YOU SEEN
9 HER REVERT BACK TO ANY OF THE BEHAVIORS THAT YOU SAW BEFORE
10 SHE GOT INTO THE DRUG COURT PROGRAM?

11 A NO, SIR

12 Q HAS SHE REMAINED ACTIVE IN ALL THE CIVIC THINGS THAT
13 YOU'VE DISCUSSED EVER SINCE SHE'S BEEN IN THE DRUG COURT
14 PROGRAM?

15 A YES, SIR

16 Q HAS SHE SLACKED OFF AT ALL?

17 A NO, SHE'S ENERGIZED NO, SIR

18 Q HAVE YOU RECOGNIZED ANY OF THE INDIVIDUALS WHO USED TO
19 COME AROUND COMING BACK AROUND SINCE SHE'S BEEN IN THE DRUG
20 COURT?

21 A NO, SIR

22 Q OKAY IS THERE ANY CHANGE IN BEHAVIOR YOU'VE SEEN IN
23 HER AT ALL DURING THE TIME THAT SHE'S BEEN IN THE DRUG COURT
24 PROGRAM THAT WOULD LEAD YOU TO BELIEVE SHE HAD RELAPSED AND
25 USED DRUGS AGAIN?

1 A NO, SIR

2 Q OKAY HAVE YOU BEEN WITH HER -- WELL, ARE YOU AWARE OF
3 ANY PERSONAL ISSUES THAT SHE HAS HAD TO DEAL WITH DURING THIS
4 TIME PERIOD?

5 A SHE HAD THE DEATH OF HER SISTER SHE HAD SURGERY AND
6 SHE LOST A COUPLE OF JOBS SHE WORKED AT A BANK THINGS
7 LIKE THAT, YOU KNOW, SHE LOST HER JOB OR SOMETHING

8 Q WAS SHE ABLE TO BOUNCE BACK FROM THAT?

9 A YES, SHE WAS I WAS MORE LIKE HER SOUNDING BOARD
10 SOMETIMES SHE WOULD COME AND TALK TO ME AND WE'D PRAY
11 TOGETHER AND TALK ABOUT THINGS AND THEN SHE CALLED SOME OF
12 HER -- SHE HAS PRAYING PARTNERS AT CHURCH, AND SHE WOULD CALL
13 THEM AND THEN SHE WOULD CALL -- AND I THINK SHE HAD A NA OR
14 SOME KIND OF MEETING -- I DON'T KNOW ANYTHING ABOUT THAT --
15 AND THERE WAS CERTAIN PEOPLE SHE COULD CALL AND TALK TO THEM
16 TOO

17 Q DID -- WAS SHE OPEN WITH YOU ABOUT THESE PERSONAL
18 THINGS?

19 A YES

20 Q WERE YOU EVER SUSPICIOUS THAT SHE WAS REVERTING BACK TO
21 DRUGS---

22 A NO

23 Q ---TO DEAL WITH THESE PERSONAL PROBLEMS?

24 A I COULD REMEMBER -- AND THIS IS -- WHEN SHE HAD HER
25 SURGERY, SHE WAS AFRAID TO TAKE THE MEDICATION BECAUSE SHE

1 DIDN'T WANT TO REVERT BACK TO DRUGS SHE SAID SHE DIDN'T
2 WANT TO HAVE ANYTHING IN HER SYSTEM SHE'D RATHER ENDURE THE
3 PAIN THAN TO LET ONE DRUG TRANSITION TO THE NEXT -- TO
4 ANOTHER DRUG SO SHE WOULDN'T TAKE ANYTHING

5 MR. BANNISTER JUDGE, I THINK THAT'S ALL THE QUESTIONS
6 I HAVE

7 THE COURT MR GIBSON AND MR ARMSTRONG, ANY
8 QUESTIONS?

9 MR ARMSTRONG NO QUESTIONS OF THIS LADY

10 MR. GIBSON NO, SIR

11 THE COURT ANYTHING FROM THE STATE?

12 MS STROM YES, YOUR HONOR IT MAY TAKE ME JUST A
13 SECOND AS SOON AS WE GOT HER DATE OF BIRTH AND SOCIAL
14 SECURITY NUMBER THIS MORNING, I HAD SOMEONE GO AND---

15 THE COURT THAT'S FINE

16 MS STROM SO IT MAY TAKE A SECOND BUT THEY SHOULD
17 BE HERE

18 CROSS EXAMINATION BY MS STROM.

19 Q GOOD MORNING, MS LAWRENCE

20 A GOOD MORNING

21 Q I SAW YOU OUT IN THE HALLWAY THE OTHER DAY YOU HAD
22 SOMETHING WRONG WITH YOUR KNEE?

23 A IT'S A WORK-RELATED INJURY

24 Q OKAY ARE YOU FEELING ANY BETTER TODAY?

25 A YES, MA'AM

1 Q OKAY GOOD I WANT TO TALK TO YOU A LITTLE BIT ABOUT
2 MS HURKS AND YOU'VE KNOWN HER A LONG TIME?

3 A FOUR YEARS, ABOUT FOUR YEARS OR BETTER

4 Q AND YOU SAID THAT YOU WERE KIND OF A SOUNDING BOARD FOR
5 HER WHEN THINGS WEREN'T GOING WELL AND---

6 A YES

7 Q AND EVERYBODY NEEDS SOMEBODY LIKE THAT

8 A YES

9 Q OKAY AND WHEN SHE -- I'M SURE THAT SHE CAME TO YOU
10 WHEN SHE FOUND OUT THAT THIS PATCH HAD COME BACK AS POSITIVE?

11 A AS A MATTER OF FACT, SHE DIDN'T

12 Q SHE DIDN'T COME TO YOU ABOUT THAT?

13 A NO WE HAVE A MUTUAL FRIEND SHE WAS ARRESTED

14 Q UH-HUH (AFFIRMATIVE)

15 A SO I DIDN'T KNOW ANYTHING ABOUT IT BECAUSE -- WELL, I
16 KNOW THAT SHE WAS LOCKED UP SO I NEVER GOT A CHANCE TO TALK
17 TO HER UNTIL AFTER THE FACT

18 Q AND AFTER THE FACT SHE DID TALK TO YOU ABOUT IT?

19 A YES

20 Q AND WHAT DID SHE TELL YOU ABOUT IT?

21 A THAT SHE DIDN'T USE

22 Q THAT SHE DIDN'T USE?

23 A THAT SHE DIDN'T USE SHE COULDN'T IMAGINE -- SHE
24 THOUGHT SOMEBODY PUT SOMETHING IN HER DRINK SHE THOUGHT
25 SOMEBODY PUT SOMETHING IN HER FOOD SHE COULDN'T IMAGINE HOW

1 SHE HAD GOT IN CONTACT WITH IT SHE WAS SUSPICIOUS OF
2 EVERYBODY, HER WORK, EVERYBODY YOU KNOW, SHE SAID SOMEBODY
3 WAS TRYING TO SABOTAGE HER

4 Q SO SHE WAS SUSPICIOUS OF EVERYBODY?

5 A YES BECAUSE SHE KNOW -- SHE SAID SHE DIDN'T USE SHE
6 DIDN'T USE PERSONALLY

7 Q OKAY AND WHEN YOU SAY SHE WAS SUSPICIOUS OF EVERYBODY,
8 IT WAS PEOPLE AT WORK, PEOPLE THAT SHE WAS AROUND?

9 A HER ENVIRONMENT SHE COULDN'T IMAGINE HOW HER PATCH
10 BECAME CONTAMINATED

11 Q AND SPECIFICALLY WHEN YOU WERE SAYING THAT SHE WAS
12 SUSPICIOUS OF SOMEBODY PUTTING IT IN HER DRINK, SHE WAS
13 SUSPICIOUS OF SOMEBODY PUTTING SOMETHING IN HER FOOD, SHE WAS
14 ALSO SUSPICIOUS OF THE PEOPLE IN DRUG COURT, WASN'T SHE?

15 A I DON'T KNOW NOBODY IN DRUG COURT

16 Q OKAY SHE DIDN'T MENTION ANYTHING TO YOU ABOUT PEOPLE
17 IN THE DRUG COURT TRYING TO SABOTAGE HER OR THEY WERE OUT TO
18 GET HER OR

19 A WELL, LIKE I SAY, SHE WAS SUSPICIOUS BUT SHE COULDN'T
20 TALK TO ME ABOUT PEOPLE I DIDN'T KNOW BECAUSE -- IF ANYBODY
21 KNOW THAT, ANGELA IS A TALKER, AND SOMETIMES YOU JUST HAVE TO
22 STOP HER AND CERTAIN THINGS YOU JUST SAY, "WELL, ANGELA, I
23 DON'T ABOUT THEM I DON'T KNOW THEM, SO THERE'S NO NEED OF
24 YOU" -- YOU KNOW WHAT I'M SAYING? -- BECAUSE I COULDN'T GIVE
25 YOU AN OPINION ONE WAY OR ANOTHER ABOUT THAT PERSON

1 Q AND DID SHE TALK FREQUENTLY TO YOU ABOUT WHAT WAS GOING
2 ON IN HER RECOVERY AND DRUG COURT?

3 A SHE WAS VERY PROUD OF THE PROGRESS SHE WAS MAKING SHE
4 WAS VERY PROUD AND ANGIE HAS THESE TAPES, AND I CAN ALMOST
5 TELL YOU VERBATIM, BECAUSE SHE PLAYED THEM SO LOUD AND SHE
6 SANG AND SHE -- YOU KNOW, OVER AND OVER AGAIN THESE WERE
7 LIKE, I GUESS -- THEY WERE LIKE ENCOURAGEMENT TO HER AND
8 SHE PAINTED HER HOUSE TWO OR THREE TIMES, KEEPING HERSELF
9 BUSY LISTENING TO THESE TAPES

10 Q AND AS FAR AS THAT, DID SHE ALSO TALK TO YOU ABOUT OTHER
11 PEOPLE THAT WERE IN THE DRUG COURT PROGRAM IN TERMS OF, YOU
12 KNOW, COMPARING THEIR RECOVERY TO HERS, HOW THINGS WERE
13 GOING?

14 A THERE WERE A COUPLE OF PEOPLE THAT CAME TO HER HOUSE
15 THAT SHE'D RIDE BACK TO THE MEETINGS WITH BUT, LIKE I SAY,
16 I DIDN'T KNOW THEM AND THEY WOULD TALK TO EACH OTHER OR
17 SOMETHING OUT THERE ON THE PORCH OR SOMETHING SOMETIMES BUT
18 AS FAR AS THE CONVERSATION, I DON'T KNOW WHAT WAS SAID

19 Q SO SHE NEVER HAD A CONVERSATION WITH YOU ABOUT OTHER
20 PEOPLE IN THE PROGRAM?

21 A I WOULDN'T KNOW ANY OF THEM

22 Q RIGHT I'M NOT ASKING YOU DID YOU KNOW ANY OF THEM
23 DID SHE TALK TO YOU ABOUT THEM, YOU KNOW, SORT OF COMPARING
24 HER RECOVERY TO SOMEBODY ELSE'S? YOU KNOW, THIS IS WHAT'S
25 GOING ON IN MY LIFE, BUT THIS IS WHAT'S GOING ON---

1 A NO BECAUSE LIKE I SAY, IT WOULDN'T HAVE DONE ANY GOOD
2 IT WOULD HAVE BEEN FUTILE, BECAUSE I COULDN'T HAVE AN OPINION
3 BECAUSE I DIDN'T KNOW THE PEOPLE

4 MS STROM COURT'S INDULGENCE, YOUR HONOR (OFF
5 RECORD WITH CO-COUNSEL)

6 Q MS LAWRENCE, I BELIEVE THAT YOU HAVE A CRIMINAL RECORD
7 WHICH IS BASICALLY FOR FRAUDULENT CHECKS, CORRECT?

8 A YES

9 Q SEVERAL OF THOSE, BUT NOTHING MORE THAN FRAUDULENT
10 CHECKS?

11 A WELL, I WAS YOUNG ONE TIME I'VE DONE SOME THINGS YOU
12 KNOW, I'M NOT PROUD OF THEM BUT I'VE TURNED AROUND BUT I
13 CAN EXPLAIN ABOUT THE FRAUDULENT CHECKS TOO I LIVED HERE IN
14 THE CITY AND I WROTE SOME CHECKS---

15 MR BANNISTER JUDGE, AT THIS POINT, I DON'T KNOW WHAT
16 THE---

17 WITNESS I CAN TELL HER

18 MR BANNISTER JUST TELL ME IF IT'S BEYOND THE TEN-
19 YEAR PERIOD OF NOT

20 MS. STROM IT'S NOT '95 IS THE EARLIEST

21 A BUT I LEFT TOWN AND SOME PLACES DON'T CASH CHECKS FOR 30
22 OR 90 DAYS MY ACCOUNT CLOSED I CAME BACK AND THESE CHECKS
23 WERE STILL -- AND A WARRANT HAD BEEN ISSUED FOR ME BUT I
24 CLEARED THEM UP THROUGH JUDGE CAGLE'S OFFICE THEY'VE BEEN
25 CLEARED

1 MS. STROM COURT'S INDULGENCE, YOUR HONOR
2 THE COURT YES, MA'AM
3 MS. STROM (OFF RECORD WITH CO-COUNSEL) THANK YOU I
4 HAVE NO FURTHER QUESTIONS
5 THE COURT ANYTHING ELSE, MR BANNISTER?
6 MR. BANNISTER NOTHING, YOUR HONOR
7 THE COURT ALL RIGHT THANK YOU, MS LAWRENCE CAN
8 MS LAWRENCE BE EXCUSED?
9 MR. GIBSON YES, SIR
10 MS STROM NO OBJECTION FROM THE STATE
11 THE COURT YOU ARE FREE TO GO OR YOU'RE FREE TO STAY
12 WITNESS THANK YOU
13 (WITNESS EXCUSED AT 9 50 A M)
14 MR BANNISTER JUDGE, I WOULD CALL PAM TAYLOR
15 MS STROM IF I COULD HAVE JUST ONE MOMENT, I DON'T
16 RECALL HER NAME, BUT I'M CHECKING TO MAKE SURE
17 PAM TAYLOR, HAVING BEEN DULY
18 SWORN, TESTIFIED AS FOLLOWS
19 THE COURT I'LL BE GLAD TO HEAR FROM THE STATE
20 MS STROM YOUR HONOR, I JUST POINT OUT TO THE COURT
21 THAT SHE WAS NOT PART OF THE DEFENDANT'S SECOND AMENDED
22 PRETRIAL---
23 THE COURT HAS SHE BEEN DISCLOSED TO THE STATE?
24 MR BANNISTER SHE WAS DISCLOSED TO THE STATE TO THE
25 EXTENT I COULD, YESTERDAY

PAM TAYLOR -- DIRECT BY MR BANNISTER

1 THE COURT I SUSTAIN THE OBJECTION YOU MAY PROFFER
2 HER TESTIMONY

3 MR BANNISTER THANK YOU, JUDGE

4 DIRECT EXAMINATION BY MR. BANNISTER:

5 Q MS TAYLOR, IF YOU WOULD, CAN YOU TELL ME WHAT YOU --
6 WELL, STATE YOUR NAME FIRST I'M SORRY

7 A PAMELA TAYLOR

8 Q AND WHERE DO YOU WORK?

9 A I WORK AT THE GREENVILLE SHERIFF'S OFFICE

10 Q AND WHAT DO YOU DO FOR THE GREENVILLE COUNTY SHERIFF'S
11 OFFICE?

12 A I'M A CRIME ANALYST

13 Q ALL RIGHT DID YOU HAVE -- CAN YOU TELL ME WHAT BEAT
14 THE ADDRESS 410 POINSETT HIGHWAY IS LOCATED IN?

15 A IT IS IN BEAT NINE

16 Q OKAY AND STATISTICALLY SPEAKING, HOW DOES BEAT NINE
17 RANK IN TERMS OF CALL VOLUME?

18 A IT IS OUR SECOND HIGHEST CALL VOLUME FOR THE TEN BEAT
19 AREAS WE HAVE

20 Q ALL RIGHT SO IT WOULD BE A HIGH-CRIME AREA?

21 A YES

22 MR BANNISTER THANK YOU I DON'T HAVE ANY FURTHER
23 QUESTIONS

24 THE COURT ANY QUESTIONS ON THE PROFFER?

25 MS STROM NO -- OH, I'M SORRY YOU DIDN'T ASK ME

1 FIRST

2 THE COURT NO GO AHEAD ANYTHING?

3 MS. STROM NO, SIR

4 THE COURT MR ARMSTRONG OR MR GIBSON?

5 MR ARMSTRONG NO QUESTIONS

6 MR. GIBSON NO, SIR

7 THE COURT ALL RIGHT APPRECIATE YOU COMING OVER

8 (WITNESS STEPS DOWN AT 9 53 A M)

9 MR. BANNISTER JUDGE, I WOULD CALL OFFICER GAMBLE
10 HE'S GOING TO BE THE SAME SITUATION AS MS TAYLOR

11 THE COURT OKAY

12 MS. STROM I WOULD HAVE THE SAME OBJECTION, YOUR
13 HONOR

14 THE COURT AND I MAKE THE SAME RULING HE CAN COME
15 AROUND IN THE FORM OF A PROFFER

16 ROBERT GAMBLE, HAVING BEEN DULY
17 SWORN, TESTIFIED AS FOLLOWS

18 DIRECT EXAMINATION BY MR. BANNISTER:

19 Q OFFICER GAMBLE, IF YOU WILL, TELL ME, WHO DO YOU WORK
20 FOR?

21 A THE GREENVILLE CITY POLICE DEPARTMENT

22 Q AND WHAT DO YOU DO FOR THE GREENVILLE CITY POLICE
23 DEPARTMENT?

24 A I SUPERVISE THE CRIME ANALYSIS UNIT

25 Q ALL RIGHT AS PART OF THAT UNIT DO YOU COLLECT

1 STATISTICS ON CRIMES IN GREENVILLE CITY?

2 A YES, I DO

3 Q HAVE YOU HAD AN OCCASION TO RUN THOSE STATISTICS AROUND
4 THE LOCATION [REDACTED] ROAD?

5 A YES, I DID

6 Q ALL RIGHT AND DID YOU SPECIFICALLY LOOK AT DRUG-
7 RELATED ACTIVITY IN THAT AREA?

8 A YES, I DID

9 Q AND BASED ON THE STATISTICS IS THAT STATISTICALLY
10 SPEAKING A HIGH-VOLUME DRUG ACTIVITY AREA?

11 A I WOULD CLASSIFY IT AS SUCH, YES

12 Q ALL RIGHT WITHIN THE CITY OF GREENVILLE?

13 A YES, SIR.

14 MR BANNISTER ALL RIGHT I HAVE NO FURTHER
15 QUESTIONS

16 THE COURT ANY QUESTIONS ON THE PROFFER, SOLICITOR?

17 MS STROM NO, SIR

18 THE COURT MR ARMSTRONG OR MR GIBSON?

19 MR ARMSTRONG NO QUESTIONS

20 MR GIBSON NO, SIR

21 (CELL PHONE RINGS)

22 THE COURT IF I HEAR ANOTHER CELL PHONE TODAY, THE
23 BAILIFF IS INSTRUCTED, BE IT LAWYER OR PERSON IN THE CROWD,
24 THEY'RE GOING TO BE REMOVED

25 YOU MAY STEP DOWN, SIR

1 (WITNESS STEPS DOWN AT 9 55 A M)

2 THE COURT DO YOU UNDERSTAND THAT MR BOBBY?

3 BAILIFF YES, SIR

4 THE COURT THANK YOU

5 MR. BANNISTER YOUR HONOR, I WOULD CALL SHEREE AIKEN

6 THE COURT ALL RIGHT

7 SHEREE AIKEN, HAVING BEEN DULY

8 SWORN, TESTIFIED AS FOLLOWS

9 DIRECT EXAMINATION BY MR BANNISTER

10 Q MS AIKEN, WHO DO YOU WORK FOR?

11 A I WORK FOR BANNISTER, WYATT AND KAPPEL, AND JIM

12 BANNISTER SPECIFICALLY

13 Q ALL RIGHT AND LET'S SEE ON MONDAY DID YOU GO TO --

14 WHERE DID I SEND YOU?

15 A ON MONDAY YOU SENT ME TO CHURCH'S CHICKEN LOCATED ON [REDACTED]

16 [REDACTED] I BELIEVE THAT'S THE PHYSICAL ADDRESS

17 Q ALL RIGHT AND WHAT WERE YOU GOING THERE TO GET?

18 A YOU HAD ASKED ME TO GET 10 ONE-DOLLAR BILLS

19 Q OKAY AND---

20 MS. STROM YOUR HONOR---

21 Q ---DID YOU DO THAT?

22 MS. STROM I'M SORRY I'M NOT OBJECTING TO THE FORM
23 OF THE QUESTION, BUT I DO WANT TO PRESERVE MYSELF SHE ALSO
24 WAS NOT ON THE WITNESS LIST I KNOW WHAT SHE'S GOING TO
25 TESTIFY TO HE DID TELL ME THAT BUT I JUST WANT TO MAKE

1 THAT POINT FOR THE RECORD, THAT SHE WAS NOT ON THE WITNESS
2 LIST

3 THE COURT IS THE STATE OBJECTING TO HER BEING
4 PROFFERED AS A WITNESS?

5 MS STROM YES, SIR

6 THE COURT I SUSTAIN THE OBJECTION YOU MAY PROFFER
7 HER TESTIMONY

8 MR BANNISTER JUDGE, I PROBABLY WANT TO BE HEARD ON
9 THIS AT SOME POINT, BUT WE CAN DO IT AFTER HER TESTIMONY

10 THE COURT ALL RIGHT GO AHEAD

11 Q DID YOU GO TO CHURCH'S -- WHAT DID YOU GET WHEN YOU WENT
12 TO CHURCH'S FRIED CHICKEN?

13 A I ASKED FOR CHANGE FOR A 20, AND I ASKED FOR 10 ONE-
14 DOLLAR BILLS

15 Q ALL RIGHT AND THEN WHAT DID YOU DO WITH THOSE ONE-
16 DOLLAR BILLS?

17 A I BROUGHT THEM BACK HERE

18 Q ALL RIGHT WHO DID YOU GIVE THEM TO?

19 A I GAVE THEM TO YOU SPECIFICALLY IN THE PUBLIC DEFENDER'S
20 OFFICE

21 Q OKAY WERE THEY THE ONE-DOLLAR BILLS THAT ARE
22 REFERENCED IN HURKS EXHIBIT NUMBER 1 AND 2?

23 A YES, THEY ARE

24 MR BANNISTER OKAY NO FURTHER QUESTIONS

25 THE COURT ANY QUESTIONS IN THE FORM OF A PROFFER?

1 MS. STROM NO, SIR
2 THE COURT OTHER THAN WHERE SHE WORKS?
3 MS STROM NO, SIR
4 THE COURT ALL RIGHT MR GIBSON, MR ARMSTRONG, ANY
5 QUESTIONS?
6 MR. ARMSTRONG NO QUESTIONS
7 MR. GIBSON NO, SIR
8 THE COURT ALL RIGHT THANK YOU YOU CAN STEP DOWN
9 (WITNESS STEPS DOWN AT 9 56 A M
10 THE COURT I'LL BE GLAD TO HEAR FROM YOU
11 MR. BANNISTER OKAY THANK YOU, JUDGE WHEN OUR
12 EXPERT CAME IN AND BEGAN TO TESTIFY -- GOSH, I THINK IT WAS
13 ON MONDAY
14 THE COURT YES, SIR
15 MR. BANNISTER -- ABOUT THE POTENTIAL FOR THERE TO BE
16 DRUGS ON MONEY, IT WASN'T UNTIL THAT POINT THAT I THOUGHT IT
17 WOULD BE WISE TO SEE IF I COULD GET SOME MONEY FROM A PLACE
18 WHERE MS HURKS ACTUALLY WORKED SHE IS STRICTLY A CHAIN OF
19 CUSTODY PERSON SHE JUST WENT THERE AND BROUGHT IT BACK I
20 TOLD THEM ON THAT DAY THAT'S WHERE THIS MONEY IS COMING FROM,
21 THIS IS WHO'S GOING TO DO THAT
22 SO I WOULD SAY TO YOUR HONOR, THERE SIMPLY IS NO
23 PREJUDICE IN THIS -- IN HER BEING CALLED AND NOT HAVING BEEN
24 DISCLOSED PRIOR TO I THINK IT'S A DANGEROUS RULE TO SAY IF
25 A LAWYER CAN COME UP WITH OTHER AVENUES TO SUPPORT HIS

MATTERS AND MOTIONS

1 CLIENT'S CASE DURING THE TRIAL THAT HE DIDN'T THINK OF BEFORE
2 THEN HE'S CUT OFF FROM INTRODUCING THAT TYPE OF EVIDENCE

3 THE COURT IS THE STATE IN A POSITION TO ALLOW MS
4 AIKEN'S TESTIMONY PURELY ON THE CHAIN OF CUSTODY ISSUE?

5 MS STROM YES, SIR, WE ARE BUT ALSO, I WANT TO
6 POINT OUT ONE THING, THAT MS AIKEN'S TESTIMONY WAS THAT SHE
7 GAVE THEM TO MR BANNISTER NOT TO DR KIDWELL SO DOES THAT
8 NOW NOT PUT MR BANNISTER IN THE CHAIN OF CUSTODY, THEREFORE
9 BEING A WITNESS AND NOT A LAWYER?

10 THE COURT THANK YOU, SOLICITOR

11 (LAUGHTER IN THE COURTROOM)

12 MR BANNISTER I'LL CALL MYSELF IF I NEED TO, JUDGE
13 BUT LITERALLY, SHE HANDED IT TO ME, AND I HANDED IT TO THE
14 GOOD DOCTOR

15 THE COURT I'M GOING TO ALLOW MS AIKEN THEN FOR HER
16 TESTIMONY TO STAND PURELY ON A CHAIN OF CUSTODY ISSUE AND
17 ON THE OTHER ISSUE, IF, IN FACT, THAT IS TRULY AN ISSUE, WE
18 WILL ADDRESS IT DURING ONE OF THE BREAKS

19 YOU CAN CALL YOUR NEXT WITNESS

20 MR BANNISTER THANK YOU I CALL GLORIA JONES

21 GLORIA JONES, HAVING BEEN DULY
22 SWORN, TESTIFIED AS FOLLOWS

23 DIRECT EXAMINATION BY MR BANNISTER.

24 Q MS JONES, IF YOU WOULD, TELL ME A LITTLE BIT ABOUT YOUR
25 BACKGROUND IN TERMS OF DRUG COURT

- 1 A WELL, I HAD HAD A COUPLE OF, YOU KNOW, BAD TROUBLES IN
2 DRUG COURT AND STUFF, BUT I FINALLY GRADUATED FROM IT
- 3 Q SO YOU HAVE COMMITTED SOME CRIMES?
- 4 A UH-HUH (AFFIRMATIVE)
- 5 Q YOU NEED TO SAY YES BECAUSE SHE NEEDS TO---
- 6 A YES
- 7 Q OKAY DID YOU GET INTO DRUG COURT?
- 8 A YES
- 9 Q ALL RIGHT AND THEN YOU SUCCESSFULLY COMPLETED DRUG
10 COURT?
- 11 A YES
- 12 Q ALL RIGHT DURING THE TIME YOU WERE IN DRUG COURT DID
13 YOU EVER WEAR A PATCH?
- 14 A YES
- 15 Q AND DID YOU EVER HAVE A PATCH TEST POSITIVE?
- 16 A YES
- 17 THE COURT DAWN, DO YOU HAVE A KLEENEX DOWN THERE OR A
18 TISSUE
- 19 COURT REPORTER (PROVIDES TISSUE TO WITNESS)
- 20 THE COURT JUST TAKE YOUR TIME, MS JONES OKAY?
- 21 Q IF YOU WOULD, WOULD YOU DESCRIBE -- WAS THAT THE ONLY --
22 DID YOU JUST HAVE ONE PATCH TEST POSITIVE?
- 23 A NO, I HAD, LIKE, TWO I THINK BUT I HAD ADMITTED, YOU
24 KNOW, THAT I HAD BEEN DRINKING ON ONE OF THEM THEY SENT ME
25 TO FAITH HOME WITH THAT ONE

GLORIA JONES -- DIRECT BY MR BANNISTER

- 1 Q WHAT HAPPENED ON THE SECOND ONE?
- 2 A I WAS WITH SOMEBODY THAT WAS USING DRUGS, BUT I DIDN'T
- 3 INGEST ANY BUT I WENT AHEAD AND ADMITTED TO THE PATCH
- 4 Q ALL RIGHT
- 5 A BUT SINCE I WAS AROUND, YOU KNOW, SOMEBODY THAT WAS
- 6 USING
- 7 Q SO YOU HAD A PATCH TO TEST POSITIVE---
- 8 A YEAH
- 9 Q ---TWICE?
- 10 A UH-HUH (AFFIRMATIVE)
- 11 Q YOU HAD HAD SOME ALCOHOL DURING THE FIRST ONE?
- 12 A YEAH, I WAS DRINKING ON THE FIRST PATCH, AND I ADMITTED
- 13 TO THAT I WAS DRINKING WITH THAT ONE
- 14 Q DO YOU KNOW WHAT YOUR FIRST PATCH TESTED POSITIVE FOR?
- 15 A I DON'T KNOW BECAUSE IT HAD -- IT HAD BEEN TAMPERED
- 16 WITH I TAMPERED WITH THAT FIRST PATCH AND THE LITTLE COTTON
- 17 THING CAME OUT AND STUFF, AND I WENT UP AND TALKED TO MS
- 18 BOBBIE ABOUT IT AND STUFF, AND I WENT AHEAD AND ADMITTED THAT
- 19 I HAD BEEN DRINKING WITH THAT PATCH
- 20 Q HOW ABOUT THE SECOND PATCH? WHAT DID -- DO YOU KNOW
- 21 WHAT THE SECOND PATCH TESTED POSITIVE FOR?
- 22 A FOR COCAINE
- 23 Q HAD YOU INGESTED ANY COCAINE DURING THE PERIOD OF TIME
- 24 YOU WERE WEARING THAT SECOND PATCH?
- 25 A I WAS DATING THIS GUY HE WAS A HEAVY COCAINE USER HE

1 WOULD, YOU KNOW, SNIFF COCAINE A LOT, AND SOME KIND OF WAY IT

2 GOT, YOU KNOW, INTO MY PATCH SOME KIND OF WAY

3 Q ALL RIGHT DID YOU INGEST THE COCAINE, THAT IS, DID YOU

4 SNIFF IT, SMOKE IT---

5 A NO

6 Q ---TASTE IT, TAKE IT INTO YOUR BODY IN WAY?

7 A NO, I DIDN'T

8 Q OKAY

9 A BUT I WAS AROUND SOMEBODY THAT WAS USING, BUT I DIDN'T

10 INGEST ANYTHING

11 Q ALL RIGHT DID YOU ULTIMATELY ADMIT THAT YOU HAD USED

12 COCAINE AT SOME POINT FOR THE SECOND PATCH?

13 A YES

14 Q ALL RIGHT WHY DID YOU DO THAT IF IT WASN'T TRUE?

15 A BECAUSE I HAVE KIDS AND STUFF, AND I KNEW THAT IF I

16 DIDN'T, YOU KNOW, ADMIT TO -- WELL, I WAS WRONG BY BEING

17 AROUND SOMEBODY THAT WAS USING ANYWAY, SO I WENT AHEAD AND

18 ADMITTED, YOU KNOW, TO THAT

19 Q ALL RIGHT BUT YOU ACTUALLY ADMITTED USING, DIDN'T YOU?

20 A YES, I DID

21 Q WHY DID YOU -- WHY DID YOU ADMIT USING IF YOU DIDN'T

22 USE? AND I UNDERSTAND YOU WERE AROUND SOMEBODY ELSE

23 A UH-HUH (AFFIRMATIVE)

24 Q DID YOU FEEL PRESSURE?

25 A NO, IT WAS BECAUSE OF MY KIDS, YOU KNOW, AND STUFF I

GLORIA JONES -- DIRECT BY MR BANNISTER

1 WAS, YOU KNOW, TRYING TO DO RIGHT BY THEM, AND I DIDN'T WANT
2 TO LET THEM DOWN AND STUFF SO I WENT AHEAD AND ADMITTED
3 THAT I HAD USED COCAINE

4 Q WAS THAT TO STAY IN THE PROGRAM?

5 A WELL, YEAH IN A WAY, YEAH

6 Q WERE YOU AFRAID YOU WOULD BE SANCTIONED---

7 MS. STROM OBJECTION, YOUR HONOR, LEADING THE WITNESS

8 THE COURT SUSTAIN THE OBJECTION

9 Q WERE YOU AFRAID OF ANYTHING THAT LED YOU TO ADMIT?

10 A NO, I WASN'T

11 Q ULTIMATELY YOU SUCCESSFULLY COMPLETED THE PROGRAM?

12 A YES

13 Q CONGRATULATIONS

14 A OKAY

15 MR BANNISTER THAT'S ALL THE QUESTIONS I HAVE, JUDGE

16 MS STROM SOLICITOR STROM?

17 CROSS EXAMINATION BY MS STROM:

18 Q MS JONES?

19 A UH-HUH (AFFIRMATIVE)

20 Q I'M BETTY STROM I'M THE PROSECUTOR I THINK WE'VE MET
21 BEFORE---

22 A YES

23 Q ---AT ONE OF THE DRUG COURT EITHER CEREMONIES OR ONE OF
24 THE EVENINGS DOWN HERE

25 A UH-HUH (AFFIRMATIVE)

- 1 Q CONGRATULATIONS ON YOUR GRADUATION
- 2 A THANK YOU
- 3 Q YOU SAID THAT AFTER YOUR SECOND POSITIVE PATCH THAT YOU
- 4 ADMITTED THAT YOU HAD BEEN AROUND SOMEBODY WHO WAS USING?
- 5 A YES I WAS DATING THIS GUY AND STUFF, AND HE WAS A VERY
- 6 HEAVY USER AT THE TIME, AND I DIDN'T KNOW THAT HE WAS USING
- 7 LIKE THAT AND SOME KIND OF WAY---
- 8 Q YOU SAID HE WAS A VERY HEAVY USER BUT YOU DIDN'T KNOW HE
- 9 WAS USING?
- 10 A NO, NOT AT THE TIME I DIDN'T, UNTIL ONE DAY WE WAS
- 11 TOGETHER AND I SEEN HIM SNIFF SOME COCAINE AND STUFF
- 12 Q SO YOU WERE ACTUALLY IN HIS PRESENCE WHILE HE WAS DOING
- 13 DRUGS?
- 14 A YEAH, UH-HUH (AFFIRMATIVE)
- 15 Q OKAY AND THAT WAS A TIME WHEN YOU WERE WEARING THIS
- 16 PATCH?
- 17 A YES
- 18 Q AND WHEN YOU WERE ULTIMATELY CONFRONTED WITH THE
- 19 POSITIVE PATCH, YOU ADMITTED TO USING?
- 20 A YES
- 21 Q AND ISN'T IT TRUE, MS JONES, THAT MONDAY YOU CAME UP
- 22 HERE FOR COURT, DIDN'T YOU?
- 23 A UH-HUH (AFFIRMATIVE)
- 24 Q YOU HAVE TO SAY YES OR NO
- 25 A YES

GLORIA JONES -- CROSS BY MS STROM

1 Q WE JUST CAN'T PICK UP HEAD NODS

2 A OKAY

3 Q AND DIDN'T YOU AT THAT TIME HAVE A CONVERSATION WITH
4 TERESA MOORE? YOU KNOW TERESA MOORE FROM DRUG COURT?

5 A YES

6 Q OKAY AND DID YOU NOT AT THAT TIME TELL HER YOU DIDN'T
7 KNOW WHY THEY WERE ASKING YOU TO COME UP HERE?

8 A YEAH YES

9 Q AND BECAUSE YOU HAD HAD THIS POSITIVE PATCH AND YOU HAD
10 IN FACT USED?

11 A YES

12 Q AND YOU TOLD HER THAT YOU DIDN'T KNOW WHY YOU WERE UP
13 HERE BECAUSE YOU, IN FACT, HAD USED?

14 A YES SHE TOLD ME THAT THE REASON WHY I WAS UP HERE
15 ABOUT, YOU KNOW, THAT POSITIVE PATCH AND STUFF AND SHE TOLD
16 ME, YOU KNOW, THAT WAS IT RIGHT THERE

17 Q SHE TOLD YOU WHAT?

18 A NO SHE WAS JUST TELLING ME ABOUT I WAS UP HERE, YOU
19 KNOW, FOR THAT POSITIVE PATCH THEY WANTED ME TO TESTIFY
20 ABOUT THAT PATCH AND STUFF

21 Q OKAY AND DID YOU TELL HER ON MONDAY THAT YOU HAD, IN
22 FACT, USED?

23 A TALKING ABOUT THIS MONDAY?

24 Q YES, MA'AM

25 A I DON'T REMEMBER SAYING THAT MAYBE I DID I DON'T

1 REMEMBER

2 Q MAYBE YOU DID?

3 A YEAH, I DON'T REMEMBER SAYING THAT BUT, YOU KNOW

4 Q AND HOW LONG AGO DID YOU GRADUATE FROM THE PROGRAM?

5 A IT'S BEEN ABOUT A MONTH AGO

6 Q SO THERE WOULD HAVE BEEN NO REPERCUSSIONS COMING TO YOU,
7 YOU'VE ALREADY GRADUATED?

8 A YES

9 MS STROM THANK YOU NO FURTHER QUESTIONS

10 THE COURT MR ARMSTRONG, MR GIBSON, ANY QUESTIONS?

11 MR. ARMSTRONG NO QUESTIONS

12 MR GIBSON NO, SIR

13 THE COURT ALL RIGHT THANK YOU, MS JONES

14 ANY OTHER QUESTIONS, MR BANNISTER? I'M SORRY

15 MR BANNISTER NO, SIR

16 THE COURT IT'S GOOD TO SEE YOU, MS JONES

17 WITNESS OKAY

18 MR. BANNISTER ALL RIGHT I'D CALL MS ABLINE FULLER

19 ADLINE FULLER, HAVING BEEN DULY

20 SWORN, TESTIFIED AS FOLLOWS

21 DIRECT EXAMINATION BY MR. BANNISTER

22 Q MS FULLER, WILL YOU TELL US WHAT YOUR OCCUPATION IS?

23 A I'M AN ADDICTION COUNSELOR FOR PIEDMONT TREATMENT

24 CENTER

25 Q AND HOW DO YOU KNOW MS HURKS?

1 A I KNOW MS HURKS THROUGH NARCOTICS ANONYMOUS PROGRAM
2 I'M HER SPONSOR

3 Q AND WHEN DID YOU FIRST COME INTO CONTACT WITH MS
4 FERGUSON?

5 A I THINK ABOUT TWO YEARS AGO AT AN NA MEETING

6 Q AT WHAT POINT WAS SHE IN HER ADDICTION WHEN YOU SAW HER
7 THE FIRST TIME?

8 A I THINK SHE TOLD ME SHE WAS IN DRUG COURT

9 Q AND WHAT WAS YOUR PERCEPTION OF HER USE OF DRUGS AT THAT
10 POINT?

11 A WELL, SHE WAS VERY INVOLVED WITH THE NA PROGRAM AND HER
12 DRUG COURT PROGRAM SHE WAS SPONSORING THIS MEETING WHERE
13 MS GODWIN, BOBBIE, WAS COMING OUT TO DO A PRESENTATION TO
14 THE NARCOTICS ANONYMOUS PROGRAM, AND SHE WAS BUSY SETTING
15 THAT UP

16 Q ANGELA WAS BUSY SETTING UP THIS---

17 A YES YES AT A CLUBHOUSE

18 Q DID THE PROGRAM HAVE A SPECIFIC PURPOSE?

19 A I CAN'T BREAK ANYONE ANONYMITY

20 Q I'M SORRY?

21 A I CAN'T BREAK ANYONE ANONYMITY

22 Q NO, I'M NOT ASKING THAT I'M JUST SAYING, WHAT WAS THE
23 GENERAL REASON FOR THE PEOPLE GETTING TOGETHER IN THIS
24 SPECIFIC GROUP?

25 A MS GODWIN WAS COMING UP TO SHARE WITH NARCOTICS

1 ANONYMOUS

2 Q WERE THERE ANY MEN PRESENT IN THIS GROUP?

3 A WERE THERE? I CAN'T REMEMBER

4 Q OKAY

5 A I DON'T KNOW I CAN'T REMEMBER

6 Q ANYWAY, HOW OFTEN DID YOU SEE MS HURKS FROM THE TIME
7 PERIOD YOU FIRST BEGAN TO WORK WITH HER UNTIL NOW? WHAT'S
8 THE -- HOW OFTEN DO YOU SEE HER?

9 A I'LL SAY I SAW HER ABOUT FIVE TIMES A WEEK AND WHEN I
10 DIDN'T CALL HER, SINCE I WERE HER SPONSOR, I HAD TOLD HER TO
11 CALL ME 90 DAYS EVERY DAY WHEN I FIRST STARTED SPONSORING
12 HER BUT THOSE 90 DAYS JUST WENT ON AND ON AND ON AND ON
13 THEY NEVER ENDED

14 Q I SEE

15 A BASICALLY I SPOKE WITH HER EVERY DAY OR HER BOSS WAS ON
16 MY LIST AT MY ANSWERING SERVICE AT HOME

17 Q IS THIS THE FIRST PERSON YOU HAVE EVER SPONSORED?

18 A NO

19 Q HOW MANY PEOPLE HAVE YOU SPONSORED?

20 A OFF AND ON, IN AND OUT, IT'S HARD TO -- PROBABLY ABOUT
21 30 OR 40

22 Q HAVE ALL OF THOSE INDIVIDUALS BEEN SUCCESSFUL IN
23 BECOMING CLEAN PERMANENTLY OR JUST

24 A NO I'VE BEEN IN THE PROGRAM FOR 14 YEARS, SO I SEE A
25 LOT OF THEM COME AND GO

ADLINE FULLER -- DIRECT BY MR BANNISTER

1 Q OKAY THEN ARE YOU FAMILIAR WITH HOW PEOPLE APPEAR, THE
2 WAY THEY ACT WHEN THEY ARE ON DRUGS AND USING VERSUS WHEN
3 THEY ARE CLEAN?

4 A YES

5 Q ALL RIGHT WAS THERE ANY TIME WHEN YOU WERE CONCERNED
6 THAT ANGELA HAD RELAPSED?

7 A NO

8 Q WHAT GIVES YOU CONFIDENCE THAT SHE HAD NOT RELAPSED, IF
9 ANYTHING?

10 A BECAUSE SHE CONTINUED TO CALL ME, AND I CONTINUED TO SEE
11 HER ON A REGULAR BASIS AND WHEN I GO OVER TO HER HOUSE, YOU
12 KNOW, I'M REALLY -- I'M VERY NOSY I NEVER SAW ANY
13 INDICATION WHERE SHE WAS USING ANY DRUGS

14 Q ARE YOU AWARE OF ANY CIVIC ACTIVITIES THAT SHE IS
15 INVOLVED IN?

16 A NOW?

17 Q YES

18 A YES SHE DON'T COME TO THE CLUBHOUSE ANYMORE, BUT SHE
19 IS HEAVILY INVOLVED WITH HER CHURCH AND THE COMMUNITY,
20 SOUTHERNSIDE COMMUNITY

21 Q HAVE YOU SEEN THAT SLACK OFF AT ANY POINT IN TIME DURING
22 HER RECOVERY?

23 A NO

24 Q HAVE YOU SEEN ANY POINTS IN TIME WHERE SHE BECAME
25 DESPONDENT OR DEPRESSED OR WITHDRAWN?

1 A NO

2 Q ARE YOU AWARE OF ANY PERSONAL PROBLEMS THAT SHE HAD
3 DURING THIS LAST YEAR, 2003?

4 A NO, NOT REALLY WE WORK STEPS, AND WE TALK ABOUT A LOT
5 OF STUFF, YOU KNOW, AND I ASK ANGELA TO CALL ME IF ANYTHING
6 IS GOING ON WITH HER, AND SHE DOES THAT, AND WE USUALLY TALK
7 THROUGH THINGS AND DO SOME STEP WORK

8 Q ALL RIGHT DID SHE EVER TALK TO YOU ABOUT---

9 MS STROM OBJECTION, YOUR HONOR, LEADING HE'S
10 ALREADY ASKED HER IF SHE WAS AWARE OF ANY PERSONAL PROBLEMS,
11 SHE SAID NO

12 THE COURT DON'T LEAD

13 MR. BANNISTER I'LL REPHRASE THE QUESTION

14 Q ALL RIGHT

15 A I DO KNOW THAT SHE WAS GOING THROUGH SOME STUFF---

16 MS STROM OBJECTION, YOUR HONOR SHE IS ANSWERING
17 WITHOUT A QUESTION BEING ASKED

18 WITNESS I WAS GOING TO ANSWER HIS LAST ONE

19 THE COURT ALL RIGHT

20 WITNESS I'M A LITTLE BIT NERVOUS

21 THE COURT THIS IS SOMEWHAT OF A TENNIS MATCH
22 INVOLVING MULTIPLE PLAYERS AND SO---

23 (LAUGHTER IN THE COURTROOM)

24 MS STROM THE BALL IS IN YOUR COURT

25 THE COURT ALL RIGHT THANK YOU, MA'AM ONCE HE

ADLINE FULLER -- DIRECT BY MR BANNISTER

1 SERVES OVER THE NET TO YOU, ASSUMING IT'S A PROPER SERVE,
2 THEN YOU CAN ANSWER THE QUESTION

3 Q ARE THERE ANY OTHER PERSONAL PROBLEMS THAT YOU ARE AWARE
4 OF THAT MS HURKS MADE YOU AWARE OF?

5 A OKAY THE DRUG -- THE PATCH I CAN REMEMBER WHEN
6 ANGELA CALLED ME ONE DAY AND SHE SAID, "MY PATCH CAME UP
7 POSITIVE FOR COCAINE "

8 Q OKAY WHAT WAS HER Demeanor, HER REACTION?

9 A SHE SAID SHE DON'T KNOW HOW---

10 MS STROM OBJECTION TO WHAT SHE SAID, YOUR HONOR
11 THAT IS SELF-SERVING

12 A SHE SAID SHE---

13 THE COURT OVERRULED GO AHEAD

14 A SHE SAID SHE DIDN'T KNOW HOW THAT COULD HAPPEN BECAUSE
15 SHE HADN'T DID ANY COCAINE

16 Q AND, BASED ON YOUR EXPERIENCE WITH HER, DID YOU BELIEVE
17 HER?

18 A YES I BELIEVED HER TO A POINT I TOLD HER, "IF YOU DID,
19 HONEY, I DON'T KNOW HOW YOU DID IT ONE DAY AND QUIT," BECAUSE
20 I DON'T KNOW ANYONE WHO CAN AND LIVE -- YOU KNOW, AND
21 CONTINUE WITH A NORMAL LIFE

22 Q HAS IT BEEN YOUR EXPERIENCE -- WELL, WHAT HAS BEEN YOUR
23 EXPERIENCE WHEN SOMEBODY WHO IS IN RECOVERY RELAPSES? WHAT
24 TYPICALLY HAPPENS?

25 A THEY DISAPPEARS THEY DON'T COME AROUND RECOVERY

1 ANYMORE OR GET IN TOUCH WITH PEOPLES IN RECOVERY, BECAUSE WE
2 DON'T HAVE WHAT THEY WANT THEY'RE OUT THERE THEY'RE BACK
3 TO THE RACES THEIR LIFE BECOME UNMANAGEABLE AGAIN AND
4 THEN WE MIGHT HEAR FROM THEM FURTHER ON DOWN THE ROAD

5 Q WAS THERE EVER A PERIOD OF TIME WHEN YOU LOST CONTACT
6 WITH MS HURKS?

7 A NO

8 Q HOW DID YOU GET INVOLVED IN COUNSELING?

9 A WHEN I FIRST GOT CLEAN, I WAS DOING VOLUNTEER WORK FOR
10 ALCOHOL AND DRUG ABUSE, AND I WORKED THERE AS AN OUTREACH
11 SPECIALIST FOR SEVEN YEARS AND LATER ON I DECIDED I WANTED
12 TO DO SOMETHING FURTHER WITH MY CAREER, SO I APPLIED FOR A
13 JOB DOING ADDICTION COUNSELING, WHICH I'M NOT CERTIFIED YET,
14 BUT I HAD A LOT OF EXPERIENCE WORKING WITH ADDICTS, SO I WAS
15 HIRED AND I'VE BEEN THERE FOR ALMOST THREE YEARS NOW

16 Q ALL RIGHT DID YOUR PREVIOUS ADDICTION RESULT IN ANY
17 CRIMINAL PROBLEMS OR TROUBLES?

18 A YES MY ADDICTION LED ME TO JAIL FOR SIX MONTHS, AND
19 THAT WAS IN -- APRIL 3RD, 1990 I'LL NEVER FORGET IT LAST
20 TIME I USED

21 MR BANNISTER THANK YOU I DON'T HAVE ANY FURTHER
22 QUESTIONS

23 THE COURT SOLICITOR?

24 MS STROM VERY BRIEFLY, YOUR HONOR

25 CROSS EXAMINATION BY MS. STROM:

1 Q AS A DRUG ADDICTION COUNSELOR YOU ARE TRAINED -- OR JUST
2 THROUGH YOUR EXPERIENCE YOU LOOK FOR CERTAIN RED FLAGS IN
3 PEOPLE IF YOU SEE SOMEONE WHO HAS BEGUN RECOVERY AND
4 THEY'RE DOING WELL -- THEY'RE FOLLOWING THE RULES, THEY'RE
5 DOING WHAT THEY'RE SUPPOSED TO DO AND THEY'RE DOING IT WELL
6 -- AND THEN SOMETHING GOES ON IN SOMEONE'S LIFE AND YOU START
7 SEEING THEM NOT FOLLOW THE RULES -- THEY'RE NOT DOING WHAT
8 THEY'RE SUPPOSED TO DO, EITHER CALLING A DRUG SCREEN LINE OR
9 NOT PAYING THEIR FEES -- THAT'S A RED FLAG, ISN'T IT?

10 A YES

11 MS STROM THANK YOU I HAVE NO FURTHER QUESTIONS
12 THE COURT MR GIBSON, MR ARMSTRONG, ANY QUESTIONS?

13 MR. ARMSTRONG NO QUESTIONS

14 MR GIBSON NO, SIR

15 THE COURT ALL RIGHT THANK YOU

16 MAY THIS WITNESS BE EXCUSED?

17 MR BANNISTER YES, SIR

18 MS. STROM NO OBJECTION

19 THE COURT THANK YOU, MA'AM YOU'RE FREE TO GO OR
20 YOU'RE FREE TO STAY

21 (WITNESS EXCUSED AT 10 15 A M)

22 MR BANNISTER JUDGE, AT 10 35, I'M CALLING MY LAST
23 WITNESS, ANGELA HURKS

24 ANGELA HURKS, HAVING BEEN DULY
25 SWORN, TESTIFIED AS FOLLOWS

1 DIRECT EXAMINATION BY MR. BANNISTER

2 Q STATE YOUR NAME FOR THE RECORD

3 A ANGELA CECELIA HURKS

4 Q MS HURKS, I WANT TO TAKE YOUR THROUGH A COUPLE OF THE
5 ISSUES THAT HAVE BEEN DISCUSSED LET ME START FIRST WITH
6 WHERE WERE YOU EMPLOYED DURING THE PERIOD OF MAY THE 30TH
7 THROUGH SEPTEMBER, WHICH IS WHEN THESE POSITIVE PATCHES CAME
8 UP?

9 A CHURCH'S CHICKEN, POINSETT HIGHWAY, CHURCH'S CHICKEN,
10 [REDACTED], WAFFLE HOUSE, [REDACTED], ALEGIS GROUP

11 Q ALL RIGHT IF YOU WOULD, DESCRIBE THE WORKING
12 CONDITIONS AT EITHER OF THE CHURCH'S FRIED CHICKENS

13 A AT THE POINSETT HIGHWAY STORE, FIRST OF ALL, I WAS HIRED
14 IN AS THE ASSISTANT MANAGER AND, OF COURSE, THEIR STORES
15 WERE ALREADY TROUBLED MYSELF, ALONG WITH THE MANAGER,
16 INITIATED SOLVING SOME OF THE ISSUES IN THE STORE TOGETHER,
17 MEANING THAT WE WAS WORKING THE SAME SHIFT AND I WORKED THE
18 DRIVE-THROUGH QUITE A BIT

19 Q WHAT WERE -- WHEN YOU SAY THERE WERE ISSUES, WHAT ISSUES
20 WERE THERE THAT YOU IDENTIFIED AS PROBLEMS WITH THE STORE?

21 A YES THE STORE PROBLEMS BASICALLY WAS THEY WERE
22 UNCLEAN, THE HANDLING OF THE FOOD, THE CHICKEN, WAS AN ISSUE
23 WITH THE COMPANY BECAUSE WE WERE A -- WE ARE A FRANCHISE
24 STORE AND ALSO THERE HAD BEEN ISSUES WITH THEFT

25 Q ALL RIGHT AND WHAT DID YOU DO TO HELP RESOLVE THOSE

1 ISSUES?

2 A I WORKED THE BUSY TIMES, THE HIGH TIMES, PEAK HOURS, ON
3 THE DRIVE-THROUGH, WAITING ON CUSTOMERS, EXCHANGING MONEY I
4 DID GOOD CUSTOMER SERVICE SKILLS WITH THE CUSTOMERS TO
5 RETAIN AND TOGETHER WE BROUGHT THE STORE UP -- SALES UP TO
6 AT LEAST \$5000 WEEKLY

7 Q WERE THERE ANY PERSONNEL CHANGES THAT YOU MADE INSIDE
8 THE STORE?

9 A YES, THERE WERE SOME

10 Q ALL RIGHT DID YOU HIRE OR FIRE PEOPLE?

11 A YES

12 Q OKAY WHAT WERE YOUR OTHER -- WERE YOU A MANAGER, I
13 THINK YOU SAID?

14 A YES, SIR

15 Q AND WHAT WERE YOUR DUTIES AS A MANAGER OTHER THAN
16 FOLLOWING UP WITH THE OTHER PEOPLE AND WORKING IN SOME OF THE
17 PROBLEM AREAS?

18 A I WOULD OPEN UP THE STORE I WOULD ALSO OPEN UP THE
19 SAFE I WOULD BANK THE CASH REGISTERS, WHICH WE HAD TWO
20 AND WHEN I SAY "BANK THE CASH REGISTERS," WE WOULD LEAVE
21 LOOSE CHANGE, BUT THE ACTUAL BILLS, WE WOULD PUT THAT IN THE
22 SAFE I WOULD HAVE TO COUNT OUT UP TO \$50 TO -- FROM 50 TO
23 UP TO 75 DOLLARS WORTH OF BANK TO PUT IN EACH DRAWER TO OPEN
24 UP THE STORE WITH

25 Q WOULD YOU PHYSICALLY COUNT ALL OF THE MONEY THAT WAS IN

1 THE STORE DURING THE DAY?

2 A YES, SIR

3 Q ALL RIGHT SO IF THE STORE WAS EARNING \$5000 A WEEK,
4 WOULD YOU HAVE COUNTED THAT \$5000 IN THE WEEK?

5 A YES

6 Q WOULD THAT HAVE BEEN THE -- DO YOU PHYSICALLY DO THAT OR
7 DO Y'ALL HAVE A MACHINE YOU JUST STICK THE MONEY IN?

8 A I PHYSICALLY WOULD DO THAT

9 Q ALL RIGHT SO EACH \$1, \$5, \$10, \$20, BILL WOULD YOU
10 TOUCH THOSE AND COUNT THOSE OUT?

11 A AS WELL AS 20, 50s AND 100s

12 Q ALL RIGHT WHAT WERE THE PEAK HOURS THAT YOU WORKED?

13 A ACTUALLY, I WOULD OPEN UP THE STORE AT EIGHT O'CLOCK I
14 WOULD -- I MEAN, I WOULD GO IN THE STORE AT EIGHT O'CLOCK,
15 BUT I WOULD ACTUALLY OPEN UP THE STORE FOR SALES AT TEN
16 O'CLOCK

17 Q HOW LONG WOULD YOU TYPICALLY STAY?

18 A I WOULD STAY THERE SOMETIMES UP TO 5 00, 5 15, BECAUSE I
19 WOULD HAVE TO COME TO DRUG COURT, AND I WOULD BE PRETTY MUCH
20 STRETCHED FOR TIME AND DOING MY DEPOSIT AND MY RECONCILIATION
21 SHEET THERE'S BEEN TIMES ALSO WHEN I'VE HAD TO BRING MY
22 BANK DEPOSIT HERE TO DRUG COURT WITH ME

23 Q WAS ALL OF YOUR WORK BEHIND THE COUNTER INSIDE THE
24 RESTAURANT?

25 A NO NO NO

1 Q WHAT PERCENTAGE OF YOUR WORK WAS BEHIND -- AND WHEN I
2 SAY "BEHIND THE" -- WELL, WHAT WAS BEHIND THE COUNTER IN
3 CHURCH'S FRIED CHICKEN?

4 A THE ACTUAL CUSTOMER SERVICE, OPERATIONS, CHICKEN FRYING,
5 HEAVY MAINTENANCE, SUCH AS MY COOLERS, MY FREEZER I HAD TO
6 MAKE SURE THAT MY CHICKEN WAS BEING REFRIGERATED PROPERLY AND
7 THAT THE INVENTORY WAS BEING ROTATED OUT OF THE COOLERS, YOU
8 KNOW, PROPERLY

9 Q DURING THE MONTHS OF MAY, JUNE, JULY, AUGUST, WHAT WAS
10 THE -- WAS IT HOT? WAS IT COLD?

11 A IT WAS VERY HOT EXTREMELY HOT FOR ME

12 Q HOT ENOUGH TO MAKE YOU SWEAT?

13 A EXACTLY

14 Q OKAY HOW ABOUT EVERYBODY ELSE?

15 A THEY PROBABLY DIDN'T GET AS HOT AS I GOT (LAUGHS) I
16 HAD SURGERY, AND I WAS GOING THROUGH SOME FEMALE PROBLEMS

17 Q OKAY WAS THAT A HYSTERECTOMY?

18 A YES, SIR

19 Q OKAY WAS THAT CAUSING -- WHAT WAS THAT CAUSING IN
20 RELATIONSHIP TO YOUR TEMPERATURE?

21 A HOT FLASHES, MOOD SWINGS, SWEATING, HEAVY SWEATING

22 Q OKAY HOW MANY PEOPLE TYPICALLY WORKED WITH YOU IN THE
23 AREA BEHIND THE COUNTER?

24 A I WOULD SAY AT LEAST FIVE UP TO SHIFT CHANGE, WHICH I
25 WOULD HAVE A SLOW DOWN BECAUSE MY LUNCH HOUR WOULD BEGIN

1 BETWEEN 10 00 AND END AROUND 1 00 APPROXIMATELY I WOULD
2 HAVE A SHIFT CHANGE BETWEEN 2 00 AND 3 00 SO I COULD HAVE
3 UP TO SEVEN TO EIGHT PEOPLE THEN IF I HAD DELIVERIES COMING
4 IN, THAT ENTAILED MORE PEOPLE, YOU KNOW, IN THE ENVIRONMENT
5 OF THE RESTAURANT OF OPERATIONS IN THE BACK PART SO IT
6 COULD BE ANYWHERE FROM EIGHT TO TEN PEOPLE AT A TIME IN THE
7 ENVIRONMENT

8 Q ALL RIGHT WELL, WHEN Y'ALL WERE AT YOUR PEAK TIME
9 BUSY, WHAT WAS IT LIKE BACK THERE WITH THOSE PEOPLE?

10 A BUMPING INTO EACH OTHER IT WAS -- IT WAS CONGESTED
11 IT WAS -- IT WAS CONGESTED

12 Q WHAT KIND OF UNIFORM DID YOU WEAR?

13 A I WORE A MANAGER'S SHIRT, BLUE UNIFORM, SLACKS

14 Q IS THAT LONG SLEEVE OR SHORT SLEEVE?

15 A IT'S SHORT SLEEVE

16 Q ALL RIGHT WHERE IN RELATIONSHIP TO YOUR PATCH DID YOUR
17 -- WELL, LET ME ASK YOU THIS, YOU'VE WORN A PATCH?

18 A YES, LOTS OF THEM

19 Q FOR THE DRUG COURT PROGRAM?

20 A UH-HUH (AFFIRMATIVE)

21 Q WHERE WAS IT TYPICALLY PLACED ON YOU?

22 A TYPICALLY IT WOULD BE LIKE RIGHT HERE (INDICATING)

23 Q ALL RIGHT DESCRIBE THAT TO ME

24 A WHAT DO YOU MEAN?

25 Q WAS THAT ON YOUR -- YOU'RE TALKING ABOUT YOUR ARM?

- 1 **A** YES
- 2 **Q** AND YOU ARE ON THE SIDE OF YOUR BICEP?
- 3 **A** YES
- 4 **Q** ABOUT MIDWAY BETWEEN YOUR SHOULDER AND YOUR ELBOW?
- 5 **A** EXACTLY
- 6 **Q** OKAY WHERE WOULD YOUR SHIRT SLEEVE CUFF HIT IN TERMS
- 7 OF WHERE THE PATCH WAS?
- 8 **A** DEPENDING -- WELL, I'LL SAY THERE WERE TWO SHIRTS THAT I
- 9 WOULD WEAR SOMETIMES I WOULD ALSO WEAR JUST A UNIFORM RED
- 10 CHURCH'S CHICKEN SHIRT BUT IT WOULD HIT RIGHT AT THE ENDING
- 11 OF THAT HEM, UH-HUH (AFFIRMATIVE), OF THE SHIRT
- 12 **Q** ALL RIGHT DID YOU EVER CHECK THE PATCH TO SEE IF IT
- 13 WAS STILL ON?
- 14 **A** ALL THE TIME
- 15 **Q** AND HOW WOULD YOU DO THAT?
- 16 **A** I WOULD GO INSIDE MY SHIRT AND MAKE SURE I STILL HAD IT
- 17 **Q** ALL RIGHT AND WHAT WOULD THAT ENTAIL?
- 18 **A** ME TOUCHING IT
- 19 **Q** WITH WHAT?
- 20 **A** WITH MY HAND
- 21 **Q** ALL RIGHT WOULD YOU DO THAT WHILE YOU WERE WORKING?
- 22 **A** ALL THE TIME
- 23 **Q** WHY?
- 24 **A** BECAUSE I WANTED TO MAKE SURE THAT I HAD THAT PATCH,
- 25 BECAUSE I KNEW THAT IF I WAS TO LOSE THAT PATCH THAT I WOULD

- 1 BE IN A LOT OF TROUBLE
- 2 Q OKAY I WANT TO TALK FOR JUST A SECOND ABOUT YOUR
- 3 PERSONAL HYGIENE HOW OFTEN -- WELL, WHAT TYPE OF HAIR DO
- 4 YOU HAVE? WHAT COLOR IS YOUR HAIR?
- 5 A IT'S BLACK DARK BROWN, BLACK
- 6 Q I KNOW THAT'S OBVIOUS, BUT WE NEED TO---
- 7 A AND GRAY
- 8 Q DO YOU USE ANY STRAIGHTENERS IN YOUR HAIR?
- 9 A YES
- 10 Q HOW OFTEN DO YOU WASH YOUR HAIR?
- 11 A I TRY TO WASH IT ONCE A WEEK, DEPENDING ON, YOU KNOW, MY
- 12 SCHEDULE AND MY TIREDNESS
- 13 Q ALL RIGHT DO YOU APPLY ANYTHING TO YOUR HAIR?
- 14 A I APPLY A LOT OF THINGS TO MY HAIR
- 15 Q SUCH AS?
- 16 A CREAMS, OILS, HOT CURLERS, BLOW DRYERS, SHAMPOOS,
- 17 CONDITIONERS, LEAVE IN CONDITIONERS, OIL TREATMENTS
- 18 Q ALL RIGHT DURING THE TIME PERIOD YOU WERE WEARING THE
- 19 PATCH WOULD YOU SHOWER OR BATHE WITH THE PATCH ON?
- 20 A YES
- 21 Q WOULD YOU USE SOAP WITH THE PATCH ON?
- 22 A YES
- 23 Q OKAY WOULD SOAP EVER COME IN CONTACT WITH THE PATCH?
- 24 A YES
- 25 Q JUMP BACK A LITTLE BIT PRIOR TO YOUR ACCEPTANCE IN THE

1 DRUG COURT PROGRAM HAD YOU HAD ANY HEALTH PROBLEMS THAT WERE
2 RELATED TO COCAINE?

3 A YES

4 Q WHAT?

5 A I'VE HAD THREE MAJOR HEART ATTACKS I HAVE AN ELEVATED
6 LIVER COUNT

7 Q ALL RIGHT AND WHAT IS YOUR UNDERSTANDING OF WHAT
8 CAUSED THE HEART ATTACKS?

9 A COCAINE AND HEROIN

10 Q WHAT IS YOUR UNDERSTANDING OF THE DANGERS HEALTHWISE OF
11 USING COCAINE AND HEROIN?

12 A AS FAR AS I KNOW, IF I USE COCAINE AGAIN, IT COULD BE MY
13 LAST TIME

14 Q ALL RIGHT WHAT SPECIFICALLY ARE YOU AFRAID WOULD
15 HAPPEN?

16 A THAT I WOULD DIE

17 Q FROM A HEART ATTACK?

18 A YES

19 Q OKAY THE PRIOR HEART ATTACKS THAT YOU HAD, HOW CLOSE
20 WERE THEY IN TERMS OF WHEN YOU HAD USED?

21 A IMMEDIATELY IT WAS SIMULTANEOUSLY TO USE

22 Q SO THE THREE TIMES YOU HAD HEART ATTACKS YOU WOULD USE
23 COCAINE AND THEN HOW LONG WOULD IT BE BEFORE YOU WERE IN
24 THE HOSPITAL?

25 A AS SOON AS THE AMBULANCE COULD GET TO ME

1 Q LET'S TALK ABOUT THIS MISSED DRUG SCREEN THAT OCCURRED
2 ON MAY THE 27TH, OKAY?

3 A YES, SIR

4 Q ALL RIGHT IF YOU WOULD, EXPLAIN IN YOUR OWN WORDS WHAT
5 HAPPENED THAT DAY?

6 A THAT PARTICULAR DAY WAS A TUESDAY, AND I ALSO HAD -- I
7 WAS WEARING A PATCH I HAD ALSO HAD A CASE MANAGEMENT
8 APPOINTMENT AT 9 00 A M WITH MS BOBBIE GODWIN

9 Q OKAY WHAT DAY WAS THIS THAT THE CASE MANAGEMENT
10 APPOINTMENT WAS FOR?

11 A TUESDAY, MAY 27TH

12 Q OKAY GO AHEAD

13 A I -- ON THAT -- ON THAT WEDNESDAY, I BELIEVE IT WAS, I
14 HAD -- YEAH, IT WAS ON WEDNESDAY I HAD TO GO PAY MY WATER
15 BILL, MYSELF, MS NABORS AND MS JONES SHE -- BRENDA TOOK
16 ME TO THE BILO, AND I CASHED MY CHECK, GOT A MONEY ORDER FOR
17 MY WATER BILL WE WENT TO THE WATER COMPANY AND WE PUT IT IN
18 THE DROP BOX I MISREAD THE BILL I WAS THINKING THAT IT
19 SAID IF---

20 Q HOLD ON JUST A SECOND

21 A OH, I'M---

22 Q LET ME BACK UP I THINK YOU'RE GETTING ONTO ANOTHER
23 SUBJECT

24 A OKAY

25 Q LET ME BRING US BACK TO WHERE --

1 A THANK YOU

2 Q HOW DID YOU FIND OUT ABOUT THE APPOINTMENT ON MAY THE

3 27TH?

4 A I HAD AN APPOINTMENT CARD

5 Q OKAY DID YOU HAVE TO CALL IN AT ALL?

6 A WE CALL THE DRUG SCREEN EVERY DAY

7 Q OKAY AND DID YOU CALL THE DRUG SCREEN?

8 A YES, I DID

9 Q ALL RIGHT AND WHAT DO YOU RECALL BEING ON THAT -- WHAT

10 WAS YOUR UNDERSTANDING OF WHAT YOU WERE INSTRUCTED TO DO?

11 A MS BOBBIE GODWIN INSTRUCTED -- YOU KNOW, SHE WAS

12 REMINDING ME THAT I HAD A CASE MANAGEMENT APPOINTMENT WITH

13 HER

14 Q OKAY

15 A AND IT WAS MY MISTAKE THAT THERE AGAIN---

16 Q ALL RIGHT WHAT WAS YOUR MISTAKE?

17 A MY MISTAKE WAS THAT I DIDN'T LISTEN TO THE RECORDING ALL

18 THE WAY TO THE END NORMALLY, WHEN I HEAR MY NAME AND GET

19 THE INFORMATION, I HANG UP

20 Q OKAY

21 A AND THAT PARTICULAR DAY---

22 Q RIGHT---

23 A ---IS WHAT I DONE NORMALLY, SHE WOULD PUT IT ALL

24 TOGETHER YOU'VE GOT CASE MANAGEMENT AND YOU'VE GOT TO GET A

25 DRUG TEST

ANGELA HURKS -- DIRECT BY MR BANNISTER

- 1 Q ALL RIGHT WHAT DO YOU BELIEVE HAPPENED ON THAT DAY?
- 2 A WHAT DO YOU MEAN?
- 3 Q WELL, WHAT DID YOU HEAR? WHAT WAS THE TOTAL MESSAGE YOU
- 4 HEARD BEHIND YOUR NAME, ANGELA HURKS?
- 5 A YOU HAVE A CASE MANAGEMENT APPOINTMENT WITH ME THIS
- 6 MORNING AT NINE O'CLOCK
- 7 Q ALL RIGHT IN THAT SEGMENT DID YOU HEAR ANYTHING ABOUT
- 8 A DRUG SCREEN?
- 9 A NO
- 10 Q OKAY WHEN DID YOU FIND OUT THAT YOU WERE SUPPOSED TO
- 11 BE THERE FOR A DRUG SCREEN?
- 12 A ABOUT THREE O'CLOCK THAT AFTERNOON WHEN MS NABORS HAD
- 13 CALLED ME AFTER I HAD CAME BACK HOME FROM A MEETING, BECAUSE
- 14 I WENT TO MY CASE MANAGEMENT APPOINTMENT WITH MS GODWIN, AND
- 15 I WAS RUNNING A LITTLE LATE BECAUSE I HAD A SITUATION AT MY
- 16 HOUSE WITH THE WATER COMPANY
- 17 Q OKAY WHICH YOU'VE GONE INTO?
- 18 A RIGHT
- 19 Q WHEN YOU MET WITH MS GODWIN, WAS THERE ANY DISCUSSION
- 20 ABOUT YOUR HAVING A PATCH REMOVED ON THAT DAY?
- 21 A NO
- 22 Q ALL RIGHT AFTER YOU HAD A PHONE CALL WITH MS NABORS,
- 23 WHAT WAS YOUR UNDERSTANDING OF WHAT YOU WERE SUPPOSED TO DO
- 24 WITH REGARD TO THE PATCH?
- 25 A BRENDA ASKED ME DID I GO TAKE MY DRUG TEST I TOLD HER,

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 "NO, I DIDN'T TAKE NO DRUG TEST TODAY " SHE SAID, "YOUR NAME
2 WAS ON THE THING "

3 Q OKAY

4 A "ON THE DRUG LINE " I SAID, "NO, IT WASN'T " SO I
5 CALLED BACK, AND IT WAS

6 Q WHERE WAS IT IN TERMS OF THE RECORDING?

7 A ON THE END

8 Q ALL RIGHT SO IT WAS NOT IN THE SEGMENT -- WAS IT IN
9 THE SEGMENT WHERE IT SAID YOU HAD AN APPOINTMENT?

10 A RIGHT

11 Q SO YOU -- OKAY SO THEN WHAT DID YOU DO WHEN YOU FOUND
12 OUT, OH, NO, YOU WERE SUPPOSED TO HAVE THE PATCH REMOVED?

13 A WE CAME UP HERE TO THE COURTHOUSE

14 Q WHO IS "WE"?

15 A MYSELF AND BRENDA

16 Q OKAY

17 A AND ANGELA DILLARD WAS COMING IN THROUGH THE MAIN
18 ENTRANCE OF THE COURT, YOU KNOW, DOWNSTAIRS AND I ASKED HER
19 IF SHE COULD GIVE ME MY DRUG TEST AND SHE SAID, NO, BECAUSE
20 THE PAPERWORK WAS AT THE OFFICE SHE SAID, "BUT YOU DON'T
21 HAVE TO WORRY ABOUT IT, BECAUSE IT WAS JUST TO TAKE YOUR
22 PATCH OFF "

23 Q ALL RIGHT SO WHAT DID YOU DO TO TAKE CARE OF THE
24 SITUATION?

25 A BOBBIE HAD TO RESCHEDULE IT

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 Q AND DID YOU GO TO THIS RESCHEDULED APPOINTMENT?

2 A YEAH

3 Q WHAT WAS THE RESULTS OF THAT PATCH?

4 A NEGATIVE

5 Q OKAY TALK FOR JUST A SECOND ABOUT FEES, AND I JUST
6 WANT TO KEEP THIS WITH REGARDS TO THE TIME PERIOD THAT WE'RE
7 TALKING ABOUT, WHICH IS MAY 30TH FORWARD, A LITTLE BIT BEFORE
8 THAT DID YOU KEEP UP WITH YOUR FEES DURING THIS TIME
9 PERIOD?

10 A FROM WHAT TIME PERIOD?

11 Q IN 2003, APRIL, MAY, JUNE, JULY, AUGUST AND SEPTEMBER

12 A YES, I KEPT UP WITH MY CURRENT FEES AS WELL AS I WAS
13 PAYING ON FEES THAT ACTUALLY I HAD INCURRED FROM WHEN I CAME
14 BACK FROM HAVING MY SURGERY

15 Q ALL RIGHT DID YOU GET RECEIPTS FOR THOSE FEES?

16 A YES

17 Q LET ME LET YOU --

18 MR. BANNISTER JUDGE, IF I COULD --

19 IS THERE ANY OBJECTION TO ME MARKING THESE COLLECTIVELY?

20 (OFF RECORD DISCUSSION)

21 MS. STROM NO OBJECTION

22 THE COURT CAN WE JUST PUT THEM IN AS A GROUP AND
23 STATE WHAT THE TOTAL AMOUNT IS?

24 MR. BANNISTER -YES, SIR, YOUR HONOR I DON'T KNOW
25 THAT I -- WELL -- MS STROM, IS THERE ANY OBJECTION TO ME

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 ADMITTING THESE INTO EVIDENCE?

2 MS. STROM NO, SIR I HAVE NO OBJECTION

3 MR. BANNISTER ALL RIGHT

4 (RECEIPTS MARKED AS DEFENDANT HURKS EXHIBIT NUMBER 8 AND
5 MOVED INTO EVIDENCE)

6 Q MS HURKS, LET ME TAKE A LOOK AT EXHIBIT 8 THOSE ARE
7 YOUR RECEIPTS FOR DRUG COURT?

8 A YES, SIR

9 Q AT ANY TIME DID YOU -- WERE YOU AWARE THAT YOU WERE
10 BEHIND IN YOUR PAYMENTS?

11 A YES

12 Q ALL RIGHT AT WHAT POINT IN TIME WAS THAT?

13 A THAT WAS RIGHT THE LAST PART OF JANUARY, FEBRUARY,
14 MARCH, AND I THINK -- I BELIEVE I CAUGHT THEM UP IN MAY NO,
15 I CAUGHT THEM UP IN JUNE ACTUALLY AND THE REASON WHY I --

16 Q ALL RIGHT LET ME ASK YOU THIS QUESTION, ON SEPTEMBER
17 THE 11TH, 2003, WHICH IS THE LAST RECEIPT THAT I SEE IN HERE,
18 WERE YOU CAUGHT UP?

19 A YES

20 Q WHAT WAS THE BALANCE?

21 A ZERO

22 Q THANK YOU

23 A BUT NOW---

24 Q ALL RIGHT WAIT A MINUTE HOLD ON ALL RIGHT LET'S
25 NOW TALK ABOUT WHAT HAPPENED WHEN -- WITH YOUR -- WHAT WAS

1 GOING ON WITH THE POSITIVE PATCH AND DRUG COURT, OKAY? WHEN
2 YOU GOT THE FIRST POSITIVE PATCH BACK, HOW DID YOU FEEL ABOUT
3 THAT?

4 A I WAS FLOORED

5 Q OKAY WHY?

6 A BECAUSE I KNEW I HADN'T USED ANY DRUGS TO MY
7 KNOWLEDGE, I HAD NOT BEEN AROUND ANY DRUGS OR ANYONE THAT WAS
8 USING DRUGS

9 Q SO, HOW DID YOU FEEL ABOUT THAT? I MEAN -- LET ME BACK
10 UP WHAT WAS THE REACTION THAT YOU GOT FROM YOUR COUNSELING
11 SESSIONS AT DRUG COURT, PEOPLE YOU WERE MEETING WITH AND
12 DISCUSSING THIS FACT WITH?

13 A WHAT DO YOU MEAN?

14 Q WELL, WHAT WAS YOUR IMPRESSION OF WHERE YOU WERE IN
15 TERMS OF THE PROGRAM AFTER YOU GOT A POSITIVE PATCH?

16 A I FELT OSTRACIZED

17 Q ALL RIGHT WHY?

18 A BECAUSE -- FIRST OF ALL, LET ME EXPLAIN SOMETHING TO
19 YOU IT WAS MY FAULT THAT I ENDED UP IN DRUG COURT TO START
20 WITH, OKAY? I AM A RECOVERING ADDICT TODAY I GOT IN DRUG
21 COURT AS A RESULT OF MY ADDICTIONS AND THE CRIME THAT I
22 COMMITTED TO SUPPORT MY DRUG HABIT, OKAY? DRUG ADDICTS ARE
23 SOME PEOPLE THAT YOU JUST DON'T BELIEVE, YOU KNOW AND I HAD
24 CHANGED FROM THAT POINT IN MY LIFE AT THE TIME THAT THIS
25 PATCH CAME, AND I THINK I EXPECTED MORE OUT OF MS GODWIN

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 THAN I SHOULD HAVE, KNOWING THAT SHE HAD HER POSITION TO
2 TAKE, YOU KNOW BUT YOU DON'T -- YOU'RE NOT THAT RATIONAL
3 WHEN YOU KNOW THAT YOU'VE BEEN ACCUSED OF SOMETHING THAT
4 YOU'RE TELLING THE TRUTH ABOUT -- YOU KNOW, YOU'RE TRYING TO
5 COMMUNICATE THE TRUTH TO THE PERSON THAT YOU NEED TO BE, YOU
6 KNOW, TELLING, AND IT'S NOT BEING RECEIVED BECAUSE OF THE
7 FACT I'M AN ADDICT, AND I ALWAYS WILL BE AN ADDICT, TILL THE
8 DAY I DIE

9 HOWEVER, I AM A RECOVERING ADDICT, AND MY TRACK RECORD
10 IN THE PROGRAM, I THOUGHT, WAS GREAT ENOUGH FOR HER TO EVEN
11 TRY TO HELP ME, YOU KNOW, GET THROUGH THIS AND TRY TO GET THE
12 TRUTH OUT OF WHAT'S REALLY GOING ON AND I GUESS IN HER WAY
13 OF DOING THINGS SHE WAS BUT I JUST WASN'T GIVING HER WHAT
14 SHE WANTED AND THEN AGAIN, TOO, I BELIEVE THAT IT HURT
15 BOBBIE TOO BECAUSE, YOU KNOW, SHE HAD THIS PATCH TEST THAT
16 SAID THAT I'M POSITIVE, AND I KNOW SHE HAD A LOT OF
17 CONFIDENCE IN ME I KNOW JUDGE SIMMONS HAD A LOT OF
18 CONFIDENCE IN ME AND NOT ONLY JUST THAT, I HAD A LOT OF
19 CONFIDENCE IN THE PROGRAM I WAS TRULY SHOCKED I WAS
20 FLOORED I COULDN'T TRACE NOWHERE, YOU KNOW, AND---

21 Q IS THAT WHERE THE -- WE'VE ALREADY DISCUSSED THAT YOU
22 WERE LOOKING AT VARIOUS PLACES WHERE THE DRUGS COULD HAVE
23 COME FROM WHAT WAS GOING THROUGH YOUR MIND AT THAT POINT?

24 A SO MUCH WAS GOING THROUGH MY MIND AT THAT TIME, AND I
25 WAS EXPERIENCING PAIN I WAS HURT I WAS SHOCKED I WAS

1 FRUSTRATED AND ALL THESE THINGS CAN TURN INTO ANGER

2 Q AND IT DID?

3 A IT DID

4 Q ALL RIGHT WHAT DID YOU DO BASED ON THAT ANGER,
5 FRUSTRATION, WHATEVER IT WAS?

6 A I REALLY DIDN'T KNOW WHAT TO DO, TO BE HONEST WITH YOU
7 AND THE ONLY THING THAT I COULD THINK TO DO WAS TO PRAY AND
8 MY SPONSOR, ADLINE, MY FRIEND, BRENDA, YOU KNOW, THEY PRAYED
9 WITH ME THEY TALKED WITH ME THEY TRIED TO HELP ME CLEAR
10 MY, YOU KNOW -- FIGURE IT OUT, YOU KNOW BUT I KNEW MY
11 ROUTINE, MY DAILY ROUTINE, WHICH IS THE SAME ROUTINE I HAVE
12 NOW, JUST THAT I DON'T PARTICIPATE IN THE NARCOTICS ANONYMOUS
13 MEETINGS BECAUSE OF THE GAG ORDER BUT I'VE GIVEN MYSELF
14 FULLY TO THE LORD JESUS CHRIST AND TO MY CHURCH THAT'S MY
15 RECOVERY NOW

16 Q LET'S JUST TALK ABOUT YOUR ROUTINE BACK THEN

17 A BACK THEN MY ROUTINE WAS WORK, DRUG COURT, NA MEETINGS,
18 CHURCH, WORK, DRUG COURT, NA MEETINGS, CHURCH AND THAT'S
19 JUST WHAT I DID AND I COULDN'T THINK OF WHERE IN THE WORLD
20 THAT I COULD HAVE BEEN TO -- YOU KNOW, I KNEW I HADN'T USED,
21 SO WHERE COULD -- WHAT DID THIS COME FROM?

22 SO, OF COURSE, THE FIRST THING YOU'RE GOING TO DO,
23 YOU'RE GOING TO BE SUSPICIOUS OF EVERYBODY AND ANYBODY IN
24 YOUR PATH AND I KNEW THAT I HAD DISASSOCIATED MYSELF FROM
25 PEOPLE THAT WAS USING DRUGS AND IN THE COMMUNITIES OF DRUGS,

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 YOU KNOW, EVEN DOWN TO, YOU KNOW, SOMEONE THAT I REALLY CARE
2 A LOT ABOUT SO WHERE COULD THIS HAVE POSSIBLY COME FROM?
3 YOU KNOW, AND I HAD NO KNOWLEDGE ABOUT, YOU KNOW,
4 CONTAMINATION AND ALL OF THAT AT THAT TIME AND I THANK GOD
5 FOR THE EXPERT, BECAUSE HE DID GIVE ME A LITTLE PEACE OF
6 MIND

7 BUT THE ONLY PLACE THAT I COULD FIGURE THAT IT COULD
8 POSSIBLY HAVE HAPPENED WAS AT THAT JOB

9 Q OKAY

10 A AND THE REASON BEING, I HAD TO TERMINATE SOME PEOPLE,
11 AND I KNOW BRUTONTOWN IS A DRUG-INFESTED COMMUNITY I NEVER
12 SOCIALIZE OR HAVE FRIENDS IN THAT COMMUNITY BUT PEOPLE ARE
13 MEAN AND EVIL

14 Q WHICH PLACE OF WORK WAS NEAR BRUTONTOWN?

15 A POINSETT HIGHWAY

16 Q THE CHURCH'S ON POINSETT HIGHWAY?

17 A UH-HUH (AFFIRMATIVE)

18 Q ALL RIGHT MS HURKS, YOU REALIZE NOW WE'RE TALKING
19 ABOUT WE'VE GOT TWO POSITIVE PATCHES AND ONE POSITIVE HAIR
20 SCREEN DURING THIS TIME PERIOD WHERE WERE YOU WORKING
21 DURING ALL OF THOSE -- DURING THE TIME YOU WERE WEARING THOSE
22 PATCHES AND HAVING THOSE HAIR STRANDS?

23 A I WAS WORKING IN RESTAURANTS I WAS WORKING AT -- AT
24 FIRST -- WELL, OKAY BY THE TIME -- IT TAKES TIME FOR THESE
25 PATCHES TO COME BACK, FIRST OF ALL AND WHEN THE PATCH CAME

1 BACK, FIRST OF ALL, I HAD CALLED THE DRUG SCREEN LINE AND
2 BOBBIE WAS ON IT SAYING, "ANGELA, I NEED YOU TO GET IN TOUCH
3 WITH ME " WELL, NORMALLY, WHEN THERE'S A MESSAGE OF THAT
4 KIND ON THE DRUG SCREEN LINE, IT'S BECAUSE SHE EITHER NEED TO
5 ASK ME A QUESTION OR WANT ME TO HELP SOMEBODY ELSE AND I
6 CONTINUOUSLY KEPT TRYING TO CALL HER, BECAUSE I HAD TO GO TO
7 WORK THAT DAY, AND CONTINUOUSLY TRIED TO CALL, CONTINUOUSLY
8 TRIED TO CALL HER, AND I COULDN'T GET HER

9 SO I GOT TERESA TERESA DIDN'T KNOW WHAT SHE WANTED,
10 AND IT WAS GETTING AROUND TIME FOR ME TO GET READY TO GO TO
11 WORK I CALLED BACK AGAIN AND SHE SAID, "OH, BOBBIE CALLED
12 SHE SAID CALL HER ON HER CELL PHONE SHE'S DOWN AT THE
13 JAIL " SO I CALLED BOBBIE ON HER CELL PHONE, AND I'M
14 THINKING THE NORMAL WAY, AND SHE SAYS, "ANGELA, I GOT A
15 POSITIVE PATCH BACK ON YOU, GIRL " AND I'M LIKE, "NO, YOU
16 DIDN'T " YOU KNOW, AND I'M LIKE, "BOBBIE, YOU COULDN'T BE"
17 -- WELL THE METABOLITE WAS THERE THAT'S WHAT SHE SAID I
18 SAID, "THERE IS NO WAY THAT YOU GOT A POSITIVE PATCH BACK ON
19 ME " SO I ASKED HER, I SAID, "WHAT IS THE DATE OF THIS
20 PATCH?" YOU KNOW, SO I COULD IMMEDIATELY -- AND I TOLD HER, I
21 SAID, "BOBBIE, I AIN'T USED NO DRUGS " SO SHE TOLD ME SHE
22 HAD TO WAIT TILL SHE GOT BACK TO HER OFFICE IN ORDER TO GET,
23 YOU KNOW, THE ACCURACY OF DATES AND THINGS LIKE THAT
24 SO I MADE TWO MORE CALLS TO HER THE FIRST TIME I
25 CALLED HER, SHE HADN'T MADE IT BACK YET THEN I CALLED HER

1 AGAIN NO, I MADE THREE CALLS TO HER AND SO WHILE I WAS
2 WAITING FOR HER TO GET BACK TO THE OFFICE, I CALLED MY
3 SPONSOR, AND THEN I CALLED BRENDA MY SPONSOR IMMEDIATELY
4 CAME OVER TO MY HOUSE AND I TOLD HER, I SAID, "ADLINE, I
5 HAVE NOT USED NO DRUGS I DON'T KNOW WHAT BOBBIE'S TALKING
6 ABOUT, HOW SHE COULD HAVE POSSIBLY GOTTEN A POSITIVE PATCH
7 BACK FROM ME " SO BOBBIE -- YOU WANT ME TO STOP?

8 Q GO AHEAD

9 A BOBBIE FINALLY MADE IT BACK TO HER OFFICE, AND SHE TOLD
10 ME TO HOLD ON WHILE SHE PULLED HER INFORMATION, AND THEN SHE
11 SAID SHE DIDN'T HAVE THE INFORMATION, THAT SHE NEEDED TO CALL
12 MRW, CALL HER BACK AGAIN

13 AT THAT TIME I -- EVERYTHING WAS LIKE I WAS ON A
14 DOWNWARD SPIRAL TILL MY -- BRENDA CAME, MY SPONSOR, MYSELF
15 AND BRENDA -- NO, MY SPONSOR, HER DAUGHTER AND MYSELF PRAYED,
16 I BELIEVE IT WAS THEN BRENDA CAME I THINK IT WAS LIKE
17 THAT

18 SO BOBBIE FINALLY GOT ME THE INFORMATION BECAUSE I WAS
19 THINKING [REDACTED] ROAD WAS THE STORE THAT I WAS AT NO, I
20 KNEW THAT I HAD SOME ACTIVE ADDICTION GOING ON, AND I WAS
21 GETTING -- YOU KNOW, I HAD ALREADY HAD MY LIST MADE OUT
22 BECAUSE I WAS GETTING READY TO FIRE BUT I COULDN'T---

23 Q WHEN YOU SAY YOU KNEW THERE WAS "SOME ACTIVE ADDICTION
24 GOING ON" AT THE STORE, WHO ARE YOU TALKING ABOUT?

25 A ON [REDACTED] ROAD

1 Q I KNOW BUT WHO ARE YOU TALKING ABOUT?

2 A EMPLOYEES

3 Q OKAY

4 A AND I HAD GOTTEN MAD AT MY AREA MANAGER BECAUSE WHEN
5 SHE TRANSFERRED ME OVER TO [REDACTED] ROAD AND I HAD BEEN
6 HEARING THINGS ABOUT THAT STORE, I DIDN'T WANT TO GO BUT
7 THAT'S MY JOB, AND THAT'S HOW I PAY MY BILLS, SO I HAD TO GO
8 AND I HAD ALREADY MADE A LIST OF PEOPLE THAT WAS GOING TO
9 BE -- YOU KNOW, I HAD TO OBSERVE THE SITUATION FIRST AND MAKE
10 SURE OF WHAT, YOU KNOW, WHAT TO TROUBLESHOOT, YOU KNOW, SO I
11 COULD KNOW WHAT TO DO TO GET THE STORE TOGETHER AND I WAS
12 ALREADY WAITING FOR SOME APPLICATIONS TO COME FROM COLUMBIA
13 FOR ME TO BEGIN THAT PROCESS, BECAUSE YOU CAN'T FIRE UNLESS
14 YOU GOT SOME PEOPLE TO REPLACE OR YOU BE RUNNING THE STORE BY
15 YOURSELF, AND I KNEW I COULDN'T DO ALL OF THAT

16 SO ANYWAY, WHEN BOBBIE CONFIRMED TO ME THE DATES OF THAT
17 PATCH, I SAID, THAT WASN'T [REDACTED] ROAD BECAUSE I TOLD HER
18 THAT SOMEBODY THERE HAD TO PUT SOMETHING IN MY DRINK IN ORDER
19 FOR ME TO INGEST DRUGS, BECAUSE I KNEW THAT I DIDN'T
20 KNOWINGLY OR WILLINGLY INGEST NO DRUGS, NEITHER I HAD
21 KNOWINGLY OR WILLINGLY BEEN AROUND NO DRUGS

22 Q ALL RIGHT DID THE SITUATION BETWEEN YOU AND DRUG COURT
23 GET WORSE WHEN THE SECOND PATCH CAME BACK?

24 A ACTUALLY, IT GOT WORSE AFTER THAT HAIR TEST

25 Q ALL RIGHT WHO REQUESTED THE HAIR TEST?

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 A I DID I ASKED JUDGE SIMMONS RIGHT IN THIS COURTROOM
2 BECAUSE I EVEN APPEALED TO JUDGE SIMMONS JUDGE SIMMONS -- I
3 HAVE A LOT -- I HAVE A LOT OF RESPECT FOR THE DRUG COURT
4 PROGRAM BECAUSE OF THE -- YOU KNOW, THIS PROGRAM IS AN
5 EXCELLENT PROGRAM IT REALLY IS AND WHEN MY SISTER WAS
6 SICK, JUDGE SIMMONS ALLOWED ME TO GO BE WITH MY SISTER FOR
7 HER SURGERY SHE DIED WHILE I WAS IN DOING THESE 90 DAYS
8 THAT I WAS DOWN THERE IN JAIL SHE DIED DECEMBER THE 8TH
9 AND I'VE BEEN VERY GRATEFUL, AND I'VE LEARNED GRATITUDE BEING
10 IN RECOVERY AND I WOULDN'T DO NOTHING TO HURT YOU, JUDGE
11 SIMMONS AND I WOULDN'T DO NOTHING TO HURT BOBBIE BUT---

12 Q WHAT HAPPENED AFTER---

13 A ---WHEN I ASKED FOR THAT HAIR TEST, MS GODWIN REALLY
14 DIDN'T FEEL LIKE I NEEDED TO GO THAT FAR, YOU KNOW BUT
15 ANYWAY, JUDGE SIMMONS, HE APPROVED IT

16 BECAUSE I KNEW THAT WHEN I HAD TALKED WITH SOME PEOPLE
17 FROM DRUG AND ALCOHOL AND, YOU KNOW, EXPERTS IN THE FIELD,
18 AND THEY SAY YOU NEED TO GET A DRUG TEST -- A HAIR TEST SO
19 A HAIR TEST WAS TAKEN THE HAIR TEST CAME BACK POSITIVE TOO
20 SO THIS MADE MY PEER GROUP LOOK AT ME LIKE, "YOU LYING,
21 ANGELA "

22 AND, YOU KNOW, BOBBIE TEACHES US -- FIRST OF ALL, WE
23 GIVE EACH OTHER TREATMENT THEY LEAD THE TREATMENT, BUT, YOU
24 KNOW, THE THERAPEUTIC VALUE OF ONE ADDICT HELPING ANOTHER IS
25 RECOVERY SO THERE WAS CONFRONTATION GOING ON

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 Q DO YOU BLAME THEM FOR THAT?

2 A NO TO BE HONEST WITH YOU, I DON'T, BECAUSE THERE'S
3 OTHER SITUATIONS WITH THE PATCH, WITH HAIR TESTS AND
4 PEOPLE, YOU KNOW, THEY CALLED IT DENIAL, BUT I KNEW I HADN'T
5 USED I KNEW, YOU KNOW AND I SWEAR BEFORE THE LORD JESUS
6 CHRIST I KNOW I DID NOT USE ANY DRUGS

7 BUT THERE HAVE BEEN SITUATIONS, AND WHEN YOU DON'T
8 REALLY KNOW ENOUGH ABOUT A SITUATION OR A DEVICE, YOU CAN'T -
9 - YOU CAN'T REALLY -- YOU CAN'T JUDGE IT YOU CAN'T SAY,
10 "OH, I KNOW THAT PERSON USED " YOU CAN'T DO THAT YOU
11 SHOULDN'T DO IT, YOU KNOW AND SO I PRETTY MUCH -- I DON'T
12 BLAME THEM

13 Q HOW ABOUT WHEN THE SECOND PATCH CAME BACK?

14 A MR BANNISTER, YOU WANT TO KNOW THE TRUTH? I JUST --
15 THAT THREW ME SO FAR OFF, BECAUSE I WAS IN COURT THE DAY
16 THAT I GOT THAT RESULT AS A MATTER OF FACT, THAT WAS MY
17 LAST OFFICIAL DAY IN ACTIVE DRUG COURT AND THAT -- WHEN
18 ROSA AND BOBBIE GODWIN TOOK ME OUT FROM THAT ROOM IN THE
19 COURTROOM -- IT WAS THE DAY OF THE GRADUATION -- AND TOLD ME
20 THAT -- AND I ASKED BOBBIE THEN, "PLEASE FIND OUT WHAT'S
21 GOING ON WITH THESE PATCHES, BOBBIE, BECAUSE I HAVE NOT USED
22 ANY DRUGS " THAT'S WHEN SHE TOLD ME, SHE SAID, "ANGELA,
23 COCAINE, THAT'S WHAT'S GOING ON WITH THEM " AND THAT REALLY
24 HURTED ME, YOU KNOW, BECAUSE I DO KNOW -- AND I DON'T CARE
25 HOW MUCH WILLPOWER YOU GOT -- THERE IS NO WAY YOU GOING TO BE

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1 FUNCTIONING AND PRODUCTIVE USING DRUGS AND I KNEW -- I KNOW
2 THAT I DID NOT USE SO, I MEAN, FROM THAT POINT ON IT WAS
3 DOWNHILL FOR ME

4 Q WOULD YOU UNDERSTAND IF USED THE WORD IMPASSE? DO YOU
5 UNDERSTAND WHAT THAT'S---

6 A IMPASSE GIVE ME THE DEFINITION

7 Q WELL, I'M ASKING YOU IF YOU -- DID YOU AND BOBBIE GODWIN
8 COME TO AN IMPASSE REGARDING THESE DRUG PATCHES AND THE
9 POSITIVE HAIR STRAND TEST?

10 A WHAT THAT MEAN?

11 Q WERE YOU ABLE TO WORK THROUGH THAT OR DID IT BECOME AN
12 ISSUE THAT WASN'T GOING TO BE ABLE TO WORK THROUGH?

13 A I GOT TO A POINT TO WHERE I WAS WILLING TO WORK THROUGH
14 A RESOLUTION TO GET TO THE TRUTH OF THE MATTER

15 Q DID -- WERE YOU EVER WILLING TO ADMIT TO HAVING USED
16 COCAINE?

17 A NO, BECAUSE I DIDN'T USE

18 Q WHAT WAS YOUR UNDERSTANDING OF WHAT WOULD HAPPEN WITH
19 YOUR CONTINUED REFUSAL TO ADMIT USING COCAINE?

20 A WELL, I'M GOING TO TELL YOU LIKE THIS, SHE CAME TO THE
21 WORK CAMP AND SHE TRIED TO GET ME TO ADMIT AGAIN TO USING,
22 AND I COULDN'T ADMIT TO SOMETHING THAT I KNEW THAT I DID NOT
23 DO SO AT THAT POINT IN TIME SHE SAID, YOU KNOW, THAT -- SHE
24 CALLED IT DENIAL, AND SHE WAS LIKE -- IF YOU SAY -- I SAID,
25 "BOBBIE, I'M JUST GOING TO TELL YOU LIKE THIS, I KNOW THAT I

1 DID NOT USE ANY DRUGS, AND I'M HOPING THAT THE TRUTH WILL
2 COME OUT ONE DAY " BUT IF SHE WAS GOING TO HAVE TO TERMINATE
3 ME BECAUSE I DIDN'T USE DRUGS BUT THE PATCH SAID I DID, THEN
4 I -- YOU KNOW, I HAD NO CONTROL I WAS POWERLESS ALL I
5 COULD DO WAS CONTINUE TO KEEP TURNING IT OVER TO GOD, BECAUSE
6 I KNEW THAT I WAS TELLING THE TRUTH

7 Q WAS IT YOUR -- WHAT WAS YOUR BELIEF OF WHAT WOULD HAPPEN
8 IF YOU HAD GONE AHEAD AND SAID, "I ADMIT OKAY I USED"?

9 A WELL, INITIALLY, FROM THE FIRST PATCH, SHE CALLED MY
10 HOUSE TWICE, THE DAY THAT I WAS COMING UP HERE FOR JUDGE
11 SIMMONS TO SEND ME TO JAIL, AND SHE WAS TRYING TO EXPLAIN TO
12 ME THAT IF I WOULD ADMIT TO IT, THAT I WOULD GO TO JAIL FOR A
13 WEEK AND SHE'D PUT ME BACK IN PHASE TWO -- BECAUSE I WAS IN
14 WEEK 11 OF PHASE THREE, GETTING READY TO GO TO PHASE FOUR --
15 AND THAT I WOULD STAY IN PHASE ONE FOR TWO WEEKS AND THEN SHE
16 WOULD PUT ME BACK IN MY PHASE I SAID, "WELL, BOBBIE, I
17 DIDN'T USE " YOU KNOW, I'VE WORKED HARD FOR MY RECOVERY, AND
18 I'M STILL WORKING AT IT, AND I WILL BE, ONE DAY AT A TIME,
19 FOR THE REST OF MY LIFE " AND SHE WASN'T HAPPY WITH THAT
20 SO -- IT'S JUST BEEN -- I TOLD THE TRUTH THAT'S ALL I
21 COULD DO WAS TELL THEM WHAT I KNEW---

22 Q OKAY

23 A ---AND I DON'T HAVE NO PROBLEM WITH THE REST

24 Q LET'S TALK ABOUT SOME OF THE THINGS YOU HAVE DONE
25 CIVICALLY TO HELP YOUR RECOVERY AND OTHER PEOPLE WHAT

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 PROGRAMS ARE YOU INVOLVED IN? JUST GIVE ME A LIST

2 A OKAY I'M INVOLVED WITH SOUTHERNSIDE NEIGHBORHOODS AND
3 ACTION WITHIN REACH AND I DO A VOLUNTEER WORK RIGHT NOW
4 WE'RE GOING INTO OUR ELECTION, PRIMARIES AND OUR NATIONAL
5 ELECTION IN NOVEMBER SO I'VE BEEN DOING A LOT OF CIVIC WORK
6 AT THE PALMETTO CENTER, SIGNING PEOPLE UP, VOTER'S
7 REGISTRATION DRIVES I'VE HAD TO EVEN BE THE SECRETARY WHEN
8 MS HENDERSON, WHICH IS OUR SECRETARY, IS OUT

9 I AM INVOLVED STRONGLY WITH DEVELOPING, PLANNING AND
10 IMPLEMENTING A WOMEN'S TRANSITIONAL PROGRAM IN THE CITY OF
11 GREENVILLE FOR WOMEN IN CRISIS OUR TARGET COMMUNITY WOULD
12 BE WOMEN OF SUBSTANCE ABUSE AND RECOVERY, WOMEN OF DOMESTIC
13 VIOLENCE AND WOMEN WHO ARE RETURNING NONVIOLENT FROM
14 INCARCERATION

15 Q WHO IS THAT?

16 A REFUGE TEMPLE COMMUNITY DEVELOPMENT CORPORATION UNDER MY
17 CHURCH, REFUGE TEMPLE

18 Q OKAY

19 A AFTER I TOLD MY PASTOR AND -- WE HAVE A LARGE
20 ORGANIZATION -- WHAT WAS GOING ON, THEY WAS A BIG SUPPORT
21 SYSTEM TO ME AND PRAYED FOR ME THAT, YOU KNOW, THE TRUTH
22 WOULD COME OUT AND I WOULD BE CLEARED OF THIS MY PASTOR
23 ASKED ME WHAT COULD HE DO TO HELP, WHICH WE'VE ALWAYS HAD
24 PEOPLE COME TO OUR CHURCH OUT OF THE STREET, HOMELESS, WOMEN
25 WHO GOT BEAT UP BY THEIR BOYFRIENDS, ON DRUGS, YOU KNOW,

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 ALCOHOL SITUATIONS BEING A MISSIONARY, WE'VE HAD THOSE
2 SITUATIONS, AND I HAVE BEEN CALLED ON -- AS A MATTER OF FACT,
3 I'VE BEEN WORKING WITH A LADY WHO HAVE BEEN INCARCERATED EVEN
4 THOUGH SHE'S NOT NONVIOLENT SHE'S BEEN IN PRISON FOR 20
5 YEARS SHE WAS RELEASED ON PAROLE SHE'S DOING FANTASTIC
6 NOW SHE'S DOING A LOT BETTER BUT SHE HAD -- SHE HAD, YOU
7 KNOW, RAN INTO SOME OBSTACLES I THINK HER BIGGEST OBSTACLE
8 WAS FEAR AND---

9 Q ANGELA---

10 A HUH?

11 Q ---ANY OTHER---

12 A I'M DOING MENTAL HEALTH I'M WORKING WITH THE MENTAL
13 HEALTH ASSOCIATION WITH CRISIS INTERVENTION

14 Q ALL RIGHT WHAT DO YOU DO FOR THEM?

15 A VOLUNTEER COUNSELING

16 Q ALL RIGHT WHAT KIND OF CALLS?

17 A CRISES

18 Q DRUG-RELATED OR NONDRUG-RELATED OR DOES IT MATTER?

19 A MENTAL ILLNESS, SUBSTANCE ABUSE I'VE GOT SOME HOMICIDE
20 AND SUICIDE TRAINING

21 Q ALL RIGHT ARE YOU WORKING TOWARDS A COUNSELING
22 CERTIFICATE?

23 A YES, SIR, I AM

24 Q HOW FAR HAVE YOU GOT TO GO?

25 A WELL, I HAVE TWO YEARS TO GO, BUT I HAVE BEGUN MY

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 COUNSELING DEVELOPMENT TRAINING AND I THANK BOBBIE GODWIN
2 FOR THAT, AND ALSO MY SPONSOR, ADLINE FULLER

3 (CERTIFICATE MARKED AS DEFENDANT HURKS EXHIBIT NUMBER 9
4 FOR PURPOSES OF IDENTIFICATION ONLY)

5 Q HAVE YOU RECEIVED SOME CERTIFICATIONS IN THIS AREA OR---

6 A I'VE GOTTEN, YEAH, CERTIFICATIONS FOR SOME TRAINING,
7 WORKSHOPS DEALING WITH BEHAVIOR ASPECTS OF SUBSTANCE ABUSE

8 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS HURKS EXHIBIT 9
9 AND JUST ASK YOU WHAT THAT IS

10 MS. STROM NO OBJECTION TO IT COMING IN, YOUR HONOR
11 (DEFENDANT HURKS EXHIBIT NUMBER 9 MOVED INTO EVIDENCE)

12 Q GO AHEAD WHAT IS IT?

13 A HUH?

14 Q WHAT IS IT?

15 A A CERTIFICATE

16 Q FOR WHAT?

17 A COUNSELOR DEVELOPMENT TRAINING

18 Q ALL RIGHT AND THAT'S WHAT YOU'VE BEEN TALKING ABOUT,
19 RIGHT?

20 A YES, SIR

21 Q OKAY ALL RIGHT MS FULLER HAD MENTIONED A PROGRAM
22 THAT YOU ORGANIZED WOULD YOU TELL US A LITTLE BIT ABOUT
23 THAT?

24 A IT WASN'T A PROGRAM IT'S A WOMEN'S GROUP I BROUGHT A
25 NEW GROUP -- I'M NOT GOING TO TAKE THE CREDIT FOR THAT

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 MYSELF AND MS NABORS AND, OF COURSE, GLORIA HELPED US TOO,
2 WE DEVELOPED A WOMEN'S GROUP FOR WOMEN ONLY AT THE
3 CLUBHOUSE -- WE WOULD MEET AT THE CLUBHOUSE -- FOR WOMEN IN
4 RECOVERY WE CALL IT IN MY SISTER'S COMPANY AND WHAT
5 REALLY INSPIRED US TO DO THAT WAS BECAUSE WOMEN HAVE ISSUES
6 OF THEIR OWN, AND SOME OF THESE ISSUES WE DON'T WANT TO
7 DISCUSS AROUND MEN WE CAN'T, YOU KNOW YOU DON'T WANT TO,
8 YOU KNOW -- IT'S A GIRL THING BUT IT GIVES YOU A FORUM AND
9 OPPORTUNITY TO BE ABLE TO DISCUSS PERSONAL ISSUES ABOUT WOMEN
10 STUFF WITHOUT MEN BEING INVOLVED AND WE PUT THAT GROUP
11 TOGETHER AROUND APRIL OF LAST YEAR, I THINK IT WAS YEAH
12 AND OUR VERY FIRST SPEAKER MEETING WE HAD, MAY 4TH, 2003, AND
13 BOBBIE GODWIN WAS OUR FIRST SPEAKER

14 Q HAVE YOU CONTINUED TO BE ACTIVE IN THIS PROGRAM?

15 A I CAN'T BE ACTIVE IN IT RIGHT NOW BECAUSE I'M UP UNDER A
16 GAG ORDER SO I'M JUST KEEPING MYSELF CLEAR I JUST DON'T
17 DO ANYTHING RIGHT NOW

18 Q ALL RIGHT ANGELA, DURING THE ENTIRE TIME PERIOD
19 BETWEEN MAY 30TH AND EVEN UP TO TODAY HAVE YOU BEEN URINE
20 TESTED FAIRLY REGULARLY?

21 A YES, SIR

22 Q ALL RIGHT HAVE ANY OF THOSE COME UP POSITIVE?

23 A NEVER I HAD NEVER HAD A POSITIVE PATCH, I HAD NEVER
24 HAD A POSITIVE URINE THIS PERIOD RIGHT HERE AND THERE WAS
25 NO DRUG USAGE AT ALL

ANGELA HURKS -- DIRECT BY MR BANNISTER

1 MR BANNISTER JUDGE, THE NEXT SET OF QUESTIONS ARE
2 GOING BACK AGAIN TO THIS PROFFER MADE BY THE STATE REGARDING
3 JOB ISSUES SO I'M GOING TO PROFFER THAT IN RESPONSE TO
4 THAT

5 THE COURT ALL RIGHT THANK YOU, SIR THIS WILL BE
6 IN THE FORM OF A PROFFER

7 MR BANNISTER THANK YOU

8 Q ALL RIGHT MS HURKS I WANTED TO TALK TO YOU ABOUT YOUR
9 JOB APPLICATION WITH ALEGIS

10 A UH-HUH (AFFIRMATIVE)

11 Q ALL RIGHT TELL ME A LITTLE BIT ABOUT HOW THAT PROCESS
12 WORKED

13 A I WENT TO A JOB FAIR AND I MET A GENTLEMAN THERE WHO WAS
14 DOING A BOOTH FOR ALEGIS -- REALLY FOR RESURGENCE AND I WAS
15 TELLING HIM THAT I ONCE DID COLLECTIONS AND WHATEVER YOU
16 KNOW, ONE THING LED TO ANOTHER AND HE INFORMED ME OF WHERE I
17 COULD COME AND APPLY AS A MATTER OF FACT, MY APPLICATION
18 WAS FILLED OUT AT THE JOB FAIR AND I WAS CALLED
19 INDIVIDUALLY FOR --

20 LET ME GO BACK JUST A LITTLE BIT I KNOW YOU'RE ASKING
21 ABOUT ALEGIS BUT AS A RESULT OF THESE PATCHES COMING UP
22 POSITIVE ON ME, I GOT SCARED AND I FELT IF SOMEBODY HAD PUT
23 SOMETHING IN MY DRINK THAT THEY WOULD JUST AS WELL KILL ME,
24 SO I QUIT CHURCH'S CHICKEN

25 ANYWAY, I HAD FILLED OUT THE APPLICATION AT THE JOB

1 FAIR GUY SHOWED UP, THEY CALLED ME, I WENT AND INTERVIEWED
2 AND AT THE TIME THAT I APPLIED WITH THEM, I WAS IN PHASE
3 THREE, SO THERE WAS NO BARRIERS THERE THAT WOULD STOP ME FROM
4 WORKING THE HOURS THAT THEY WOULD NEED ME TO WORK, BECAUSE IN
5 PHASE THREE YOU ONLY REPORT TO GROUP ONCE A WEEK ANYHOW, I
6 INTERVIEWED AND I LET THEM KNOW THAT I WAS A RECOVERING
7 ADDICT AND THAT I WAS IN DRUG COURT AND I TOLD THEM DRUG
8 COURT WAS A DIVERSION PROGRAM AND A DIVERSION PROGRAM MEANS
9 THAT YOU HAD CRIMINAL ACTIVITY WHEN YOU WAS ON DRUGS SO SHE
10 ASKED ME, SHE SAID, "WHERE ARE YOU AT TODAY?" AND I TOLD
11 HER, "I'M DOING FINE "

12 Q ALL RIGHT WHO WERE YOU TALKING TO, DO YOU KNOW?

13 A I WAS TALKING TO A LADY BY THE NAME OF KIM, BUT ALSO I
14 HAD TO GO THROUGH MS MARILYN TRUETT (PHONETIC) TOO, WHICH IS
15 THE EMPLOYMENT DEVELOPMENT TRAINER

16 Q OKAY

17 A AND I WAS TELLING HER ABOUT IT AND EVERYTHING SO I WAS
18 JUST ABOUT AT FINISHING MY TRAINING WHEN I WENT TO JAIL
19 SEPTEMBER THE 25TH I HAD ONE DAY LEFT THAT WAS THAT
20 FRIDAY I WENT TO JAIL THAT THURSDAY AND, YOU KNOW, I LET
21 MARILYN KNOW THAT I HAD HAD THIS PROBLEM WITH THIS PATCH AND
22 MY SITUATION HAD CHANGED FROM WHAT IT WAS WHEN I FIRST
23 APPLIED AND I WAS LOOKING FORWARD TO BEING MOVED BACK INTO
24 PHASE THREE ACTUALLY, AND I DIDN'T KNOW THAT THIS THING WAS
25 GOING TO CONTINUOUSLY GO ON AND ON AND ON LIKE IT DID AND I

1 TOLD HER, I SAID, YOU KNOW -- I SAT DOWN IN HER OFFICE AND I
2 EXPLAINED EVERYTHING TO HER, AND I TOLD HER WHAT HAD
3 HAPPENED, THIS PATCH SHE SAID, "DID YOU USE?" I TOLD HER
4 NO

5 AND, YOU KNOW, THE PROCEDURE HAS ALWAYS BEEN WHEN, YOU
6 KNOW, YOU GO THROUGH SOMETHING LIKE THIS, IF YOU -- WHEN YOU
7 FINISH YOUR SANCTION, YOU GO BACK TO YOUR GROUP WELL, IN
8 THIS CASE, I DIDN'T HAVE NOTHING TO ADMIT TO BOBBIE, BUT
9 THAT'S NOT WHAT SHE WANTED SO THEY HELD ME BACK

10 SO I TOLD MS TRUETT THAT I WASN'T GOING TO BE ABLE TO
11 WORK TWO NIGHTS A WEEK UNTIL THIS GETS RESOLVED SO SHE
12 SAID, "WELL, LET ME CALL HER AND SEE IF I CAN TALK TO HER "
13 SHE SAID BECAUSE SHE WOULD THINK THAT SINCE THIS WAS A
14 PROGRAM TO HELP YOU, YOU KNOW, STRUCTURE, THEY WANT YOU
15 WORKING, THEY WANT YOU DOING THIS -- I HAD AN EXCELLENT JOB
16 -- THAT SHE COULD TALK TO BOBBIE SO SHE HAD BEEN TRYING TO
17 CONTACT MS GODWIN, AND THEY WERE LIKE MISSING EACH OTHER ON
18 VOICE MAIL OR WHATEVER SO I CAME OUT OF TRAINING FOR
19 LUNCHTIME AND I CALLED BOBBIE MYSELF, AND I WAS ABLE TO TALK
20 TO HER AND I TOLD HER THAT MS TRUETT WAS TRYING TO GET IN
21 TOUCH WITH HER AND I REMEMBER IT WAS THE SAME DAY I WENT TO
22 JAIL, ON SEPTEMBER 25TH, AND THAT WAS MY -- TOMORROW -- THE
23 NEXT DAY WAS GOING TO BE MY LAST DAY OF TRAINING AND I
24 ASKED BOBBIE WOULD SHE WORK WITH ME, THAT, YOU KNOW, MS
25 TRUETT WANTED TO TALK TO HER ABOUT, THAT WAS WHAT THE NATURE

1 OF THE CALL WAS GOING TO BE SO SHE GOT BOBBIE ON THE PHONE
2 SHE CAME AND GOT ME AND TOLD ME TO COME TO HER OFFICE THEY
3 TALKED, AND SHE FELT THAT SHE HAD COME TO A RESOLUTION AND AN
4 AGREEMENT WITH BOBBIE

5 THAT WASN'T THE CASE, BECAUSE WHEN I GOT OFF OF WORK AND
6 CAME OVER HERE, I ENDED UP IN JAIL BUT BOBBIE SAID SHE HAD
7 FIXED THINGS WHERE I WOULD BE IN THE WORK CAMP, I'D BE ABLE
8 TO GO TO WORK AND SEE MY JOB DEPENDED ON ME FINISHING THAT
9 LAST DAY OF TRAINING, WHICH I WAS NOT AFFORDED TO COMPLETE
10 SO BY ABSENTEEISM, I LOST MY JOB

11 BUT I HAVE SPOKEN WITH THEM SINCE I'VE BEEN OUT, YOU
12 KNOW SHE DO WANT TO RUN A BACKGROUND CHECK ON ME TO SEE
13 BECAUSE SHE SAID, YOU KNOW, SHE THOUGHT THAT I HAD WENT OUT
14 AND COMMITTED A CRIME AGAIN AND THAT'S WHY I WAS IN JAIL
15 SHE DIDN'T KNOW ALL THIS SHE WAS LIKE, "WHAT KIND OF
16 PROGRAM IS THAT?" SHE JUST COULDN'T UNDERSTAND IT, AND A LOT
17 OF PEOPLE WOULDN'T BUT ANYWAY---

18 Q IS IT YOUR UNDERSTANDING YOU WOULD BE ELIGIBLE TO GO
19 BACK OVER THERE AND WORK FOR THEM ONCE THIS IS CLEARED UP?

20 A THAT'S RIGHT ONCE THIS IS OVER

21 Q IS THERE ANY DOUBT IN YOUR MIND YOU CONVEYED TO THEM
22 WHAT YOUR CRIMINAL HISTORY WAS AND WHAT YOUR STATUS WAS IN
23 THE DRUG COURT PROGRAM TO ALEGIS WHEN YOU INTERVIEWED WITH
24 THEM?

25 A COULD YOU SAY THAT AGAIN?

1 Q IS THERE ANY DOUBT IN YOUR MIND THAT YOU GAVE ALEGIS ALL
2 THE INFORMATION ABOUT YOUR CRIMINAL HISTORY AND YOUR STATUS
3 IN THE DRUG COURT PROGRAM?

4 A IT -- YES, VERBATIM I HAD TO I HAD TO DISCLOSE IT
5 ALL

6 MR. BANNISTER ALL RIGHT THAT WOULD BE THE END OF
7 THE PROFFER ON THAT

8 THE COURT ALL RIGHT

9 A AND, AGAIN, I WOULD LIKE TO SAY, MR BANNISTER, MS
10 TRUETT IS NOBODY'S IDIOT SHE'S BEEN DOING EMPLOYMENT
11 DEVELOPMENT TRAINING A LONG TIME, AND SHE WAS QUITE AWARE OF
12 BEHAVIOR THAT AN ADDICT ENTAILS

13 MR BANNISTER LET ME GET THIS MARKED---

14 MS. STROM DO YOU MIND IF I SEE ONE OF THOSE RECEIPTS,
15 THAT TOP RECEIPT?

16 MR. BANNISTER NO

17 (CLIENT RESPONSIBILITY FORM MARKED AS DEFENDANT HURKS
18 EXHIBIT NUMBER 10 FOR PURPOSES OF IDENTIFICATION ONLY)

19 Q MS HURKS, LET ME LET YOU TAKE A LOOK AT EXHIBIT NUMBER
20 10 TELL ME IF YOUR SIGNATURE APPEARS ON THERE

21 A YEAH YES

22 Q ALL RIGHT IS THAT -- AND DESCRIBE WHAT THIS IS EXACTLY
23 TO THE BEST OF YOUR KNOWLEDGE

24 A IT'S A CONSENT FORM, I THINK NO, IT SAYS CLIENT
25 RESPONSIBILITY FORM FOR SWEAT PATCH TESTING I-GUESS

1 THAT'S -- IS THAT -- I DON'T KNOW

2 Q THAT'S ALL RIGHT IT WILL SPEAK FOR ITSELF BUT WHEN
3 IT CAME TO WEARING THE PATCH, WAS IT YOUR UNDERSTANDING
4 WHETHER YOU HAD A CHOICE ABOUT IT OR NOT?

5 A WE DIDN'T HAVE A CHOICE

6 Q WHAT WAS YOUR UNDERSTANDING OF WHAT WOULD HAVE HAPPENED
7 TO YOU IF YOU HAD REFUSED TO WEAR A PATCH?

8 A IN MY HONEST OPINION, BEING FACTUAL, THAT'S JUST A NO-
9 NO THAT'S SOMETHING YOU DON'T DO YOU DON'T HAVE AN
10 OPPORTUNITY OR CHOICE TO DENY DRUG COURT SERVICES

11 Q OKAY AND AS A LAST CLEAN-UP QUESTION, HOW LONG DID YOU
12 WEAR THAT FIRST PATCH, THE ONE THAT TESTED POSITIVE, MAY
13 30TH?

14 A TWENTY-TWO DAYS

15 MR. BANNISTER JUDGE, I DON'T HAVE ANY FURTHER
16 QUESTIONS FOR MS HURKS

17 THE COURT MR GIBSON, ANY QUESTIONS?

18 MR. GIBSON NO, SIR

19 THE COURT MR ARMSTRONG?

20 MR ARMSTRONG YES

21 CROSS EXAMINATION BY MR ARMSTRONG:

22 Q MS HURKS, WHEN WERE YOU FIRST ENROLLED IN THE DRUG
23 COURT PROGRAM?

24 A AUGUST 9TH, 2002

25 Q AND DID YOU SIGN VARIOUS DOCUMENTS INCLUDING A CONTRACT

1 OF WAIVERS AND AGREEMENTS WHEN YOU GOT INTO THE PROGRAM?

2 A YES, SIR, I DID

3 Q I WANT TO SHOW YOU AN EXHIBIT, NUMBER 3 JANELLI,

4 ENTITLED -- EXCUSE ME -- 13TH JUDICIAL CIRCUIT DRUG COURT

5 WAIVEES AND AGREEMENTS DID YOU SIGN A DOCUMENT SIMILAR TO

6 THAT, MA'AM?

7 A I BELIEVE SO

8 Q JUST TAKE A LOOK AT IT TO MAKE SURE

9 A (COMPLIES) YEAH, I'M CERTAIN I DID ALL OF US HAD --

10 THIS IS A REQUIREMENT TO GET IN THE PROGRAM WE SIGN A LOT

11 OF PAPERS

12 Q ALL RIGHT SO YOU SIGNED THAT TYPE OF A DOCUMENT THEN

13 ON JULY THE 23RD, 2003, YOU SIGNED THIS 13TH JUDICIAL CIRCUIT

14 DRUG COURT CLIENT RESPONSIBILITIES FORM FOR SWEAT PATCH

15 TESTING, IS THAT CORRECT?

16 A YES, SIR

17 Q OKAY AND WHO HAD YOU SIGN THAT?

18 A PROGRAM MANAGER, BOBBIE GODWIN

19 Q OKAY WERE YOU GIVEN ANY OPTION AS TO WHETHER OR NOT

20 YOU HAD TO SIGN THAT OR NOT? COULD OR COULDN'T SIGN IT?

21 A I THINK SHE SAID SHE NEEDED US TO SIGN IT IT WASN'T --

22 SHE EVEN TOLD US WE COULD HAVE A COPY OF IT IF I CAN

23 RECALL, THAT DAY SHE CAME IN WITH THAT -- WITH A PACKET OF

24 THOSE FORMS

25 Q OKAY SO SHE PUT IT IN FRONT OF YOU AND YOU SIGNED IT?

1 A NO SHE HAD IT PASSED AROUND

2 Q WERE OTHER PEOPLE REQUIRED TO SIGN IT AT THE SAME TIME?

3 A IN THE PHASE ONE GROUP, BECAUSE I WAS BACK IN PHASE ONE
4 WHEN I SIGNED THAT

5 MR ARMSTRONG OKAY THANK YOU VERY MUCH, MA'AM

6 THE COURT ANY OTHER QUESTIONS?

7 MR. ARMSTRONG NO, SIR

8 THE COURT SOLICITOR?

9 CROSS EXAMINATION BY MS. STROM

10 Q GOOD MORNING, MS HURKS

11 A GOOD MORNING, MS STROM

12 Q OKAY AS YOU SAID BEFORE, YOU ARE -- YOU'RE A DRUG
13 ADDICT?

14 A I'M A RECOVERING ADDICT

15 Q RIGHT PART OF THAT -- AND I KNOW YOU'VE TOLD ME BEFORE
16 THAT BEFORE WHEN YOU WERE A DRUG ADDICT, WHEN YOU WERE NOT A
17 RECOVERING, YOU WERE A PRETTY SERIOUS DRUG ADDICT, WEREN'T
18 YOU?

19 A YES, I WAS

20 Q OKAY AND HOW MUCH COCAINE -- WELL, WHAT WAS YOUR DRUG
21 OF CHOICE BACK THEN?

22 A I HAD DRUG OF CHOICES

23 Q OKAY

24 A OKAY

25 Q OKAY

1 A MY DRUG OF CHOICES WERE HEROIN AND COCAINE IN ROCK FORM

2 Q YOU'RE SAYING YOU WERE DOING HEROIN AND CRACK COCAINE
3 BASICALLY?

4 A YEAH YES, SIR I MEAN, YES, MA'AM

5 Q THAT'S ALL RIGHT

6 A I'M SORRY

7 Q THAT'S ALL RIGHT AND I BELIEVE YOU TOLD ME BEFORE JUST
8 -- BECAUSE I'VE INTERACTED WITH YOU---

9 A OF COURSE YOU HAVE

10 Q ---AT DRUG COURT AND THINGS LIKE THAT

11 A YOU'RE NO STRANGER TO ME

12 Q RIGHT AND YOU TOLD ME BEFORE THAT BACK THEN YOU WERE
13 HEAVY INTO DRUGS?

14 A OH, YES, I WAS

15 Q AND DOING BOTH HEROIN AND COCAINE, I THINK, IS WHEN YOU
16 TOLD ME THAT YOU WERE HAVING YOUR HEART ATTACKS?

17 A I DON'T BELIEVE I EVER DISCUSSED MY HEART ATTACKS WITH
18 YOU

19 Q REALLY? DO YOU REMEMBER ME BEING IN THE SESSION ONE
20 NIGHT WHEN EVERYBODY -- THE GROUP THERAPY SESSION?

21 A YES, I RECALL

22 Q OKAY DO YOU REMEMBER IN THAT SESSION TALKING ABOUT THE
23 FACT THAT YOU HAD HAD HEART ATTACKS WHILE DOING DRUGS?

24 A YES, I MENTIONED THAT BUT IT WASN'T ^{VER}A DETAILED
25 CONVERSATION AT ALL

1 Q NO, NO, NO, IT WASN'T

2 A IT SURE WASN'T

3 Q WHEN YOU WERE HAVING THESE HEART ATTACKS FROM THE USE OF
4 DRUGS, HOW MUCH DRUGS WERE YOU USING AT THAT TIME?

5 A I WASN'T USING HEAVY

6 Q YOU WEREN'T?

7 A I WAS COMING OFF OF MY DRUG ADDICTION

8 Q OKAY BUT YOU WERE STILL USING ROCK FORM AND YOU WERE
9 STILL USING HEROIN?

10 A YEAH I WASN'T COMPLETELY CLEAN, NO

11 Q AND THESE RECEIPTS THAT HAVE BEEN MARKED AS HURKS
12 EXHIBIT NUMBER 8---

13 A UH-HUH (AFFIRMATIVE)

14 Q ---THEY INVOLVE PARTICIPATION FEES, CORRECT?

15 A EXACTLY

16 Q AND AREN'T THERE SOME OTHER FEES CALLED INDICTMENT FEES?

17 A THERE SURE IS

18 Q OKAY AND THOSE FEES YOU WERE DELINQUENT IN?

19 A TO MY CONTRACT KNOWLEDGE, THOSE FEES, INDICTMENT FEES---

20 Q YES, MA'AM

21 A ---DID NOT HAVE TO BE PAID OFF IN FULL UNTIL YOU REACHED
22 THE PHASE FOUR STATUS AND I DO HAVE A PRINTOUT HERE WITH ME
23 ON TODAY---

24 Q OKAY

25 A ---THAT I HAD BEEN PAYING ON THEM BUT I NEVER HAD PAID

1 THEM OFF

2 Q YOU NEVER PAID THEM OFF?

3 A NO

4 Q AND I KNOW THAT THERE WAS SOME TALK ABOUT THIS FIRST
5 PARTICIPATION FEE RECEIPT SHOWING A BALANCE OF ZERO?

6 A UH-HUH (AFFIRMATIVE)

7 Q BUT LET'S GO BACK AND LOOK AT SOME OF THESE IN APRIL
8 YOU WERE DELINQUENT AT SOME POINTS IN NOT PAYING YOUR
9 PARTICIPATION FEES, CORRECT?

10 A LET ME EXPLAIN SOMETHING

11 Q WELL, LET ME JUST -- YOU CAN ANSWER THE QUESTION AND
12 THEN YOU CAN EXPLAIN

13 A I WAS PAYING THEM, BUT I DIDN'T HAVE THEM PAID OFF

14 Q OKAY

15 A AND THE REASON WHY WAS BECAUSE OF THE FACT I DIDN'T COME
16 BACK TO DRUG COURT -- I WASN'T RELEASED FROM MY SURGERY UNTIL
17 JANUARY THE 13TH, '03

18 Q OKAY

19 A OKAY? AND I PARTICIPATED IN DRUG COURT FOR A WHILE,
20 THREE WEEKS, BEFORE I GOT BACK EMPLOYED AND ON A JOB WITH THE
21 ABILITY TO PAY, AND THAT WAS ALREADY AGREED UPON

22 Q SO YOU GOT OUT IN JANUARY AND THEN ABOUT THREE WEEKS
23 LATER IS WHEN YOU GOT ANOTHER JOB?

24 A EXACTLY

25 Q OKAY

- 1 A THEN---
- 2 Q THEN YOU STARTED PAYING?
- 3 A THAT'S RIGHT
- 4 Q OKAY
- 5 A AND I THINK THE RECEIPTS REFLECT THOSE PAYMENTS AS WELL
- 6 AS MY CURRENT OKAY?
- 7 Q SURE OKAY
- 8 A THEN---
- 9 Q LET ME JUST SHOW YOU
- 10 A UH-HUH (AFFIRMATIVE)
- 11 Q IN APRIL, YOU HAVE AMOUNT DUE, \$150 YOU PAID \$50, A
- 12 BALANCE OF \$100
- 13 A UH-HUH (AFFIRMATIVE)
- 14 Q APRIL 24TH YOU HAVE A BALANCE OF \$100
- 15 A RIGHT
- 16 Q IN MAY 15TH, YOU HAVE A BALANCE OF \$125
- 17 A RIGHT
- 18 Q MAY 30TH, YOU HAVE A BALANCE OF \$125
- 19 A UH-HUH (AFFIRMATIVE)
- 20 Q OKAY WE ALSO HAVE A BALANCE OF \$70 ON JUNE 19TH, AND A
- 21 BALANCE OF \$25 ON 6/19 THESE ARE INDIVIDUAL WEEKLY --
- 22 MONTHLY BALANCES, RIGHT?
- 23 A MONTHLY? YOU MEAN BIWEEKLY?
- 24 Q BIWEEKLY, I'M SORRY
- 25 A BECAUSE WE WERE ON -- I---

ANGELA HURKS -- CROSS BY MS STROM

- 1 Q I'M SORRY YOU'RE RIGHT
- 2 A ---ONLY WENT TO COURT TWICE A MONTH
- 3 Q BIWEEKLY, I'M SORRY
- 4 A AND THEN ALSO I LEFT -- LET ME SHOW YOU SOMETHING
- 5 RIGHT HERE -- SEE, I MADE TWO PAYMENTS ON THE 19TH OF JUNE
- 6 Q YES, MA'AM
- 7 A ONE FOR \$50 AND ONE FOR \$45, WHICH WERE -- THE FINAL
- 8 BALANCE ENDED UP BEING \$25 JUNE 19TH
- 9 Q YES, MA'AM
- 10 A BUT NOW, HERE WE GO BACK TO I CAME -- I STARTED BACK
- 11 PAYING MY FEES, I THINK IT WAS LIKE FEBRUARY WHEN I WAS IN
- 12 THE HOSPITAL, MY MOTHER CONTACTED ME THAT MY SISTER HAD
- 13 CANCER
- 14 Q YES, MA'AM
- 15 A I LEFT I HAD ONLY HAD ONE RECEIPT FOR MARCH, AND I
- 16 HAVE IT OVER THERE
- 17 Q OKAY WELL, LET'S GO---
- 18 A BUT WAIT A MINUTE
- 19 Q NO, MA'AM LET'S GO TO THIS AREA OF---
- 20 A I WAS IN DETROIT---
- 21 MS. STROM YOUR HONOR, WOULD YOU INSTRUCT THE
- 22 WITNESS---
- 23 THE COURT MS HURKS, SHE GETS TO ASK THE QUESTIONS
- 24 WITNESS OKAY
- 25 Q I UNDERSTAND THAT THERE ARE RECEIPTS WHERE YOU HAVE A

1 BALANCE OF ZERO THERE ARE RECEIPTS WHERE YOU DON'T HAVE A
2 BALANCE, CORRECT?

3 A (NO RESPONSE)

4 Q LET'S MOVE ON

5 A YOU SAID I HAVE A BALANCE OF ZERO AND THEN THERE ARE
6 RECEIPTS WHERE I DON'T HAVE A BALANCE?

7 Q LET'S JUST MOVE ON, MS HURKS

8 A OKAY

9 Q YOU SAID THAT YOU WERE ALLOWED TO GO TO VISIT YOUR
10 SISTER WHO WAS CRITICALLY ILL?

11 A RIGHT

12 Q OKAY AND I THINK PART OF THAT AGREEMENT FOR YOU TO GO
13 WAS THAT YOU WEAR A PATCH, RIGHT?

14 A YES, MA'AM, I DID

15 Q OKAY AND YOU DID DO THAT WILLINGLY, NO PROBLEMS YOU
16 DIDN'T HAVE ANY PROBLEMS WITH THE PATCH, DID YOU?

17 A NO

18 Q OKAY AND IN FACT THAT PATCH CAME BACK NEGATIVE,
19 CORRECT---

20 A YES

21 Q ---WHEN THEY TESTED IT? AND HOW LONG DID YOU WEAR THAT
22 PATCH?

23 A I LEFT GREENVILLE MARCH 26TH, I BELIEVE IT WAS, AND I
24 RETURNED ON THE 10TH OF APRIL IT WAS REMOVED, I BELIEVE, ON
25 THE 10TH OF APRIL

1 Q FROM THE 26TH TO THE 10TH?

2 A UH-HUH (AFFIRMATIVE)

3 Q OKAY

4 A I THINK THAT WOULD HAVE BEEN ABOUT 14 DAYS

5 Q THAT'S ABOUT RIGHT AND YOU HAD TALKED EARLIER ABOUT
6 THE FACT THAT YOU AND BRENDA NABORS ARE VERY CLOSE Y'ALL
7 HAVE DONE THINGS TOGETHER, CORRECT?

8 A YES, MA'AM

9 Q OKAY AND HOW LONG HAVE YOU KNOWN HER?

10 A OVER TWO YEARS NOW

11 Q OKAY AND---

12 A NO, UH-UH (NEGATIVE) IT WOULD BE TWO YEARS TO THE DAY
13 AUGUST THE 9TH I KNEW OF BRENDA I'VE SEEN BRENDA WHEN I
14 WAS IN ACTIVE ADDICTION

15 Q WHEN YOU WERE WHAT?

16 A IN ACTIVE ADDICTION

17 Q OKAY AND WHEN YOU CAME INTO DRUG COURT WAS SHE ALSO IN
18 DRUG COURT?

19 A YES, MA'AM, SHE WAS

20 Q OKAY AND Y'ALL STARTED SOCIALIZING IN TERMS OF BEING
21 FRIENDS AND HELPING EACH OTHER OUT WITH RECOVERY?

22 A WE WERE RECOVERY PARTNERS

23 Q AND Y'ALL DID A LOT OF THINGS TOGETHER IN PHASE ONE AND
24 PHASE TWO, EVEN OUTSIDE OF THE DRUG COURT?

25 A NOT IN PHASE ONE AND TWO YOU CAN'T SOCIALIZE IN PHASE

1 ONE AND TWO

2 Q WHEN DID YOU ACTUALLY START SOCIALIZING THEN WITH MS
3 NABORS?

4 A I SOCIALIZED WITH HER IN HERE AT THIS COURTHOUSE AND I
5 WOULD SEE HER AT MEETINGS BUT OUR DAY-TO-DAY ONE-ON-ONE
6 DIDN'T BEGIN UNTIL AFTER I GOT OUT OF PHASE TWO

7 Q AND THEN YOU WERE PLACED -- YOU WERE IN PHASE THREE AND
8 THEN PLACED BACK IN PHASE TWO?

9 A I WAS IN PHASE THREE AND PLACED BACK IN PHASE ONE AND
10 THEN MOVED TO PHASE TWO

11 Q OKAY AND SO YOU STOPPED ALL ASSOCIATION WITH HER WHILE
12 YOU WERE BACK IN PHASE ONE AND PHASE TWO?

13 A I COULD TALK TO HER ON THE TELEPHONE

14 Q BUT YOU DIDN'T RIDE AROUND WITH HER, YOU DIDN'T HAVE HER
15 TAKE YOU PLACES LIKE UP HERE TO THE COURTHOUSE OR ANYTHING
16 LIKE THAT?

17 A NO, I COULD NOT I COULDN'T YES, I COULD BECAUSE
18 BRENDA WAS IN PHASE THREE AS A MATTER OF FACT, WE DID

19 Q WHERE WERE YOU WORKING -- I KNOW THAT YOU SAID YOU WERE
20 WORKING AT ALEGIS, WAFFLE HOUSE, CHURCH'S FRIED CHICKEN ON
21 [REDACTED], CHURCH'S FRIED CHICKEN ON [REDACTED]?

22 A YES, MA'AM

23 Q WHERE WERE YOU WORKING BEFORE THAT?

24 A WHAT DO YOU MEAN "BEFORE THAT"?

25 Q BEFORE THAT, WHERE WERE YOU WORKING?

1 A BEFORE I STARTED WORKING FOR CHURCH'S CHICKEN?

2 Q YES, MA'AM

3 A I WORKED FOR I T S , WHICH IS A DOCUMENT IMAGING COMPANY
4 AT GREENVILLE HOSPITAL SYSTEMS I WORKED AT SERENITY PLACE
5 DRUG AND ALCOHOL

6 Q SERENITY PLACE DRUG AND ALCOHOL, WHAT DID YOU DO THERE?

7 A I WAS A COOK

8 Q OKAY

9 A UH-HUH (AFFIRMATIVE)

10 Q AND DID YOU WORK ANYWHERE ELSE?

11 A I DID BANQUETS

12 Q WHAT'S THAT?

13 A BANQUETS I WAS A BANQUET SERVER

14 Q OKAY YOU SERVED AT---

15 A AT PALMETTO CENTER AT SOCIAL EVENTS

16 Q OKAY

17 A UH-HUH (AFFIRMATIVE)

18 Q THE -- DO YOU REMEMBER SPECIFICALLY -- AND I DIDN'T ASK
19 YOU SPECIFICALLY -- WHERE YOU WERE WORKING IN MARCH AND APRIL
20 OF 2003?

21 A MARCH AND APRIL OF 2003?

22 Q YES, MA'AM

23 A IN MARCH I WAS WORKING AT GREENVILLE HOSPITAL FOR I T S
24 UP UNTIL THE TIME THAT I GOT READY TO LEAVE AND GO SEE MY
25 SISTER

1 Q OKAY

2 A AND WHEN I GOT BACK I WAS WORKING FOR -- I THINK I
3 STARTED WORKING FOR CHURCH'S THEN

4 Q AND I BELIEVE YOU LEFT THE GREENVILLE HOSPITAL SYSTEM --
5 I THINK I SAW SOMETHING ABOUT YOU WERE HAVING PROBLEMS WITH
6 THAT JOB?

7 A I WAS WORKING THIRD SHIFT, AND I WASN'T HAVEN'T
8 PROBLEMS I MEAN, AS A MATTER OF FACT, I JUST -- I HAD
9 GOTTEN LAID OFF BECAUSE THIS IS LIKE A CONTRACT THING EVEN
10 THOUGH I'M A PERMANENT WORKER WITH I T S BUT I JUST GOT
11 LAID OFF AGAIN FROM I T S AT GREENVILLE HOSPITAL SYSTEMS

12 Q I WANT TO GO TO THESE -- LET ME SEE OH YOU WERE
13 ASKED ABOUT YOU FELT LIKE YOU HAD TO WEAR THE PATCH OR WHEN
14 THEY ASKED YOU TO SIGN THE DOCUMENT ABOUT CONSENTING TO WEAR
15 A PATCH ARE YOU AWARE THAT THERE WERE PEOPLE IN THE DRUG
16 COURT PROGRAM THAT INDICATED THAT THEY HAD A LATEX ALLERGIC
17 REACTION AND SO OTHER METHODS OF DRUG TESTING WERE AVAILABLE
18 TO THEM?

19 A YES

20 Q OKAY DID YOU EVER DISCUSS THE POSSIBILITY WITH BOBBIE
21 OR WITH ANYONE THAT YOU WANTED OTHER TYPES OF DRUG TESTING
22 OTHER THAN THE PATCH?

23 A COULD YOU MAKE THAT MORE CLEAR WHAT YOU'RE SAYING?

24 Q DID YOU EVER TALK TO ANYONE ABOUT THE POSSIBILITY OF
25 USING ANOTHER TYPE OF TEST OTHER THAN A SWEAT PATCH TEST,

ANGELA HURKS -- CROSS BY MS STROM

1 THAT YOU DIDN'T WANT TO USE IT?

2 A NO I MEAN, I'VE BEEN TESTED ALL WAYS EVERY METHOD OF
3 TESTING THAT DRUG COURT HAS, I'VE BEEN TESTED THROUGH IT --
4 BY IT

5 Q AND YOU WERE TALKING ABOUT EARLIER, I'M NOT SO SURE I
6 UNDERSTAND, WHEN YOU WERE ASKED ABOUT PARTICIPATING IN NA AND
7 THOSE TYPES OF THINGS NOW AND YOU SAID, NO, BECAUSE THERE'S
8 THIS GAG ORDER

9 A UH-HUH (AFFIRMATIVE)

10 Q OKAY PRIOR TO THAT GAG ORDER AND AFTER YOUR DRUG PATCH
11 CAME BACK POSITIVE---

12 A UH-HUH (AFFIRMATIVE)

13 Q ---YOU STILL PARTICIPATED?

14 A YES, I DID

15 Q ALL RIGHT OKAY AND IN THAT -- OBVIOUSLY YOU WOULD
16 TALK OPENLY ABOUT YOUR FRUSTRATION WITH THE DRUG PATCH COMING
17 BACK POSITIVE?

18 A I WOULDN'T WORD IT LIKE THAT BECAUSE THAT'S NOT THE WAY
19 IT WAS WHEN I WAS APPROACHED, CONFRONTED BY DRUG COURT
20 PARTICIPANTS---

21 Q YES, MA'AM I'M NOT ASKING YOU WHAT HAPPENED WHEN YOU
22 WERE APPROACHED---

23 A I'M NOT TELLING YOU WHAT HAPPENED I'M SAYING I WAS
24 APPROACHED BY IT YOU KNOW, IT WASN'T LIKE I WAS GOING OUT
25 SOLICITING PEOPLE TRYING TO MAKE NOBODY BELIEVE ME I WAS

1 BEING ASKED QUESTIONS ABOUT HOW I COULD SAY THAT I DIDN'T USE
2 WHEN I'VE HAD A HAIR TEST AND A PATCH TO COME BACK POSITIVE

3 Q WAS THIS HERE OR WAS THAT AT THE N A MEETINGS, THE 12-
4 STEP MEETINGS, AND THE COMMUNITY MEETINGS?

5 A ARE YOU ASKING ME?

6 Q YES, MA'AM

7 A NO, IT WASN'T AT A COMMUNITY MEETING ACTUALLY

8 Q WAS IT AT AN NA MEETING?

9 A NO, IT WASN'T IT WAS AT AN H AND I ORIENTATION

10 Q H AND I, WHAT IS THAT?

11 A H AND I, HOSPITALS AND INSTITUTIONS ORIENTATION, WHICH I
12 SERVED ON THAT COMMITTEE AS A SECRETARY FOR THAT PARTICULAR
13 COMMITTEE

14 Q BUT WHAT MY QUESTION WAS IS, WHEN YOU WERE GOING TO THE
15 NA MEETINGS, WHICH YOU SAID YOU WERE EARLIER, BUT BEFORE THE
16 GAG ORDER CAME OUT, YOU WERE OPENLY TALKING ABOUT, OBVIOUSLY,
17 YOUR FRUSTRATION WITH THE DRUG PATCH?

18 A I SHARED AND THAT IS THE ONLY PLACE THAT I CAN SHARE
19 ABOUT MY FEELINGS AND THAT IS ANONYMOUS, NUMBER ONE,
20 BECAUSE THOSE MEETINGS ARE FOR ANONYMITY MY FEELINGS

21 Q DID YOU ALSO TALK ABOUT OTHER PEOPLE'S PARTICIPATION?

22 A NEVER

23 Q YOU NEVER SPOKE ABOUT SOMEONE ELSE'S---

24 A NEVER IN A NA MEETING HAD I EVER, NEVER BUT I DO
25 RECALL DURING THE H AND I SESSION THAT I WAS ORIENTATING-TWO

ANGELA HURKS -- CROSS BY MS STROM

1 MEMBERS OF THE DRUG COURT PROGRAM WHO HAD BEEN GOING TO ONE
2 OF THE TREATMENT CENTERS, PARTICIPATING AND OPENLY SHARING,
3 WHO HAD NEVER BEEN ORIENTATING, BEING CONFRONTATING DURING
4 THAT SESSION ABOUT BEING CONFRONTED ABOUT MY HAIR TEST AND MY
5 PATCH, AND THEY SEEMED TO UNDERSTAND HOW COME I CONTINUOUSLY
6 DENIED USING WHEN I HAD THIS PATCH AND THIS HAIR TEST

7 Q LET'S GO TO YOUR MISSED CALLING THE DRUG SCREEN IN MAY,
8 I BELIEVE IT WAS ABOUT MAY 27TH---

9 A YES, MA'AM

10 Q AND YOU SAID THAT WAS BECAUSE YOU CALLED THE LINE, YOU
11 HEARD ABOUT YOUR CASE MANAGEMENT APPOINTMENT, AND THEN YOU
12 HUNG UP?

13 A YES, MA'AM

14 Q OKAY I TAKE IT THAT'S ALSO WHAT HAPPENED AGAIN IN JUNE
15 WHEN YOU MISSED IT IN JUNE, THAT SAME SCENARIO?

16 A I NEVER HAD BUT ONE MISSED SCREEN, AND THAT WAS MAY THE
17 27TH

18 Q SO YOU'RE SAYING YOU DID NOT FAIL TO CALL THE DRUG
19 SCREEN LINE IN JUNE?

20 A I NEVER HAD THAT PROBLEM

21 MS STROM COURT'S INDULGENCE, YOUR HONOR

22 Q SO IT'S YOUR TESTIMONY THAT YOU WERE NOT SANCTIONED FOR
23 A SECOND DRUG SCREEN FAILURE TO CALL THE DRUG SCREEN LINE?

24 A NO, I WASN'T

25 Q OKAY

1 A I WAS SANCTIONED FOR \$10 ON MY PAYMENTS IN JUNE THAT I
2 HAD ALREADY PAID LIKE \$115 OR SOMETHING ON JUNE THE 19TH FOR
3 THAT'S WHAT THAT WAS ABOUT

4 MS. STROM THANK YOU, MA'AM I HAVE NO FURTHER
5 QUESTIONS

6 WITNESS YES, MA'AM

7 THE COURT DO YOU ANY QUESTIONS, MR BANNISTER?

8 MR BANNISTER NO, YOUR HONOR

9 THE COURT ALL RIGHT THANK YOU, MA'AM YOU CAN STEP
10 DOWN

11 WITNESS. THANK YOU, JUDGE SIMMONS

12 (WITNESS STEPS DOWN AT 11 24 A M)

13 THE COURT ANYTHING ELSE, MR BANNISTER?

14 MR BANNISTER NO, SIR, YOUR HONOR

15 THE COURT ALL RIGHT

16 MR GIBSON YOUR, COULD WE TAKE A BREAK?

17 THE COURT YES, SIR LET ME HEAR FROM THE STATE

18 MS. STROM JUST ONE SECOND, YOUR HONOR, IF I MAY

19 (OFF RECORD DISCUSSION)

20 MR BANNISTER YOUR HONOR, MAY MS HURKS RUN TO THE
21 RESTROOM?

22 THE COURT CERTAINLY AND I ANTICIPATE WE'RE GOING TO
23 BE TAKING A BREAK IN JUST A MOMENT ANYWAY

24 WELL, LET'S GO AHEAD WE'LL TAKE A 15-MINUTE BREAK AND
25 START BACK AT TWENTY TILL

1 MR. GIBSON THANK YOU, YOUR HONOR

2 (A RECESS WAS TAKEN FROM 11 24 TO 11 56 A M)

3 MS STROM YOUR HONOR, MAY HAVE ONE SECOND? I'M
4 SORRY

5 THE COURT YES, MA'AM

6 MS STROM (OFF RECORD WITH CO-COUNSEL)

7 THE COURT ALL RIGHT ANYTHING ELSE FROM THE STATE
8 FOR THE RECORD?

9 MS STROM NO, SIR, YOUR HONOR THE STATE WILL
10 PRESENT NO REBUTTAL

11 THE COURT MR ARMSTRONG?

12 MR ARMSTRONG NOTHING FURTHER, YOUR HONOR

13 THE COURT MR GIBSON?

14 MR GIBSON NO, SIR

15 THE COURT MR BANNISTER?

16 MR BANNISTER NO, SIR, YOUR HONOR

17 THE COURT ALL RIGHT AND THERE HAS BEEN A REQUEST BY
18 CERTAIN OF THE COUNSEL TO MAKE VERY, VERY BRIEF CONCLUSORY
19 STATEMENTS SO DOES THE STATE HAVE ANY?

20 MS STROM WELL, YOUR HONOR, IT'S MY UNDERSTANDING
21 THAT YOU WILL ALLOW US TO PROVIDE TO YOU WRITTEN ARGUMENTS
22 ALONG WITH CASE AUTHORITY, CITATIONS, OBVIOUSLY IN SUPPORT OF
23 OUR POSITION, AND THE STATE WOULD RESERVE ITS ARGUMENT TO THE
24 WRITTEN FORM

25 THE COURT ALL RIGHT AND LET ME GO AHEAD WHILE

1 COUNSEL IS PRESENT, I HAVE TWO OF THE CASES THAT I HAVE FOUND
2 IN RESEARCHING, AND I THOUGHT I HAD THE THIRD CASE, BUT
3 APPARENTLY I DO NOT LET ME GO AHEAD AND GIVE ALL COUNSEL
4 THE CITES THE FIRST TWO ARE UNITED STATES DISTRICT COURT
5 CASES THE FIRST ONE IS CITED AS 195 WL, OBVIOUSLY WESTLAW,
6 324541 -- 1995 WL 324541 -- IT IS A NORTHERN DISTRICT OF
7 ILLINOIS CASE, UNITED STATES VERSUS WILSON THE SECOND IS
8 UNITED STATES COURT OF APPEALS CASE FROM THE SEVENTH CIRCUIT
9 IT IS 47 F 3d 241, UNITED STATES VERSUS PIERRE -- P-I-E-R-R-E
10 -- P-I-E-R-R-E AND THERE IS ALSO -- IT IS A SOUTH CAROLINA
11 COURT OF APPEALS CASE AUTHORED BY JUDGE RALPH KING ANDERSON
12 THAT DEALS WITH THE RESPECTIVE STANDARDS ON PROBATION
13 REVOCATION IT MUST BE BACK IN CHAMBERS SO I'LL BE GLAD TO
14 PROVIDE THAT IF COUNSEL SHOULD SO DESIRE AT THE END OF THE
15 VERY BRIEF ARGUMENTS

16 SO, MR ARMSTRONG, I'LL BE GLAD TO HEAR FROM YOU, SIR
17 MR. ARMSTRONG THANK YOU, YOUR HONOR

18 I WOULD NEVER PASS UP THE OPPORTUNITY TO PRESENT THE KEY
19 POINTS WHICH THE DEFENSE BELIEVES ARE RELEVANT AND IMPORTANT
20 IN THIS PARTICULAR CASE I WANT TO THANK THE COURT FOR BEING
21 VERY ATTENTIVE TO THE ISSUES THAT HAVE BEEN RAISED

22 THERE ARE A COUPLE OF MAJOR POINTS THAT EXIST AS FAR AS
23 DANE THE FIRST AND FOREMOST IS THAT WHEN HE ENROLLED IN
24 THIS PROGRAM BACK IN 2002 HE WAS REQUIRED TO SIGN A
25 CONTRACTUAL AGREEMENT WITH THE DRUG COURT PROGRAM, AND HE DID

MATTERS AND MOTIONS

1 INDEED WITHOUT GOING INTO THE SPECIFIC DETAILS, THERE WAS
2 NO PROVISION IN THAT CONTRACT WHICH WOULD DEAL WITH SWEAT
3 PATCH INTERESTINGLY, THE COURT HAD MS HURKS SUBSEQUENTLY
4 SIGN SUCH AN AGREEMENT I DON'T KNOW HOW THAT IMPACTS ON
5 HER, AND I DO NOT ADDRESS IT BUT WE SUBMIT---

6 THE COURT AND I HATE TO INTERRUPT YOU, BUT JUST FOR
7 THE RECORD, THE COURT DIDN'T HAVE MS HURKS SIGN ANYTHING

8 MS HURKS NO YOU DIDN'T

9 MR ARMSTRONG EXCUSE ME, THE STATE DID

10 THE COURT OKAY I JUST WANT TO MAKE SURE WE'RE CLEAR
11 ON THE RECORD

12 MS STROM ME TOO, JUDGE

13 MR ARMSTRONG WELL, BUT THAT ALSO BLURS THE ISSUE,

14 BECAUSE YOU'RE TALKING ABOUT THE DRUG COURT PROGRAM HAD IT

15 SIGNED BUT THE DRUG COURT PROGRAM IS PART OF THE

16 SOLICITOR'S OFFICE SO THAT'S REALLY WHAT IT BOILS DOWN TO

17 BUT NONETHELESS, THAT'S A FUNDAMENTAL ISSUE AND THE

18 PROGRAM HAS THROUGHOUT SOUGHT TO MONITOR, AT LEAST MY CLIENT,

19 ON THE DRUG PATCH, WHICH WE FEEL WAS INAPPROPRIATE FROM A

20 CONTRACTUAL BASIS

21 ADDITIONALLY, THE ISSUE HEAVILY LOOMS ABOUT OUR

22 OBJECTION TO THE TESTIMONY BY RECORD WITHOUT A PHARMCHEM

23 REPRESENTATIVE COMING INTO COURT TO VALIDATE ALL THESE

24 TESTINGS WE CONTEND THAT THE PATCH IS UNRELIABLE MY

25 CLIENT HAD THREE CLEAN HAIR TESTS SUBSEQUENT THERETO THE

1 MID-ONE WAS THE MOST TELLING, AS REVEALED BY DR KIDWELL,
2 BECAUSE THAT WAS CONSISTENT WITH NO DRUG USE BASED ON THE LOW
3 LEVELS OF IT

4 AND I CITE TO YOU, WITHOUT ANY SPECIFIC DETAILS, WHAT I
5 THOUGHT WAS THE VERY COMPREHENSIVE AND ENLIGHTENING TESTIMONY
6 OF DR KIDWELL ABOUT THE CONTAMINATION FROM WITHIN, THE
7 CONTAMINATION FROM WITHOUT, THE PERMEABILITY ISSUES AND ALL
8 OF THE OTHER ATTENDANT PROBLEMS THAT EXIST WITH THE PATCH
9 THE PATCH IS NOT INFALLIBLE I THINK THAT THE BEST WAY --
10 AND I WOULD CALL THE COURT'S ATTENTION TO DR KIDWELL'S LAST
11 SLIDE YOU WANT TO USE SCIENCE BASICALLY TO BE FAIR TO
12 PEOPLE AND I SUBMIT THAT GIVEN THE PROBLEMS WITH THE PATCH
13 THAT IT IS NOT FAIR TO PEOPLE, AND IN PARTICULAR, WASN'T FAIR
14 TO MR JANELLI

15 PERHAPS THE BEST WAY TO DEAL WITH PATCH, IF THAT IS TO
16 REMAIN IN THE SCHEME OF THINGS, WOULD BE TO USE IT, AND IF
17 THERE IS A POSITIVE, BECAUSE IT DOES NOT SHOW INGESTION, IT
18 SHOWS THE PRESENCE OF COCAINE, THEN TO FOLLOW UP WITH THE
19 GOLD STANDARD, WHICH BY ALL TECHNICAL TESTIMONY SEEMS TO BE
20 THAT OF URINE TESTING

21 SPECIFICALLY ON THE PATCH, MR JANELLI HAS TWO PATCHES
22 THAT WERE POSITIVE ONE WAS BACK IN JANUARY OF 2003, WHICH
23 HE HAD ADMITTED TO SOME PROBLEMS AFTER THAT HE WAS LOCKED
24 UP AND SUBSEQUENTLY HAD THE PATCH ON JUNE THE 17TH, 2003,
25 WHICH WAS REMOVED ON JUNE THE 25TH, 2003, AND RESULTS

MATTERS AND MOTIONS

1 REPORTED BACK ON JULY THE 7TH AND I GO THROUGH THAT
2 TIMELINE BECAUSE IT WAS VERY CRITICAL IN THIS PARTICULAR CASE
3 HERE

4 THE STATE SEEKS TO RELY ON TWO PEOPLE, MS ROBERTSON,
5 WHO TESTIFIED YESTERDAY, AS DID MS ALEXANDER THEY BOTH
6 TESTIFIED THAT WHEN HE GOT INTO A GROUP MEETING ON JULY THE
7 7TH THAT HE ADMITTED THAT HE HAD USED COCAINE OR "DONE DRUGS
8 WITH A GIRLFRIEND" WHILE IN ALABAMA OR VIRGINIA, AND AGAIN,
9 WHILE HE WAS OUT OF TOWN THE FLAWED TESTIMONY OF BOTH OF
10 THESE WOMEN, BOTH OF WHOM HAVE CONVICTIONS OF MANY CRIMES OF
11 MORAL TURPITUDE, BOTH OF WHOM ARE, I WOULD SUBMIT TO YOU,
12 VERY BIASED -- THEY ARE STILL IN THE PROGRAM AND BASICALLY
13 SINGING A SONG THAT THEY THINK THAT THESE PEOPLE WANT TO HEAR
14 -- IS BELIED BY THE ACTUALITY BECAUSE MY CLIENT'S MOTHER
15 TESTIFIED, AS DID BOBBIE GODWIN, THAT DANE HAD THE PERMISSION
16 TO GO TO VIRGINIA FROM JUNE THE 29TH TO, I BELIEVE IT WAS THE
17 -- EXCUSE ME, THE 27TH UNTIL THE 29TH AND AGAIN, THEIR
18 TESTIMONY WAS -- THESE TWO WOMEN'S TESTIMONY WAS THAT THIS
19 ALLEGED COCAINE INVOLVEMENT OCCURRED WHILE HE WAS IN VIRGINIA
20 WITH THE GIRL, AND IN FACT THE PATCH HAD BEEN REMOVED FROM
21 HIS BODY FOUR OR FIVE DAYS AT THAT TIME

22 THE OTHER THING FROM BOBBIE'S STANDPOINT, BOBBIE GODWIN,
23 IS WHAT DID HE SAY ABOUT THE PATCH? AND HE SAID THAT HE HAD
24 BEEN AROUND A GIRL OR THE GIRLFRIEND AND I WOULD SUBMIT TO
25 YOU THAT THAT IS CERTAINLY NO ADMISSION

MATTERS AND MOTIONS

1 BRIEFLY ABOUT DANE, THE COURT KNOWS HIM, AND I DON'T
2 FEEL IT'S NECESSARY OR APPROPRIATE TO GO OVER A LOT OF
3 BACKGROUND DETAILS ON HIM HE'S A LIKEABLE YOUNG MAN HE
4 DID INDEED HAVE A PROBLEM BUT HE WAS HEAVILY SANCTIONED IN
5 THIS PROGRAM HE SPENT 90 DAYS IN JAIL FROM SEPTEMBER THE
6 12TH TO DECEMBER 9TH, 2002, 25 DAYS IN JANUARY TO MID-
7 FEBRUARY, 60 DAYS IN A REHAB PROGRAM, AND HE WAS LOCKED UP ON
8 JULY THE 7TH AND GOT OUT ON DECEMBER THE 24TH, WHICH IS OVER
9 FIVE AND A HALF MONTHS IN THAT LATEST STINT TOGETHER IN THE
10 PROGRAM HE HAS DONE ELEVEN AND A HALF MONTHS IN JAIL

11 THE PROGRAM HAS WORKED THE PROGRAM HAS, LIKE MS
12 HURKS, IT'S A GOOD PROGRAM IT NEEDS SOME WORKINGS ON IT AS
13 FAR AS THE MECHANICS OF IT THERE SEEMS TO BE A SANCTIONING
14 FORUM THAT PREVAILS IF YOU DON'T FESS UP, AGAIN, WHICH MS
15 HURKS HAS, AND PEOPLE ARE ADMITTING BECAUSE THEY FEEL THAT IF
16 THEY DON'T, THE CONSEQUENCES WOULD BE GREATER THAN IF THEY
17 DID ADMIT

18 I'M CONCERNED AS A LAWYER IN A CRIMINAL PROCEEDING HERE
19 I'VE BEEN IN THIS COURT MANY TIMES ON PLEAS AND THE COURTS
20 ALWAYS INQUIRE, "ARE YOU PLEADING GUILTY BECAUSE YOU ARE
21 GUILTY?" AND OBVIOUSLY, IF THERE IS NOT A -- IF YOU'RE NOT
22 PLEADING BECAUSE YOU ARE GUILTY, THEN THE COURT WILL NOT
23 ACCEPT THE PLEA THAT'S THE PREVAILING DUE PROCESS AND THE
24 CONSTITUTIONAL ISSUES YET IT SEEMS TO BE A BIT ASKEW IN THE
25 PROGRAM, OR AT LEAST THE WAY THAT IT IS ADMINISTERED

MATTERS AND MOTIONS

1 I WOULD SUBMIT TO YOU, YOUR HONOR, THAT, AS FAR AS DANE
2 GOES, THIS PROGRAM HAS WORKED HE'S BEEN CLEAN REALLY SINCE
3 JANUARY OF 2003 HE SPENT A LOT OF TIME IN JAIL THE COURT
4 HAS PLACED HIM ON BAIL ON DECEMBER THE 23RD OR 24TH YOU ARE
5 WELL AWARE OF THE STRICTURES AND REQUIREMENTS THERE THAT HE'S
6 GOT TO DO AND HAS SUCCESSFULLY GONE THROUGH THE URINALYSES
7 AND STILL IS DOING THEM SINCE THAT TIME ONE OF THE
8 CONDITIONS IS THAT HE MUST BE CLEAN IF HE'S NOT, HE'S
9 AUTOMATICALLY TERMINATED FROM THE PROGRAM THE OTHER KEY ONE
10 IS HE HAS GOT TO STAY AWAY FROM OTHER PEOPLE, WHICH HE HAS
11 ANOTHER THING HE'S GOT TO DO IS STAY OUT OF TROUBLE, NO
12 REARRESTS FOR ANYTHING, WHICH HE HAS

13 AND I WOULD ASK YOU THAT HE HAS FULFILLED THE
14 REQUIREMENTS OF THE PROGRAM THAT HE BE TERMINATED AND SO HE
15 CAN GO ON ABOUT HIS LIFE IN THE ALTERNATIVE, IF THAT IS NOT
16 WHAT THE COURT IS INCLINED TO DO, I WOULD SUBMIT THAT THE
17 APPROPRIATE SANCTION FOR THIS YOUNG MAN WOULD BE A
18 CONTINUATION OF A PROBATION OR PUT HIM ON PROBATION, WHICH IS
19 A CONTINUATION IN MANY RESPECTS TO WHAT KIND OF BOND HE IS
20 ON, AND STAY OUT OF NO CRIMINAL CONDUCT AS THE COURT IS
21 VERY WELL AWARE, HE IS STAYING OUT OF TROUBLE, HAS GOT STRONG
22 FAMILY SUPPORT, AND HAS MADE A TURN AROUND, WHICH IS REALLY
23 THE ULTIMATE SUCCESS OF THE PROGRAM AND I THANK YOU

24 THE COURT MR GIBSON

25 MR GIBSON I WOULD LIKE TO ECHO, FIRST OF ALL, A LOT

MATTERS AND MOTIONS

1 OF THE COMMENTS THAT HE MADE WITHOUT REITERATING THEM AND
2 TAKING A LOT OF TIME TO SAY THAT A LOT OF THE SAME ISSUES
3 THAT MR ARMSTRONG SPOKE OF APPLY TO MR PERKINS AS WELL
4 THE CONTRACT ISSUES, THE FACT THAT HE HAS STAYED OUT OF
5 TROUBLE, THE PROBLEMS WITH THIS TEST

6 WITH ALL OF THAT SAID, THE STATE'S CASE AGAINST MR
7 PERKINS BASICALLY BOILS DOWN TO THIS THEY CLAIM THAT
8 BECAUSE HE HAS HAD SO MANY VIOLATIONS, HE SHOULD BE
9 TERMINATED FROM THE PROGRAM BUT ON SEPTEMBER 25TH, 2003,
10 MR PERKINS HAD A MEETING WITH BOBBIE GODWIN, WHO IS THE
11 ADMINISTRATOR AND THE MANAGER OF THAT PROGRAM MS GODWIN
12 ABSOLUTELY HAD THE AUTHORITY TO SPEAK FOR THAT PROGRAM AND
13 IN THAT MEETING SHE TOLD MR -- SHE WAS FULLY AWARE OF ALL
14 THE VIOLATIONS THAT OCCURRED BEFORE, THE ALLEGED VIOLATIONS
15 WHICH HAD OCCURRED BEFORE, AND AFTER CONSIDERING THOSE AND
16 AFTER DISCUSSING THEM WITH HER FELLOW COUNSELORS, THEY
17 DECIDED THAT HE COULD STAY IN THE PROGRAM SO LONG AS HE HAD
18 NO FUTURE VIOLATIONS THE ONLY TWO THINGS THAT HAVE HAPPENED
19 SINCE THEN WERE THERE IS AN ALLEGEDLY TAMPERED PATCH, AND
20 THERE WAS THE POSITIVE SWEAT PATCH

21 LET'S DEAL WITH THE POSITIVE SWEAT PATCH FIRST GIVEN
22 THE TESTIMONY OF DR KIDWELL, THESE TESTS -- THESE SWEAT
23 PATCHES ARE INHERENTLY SUSCEPTIBLE TO CONTAMINATION NOW,
24 DR KIDWELL IS VERY CLEAR YOU'RE GOING TO HAVE SITUATIONS
25 WHERE SOMEBODY IS GOING TO BE AROUND DRUGS BUT BECAUSE

MATTERS AND MOTIONS

1 CERTAIN THINGS DO NOT HAPPEN, CERTAIN CHAIN OF EVENTS DOES
2 NOT OCCUR, THEY'RE NOT GOING TO COME UP POSITIVE ON THE SWEAT
3 PATCH AND I THINK SPECIFICALLY WHAT HE SAID WAS, ONE, YOU
4 NEED A WATER SOLUTION, A SWEAT OR WATER SOLUTION, AND THEN
5 YOU NEED THAT SWEAT OR WATER SOLUTION TO ACTUALLY TOUCH THE
6 PATCH

7 IN MR PERKINS CASE, THAT SITUATION OCCURRED DURING
8 THE TIME FRAME THAT HE WORE THAT PATCH, HE WAS WORKING WITH
9 HIS COUSIN BECAUSE OF THE NATURE OF THE WORK, HIS COUSIN
10 ALSO EMPLOYED A NUMBER OF PEOPLE WHO WERE PROBABLY USING
11 COCAINE OR USING OTHER DRUGS HE WAS AROUND THOSE PEOPLE
12 HE WAS DOING HEAVY MANUAL LABOR IN THE HOT SUN HE WAS
13 SWEATING A LOT HE ALSO HAD CONTACT WITH CONCRETE, WHICH, IF
14 YOU REMEMBER, DR KIDWELL SAID THAT IS ALSO A COMPONENT WHICH
15 CAN CAUSE THE METABOLITE BENZOYLECGONINE TO BE PRESENT
16 DURING THAT TIME FRAME HE SAID THE PATCH ITCHED HIM A LOT AND
17 HE THEREFORE SCRATCHED IT A LOT SO IT IS PERFECTLY
18 ACCEPTABLE TO ASSUME THAT DURING THAT TIME FRAME HIS HANDS
19 WERE SWEATY, HE CAME IN CONTACT WITH ONE OF THE OTHER
20 INDIVIDUALS WHO WAS USING DRUGS, SCRATCHING HIS PATCH,
21 CAUSING THE PATCH TO BE CONTAMINATED

22 NOW, HE GOT UP ON THE STAND AND HE TOLD YOU, AND I THINK
23 HE TOLD YOU CREDIBLY, THAT HE DID NOT USE DRUGS DURING THAT
24 TIME FRAME WITH THAT SAID, THAT'S NOT THE ONLY AVENUE OF
25 CONTAMINATION IN THIS CASE

1 THERE'S A POSSIBILITY THAT HIS PATCH WAS CONTAMINATED
2 WHEN IT WAS EITHER PUT ON AND/OR REMOVED AND IF YOU
3 REMEMBER THE TESTIMONY OF ANGELA DILLARD, MS DILLARD SAID
4 THAT -- MS DILLARD, FIRST OF ALL, SHE WAS THE ONE WHO PUT
5 THE PATCH ON MR PERKINS SHE TESTIFIED THAT WHEN SHE WOULD
6 FIRST PUT HER GLOVES ON AND THEN SHE WOULD -- WHILE SHE WAS
7 WAITING FOR THE ALCOHOL SWAB TO DRY, SHE WAS NOT CAREFUL
8 ABOUT WHERE SHE PUT HER HANDS SHE COULD HAVE PUT THEM IN
9 HER LAP SHE COULD HAVE PUT THEM ON THE TABLE SHE COULD
10 HAVE USED THE PEN SHE COULD HAVE USED ANY SORTS OF THINGS
11 WHICH WOULD HAVE GOTTEN COCAINE ON HER GLOVES NOW, WITH
12 THAT SAID, THERE IS A POSSIBILITY THAT THE CHAIN OF EVENTS
13 THAT DR KIDWELL TALKED ABOUT COULD HAVE OCCURRED AND CAUSED
14 THAT PATCH TO COME UP POSITIVE

15 IN SHORT, YOUR HONOR, BECAUSE OF THE POSSIBILITY OF
16 ENVIRONMENTAL CONTAMINATION, THAT TEST IS NOT RELIABLE
17 WITHOUT SOME SORT OF CORROBORATION AND SPECIFICALLY WHAT
18 WE'RE TALKING ABOUT IN THE FORM OF CORROBORATION IS A
19 URINALYSIS TEST TO BASE ANY DECISION UPON AND THAT'S NOT
20 JUST FROM DR KIDWELL THAT'S FROM THEIR OWN EXPERT, MR
21 CARY, WHO SAID -- WHO ANSWERED WHEN HE WAS ASKED, IF YOU WERE
22 ASKED BY SOMEONE TO SET UP A DRUG PROGRAM, WHAT WOULD YOU
23 RECOMMEND? HE SAID, "URINALYSIS BECAUSE URINALYSIS IS THE
24 GOLD STANDARD "

25 THE NEXT THING IS THIS ALLEGEDLY TAMPERED PATCH NOW,

MATTERS AND MOTIONS

1 THE ONLY EVIDENCE THAT THEY HAVE TO SAY THAT THIS PATCH WAS
2 TAMPERED WITH WAS BASICALLY THE DETERMINATION BY MS DILLARD
3 AND THE DETERMINATION BY CHANDA GARNER THAT THE PATCH HAD A
4 PRECISE CUT AND WAS THEREFORE TAMPERED WITH
5 FIRST OF ALL, THEY DON'T HAVE THE AUTHORITY OR THE
6 EXPERTISE TO MAKE THAT TYPE OF DETERMINATION THEY'VE HAD NO
7 TRAINING WHATSOEVER ON DETERMINING WHAT A TAMPERED PATCH
8 LOOKS LIKE NONE WHATSOEVER NOT FROM PHARMCHEM, NOT FROM
9 ANYBODY SECOND OF ALL, IF YOU LOOK AT THAT PATCH, THAT TEAR
10 IS NOT THAT PRECISE IT'S JAGGED AND MORE IMPORTANTLY, NOT
11 ONLY MR PERKINS BUT HIS MOTHER, MS PERKINS, GOT ON THE
12 STAND AND TESTIFIED, AND I BELIEVE CREDIBLY, WHAT HAPPENED
13 THAT DAY IF YOU REMEMBER, THEY TOLD YOU THAT MR PERKINS
14 HAD COME BACK FROM HOLMESVIEW HE HAD GAINED A LOT OF
15 WEIGHT HE HAD THE PATCH ON HE WAS DOING A LOT OF HEAVY
16 WORK FOR HIS MOTHER HE SCRATCHED THE PATCH A LOT HE WAS
17 GOING IN AND OUT OF THE NARROW CUBBYHOLE AND ENDED UP RUBBING
18 AGAINST IT NUMEROUS TIMES MS PERKINS TESTIFIED THAT PRIOR
19 TO HIM DOING THAT WORK THE PATCH APPEARED TO BE INTACT HE
20 IMMEDIATE -- ONCE HE FINISHED, HE WENT TO SLEEP HE GOT UP
21 WHEN HE GOT UP, HE IMMEDIATELY TOLD HIS MOTHER THAT THE PATCH
22 WAS TORN THEY IMMEDIATELY CALLED MS GODWIN MS GODWIN
23 TOLD HIM TO GO TO MRW THE NEXT MORNING, WHICH HE DID HE
24 TOOK THE PATCH OFF AND THEY ASKED HIM TO DO A URINALYSIS
25 TEST THAT URINALYSIS TEST CAME UP NEGATIVE

1 NOW, I'D LIKE TO BACKTRACK JUST A LITTLE BIT TO SAY
2 ANOTHER THING THAT MS DILLARD AND MS GARNER DID NOT DO
3 THEY MADE THE DETERMINATION THAT THIS PATCH WAS TAMPERED
4 WITH, BUT AT NO TIME WHATSOEVER DID THEY EVER ASK MR PERKINS
5 OR DO ANY TYPE OF INVESTIGATION WHATSOEVER AS TO WHETHER OR
6 NOT THERE WERE ANY CIRCUMSTANCES WHICH COULD HAVE OCCURRED TO
7 CAUSE THIS PATCH TO TEAR THE WAY IT DID AND IF YOU
8 REMEMBER, WHEN MS GARNER WAS ON THE STAND, I ASKER HER,
9 "IT'S MY CLIENT'S POSITION THAT HE TORE THIS PATCH BY GOING
10 IN AND OUT OF THE ATTIC, AND THAT HE BRUSHED AGAINST IT A LOT
11 OF TIMES " I SAID, "IS THAT POSSIBLE?" SHE SAID, "YES "
12 WITH THAT SAID, YOUR HONOR, THERE ARE NO RULE VIOLATIONS
13 THAT MR PERKINS HAS DONE SINCE SEPTEMBER 25TH, AND MS
14 GODWIN HAS ADMITTED AS MUCH ON THE STAND AS WELL WHEN SHE
15 WAS ON THE STAND I ASKED HER, "IT IS MY CLIENT'S POSITION" --
16 I SAID, "I WANT YOU TO ASSUME THAT MY CLIENT" -- "WELL, FIRST
17 OF ALL, I WANT YOU TO ASSUME THAT" -- I TOLD HER WHAT MY
18 CLIENT'S POSITION WAS, AND THAT WAS THAT THE PATCH HAD GOTTEN
19 TORN NOT FROM BEING TAMPERED WITH BUT FROM HIM COMING IN AND
20 OUT OF THE ATTIC AND I ALSO TOLD HER THAT OUR CLIENT'S
21 POSITION WAS THAT THE PATCH CAME UP POSITIVE BECAUSE OF
22 ENVIRONMENTAL CONTAMINATION I ASKED HER TO ASSUME THAT IF
23 THOSE THINGS WERE IN FACT TRUE, WOULD HE BE IN THE PROGRAM TO
24 THIS DAY? AND SHE SAID YES
25 YOUR HONOR, WITH THAT SAID AND GIVEN THAT THERE IS NO

1 SUFFICIENT PROOF THAT MY CLIENT, MR PERKINS, HAS VIOLATED
2 THE RULES IN ANY WAY, IT IS OUR POSITION THAT HE SHOULD BE
3 ABLE TO STAY IN THE PROGRAM NOTWITHSTANDING THAT, YOUR
4 HONOR, I THINK YOU SHOULD ALSO CONSIDER THE FACT THAT MR
5 PERKINS HAS MADE A MARKED TURN IN HIS PROGRESS ON DRUGS I
6 MEAN, DID HE HAVE PROBLEMS BEFORE? DID HE DO THINGS WRONG?
7 ABSOLUTELY WE'RE NOT RUNNING FROM THAT I MEAN, THAT'S
8 PART OF THE PROGRAM PART OF THE PROGRAM IS MAKING THAT TURN
9 AND GETTING TO THAT POINT WHERE YOU CAN SAY AND FULLY ACCEPT
10 WHAT'S YOUR POSITION AND WHAT YOUR RESPONSIBILITIES ARE AS AN
11 ADDICT

12 DOES MR PERKINS KNOW HE HAS A DRUG PROBLEM?
13 ABSOLUTELY WHEN MS WINN ASKED HIM, HE ADMITTED TO IT
14 QUITE FRANKLY, EVERY PERSON IN THAT PROGRAM HAS A DRUG
15 PROBLEM, AND EVERY PERSON WHO EVER GRADUATES FROM THAT
16 PROGRAM HAS A DRUG PROBLEM AND IS GOING TO HAVE A DRUG
17 PROBLEM FOR THE REST OF THEIR LIFE THIS ISN'T SOME PROGRAM
18 WHERE ALL OF A SUDDEN YOU COME OUT OF IT YOU'RE ABLE TO SAY,
19 "OH, I'M NOT TEMPTED BY DRUGS ANYMORE THAT'S NOT A PROBLEM
20 FOR ME " ADDICTION IS SOMETHING THAT YOU FIGHT EVERY DAY

21 WITH THAT SAID, MR PERKINS HAS FOUGHT THAT ADDICTION
22 AND HAS WON THAT FIGHT HE HAS BEEN -- SINCE HE HAS BEEN OUT
23 ON PROBATION, HE'S BEEN URINALYSIS TESTED TWICE A WEEK
24 RANDOMLY NEVER A POSITIVE IF HE WAS IN FACT THIS USER,
25 LIKE PEOPLE WANT TO SAY HE IS, THAT WOULD NOT HAVE OCCURRED

1 HE'S BE BACK ON THE STREET, JUST LIKE MR WESTON SAID THEY
2 WERE PROBABLY GOING TO BE BACK ON THE STREET WHEN WE WERE
3 ADDRESSING THIS BOND ISSUE IN THE FIRST PLACE

4 I WOULD SUBMIT TO YOU THE SAME THING MR ARMSTRONG SAID,
5 YOUR HONOR, THAT HE SHOULD NOT BE TERMINATED FROM THE
6 PROGRAM BUT IF YOU DO DECIDE THAT HE HAS DONE SOMETHING
7 SOMEHOW OR ANOTHER, BASED ON THE EVIDENCE THEY HAVE PRESENTED
8 SOMEHOW OR ANOTHER THAT HE'S DONE SOMETHING THAT CONSTITUTED
9 A RULE VIOLATION BEYOND SEPTEMBER 25TH WHEN HE HAD THAT
10 CONVERSATION WITH MS GODWIN, I WOULD SUBMIT TO YOU, YOUR
11 HONOR, THAT THE PROPER PUNISHMENT FOR MR PERKINS WOULD NOT
12 BE TO SEND HIM BACK TO JAIL IT WOULD BE TO TRY TO COME UP
13 WITH SOMETHING, SOME OTHER SANCTION WHERE YOU COULD SEND A
14 MESSAGE TO HIM BUT ALLOW HIM TO CONTINUE HIS PROGRESS TOWARDS
15 BEATING THIS ADDICTION THAT HE WILL STRUGGLE WITH HIS ENTIRE
16 LIFE

17 THE COURT THANK YOU

18 MR BANNISTER

19 MR. BANNISTER JUDGE, THERE ARE SEVERAL THINGS,
20 BELIEVE IT OR NOT, THAT WE ALL AGREE ON, ON THIS SIDE AS
21 WELL, AND THAT IS THAT WE ARE ALL APPRECIATIVE FOR MS GODWIN
22 AND HER EFFORTS AND THE DRUG COURT -- THEY CERTAINLY GO
23 BEYOND THE CALL OF DUTY -- AND THE SUCCESS THAT THE DRUG
24 COURT PROGRAM HAS HAD TWO, THERE WASN'T A SINGLE WITNESS
25 REGARDING DRUG TESTING THAT DIDN'T SAY THAT REALLY WHEN

MATTERS AND MOTIONS

1 YOU'RE ADVISING A CLIENT ABOUT HOW TO SET UP TESTING
2 PROCEDURES, URINE IS THE GOLD STANDARD IT IS COST
3 EFFECTIVE THREE, THE DRUG COURT PROGRAM IS, PARTIALLY AT
4 LEAST, DESIGNED TO GIVE THE PARTICIPANTS AN UNWILLINGNESS TO
5 COMPROMISE ON WHAT THE TRUTH IS SOMETIMES THAT MEANS
6 ADMITTING AN ADDICTION IN MS HURKS' CASE, IT MEANT
7 REFUSING TO ADMIT IN ORDER JUST TO STAY INTO THE PROGRAM
8 IT'S GOT TO MAKE -- WHETHER THE OTHER SIDE WILL ADMIT IT
9 OR NOT -- EVERYBODY IN HERE UNCOMFORTABLE THAT THERE COULD
10 POTENTIALLY BE A SITUATION WITH THE DRUG PATCH, HAIR
11 ANALYSIS, WHERE YOU PUT ONE OF THE PARTICIPANTS IN A POSITION
12 THAT WHAT YOU'VE REALLY GOT IS EVIDENCE OF POTENTIAL
13 CONTAMINATION FROM WITHOUT VERSUS ACTUAL USE AND THAT
14 PARTICIPANT THEN IS FACED WITH A CHOICE, EITHER ADMIT, WHICH
15 IS POTENTIALLY NOT IN FACT WHAT HAPPENED, TO STAY IN THE
16 PROGRAM OR REFUSE TO ADMIT, NOT BE BELIEVED BY ANYONE AND BE
17 KICKED OUT OF THE PROGRAM
18 IT MAKES ME UNCOMFORTABLE THAT SOMEONE WHO IS OBVIOUSLY
19 SUCH A FORCE FOR GOOD IN THE COMMUNITY NOW, AND HAS BEEN
20 THROUGH THE DRUG COURT PROGRAM, LIKE MS HURKS WITH ALL OF
21 HER CIVIC ACTIVITIES, IF SHE'S TELLING THE TRUTH, THEN WE'RE
22 GETTING READY TO PUT IN JAIL SOMEBODY WHO IS HELPING A LOT OF
23 DIFFERENT PEOPLE
24 THANK YOU
25 THE COURT ALL RIGHT AS WE DISCUSSED BACK IN

1 CHAMBERS, ANY WRITTEN MATERIALS WILL NEED TO BE RECEIVED BY
2 THE COURT NOT LATER THAN 12 O'CLOCK NOON ON MAY 10TH, 2004
3 AND I HAVE ASKED SOLICITOR STROM TO SEND A LETTER TO THE
4 COURT WITH A COPY TO ALL COUNSEL LISTING WHAT THE ISSUES ARE
5 AS DISCUSSED BACK IN CHAMBERS

6 AND BEFORE WE CONCLUDE ON THE RECORD, MR JANELLI, AND
7 MR PERKINS AND MS HURKS, YOU KNOW, I START BY COMMENDING
8 YOU FOR YOUR CHOICE OF LAWYERS YOU HAVE CHOSEN FINE
9 ATTORNEYS WHO HAVE DONE A MOST ADMIRABLE AND A ZEALOUS JOB
10 AND AT THE SAME TIME, MS WINN AND MS STROM HAVE CERTAINLY
11 DONE AN OUTSTANDING JOB FOR THE STATE SO IT IS A CREDIT TO
12 THE SYSTEM THAT WE ARE HERE ON TODAY THAT WE HAVE SUCH FINE
13 LAWYERS SO I THANK YOU FOR THAT

14 AND AS HOPEFULLY YOU HAVE GLEANED OVER THE TIME IN DRUG
15 COURT, YOU KNOW, I HAVE A FONDNESS FOR EACH ONE OF YOU I
16 GENUINELY DO AND MY JOB IS TO BASE MY CONCLUSIONS AND
17 FINDINGS ON EVIDENCE AS OPPOSED TO ANY FONDNESS, WHICH IS
18 WHAT I WILL DO, WHICH IS WHAT I AM CERTAINLY DUTY BOUND TO
19 DO AND THERE ARE ANY MYRIAD OF DIFFERENT ISSUES THAT HAVE
20 BEEN RAISED THROUGH THIS PROCEEDING, SOME FACTUAL, SOME
21 LEGAL SO I HOPE TO, ONCE I RECEIVE THE MATERIALS FROM THE
22 ATTORNEYS, HAVE A DECISION MADE WITHIN 30 DAYS OF THAT TIME,
23 HOPEFULLY PRIOR TO THAT

24 BUT ALL I CAN ASSURE YOU IS THAT I WILL CAREFULLY
25 CONSIDER THE FACTS AND THE APPLICABLE LAW, THAT I WILL

1 CONTINUE TO PRAY THAT THE LORD WILL GIVE ME INSIGHT AND
2 WISDOM INTO WHAT WOULD BE DONE UNDER THE LAWS OF THIS STATE
3 AND ONE FINAL THING, THE CONDITIONS OF THE BOND THAT
4 WERE EARLIER SET BACK IN DECEMBER OF 2003 WILL CONTINUE
5 IS THERE ANYTHING ELSE WE NEED ON THE RECORD AT THIS
6 POINT?

7 MS. STROM JUST FROM THE STATE, YOUR HONOR, VERY
8 BRIEFLY THE CONDITIONS OF BOND -- YOUR DECISION TO CONTINUE
9 THEM ON BOND, I JUST WANT THE RECORD TO REFLECT, THAT'S OVER
10 THE STATE'S OBJECTION

11 THE COURT I UNDERSTAND SO NOTED

12 MS. STROM AND ALSO, I'M NOT TRYING TO ARGUE BASED
13 UPON WHAT THEY SAID, BUT I JUST DIRECT THE COURT TO REMEMBER
14 THE TESTIMONY AS HE HEARD IT AND NOT AS THE LAWYERS PRESENT
15 IT

16 THE COURT I UNDERSTAND I'VE LEARNED THAT SOMETIMES
17 THERE IS A DIFFERENCE, MS STROM

18 IF I COULD HAVE THE ATTORNEYS STEP BACK IN CHAMBERS, I
19 WILL PROVIDE YOU WITH A COPY OF THE CITATION OF THAT CASE
20 AND THEN ONCE WE DO THAT, IF Y'ALL WILL GO THROUGH WITH MS .
21 KOFFSKEY AND MAKE SURE THAT ALL OF THE EXHIBITS ARE HERE WITH
22 THE COURT AS OPPOSED TO INADVERTENTLY BEING PLACED IN A FILE

23 -----TRIAL ENDED AT 12 24 P M -----
24

25

CERTIFICATE

I, THE UNDERSIGNED, DAWN V KOFFSKEY, OFFICIAL COURT REPORTER FOR THE 13TH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR GREENVILLE COUNTY, SOUTH CAROLINA, ON THE 28TH DAY OF APRIL 2004

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO

FEBRUARY 14, 2006

1262
DAWN V KOFFSKEY
COURT REPORTER

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COUNTY OF GREENVILLE
Court of General Sessions

Judge Charles B Simmons, Circuit Court Judge

Case No 02-GS-23-2685

State of South Carolina,

Respondent

vs

Cedric Emmanuel Perkins,

Appellant

APPELLANT'S FINAL BRIEF

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STATEMENT OF ISSUES ON APPEAL

- 1 DID THE LOWER COURT ERR WHEN IT TERMINATED APPELLANT FROM THE 13TH CIRCUIT SOLICITOR'S DRUG COURT PROGRAM?

STATEMENT OF THE CASE

This matter involves Appellant's wrongful termination from the Greenville County Adult Drug Court Program which is operated by the 13th Circuit Solicitor. The lower court wrongly terminated Appellant from the Drug Court program by Order dated June 11, 2004. A hearing on this matter was conducted on April 26 – 28, 2004. Pursuant to Appellant's wrongful termination Appellant was sentenced to serve ten (10) years, which he is currently serving in the South Carolina Department of Corrections.

STATEMENT OF RELEVANT FACTS

The Greenville County Adult Drug Court Program ("Drug Court Program") is a program operated by the 13th Circuit Solicitor. The program typically involves defendants who have been charged with crimes that are either directly or indirectly related to some type of drug abuse problem by the particular defendant. The Appellant entered the Drug Court Program on September 13, 2002.

The Drug Court Program is entirely contractual in nature. There is no explicit statutory authorization for the program and the judge is not able to sentence a defendant to the program without his or her explicit consent to the program and its terms of participation. The terms of participation for the Drug Court Program are established by the execution of a number of written agreements between the 13th Circuit Solicitor and the participant prior to entry. These written agreements establish among other things what matters will constitute violations and what kinds of testing to which the participant would be subject.

Upon Appellant's entry, Appellant agreed only to be subject to drug testing through urine blood, hair analysis and breathalyzer " (R p 448, R p 705) Nevertheless, after sometime, the 13th Circuit Solicitor unilaterally began to force the participants to undergo drug testing through a device known as the PharmChem "sweat patch " This sweat patch is a highly controversial testing procedure that many experts believe is unacceptably susceptible to contamination and the rendering of false-positives (R pp 179-290) The appellant never agreed, either orally or in writing, to a modification of the terms of his Drug Court Program contract to authorize or include testing pursuant to the sweat patch (R pp 13-14, R p 448, R. p 705)

On September 25, 2003, Appellant met with Ms Bobbie Godwin the individual selected by the 13th Circuit Solicitor to manage, administer and direct the drug court program Prior to that meeting Appellant had suffered a number of setbacks which were treated as violations of the Drug Court Program's rules and regulations For each of these setbacks, Appellant had appeared before the Court and had been sanctioned in some form or another including but not limited to jail time, community service, and inpatient drug treatment During this meeting Appellant and Ms Godwin discussed Appellant's prior violations and agreed that Appellant could remain in the program if he had no more violations after that meeting (R. pp 451-455)

Of the alleged violations cited at Appellant's termination hearing only two could arguably have occurred after September 25, 2003 Both involve the PharmChem sweat patch The first involves an allegation that Appellant used drugs during the period of September 17, 2003 and September 26, 2003 The lower court did not explicitly find that Appellant had in fact used drugs during this period and thus this allegation did not form the basis of the Court's decision to terminate Appellant from the program (R pp 15-18) The second allegation involves

a claim that Appellant tampered with and attempted to remove a sweat patch that had been applied to his arm on October 1, 2003 (R pp 15-18). At the hearing on this matter Appellant presented compelling testimony that he had not in fact tampered with this patch (R pp 524-528, R pp 531-539). Appellant strongly maintained at the hearing and continues to maintain now that he did not tamper with this patch and that it instead was rubbed off and torn while Appellant was helping his mother move numerous heavy boxes into her attic (*Id*). Both Appellant and his mother Carolyn Perkins testified as to facts and circumstances that supported Appellant's contention (*Id*). Additionally, Appellant produced compelling evidence that he had no motive to tamper with the patch as he had not used drugs during that period. At the hearing Appellant presented results from hair strand tests that showed he did not use any drugs during the period that these tests were applied as well as a likewise negative urinalysis that was taken on October 7, 2003 when the allegedly tampered patch was removed (*Id*, R pp 502-505).

ARGUMENT AND CITATION OF AUTHORITY

The lower court in this matter erred when it terminated Appellant from the Drug Court program. Appellant maintains that in terminating Appellant from the Drug Court program, the lower court made at least two crucial mistakes. First, the lower court erred in considering any violations relating or involving the use of the PharmChem sweat patch. The use of this device was not part of the agreement executed between the parties and was never consented to by the Appellant. Thus its use was unauthorized and Appellant should not be subject to any adverse consequences due to the 13th Circuit Solicitor's unilateral decision to use it. Second, the lower court erred to the extent that it considered any alleged violations that occurred prior to September 25, 2003. The 13th Circuit Solicitor had previously waived its right to terminate Appellant from the program *solely* due to such alleged violations. Moreover, Appellant contends to the extent

that the lower court relied upon such alleged prior violations Appellant was denied his right to be free from double jeopardy

I THE LOWER COURT ERRED WHEN IT CONSIDERED ANY VIOLATIONS RELATING TO THE USE OF THE PHARMCHEM SWEAT PATCH AS THE USE OF THIS DEVICE WAS NOT AUTHORIZED BY THE AGREEMENT THAT APPELLANT AND THE 13TH CIRCUIT SOLICITOR EXECUTED UPON APPELLANT'S ENTRY INTO THE DRUG COURT PROGRAM

As part of the requirements for entering into the Drug Court Program, Appellant entered into a contract with the 13th Circuit Solicitor regarding his participation. In pertinent part, the Contract states

7 I understand and agree to submit to random drug testing at the request of the treatment provider, Drug Court Case Manager, the Judge or any staff involved [in] the process of my treatment program. Drug tests include urine, blood, hair analysis and breathalyzer " (R p 448, R p 705)

By no means was sweat patch testing ever authorized or contemplated by this agreement or any other executed between the parties when Appellant entered into the Drug Court Program. The lower court in its order recognizes this fact, but finds that "the broad parameters of the Program necessarily allow the Drug Court Program to use" the sweat patch anyway (R pp 13-15)

This is clear error. The rules of construction state that general provisions may not be used to override specific provisions. See, e.g., Ellis v Taylor, 316 S C 245, 247, 449 S E 2d 487, 488 (1994). Here, by saying that the "broad parameters" of the program allow this use, the lower court is doing just that. It is overriding the specific provisions of the contract by use of the general ones.

It should also be noted that the rules of construction require provisions to be construed against the drafter of the contract. Myrtle Beach Lumber Co v Willoughby, 276 S C 3, 8, 274

512d 423-426 (1981). Here the contracts at issue were drafted solely by the 13th Circuit Solicitor. Additionally, this contract involves criminal conduct and criminal sanctions. Therefore, the rules of lenity and strict construction of criminal statutes should also come into play. See, e.g., State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). In short, given the rules of construction, if the 13th Circuit Solicitor wished to make sweat patch testing part of its agreement with the Defendants, it was incumbent on the 13th Circuit Solicitor to obtain a written addendum to the contract. Player v. Chandler, 299 S.C. 101, 382 S.E.2d 891 (1989) (any modification of a written contract must satisfy all requisites of a valid contract). This the 13th Circuit Solicitor did not do.

II. THE LOWER COURT ERRED TO THE EXTENT THAT IT DID NOT PROPERLY LIMIT ITS CONSIDERATION OF ANY VIOLATIONS THAT ALLEGEDLY OCCURRED PRIOR TO SEPTEMBER 25, 2003.

It is not entirely clear as to the grounds upon which the lower court has based its decision to terminate Appellant from the program. At page 18 of the lower court's order, the lower court states in relevant part, "I find based upon the totality of the evidence and circumstances, the State has presented clear and convincing evidence of its basis to seek to justify Mr. Perkins being terminated from the Program. The evidence includes the condition of the patch, as well as numerous other violations outlined above." It is clear from the totality of the lower court's order that the primary ground upon which the termination is based is its finding that the Appellant wrongfully tampered with the patch that was applied on October 1, 2003. However, it is also clear that the lower court may have also considered in its decision other alleged violations including ones that occurred prior to September 25, 2003. To the extent that the lower court considered such alleged prior violations, the lower court considered reversible error.

¹ It should be noted that the 13th Circuit Solicitor has changed its policy to now require such written addendums.

Appellant argued at the hearing and continues to argue now that Appellant could only be terminated from the program if there was clear and convincing evidence that Appellant violated the rules of the program after September 25, 2003. In support of this position Appellant focused the Court's attention on a meeting that occurred between Appellant and Ms. Bobbi Godwin, the chief administrator of the Drug Court Treatment Program. At that meeting, Ms. Godwin, presumably after addressing previous alleged violations by Appellant, told Appellant that he could stay in the Drug Court Program so long as he did not have any more violations (R pp 451-455). Appellant agreed to Ms. Godwin's condition. Both Appellant and Ms. Godwin testified at the hearing as to this conversation with Ms. Godwin admitting that if she had not felt that Appellant had violated the rules of the program after that meeting that she would not have recommended Appellant's termination (R p 455, R pp 544-545).

This conversation and agreement with Ms. Godwin constituted a modification of Appellant's drug court agreement and a waiver by the Drug Court Program to terminate Appellant solely for violations that occurred prior to September 25, 2003. It is clear that Ms. Godwin, as the chief administrator of the program, had the requisite authority to modify the agreement between the Drug Court Program and Appellant in this manner. And it is clear that Ms. Godwin, under the veil of that authority, modified the agreement to preclude Mr. Perkins' termination from the program solely on the basis of previous violations.

Given the State's waiver, the lower court did not have the authority to terminate Appellant if all violations by Appellant had occurred prior to September 25, 2003. The sole basis of authority for the Court to act is the drug court agreement signed between the parties. Accordingly, if that agreement is modified by the parties or if a party waives certain rights under that agreement the Court cannot act as if that modification or waiver does not exist. Here, the

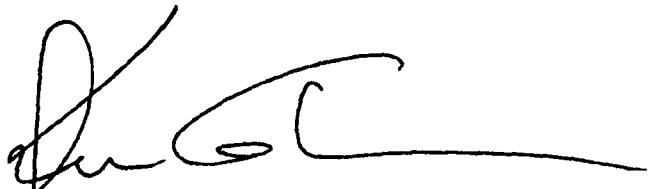
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only authorization for the Court to act is the agreement between the parties, which has been modified to preclude such action

Appellant also contends that the consideration of any alleged violations which purportedly occurred prior to September 25, 2003 violates the "Double Jeopardy" clause. Appellant directs the Court's attention to page 16 of the lower court's termination order. There it is clear that the Appellant was previously sanctioned with community service and jail time, as well as in-patient drug treatment as punishment for the alleged violations. Therefore, Appellant cannot be made to run the gauntlet twice. See generally, Ex Parte, Lange, 18 Wall 163, 85 U S 170, 21 L.Ed 872 (1874) Benton v Maryland, 89 S Ct 2056, 395 U S 784, 23 L Ed 2d 707 (1969), and U.S. v. Jenkins 95 S Ct 1006, 420 U S 358, 43 L Ed 2d 250 (1975)

CONCLUSION

For the foregoing reasons this Court should reverse the judgment of the lower court

August 23, 2007


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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COUNTY OF GREENVILLE
Court of General Sessions

Judge Charles B Simmons, Jr , Circuit Court Judge

Case No 02-GS-23-2685

State of South Carolina,

Respondent,

vs

Cedric Emmanuel Perkins,

Appellant

RESPONDENT'S FINAL BRIEF

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STATEMENT OF ISSUE ON APPEAL**I DID THE LOWER COURT PROPERLY TERMINATE APPELLANT FROM THE 13TH CIRCUIT DRUG COURT PROGRAM**STATEMENT OF THE CASE

On June 11, 2004, Judge Charles B Simmons, Jr properly terminated the appellant from the 13th Circuit Drug Court Program after conducting a hearing on the merits of termination on April 26-28, 2004 This termination was based upon numerous violations by the appellant, including but not limited to testing positive for narcotics and having a tampered patch As a result of the termination, the appellant was sentenced to Ten (10) years incarceration in the South Carolina Department of Corrections

STATEMENT OF THE FACTS

On September 13, 2002, the appellant voluntarily entered the Drug Court program operated by the 13th Circuit Solicitor's Office His entering the program was the result of having pled guilty to Possession with Intent to Distribute Crack Cocaine At the time of his guilty plea, the appellant was sentenced to Ten (10) years incarceration, suspended upon his successful completion of the drug court program

The 13th Circuit Drug Court program is a voluntary program established to aid the defendant in overcoming or managing his/her addiction to drugs To enter the program, you must be charged with a crime within the 13th circuit jurisdiction, be evaluated by professional staff to determine if you are addicted to drugs and/or alcohol and you must plead guilty to the charges for which you were arrested, or to any reduced charge as approved by the assistant solicitor handling the prosecution of the case The court imposes a sentence on the defendant and that sentence is suspended pending the completion of the drug court program (R p 246)

When a defendant enters the drug court program, certain documents are signed which

acknowledge his participation in the program. There are other documents provided to the defendant that outline what will be expected of him in order for him to move forward in the program and ultimately complete the program.

If a defendant fails to complete the program, he is taken back before the court and a sentence is imposed upon him. This sentence is normally the sentence which was imposed at the time of the guilty plea, however, the court may modify that sentence if he feels it is appropriate to do so. If the defendant successfully completes the program, his sentence imposed at the time of the guilty plea is deemed satisfied (R p 347).

The participation in this program is purely voluntary on the part of the defendant (R pp 346-347). He is never required to enter the program. He does so of his own free will and generally after consultation with his attorney.

On September 13, 2002, the appellant entered the drug court program and began his participation in the program until October 12, 2003, at which time the drug court staff recommended termination from the program for numerous violations. These violations included, but not limited to positive drug screens, missed drug screens, tardiness in providing documentation of counseling attendance, tardiness at court appearances, missed appointments with staff, failure to pay fees, falsifying documents regarding a twelve step program, failure to complete community service work, multiple rule violations while contained in "in patient" treatment, and failure to attend counseling sessions. During the Thirteen (13) months of participation, the appellant had a total of Eighteen (18) different sanctions and received Sixty-five (65) hours of community service and several lengthy incarceration sanctions. On October 12, 2003, the decision was made to recommend termination from the program (R pp 379-387).

A hearing was conducted by The Honorable Charles B. Simmons, Jr. at which various witnesses testified on behalf of the State and the appellant. There was testimony from an expert

on the use of the sweat patch, its reliability and acceptance in the scientific community and its effectiveness in detecting drug usage by individuals (R pp 85-100, 103-177) There was further testimony from individuals who are responsible for applying and removing the sweat patch, as to the tampered condition of one of the patches worn by the appellant, as well as the procedure followed when a sweat patch is applied and removed, including the written consent by the appellant to be subject to this testing (R pp 29-83, R pp 326-352) Furthermore, there was testimony from Bobbie Godwin, coordinator of the drug court program outlining the program and the numerous violations by the appellant over the course of his Thirteen (13) months of participation (R pp 379-387) Upon hearing testimony presented by both parties and arguments and briefs of the parties, the appellant was terminated from the drug court program As a result, the Court imposed the original sentence of Ten (10) years (R pp 2-25)

ARGUMENT AND CITATION OF AUTHORITY

The Appellant argues that the court erred in considering the results of the PharmChem sweat patch because the defendant did not agree in writing to the use of the sweat patch as a means of drug testing As developed below, the defendant did consent to the use of the patch, not only by agreeing to abide by all terms and conditions of the drug court program when he entered the drug court program, but also by signing a consent to the sweat patch testing, analysis and release of results to the drug court program each and every time he received a patch (R p 692, and R p 701)

Furthermore, the Appellant briefly states that the PhamChem sweat patch should not be considered because the method is controversial and subject to contamination Overwhelming evidence was presented at the hearing regarding the reliability of the procedure and its acceptance in the scientific community (R pp 85-100, 102-177) Furthermore, in the post trial

brief submitted by the State, numerous cases were submitted which supports the reliability of the sweat patch, and specifically the PharmChem sweat patch See U S v Zubeck, W D Mo , 2002, 248 F Supp 2d 895 (2002), U S v Stump and Denton, D Nev , 1999, 54 F Supp 2d 972 (1999), U S v Snyder, N D N Y 2002, 187 F Supp 2d 52 (2002), U S v Wilson, N D Ill 1995d , 1995 WL 324541 (N D Ill 1995)

And finally the appellant argues that any violation committed by the appellant prior to September 25, 2003 should not have been considered by the court as such was barred by double jeopardy The State submits that double jeopardy does not apply in this instance as the defendant is not being punished twice for the same offense, but is being punished for separate offenses, the revocation of the initial sentence as imposed at the time of the guilty plea and separate subsequent sanctions for separate offenses and violations

I THE LOWER COURT DID NOT ERR IN CONSIDERING ANY VIOLATIONS RELATING TO THE USE OF THE PHARMCHEM SWEAT PATCH AS IT WAS A PROPER MANNER IN WHICH TO TEST THE APPELLANT'S COMPLIANCE WITH THE RULES AND POLICIES OF THE DRUG COURT PROGRAM

The lower court did not err in terminating the appellant from the Drug Court program or in relying on information obtained from the use of the PharmChem sweat patch The appellant voluntarily applied to and was accepted into the program with the understanding that he would abide by all terms and conditions outlined by the program coordinator, judge and or treatment providers The contract he signed to enter the program specifically set forth that understanding Furthermore, his contract advised him that he would be subject to random drug testing At the time of the contract, the 13th Solicitor's Office was aware of certain methods by which the use of drugs could be detected Those were urine, blood, hair and saliva testing It was not aware at that time that the sweat patch was a viable option The contract signed by the appellant did not specifically address the sweat patch option It neither included it nor excluded it

In the developing years of the program, the drug court coordinator, Bobbie Godwin learned of the option of using sweat patches as a method of detecting drug usage. After further investigation into its reliability, cost efficiency and overall convenience to the participants, the drug court program included the sweat patch as a method of detecting drug usage by the participants. Other methods of detection were still being used by the program, although the sweat patch issued by PharmChem was the main method of detection used.

In October 2002 the drug court program began using the sweat patch as an option for testing for drug usage by the participants in the program (R p 417). When a participant appeared to be tested, either at MRW, the testing facility or other designated location, the participant was required to sign the consent form each and every time the patch was tested (R p 43, R p 53, and R p 417). The consent states in pertinent part that "I consent to the analysis of the specimen accompanying this form by the laboratory and release by the laboratory of the results of the analysis as well as the information recorded on this form to the organization or individual listed on this form." (R p 692, R p 701)

The appellant began participation in the program prior to the usage of the sweat patch by the drug court program. In October of 2002, the appellant was subject to the sweat patch as a means of drug testing. According to the testimony of Bobbie Godwin, the appellant had positive sweat patch results on January 16, 2003, March 7, 2003, and June 6, 2003, each of which he signed a consent for testing as outlined above and furthermore, the appellant admitted to using drugs (R pp 381-385). He again submitted to the sweat patch testing on at least two more occasions, one of which resulted in a positive screen for which the appellant denies usage and the second one was a tampered patch.

The Appellant participated in at least 5 sweat patch analyses. Each and every time he signed a consent to be tested in this format. Even though his initial contract with the drug court

program did not specifically include sweat patch as a method of drug testing, he agreed to the modification each and every time he consented to having this testing conducted in this fashion. At no time prior to his receiving the notification of termination did the Appellant ever complain that he had not agreed to this line of testing. By his actions, he consented to the testing.

II THE LOWER COURT DID NOT ERR IN RELYING ON VIOLATIONS WHICH OCCURRED PRIOR TO SEPTEMBER 25, 2003

In looking at what should be considered in determining if a defendant should be terminated from the program, we must first look at what the program is. Although it is not under the supervision of the South Carolina Department of Probation, Parole and Pardon Services, the essence of the participation in the drug court program is very much like a probationary sentence. The participants are required to plead guilty and their sentence is temporarily suspended during their participation in the program. During that participation, they are required to fulfill certain obligations, including the payment of fines, fees and restitution, remain of good behavior, and refrain from the use of illegal substances, not associate with those who use illegal substance and are supervised by a governmental agency, the 13th Circuit Solicitor's Office. Therefore, this program is very analogous to a probation sentence and thus a revocation of that probationary sentence.

In State v. Williamson, 356 S C 507, 589 S E 2d 787 (Ct App 2003), the court held "probation is a matter of grace, revocation is the means to enforce the conditions of probation." However, the authority of the court to revoke may not be capriciously or arbitrarily exercised, but should always be predicated upon an evidentiary showing of the fact tending to establish a violation of the conditions. The standard of review is whether there is "sufficient evidence to establish that the probationer has violated his probation conditions." State v. Hamilton, 333 S C 642, 511 S E 2d 94 (Ct App 1999). Furthermore, the court has much discretion when dealing

with guilty people who are in a probationary status Shannon v Young, 272 S C 61, 248 S E 2d 914 (1978) and State v Lee, 350 S C 125, 564 S E 2d 372 (Ct App 2002) And only upon a showing of an abuse of that discretion should the lower court's decision be overturned In order for the Court to be acting responsibly when revoking a sentence, he must, in all common sense, look at the entire record of the defendant while on probation Although one incident may be sufficient to justify a revocation, nothing precludes the court from reviewing the defendant's entire record of participation during the probationary period

The Appellant contends that the court should not have considered any violation on the part of the appellant which occurred prior to September 25, 2003 because of a conversation between the appellant and the coordinator of the program, Bobbie Godwin The record reflects that a conversation did occur between these individuals and Ms Godwin advised the appellant that he could remain in drug court despite his previous violations so long as he did not have any additional violations (R pp 451-452) Appellant is arguing that such conversation modified the agreement signed between the parties signed at the initial acceptance into the program However, he earlier argues that any modification to the agreement must be in writing The appellant cannot have it both ways But even so, the fact is that the defendant did have subsequent violations and because of such, he could be terminated That does not mean the court cannot review his entire record of participation Had he not committed any further violations, he would have been continued in the program Unfortunately, that was not the case

Let us not forget that the defendant had another violation post September 25, 2003 in that he had a patch that had been tampered with (R pp 44-48 and R pp 334-336) The lower court specifically found that based upon the evidence presented at the hearing, the only reasonable conclusion regarding the sweat patch worn on or about October 7, 2003, was that it was tampered with (R p 18) This in and of itself justifies termination from the program There was

overwhelming evidence before the court to conclude that the patch was tampered

The appellant further argues that any consideration of any alleged violation which occurred while participating in the program constitutes double jeopardy because the appellant was sanctioned with community service and jail time during the participation in the program. The entire nature of the program requires that the court have the ability to sanction the participants for violations of the program. That is exactly what these sanctions were, sanctions. The sentence the appellant received at the time of his guilty plea and subsequently imposed at the time of his termination from the program, was specifically for the crime of Possession with Intent to Distribute Crack Cocaine. The community service sanctions, as well as the interval incarcerations during the program were for the additional violations of the rules of the program, for using drugs (i.e. testing positive), for missing appointments, for falsifying documents, and for failing to complete sanctions.

Double jeopardy protects against a second prosecution for the same offense after acquittal, a second prosecution for the same offense after conviction, and multiple punishments for the same offense. State v. Blick, 325 S.C. 636, 481 S.E. 2d, 452 (Ct. App. 1997), McMullin v. South Carolina Dept. of Rev. and Tax., 321 S.C. 475, 469 S.E. 2d 600 (1996). In Blick, the court held that it was not a violation of double jeopardy for the State to proceed with prosecution of the defendant for escape, even though he had suffered an administrative punishment by the department of corrections. Furthermore, in U.S. v. Woodrup, 86 F.3d 359 (4th Cir. N.C.) (1996), the court held that double jeopardy did not bar prosecution and sentence for a criminal offense which was also the basis for a revocation of a supervised release. The court stated that the sentence imposed upon revocation would be intended to sanction the violator for failing to abide by the conditions of the court ordered supervision, leaving the punishment for any new criminal conduct to the court responsible for imposing sentence for that offense. In Woodrup, the

defendant was on supervised release for a conviction of breaking and entering. While on supervised release, he was tried and convicted for bank robbery which occurred while he was on supervised release. Prior to receiving his 240 months sentence on the bank robbery, the defendant's supervised release was revoked by 24 months. The sentences were run consecutively. Woodrup appealed claiming that double jeopardy prevented him from being sentenced to the 240 months as he had already been punished by the revocation of his supervised release. The Fourth Circuit Court of Appeals disagreed. U S vs Woodrup, Id

Under the terms of the Drug Court Program, the appellant's sentence is suspended at the time of the guilty plea and is suspended upon his/her completion of the Drug Court Program. Therefore, any revocation of that suspended sentence because of the unsuccessful completion of the program is not violative of the double jeopardy clause simply because the defendant received a sanction, albeit incarceration, for the underlying offense or violation. They are separate and distinct punishments for separate and distinct actions. Otherwise, sanctions would become non-existent and any violation would have to result in termination. That is neither realistic nor based in legal authority.

CONCLUSION

The Court did not err in terminating the appellant from the program. The appellant voluntarily entered the program, voluntarily submitted to the terms and conditions of the program, voluntarily undertook to participate in the program and voluntarily chose to break the rules of the program, thereby leading to his termination from the program.

October 23, 2007

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Attorney for Respondent

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

The State,

Respondent,

v

Cedric Emmanuel Perkins,

Appellant

Appeal from Greenville County
Charles B Simmons, Jr , Circuit Court Judge

Opinion No 26490
Heard April 3, 2008 – Filed May 12, 2008

AFFIRMED

Kenneth Clifton Gibson, of Greenville, for Appellant

Solicitor Robert M Ariail, Deputy Solicitor Betty C Strom, of
Greenville, for Respondent

CHIEF JUSTICE TOAL. In this case, Appellant Cedric Perkins was terminated from the Thirteenth Circuit Drug Court Program, and the trial court imposed Appellant's suspended sentence. Appellant argues positive "sweat patch" drug tests and certain violations should not have been considered in the decision to terminate Appellant from the Drug Court Program. We affirm.

FACTUAL/PROCEDURAL BACKGROUND

The Thirteenth Circuit Drug Court Program (hereinafter “Drug Court Program” or “Program”) is a voluntary therapeutic program which may be offered to a defendant that is charged with a drug abuse offense within the thirteenth circuit jurisdiction. The defendant pleads guilty to the charge and agrees with the solicitor to enter the Program. As a result, the trial court imposes a sentence on the defendant, but suspends the sentence, conditioned upon the successful completion the Program. The participant agrees to abide by certain terms and conditions of participation and may be sanctioned or ultimately terminated for failure to comply with the terms of the Program.

In the instant case, Appellant pled guilty to possession with intent to distribute crack cocaine. The trial court sentenced him to ten years imprisonment, suspended upon his successful completion of the Drug Court Program. Appellant entered the Program on September 13, 2002. On September 25, 2003, after numerous violations, Appellant met with the Program’s chief administrator where she told Appellant that he could remain in the Program so long as he had no more violations. However, Appellant subsequently tested positive for drugs, and on October 12, 2003, program administrators recommended his termination.¹ Following a hearing, the trial court issued an order terminating Appellant from the Program and imposing his original sentence.

Appellant appealed the trial court’s order. This Court certified the appeal pursuant to Rule 204(b), SCACR, and Appellant presents the following issues for review:

¹ Appellant was sanctioned eighteen times while in the Program. Appellant’s violations included positive drug tests, missed drug tests, tardiness for court appearances, missed appointments with program administrators, and failure to pay fees.

Did the lower court wrongfully terminate Appellant from the Drug Court Program?²

LAW/ANALYSIS

Appellant argues that he was wrongfully terminated from the Drug Court Program. Because undertaking such a review would require that this Court evaluate and assess the manner in which the Program's administrators execute the rules and regulations of the Program – an inquiry over which this Court has no authority – we decline to answer this question.

Several counties across the State have implemented Drug Court Programs similar to the Thirteenth Circuit Drug Court Program. These Programs are aimed at rehabilitating the participant and helping him overcome addiction, but the specific manner in which each Drug Court Program operates varies. For example, under the procedures of other Programs, a social worker, a magistrate, or a Drug Court team member may terminate the participant from the Program. However, pursuant to the Thirteenth Circuit Drug Court Program procedures, Program administrators recommend a participant for termination, and the trial court decides whether to terminate a participant from the Program.

We decline to review whether Appellant's positive sweat patch results or violations occurring after the meeting with the chief administrator were properly considered in the decision to terminate Appellant from the Drug Court Program. In our view, it would be improper for the judiciary to interject itself into such matters which are wholly internal and specific to each Program and to each participant. To do so would transform the Drug Court Programs into a judicially-supervised institution. Thus, in order to

² Specifically, Appellant argues that the lower court wrongfully terminated him from the Program because it erred in considering positive drug test results from "sweat patches" when the Drug Court Program's contract did not provide for such testing methods and erred in considering violations that occurred prior to the September 25, 2003 meeting with the Program's chief administrator.

assess what issues Appellant may appeal and what issues this Court may review, it is necessary to begin by clarifying the judicial determinations below

After Appellant's guilty plea, the trial court sentenced Appellant to ten years imprisonment, but suspended the imposition of that sentence conditioned upon the successful completion of the Drug Court Program. Thus, the trial court's imposition of his original sentence after being terminated from the Drug Court Program deprived Appellant of a conditional liberty interest, and thereby entitled him due process rights. *See Dangerfield v State*, 376 S C 176,_____, 656 S E 2d 352, 355 (2008) (holding that the imposition of a suspended sentence deprived the defendant of a conditional liberty interest and implicated the defendant's due process rights). Therefore, like any other defendant who is subject to the imposition of a suspended sentence, we conclude that a Drug Court Program participant is entitled to notice and a hearing to determine whether he has violated the conditions of his suspended sentence before his sentence may be imposed. *See id* (holding that due process required notice and a hearing on the willfulness of the defendant's failure to pay restitution before imposition of a suspended sentence). Accordingly, while we hold that it is inappropriate for the courts to review whether a participant was *properly* terminated from a Drug Court Program, the participant is entitled to a hearing to determine whether he was in fact terminated from a Drug Court Program (i.e., whether the defendant violated a condition of his suspended sentence) before his sentence may be imposed.³

³ That the trial court in the instant case had the authority, pursuant to the Thirteenth Circuit Program rules, to terminate Appellant from the Program and also had subject matter jurisdiction to impose Appellant's suspended sentence and memorialized these decisions in the same order is irrelevant to our scope of review. We note that although magistrates, social workers, or Drug Court team members in other Programs determine whether to terminate the participant, these bodies do not have the authority to impose the suspended sentence. A terminated participant should always be afforded a hearing before the proper tribunal with the authority to impose a suspended sentence.

The decision of whether a defendant has violated a condition of his suspended sentence rests within the sound discretion of the trial court. See *State v Miller*, 122 S C 468, 474-75, 115 S E 742, 745 (1923) (holding that the nature of the inquiry and extent of the investigation to be conducted by a lower court in determining whether the condition of a suspended sentence has been violated are matters that rest in the sound discretion of that court). An appellate court will not reverse the trial court's decision unless that court abused its discretion. See *State v Allen*, 370 S C 88, 94, 634 S E 2d 653, 655 (2006) (addressing the applicable standards of review in a probation revocation hearing).

In the instant case, it is undisputed that a condition of Appellant's suspended sentence was the successful completion of the Drug Court Program and that Appellant was terminated from the Program. Thus, the trial court correctly determined that Appellant violated a condition of his suspended sentence, and therefore, properly imposed Appellant's original sentence. Accordingly, we must uphold the imposition of Appellant's sentence.

CONCLUSION

For the foregoing reasons, we affirm the trial court's order imposing Appellant's original sentence.

MOORE, WALLER, BEATTY, JJ., and Acting Justice Diane Schafer Goodstein, concur

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone 864 467 8647
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Greenville County Courthouse
305 E North Street Suite 325
Greenville SC 29601 2185

Solicitor
Robert M Atrial

July 19, 2004

Honorable Charles B Simmons, Jr
Greenville County Courthouse
305 E North Street
Greenville, SC 29601

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RF State v Hurks Janelli and Perkins

Dear Judge Simmons

Enclosed please find the amended order you requested that I draft. In response to Mr. Armstrong's letter stating that Mr. Janelli may be entitled to only 176 days, I rechecked my calculations and notes and I have he is entitled to 178 days. Therefore, I have kept the 178 days in the order as the time to be credited to Mr. Janelli.

I have also added language regarding the imposition of sanction during the drug court program as you requested. If there is any additional language you want in the order, please advise.

I have provided a copy of this order to defense counsel of record and have highlighted on their copies the additional language I added to the order.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Betty C Strum
Deputy Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) COURT OF GENERAL SESSIONS

State of South Carolina,) 02-GS-23-2380 - H019295
) 01-GS-23-2909 - G629548/
) 01-GS-23-5664 - G722416/
vs) 02-GS-23-1872 - G865967/
Angela Hurks,) 01-GS-23-4128 - G351550/
) Defendant)

State of South Carolina,) 00-GS-23-8696 - G273135/
) 00-GS-23-8697 - G293534/
vs) 00-GS-23-8698 - G273136/
Cary Dane Janelli,) 02-GS-23-10164 - H225772/
) 02-GS-23-10165 - H225773
) Defendant)

State of South Carolina,) 02-GS-23-2685 - G687999/
) - 7
vs)
Cearic Emmanuel Perkins,)
) Defendant)

O R D E R

This is a termination hearing arising out of the Defendants' participation in the Greenville County Adult Drug Court Program operated by the Thirteenth Circuit Solicitor's Office in Greenville County, South Carolina. By agreement, the three cases were consolidated for trial purposes.

The Greenville County Adult Drug Court Program is a post-plea program that serves as an alternative to active prison sentences for certain individuals who have applied for and been accepted into the

Program The Program typically involves defendants with lengthy criminal records that are either directly or indirectly related to some type of drug abuse problem by the particular defendant. Once accepted by the Program, the defendant appears in open court, pleads guilty to the charge or charges, and receives an active prison sentence. The sentence is then suspended upon coming into Drug Court. As part of the guilty plea and sentencing, the defendant is questioned relative to his or her signing an agreement entitled "Waivers and Agreements" whereby the defendant requests to come into the voluntary program. Defendants are advised that if they complete the Program, which lasts a minimum of eighteen months, a court Order will be entered reflecting that the defendant's sentence has been satisfied in full. The defendants are also questioned relative to their understanding that in the event they violate terms and conditions of the Program, they will be sanctioned. Sanctions may range from additional counseling assignments, to public service work, to in-patient treatment, to jail time, to being terminated from the Program. In the event they are recommended for termination from the Program by the Drug Court Team¹, a termination hearing is held in front of the Drug Court Judge for the Court to determine if the State has sufficient evidence to warrant termination. In the event of termination, the Defendant immediately goes to the Department of Corrections for service of their sentence.

¹ The Drug Court Team consists of the Program Coordinator and all the treatment counselors.

The Greenville County Drug Court Program has been operational since November of 1998 and has, on average, forty to forty-five participants in the Program at any particular time. The Program is divided into four phases of approximate equal length. Phases I and II require intensive involvement with the Drug Court Team, attending group sessions, N A or A A meetings, and reporting in front of the Judge in open court every Thursday at 5 30 p m. Phases III and IV, while still having extensive interaction and involvement with the Drug Court Team, start the transition of the Program member to being more self sufficient in anticipation of their graduation from the Program. They continue, even in these phases, to regularly appear before the Court.

At each phase, the members are required to undergo frequent random drug tests. These particular three Defendants, as will be noted hereinafter, have also been, as have many other members in the Program, monitored by a Pharm-Chem "sweat patch." The patch is a drug detection device applied in much the same manner as a Band-Aid and is worn by participants for a certain number of days, typically, at least seven days. The patch allows moisture to evaporate and pass through the outer membrane of the sweat patch much like a "breathable" Band-Aid. The actual "patch," which is a thin, rectangular cloth swab imbedded into the patch, is removed by technicians at the appropriate time and sent to the Pharm-Chem lab for analysis to determine if there is any content of certain illegal drugs. During the course of the patch being used in the Program, testimony established that as of March 10, 2004, nine hundred

ten (910) patches had been administered with fifty-seven (57) results showing some type drug use. Of these fifty-seven (57), the participants in all but four (4) incidences have admitted drug use following the patch test results.

The three Defendants involved herein have been unanimously recommended for termination by the Drug Court Team. The recommendations for each are based upon multiple reasons, including positive patch results. Each Defendant has maintained the patch test result was wrong, that the patch is susceptible to outside contamination, and that the patch is unreliable as a drug-testing device.

The termination hearing lasted for almost three full days, with attorneys for the State and Defense presenting well-prepared, thoughtful, and zealous arguments on behalf of their respective positions. Counsel for all parties submitted pre-trial and post-trial memoranda in support of their positions. In that there have been numerous substantive issues raised by the parties relative to this action, the Court addresses them as follows:

I APPLICABLE LEGAL STANDARDS

The initial threshold issues are what standard of proof applies and who has the burden of proof.

Critical to note is that these are General Sessions matters, and are obviously criminal in nature. As noted earlier, the Drug Court Program is a voluntary program, and each participant has signed a

Waivers and Agreements form prior to their coming into the Program, acknowledging that, among other things, they may be terminated from the Program for rules violations. Also important to understand is the fact that these Defendants have previously pled guilty and have had the full protection and safeguards of all applicable legal standards and requirements. However, this does not change the fact that the Court is of the opinion that the State still must prove its case in seeking termination of these particular Defendants from the Program. To hold otherwise would be to present an impermissible shifting of the burden to the Defendants.

Having concluded that the State has the burden of proving a violation of the Program, the question then becomes what is the burden. Beyond a reasonable doubt? Clear and convincing? Or a preponderance of the evidence?

The Defendants have already pled guilty to the crimes for which they have been charged and have received an active prison sentence. The Drug Court Program is simply a voluntary alternative program designed at rehabilitation. Thus, a termination hearing is closely akin to a probation revocation hearing. Admission into the Drug Court Program, much like probation, is a matter of grace and not an exercise of a legal right. Notwithstanding this, the Court should, as it does here, carefully review the record to insure evidence sufficient to establish a violation of the terms and conditions of the Program. In that there is no law in this State relative to termination proceedings in Drug Court

matters, it appears that the law applicable to probation revocation should reasonably be looked to in addressing the termination issues here. In other words, if there is evidence of a willful violation, then termination is proper. See, State v. Lee, 564 S.E. 2d 372 (S.C. Ct. App. 2002).

In the matters before the Court, the Court is satisfied that all substantive and procedural requirements of due process have been fully complied with and that the Defendants have been provided all rights relative thereto in the present action, both upon their initially pleading guilty and entering into Drug Court, up to the present termination hearing. The Court is further of the opinion that the proper standard to be applied to this matter is "clear and convincing evidence." Since the Drug Court Program is not a matter of right and since this is a post-plea matter, it may very well be that the proper standard in this matter is a "preponderance of the evidence" in establishing a willful violation. However, and out of an abundance of caution for the rights and safeguards of these Defendants, the Court adopts the higher "clear and convincing" standard when reviewing the evidence presented. Regardless of which of these two standards apply, the Court's conclusion would remain the same.

The "beyond a reasonable doubt" standard is simply inapplicable to these proceedings since the Defendants are not charged with any new criminal offenses or violations. Rather, the question before the Court is whether the State has presented clear and convincing evidence that

these Defendants have violated the rules and conditions of their enrollment in the Drug Court Program

II USE OF HEARSAY EVIDENCE

The State offered the Pharm-Chem laboratory test results of the positive patch results of all three defendants. Defendants objected to this introduction, maintaining that such reports were hearsay under SCRE 801. The State countered that, even if it were hearsay, such is admissible since these proceedings are post-plea and in the nature of a probation revocation hearing so hearsay should be admissible. Later, during the Defendants' presentation of their respective cases, their counsel also sought to introduce certain laboratory test results favorable to their clients' positions. The State objected to introduction of these reports, maintaining that, if the State's reports were hearsay and inadmissible, then so were Defendants'. The Court allowed all reports in the form of a proffer until it had an opportunity to research the issues. Upon review of the applicable law, the Court finds, as set forth below, that all reports are properly admitted into evidence.

First, and while not being a probation revocation matter, SCRE 1101(d)(3) specifically excludes probation cases from the South Carolina Rules of Evidence. It seems the same should apply to these termination hearings. Rule 1101(d)(3) certainly indicates our State's inclination to

allow such generally accepted reports into evidence during a hearing such as the one before the Court. See, also U S v Pierre, 47 F 3rd 241 (7th Cir 1995) (holding that the rules of evidence do not apply to probation revocation proceedings, so hearsay is unobjectionable), U S v Wilson, 1995 WL 324541 (N D Ill 1995) (holding that lab analysis reports of Pharm-Chem were properly admissible), U S v McCormick, 54 F 3rd 214 (5th Cir Tex 1995)

Notwithstanding the above, the Court would further note that the numerous laboratory reports were used by the respective expert witnesses in their testimony and in rendering their opinions. Both experts stated such reports were routinely and reasonably relied upon by experts in their field. Such is admissible under State v Hutto, 481 S E 2d 432 (S C 1997)

Even were the Court to hold that the respective laboratory results proffered by the State and the Defendants were inadmissible, and as more fully set forth below, there is still more than a sufficient basis to support the State's request.

III EXPERT TESTIMONY

The State presented the testimony of Mr Paul Cary. Mr Cary was duly qualified as an expert in the field of toxicology and drug testing methods and is currently serving as the Scientific Director of the Toxicology and Drug Monitoring Laboratory at the University of Missouri Health Care in Columbia, Missouri.

The Defendants presented and had qualified as an expert, David Kidwell, Ph D Dr Kidwell is a researcher with the Naval Research Laboratory in Washington, D C and has extensive familiarity and expertise in drug testing methods, specifically including the Pharm-Chem sweat patch

From the outset, the Court notes that the testimony given by the respective experts was properly admitted under Rule 702, SCRCE, and came in without objection under the factors set forth in State v Council, 515 S E 2d 508 (S C 1999) Both experts are well known nationally and have credentials, both educational and practical, that qualify them as experts in the field of toxicology and drug testing processes and procedure

Both Mr Cary and Dr Kidwell testified that they had reviewed the relevant materials, including the "litigation packets" provided by Pharm-Chem, prior to their testimony Both stated that the Pharm-Chem sweat patch had been cleared by the F D A , has been accepted and approved by the United States Administration of Courts, and is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) The Pharm-Chem sweat patch has also been included in the proposed drug testing guidelines in SAMHSA's proposed drug testing guidelines, 'Mandatory Guidelines for Federal Workplace Drug Testing Program " Both experts further testified that the sweat patch was, at least to some degree, of value in the drug testing arena The extent of the value of the patch was an issue in controversy for the two experts

Mr Cary testified that the sweat patch is accepted in the scientific, toxicology and drug-testing community as reasonably reliable and that the Pharm-Chem standards, procedures and testing results are widely accepted in these communities as reliable. As relates to the patch results in question, Mr Cary testified that because of the levels above the generally accepted cutoff level of certain drugs that were found in the Defendants' respective patches, the results were indicative of drug usage as opposed to any other exposure. He also testified that the presence of benzoylecgonine (hereinafter "BZE") indicated that cocaine present in these sweat patches had been ingested. According to Cary, the presence of BZE, which is the metabolite, or the chemical breakdown of cocaine which occurs in the body, is supportive of the allegation that the cocaine was ingested and not from some external source. According to Mr Cary, BZE would not be present from a casual exposure to drugs.

It is uncontested that on the patches at issue here each Defendant tested as follows:

Angela Harks tested positive on the patch applied 5/30/03 and removed 6/20/03 with the levels of 92 ng/mL of cocaine and 12 ng/mL of BZE (all above the cutoff levels of 10 ng/mL).

Dane Janelli tested positive on the patch applied 6/17/03 and removed 6/25/03 with the levels of 56 ng/mL of cocaine and 31 ng/mL of BZE (all above the cutoff levels of 10 ng/mL).

Cedric Perkins tested positive on the patch applied 9/17/03 and

removed 9/26/03 with the levels of 197 ng/mL of cocaine and 21 ng/mL of BZE (all above the cutoff levels of 10 ng/mL)

The significant difference of opinion in Mr Cary and Dr Kidwell's testimony and opinions comes relative to possibilities of external contamination

Dr Kidwell, while recognizing some value of the patch, opined that cocaine could possibly leach through the outside of the patch and contaminate the collection swab if both the swab and the outside of the patch were wet at the same time. In other words, that an external source of the tested drug could be the cause of positive patch results. Dr Kidwell testified as to several studies he has been involved with that purported to show that relatively small amounts of cocaine could leach through from the outer membrane of the sweat patch and later, during testing, show as a positive patch. Dr Kidwell also opined that a combination of cocaine and water could itself produce BZE and that the presence of BZE would not necessarily establish ingestion of cocaine. Dr Kidwell further explained that environmental contamination, such as improper handling by the technicians at the local lab in applying/removing the patch or coming in contact with cocaine (other than ingestion), could also possibly contaminate the swab externally.

Dr Kidwell was also questioned relative to another form of drug testing, a hair strand sample. In a hair strand sample, multiple hair strands are removed and sent to a lab for analysis of any drug content. He testified that environmental contamination was also possible in hair

strand testing in that the follicle inside the hair strand could take and hold external contaminants that it comes in contact with. In other words, that there is some likelihood that small amounts of contamination combined with the mere presence of cocaine, as opposed to ingestion of cocaine, could produce a false positive on hair strand testing. As will be developed, this was relevant to a positive hair strand sample of Angela Hurks.

It is clear that both experts are well qualified and have extensive experience in the drug testing area. Likewise, it is also clear to the Court that Dr. Kidwell has more direct experience in testing and analysis of the Pharm-Chem sweat patch and the possibilities of contaminants. However, that fact is not dispositive. Both experts agreed that urine testing is the "gold standard" of all drug testing and produces, when properly collected, the most accurate results.

Based upon a careful review of the expert testimony, the Court is of the opinion that the Pharm-Chem drug patch test is sufficiently reliable to be accepted by the Court as an indication of illegal drug use. The patch's acceptance in the scientific and legal communities is simply beyond serious attack. See, U S v Alfonso, 284 F Supp 2d 193 (D Mass 2003), U S v Snyder, 187 F Supp 2d 52 (N D N Y 2002), U S v Zubeck, 248 F Supp 2d 895 (W D Mo 2002), U S v Stumpf, 54 F 2d Supp 972 (D Nev 1999). However, and based upon the possible external contamination issues raised by Dr. Kidwell, the Court is further of the opinion that the Pharm-Chem drug testing patch should not

be the sole or exclusive method of determining whether an individual has or has not used an illegal drug. However, the State has never contended that the patch should be the exclusive method of determining drug use. Rather, the State has, which is consistent with the recommendations of Dr. Kidwell, used the patch in combination with and in conjunction with other methods such as urine testing, hair strand testing, behavioral changes of the participant, and other information relevant to drug use and addiction. Also important to understand is that a Program member's use of illegal drugs, as well as being around such illegal drugs or persons using such drugs, are all violations of the Program's rules and regulations.

IV CONTRACTUAL ISSUES

When the Defendants entered into the Program, each signed, as noted above, a Waivers and Agreements document which generally set forth the expectations and rules and requirements of entry into and remaining a participant in the Program. Paragraph 1 states, "I expressly agree to accept and abide by all the terms and conditions of the Drug Court Treatment Program as established by the Court and treatment providers. Then, paragraph 5 states, "I understand that the State may at any time, request my termination from the Drug Court Treatment Program for non-compliance. Non-compliance means failure to follow the rules of the program. I understand that all final decisions on termination will be determined by the Court." Then, paragraph 7 states, "I understand and

agree to submit to random drug testing at the request of the treatment provider, Drug Court Case Manager, the Judge, or any staff involved in the process of my treatment program Drug tests include urine, blood, hair analysis, and breathalyzer "

The Defendants contend that since the above document did not specifically provide for sweat patch testing, and even if one were to assume that the patch results were accurate, they should not be terminated from the Program based upon a testing device not specifically called for in the Waivers and Agreements

It is uncontroverted that at the time the Defendants signed the Waivers and Agreements, the Program was not using the sweat patch testing method Further, even after the Program began using the sweat patch testing method, the State contends it was not and has not been the exclusive means of testing The State contends that random urine tests were and still are required of participants, as well as the Drug Court Team's constant monitoring of behavioral indications of use or non-use of drugs

While not specifically provided for in the initial Waivers and Agreements, I find, nonetheless, that the broad parameters of the Program necessarily allow the Drug Court Program to use drug testing methods that are reasonably reliable, scientifically acceptable, and generally accepted in the drug test community As such, I find that the failure of the Waivers and Agreements to specifically list the Pharm-Cnem patch is not fatal to the State's case

Even were the Court to find that such testing methods as the sweat patch were not proper under the Waivers and Agreements, the Court would find that, despite Defendants' arguments to the contrary, the Defendants have waived their rights to now question or contest this as a testing method. As was testified to by technicians from Corporate Choice, the local independent drug-testing facility, each time a patch was administered, the Defendants signed an authorization that, in part, specifically authorized and gave the Defendants' consent to have a patch applied as a testing device. Such would certainly establish a waiver of this issue by these Defendants.

The waiver analysis is even stronger relative to Angela Hur's in that, prior to her wearing a patch, she signed a document entitled "Client Responsibilities Form for Sweat Patch Testing" that described the processes to be followed in wearing a sweat patch.

It is simply too late, after certain patch results have come back positive, for these defendants to now claim that their use was improper.

V INDIVIDUAL DEFENDANTS

1 Cedric Perkins

Mr. Perkins pled guilty on September 13, 2002 to Possession with Intent to Distribute Crack, second offense, receiving a non-suspendable sentence of ten (10) years. As noted on the sentencing sheet, the non-suspendable portion was explained to Mr. Perkins at the time of his plea. He was admitted into the Drug Court Program on the same day he

was recommended for termination by the Drug Court Team on October 2, 2003

During his thirteen months in the Program, Mr Perkins received a total of eighteen (18) sanctions. As noted earlier, a sanction is deemed by the Drug Court Team as a violation of the Program's rules and regulations. Mr Perkins' violations include six (6) positive drug screens, most of which he has admitted, two (2) missed drug screens, and failure to pay required indictment fees. Mr Perkins has been sanctioned with community service, jail time, and, prior to the State's recommendation of termination, in-patient drug abuse treatment on two (2) separate occasions while in the Program. At the second in-patient program, Mr Perkins was discharged after only seven (7) days for multiple rule violations.

The matter that ultimately led the Team to recommend termination revolves around the drug patch. Mr Perkins testified that, shortly after being released from the second Drug Court mandated in-patient drug treatment facility, a drug patch was placed on him. Some days later, he testified the patch began becoming loose and he was concerned that it was in the process of peeling off. At that point, he telephoned Ms Bobbie Godwin, the Program Director for the Drug Court Program, and advised her of his concern. Ms Godwin advised Mr Perkins to have the patch removed by the technicians of Corporate Choice the next day. Mr Perkins further testified that later that day, when he was helping his mother move boxes in and out of her attic, and based upon his rubbing up

against the narrow stair wells of his mother's house, he tore the patch, causing the cotton swab area to come loose from the adhesive patch itself. Based upon his concern, that night when he went to work he said he had a co-worker use box tape to tape his shirt sleeve to his skin so the patch would not fall out.

The next day, Mr. Perkins went to Corporate Choice for removal of the patch. While at Corporate Choice, the technician, Chanda Garner, who testified at trial, was concerned that Mr. Perkins' patch had been altered with and called her supervisor, Angela Dillard, to come assist her in removal of the patch. Ms. Dillard, the office manager of Corporate Choice and the technician at Corporate Choice who had applied this patch to Mr. Perkins on September 17, 2003, testified that she finished removing the box tape from Mr. Perkins' sleeve and, upon raising his sleeve, found that the adhesive patch was still affixed to his arm, but that the cotton swab portion itself was missing. She testified that when Mr. Perkins rolled his sleeve on up, she found the cotton swab on the top of his shoulder.

Both Ms. Garner and Ms. Dillard testified they observed the patch, and it appeared to them that the swab area had been intentionally cut out of the patch. This was based upon the patch area having a fairly clean cut or slit in it at the edge of the cotton swab, and the swab not being affixed to the adhesive patch. Ms. Dillard further testified that in her experience, it was difficult, even when they removed the patch, to remove the swab from the adhesive patch, and it required some amount

of physical effort to separate the swab from the adhesive patch. The patch was introduced into evidence.

Having heard the testimony and observed the patch, it is simply not reasonable for the Court to accept that the swab area was accidentally torn away from the rest of the adhesive area, especially when there was no testimony that the shirt sleeve itself was torn. Rather, based upon the condition of the patch itself, it does not bear the marks of what one would reasonably expect it to look like if it had been accidentally torn or cut out.

The lab results on this swab, as noted above, were positive for cocaine. There is simply no evidence of external contamination of the patch. Even were the result not positive for illegal drugs, the State has established by clear and convincing evidence that the patch was tampered with. Under the Program rules, a tampered with screen is the same as a positive screen.

I find, based upon the totality of the evidence and circumstances, the State has presented clear and convincing evidence of its basis to seek to justify Mr. Perkins being terminated from the Program. The evidence includes the condition of the patch, as well as numerous other violations outlined above.

2 Dane Janelli

Mr. Janelli pled guilty on November 1, 2002 to the following two (2) counts of Burglary, second-degree, receiving a sentence of ten (10)

years on each charge, one (1) count of Possession of a Controlled Substance, receiving a sentence of one (1) year, two (2) counts of Petty Larceny, receiving a sentence of thirty (30) days on each. He came into Drug Court the same day. During his eleven months in the Program, he had eight (8) violations, including missed drug screens, a tampered-with drug screen, delinquent payments on required fees and costs, and association with known illegal drug users. He had five (5) positive drug screens, four of which he admits to. The State acknowledges that after somewhat of a difficult start, with the exception of fifth screen result, Mr. Janelli had made significant progress in Drug Court.

The fifth screen, the one in controversy, was a sweat patch. Mr. Janelli states that the patch result was in error since he had not used drugs on that occasion. In support of this, and while incarcerated in Greenville County Detention Center, there were several hair strand samples taken. Each of these test results came back negative for drug use.

Mr. Cary, the State's expert, testified that a drug patch result and hair strand result are "stand alone" testing methods that aren't necessarily related. He stated the inconsistent results could mean no drug use or that the level of the drug was below the cut-off standard or level used on the hair strand test. However, both Cary and Dr. Kidwell testified they would have expected the August 14, 2003 hair strand result to have been positive for drug use if Janelli had used in light of the positive June-25, 2003 patch result. This is certainly troubling.

to the Court

At the termination hearing, the State presented the testimony of two Phase IV members of the Program, both with admitted past criminal records. Both of these witnesses testified that in early July of 2003, before the group session for that evening, Mr. Janelli started talking with them about his concern of having a positive patch result. Both witnesses testified that Mr. Janelli stated he had been having problems with his girlfriend, that he had recently used cocaine, and was concerned about his upcoming patch result. The patch in question was worn by Janelli from June 17, 2003 and removed on June 25, 2003 and sent for testing. When tested by Pharm-Chem, the patch proved positive for use of cocaine. The results were not known to Janelli until later that night, after his comments to other Program members, at which time the results were disclosed to him and he was arrested for a positive patch. In other words, Janelli admitted use of drugs before the patch results were known to him.

There is insufficient proof of any external contamination of the patch in question. Rather, based upon a review of the evidence, the Court is of the opinion that the State has presented clear and convincing evidence to justify its seeking to have Mr. Janelli terminated from the Program. While concerned with the hair strand results, the evidence proven includes the episode of his admission of cocaine use to other members described above, as well as the numerous other violations.

3 Angela Hurks

Ms Hurks pled guilty on August 8, 2002 to the following four (4) counts of Shoplifting, third offense or greater, receiving a sentence of ten (10) years on each, one (1) count of Manufacturing Crack, receiving a sentence of five (5) years. She came into the Drug Court Program on that same day. During her time in the Program, she has received seven (7) sanctions, including a missed drug screen and failure to make required fee payments. Ms Hurks did not have any positive drug screens until Phase III of the Program.

The first positive screen came as a result of a sweat patch. Ms Hurks adamantly denied any use of cocaine and speculated that someone at her place of employment had somehow put drugs into something she ingested or perhaps manipulated her patch in such a way to place cocaine on it. Based upon her positive record in Phase I and II, and her continued adamant denial of use of any type of illegal drugs, the Drug Court Team had a hair strand analysis performed shortly after the patch results were received. This hair strand screen likewise showed use of cocaine. Despite these two positive test results using different testing methods administered at different times, Ms Hurks continued to deny use of illegal drugs.

After receiving a sanction of jail time, and upon her release back into the Program, the Drug Court Team stated that her attitude changed and she became very negative and confrontational with the counselors and

with other Program members. The Team also testified that she would frequently complain to others and that she began complaining in other treatment groups, such as A A and N A , about the patch results and also disclosed confidential information in these outside meetings relative to Drug Court members. Based upon the confidential nature of treatment, such comments outside the group violate the Program rules. According to the Drug Court Team, Ms. Hurks was confronted on this on several occasions. However, her attitude and disruptive actions continued and began having a significant negative effect on other Drug Court members.

Ms. Hurks later had another sweat patch applied that also tested positive for cocaine use. Ms. Hurks once again adamantly denied the use of any type of drugs and has consistently maintained that the sweat patch is unreliable. Her attitude and comments continued on a downward and disruptive spiral according to the State.

Based upon a review of the evidence, I find that the State has presented clear and convincing evidence in seeking to have Ms. Hurks terminated from the Program. While Ms. Hurks did introduce some evidence indicating the possibility of external contamination of the patch and hair strand, such does not overcome the two test results. Further, the State has established other violations as well.

VI CONCLUSIONS

In light of the above, the Court finds that each of the Defendants

shall be, and hereby are, terminated from the Drug Court Program. The sentences are as follows:

- 1 As to Cedric Emmanuel Perkins, the Court finds that on 02-GS-23-2685, the Defendant is committed to the State Department of Corrections for a determinate period of ten (10) years.²

Mr. Perkins is to be given credit for 85 days jail time.

- 2 As to Cary Dane Janelli, the Court directs:

a That on 00-GS-23-8696 and 02-GS-23-10164, the Defendant is committed to the State Department of Corrections for a determinate term of three (3) years, provided that upon the service of twelve (12) months, the balance is suspended for twenty-four (24) months, subject to the South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are incorporated herein by reference.

b That on 00-GS-23-8697, the Defendant is committed to the State Department of Corrections for a determinate term of twelve (12) months, said sentence being concurrent with the above.

² Over the objection of the State, the Court set Bond for all three defendants in December, 2003 while awaiting retention of the respective experts and the trial of this case. As a condition of this bond, each defendant had to undergo random drug tests at their own expense. While in no way affecting the Court's consideration of the issues presented, Mr. Perkins tested positive for cocaine less than one (1) month after this trial.

c That on 00-GS-23-8698 and 02-GS-23-10165, the Defendant is committed to the Greenville Courty Detention Center for a period of thirty (30) days. In that the Defendant has already served this time, the time satisfies the sentence.

Mr. Janelli is given credit for 169 days jail time on all charges.

3 As to Angela Cecelia Hurks, the Court directs

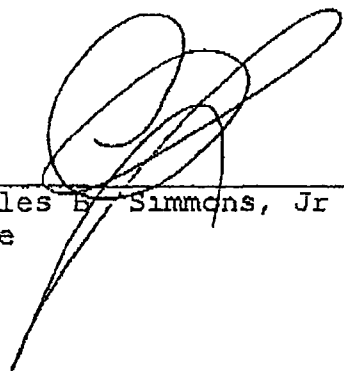
a That on 01-GS-23-2909, 01-GS-23-5664, 02-GS-23-1872, and 01-GS-23-4128, the Defendant is committed to the State Department of Corrections for a determinate term of three (3) years, provided upon the service of twelve (12) months, the balance is suspended with probation for twenty-four (24) months, subject to the South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are incorporated herein by reference.

b That on 02-GS-23-2380, the Defendant is committed to the State Department of Corrections for a determinate term of twelve (12) months, said sentence to be concurrent with the above.

The Defendant is to be given credit for 90 days
jail time on all charges

AND IT IS SO ORDERED

6/11, 2004
Greenville, South Carolina



Charles B. Simmons, Jr
Judge

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT

THE STATE)
) 02 GS-23-2380
 VS) 01-GS-23-2909
) 01-GS-23-5664
 ANGELA HURKS) 01-GS-23-1872
 DEFENDANT) 01-GS-23-4128

THE STATE) 00-GS-23-8696
) 00-GS-23-8697
 VS) 00-GS-23-8698
) 02-GS-23-10164
 CARY DANF JANELLI) 02-GS-23-10165
 DEFENDANT)

THE STATE)
) 02-GS-23-2685
 VS)
 CEDRIC EMANUAL PERKINS)
 DEFENDANT)
 _____)

FILED
 JUL 21 AM 10 39
 COURT

AMENDED ORDER

This matter comes before this Court on a motion of defendants Hurks and Janelli requesting clarification of the Court's ruling regarding the credit to be given for time served. Even though defendant Perkins did not file a similar motion, this order applies to him as well. The defendants assert that all time spent incarcerated, including time imposed as sanctions for rules violations during their participation in the program, should be credited to the defendants. The State asserts that the time incarcerated as a result of sanctions was a result of a separate violation and should not be credited to the defendants.

Upon hearing arguments of counsel, the Court hereby clarifies its ruling of June 11, 2004 by specifically stating that the time imposed as a result of sanctions is not credited to the defendants. At the time of the Court's ruling on June 11, 2004, it was this Court's intention to give credit to the defendants for any time they were incarcerated on these charges prior to entering the program and for any time they were incarcerated after the Drug Court Staff recommended termination until the termination hearing was held and ultimately concluded. It is the Court's finding that any time imposed upon the defendants during their participation in the Drug Court Program were specific sanctions for violations of Drug Court rules and/or policies, including, but not limited to failed drug screens, missed drug screens, tampering with or attempting to alter a drug screen, etc. Sanctions are an integral part of the Drug Court Program and must be considered separate and distinct from the actual sentence imposed upon the defendant at the time of his/her guilty plea.

Therefore, it is hereby ordered by this Court that the defendants are not to be given credit for any time there were incarcerated as a result of a sanction during their participation in the Drug Court Program.

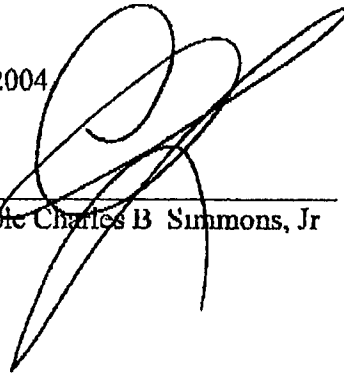
Upon a review of the entire incarceration records of these defendants, the court hereby amends its order of June 11, 2004 to reflect all time to be credited to the defendants.

Angela Hurks shall be given credit for 147 days of incarceration.

Cary Dane Janelli shall be given credit for 178 days of incarceration. Furthermore, the Court's previous order is amended to reflect that Mr. Janelli entered the drug court program on August 9, 2004.

Cedric Perkins shall be given credit for 86 days of incarceration.

So ordered this 21st day of July, 2004.



Honorable Charles B. Simmons, Jr

Greenville, SC

FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)Cedric Perkins #302720)

Full name and prison number (if any) of Applicant)

v)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2009-CP-23- 4128

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

- 1 Place of detention Tyger River Lower Yard
- 2 Name and location of Court which imposed sentence Greenville County
Courthouse, 305 East North Street, Greenville, SC 29601
- 3 Name(s) of co-defendant(s) (if any) NONE
- 4 The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed
 - (a) N/A
 - (b) N/A

- (c) N/A
- 5 The date upon which sentence was imposed and the terms of the sentence
 (a) September 13, 2002 10yrs suspended to Drug Court
 (b) _____
 (c) _____
- 6 Check whether a finding of guilty was made
 (a) after a plea of guilty ☒
 (b) after a plea of not guilty _____
 (c) after a plea of nolo contendere _____
- 7 Did you appeal from the judgment of conviction or the imposition of sentence?
yes
- 8 If you answered "yes" to (7), list:
 (a) the name of each Court to which you appealed
 i South Carolina Court of Appeals
 ii South Carolina Supreme Court
 iii United States District Court
 (b) the result in each such Court to which you appealed.
 i Sent to the South Carolina Supreme Court
 ii declined to review Petitioner's issues and affirmed lower court's decision
 iii Still pending
 (c) the date of each such result:
 i N/A
 ii May 12, 2008
 iii N/A
 (d) if known, citations of any written opinion or orders entered pursuant to such results
 i N/A
 ii N/A
 iii N/A
- 9 If you answered "no" to (7), state your reasons for not so appealing
 (a) _____
 (b) _____

- (c) _____
- 10 State concisely the grounds on which you base your allegation that you are being held in custody unlawfully
- (a) Counsel was ineffective
- (b) Counsel was ineffective
- (c) Counsel was ineffective
- 11 State concisely and in the same order the facts which support each of the grounds set out in (10)
- (a) Plea Counsel did not investigate
- (b) Appellate Counsel did not object to testimony
- (c) Appellate Counsel did not object to judge's order
12. Prior to this application have you filed with respect to this conviction
- (a) any petition in a State Court under South Carolina Law? yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? yes
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
- 13 If you answered "yes" to any part of (12), list with respect to each petition, motion or application
- (a) the specific nature thereof:
- i Direct Appeal Challenging the Verdict and Agreement by Drug Court
- ii Challenging the decision of the Trial Judge
- iii _____
- iv _____
- (b) the name and location of the Court in which each was filed
- i South Carolina Supreme Court Columbia, SC
- ii United States District Court Florence, SC
- iii _____
- iv _____

(c) the disposition thereof

i decline to review the issues

ii Still pending

iii _____

iv _____

(d) the date of each such disposition.

i May 12, 2008

ii still pending

iii _____

iv _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition.

i N/A

ii N/A

iii _____

iv _____

14 Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15 If you answered "yes" to (14) identify

(a) which grounds have been presented

i. _____

ii _____

iii. _____

(b) the proceedings in which each ground was raised.

i _____

ii _____

iii _____

- 16 If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented

(a) Counsel failed to carefully review other grounds
 (b) Counsel failed to object to misleading testimony
 (c) Counsel failed to object to the judge's order

- 17 Were you represented by an attorney at any time during the course of.

(a) your arraignment and plea? yes
 (b) your trial, if any? yes
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

- 18 If you answered "yes" to one or more parts of (17), list

(a) the name and address of each attorney who represented you

i. Dorothy Mangault Greenville, S.C.

ii. Ken Gibson Greenville, S.C.

iii. Ken Gibson Greenville, S.C.

(b) the proceedings at which each such attorney represented you.

i. plea agreement

ii. Termination Hearing

iii. Direct Appeal

19 State clearly the relief you seek in filing this application

I want my sentence reversed

20 Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of Greenville)

VERIFICATION

I, Cedric Perkins, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application, that I know the contents thereof, that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application, and that the matters and allegations therein set forth are true

Cedric Perkins

SWORN to and subscribed before me this 7th
day of MAY, 2009
[Signature] (L S)
Notary Public

My Commission Expires 12-14-2019

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Cedric Perkins, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof

Cedric Perkins
Applicant

SWORN or affirmed to and subscribed before me this

17th day of MAY 2009
[Signature]
Notary Public

My Commission Expires 1-14-2019

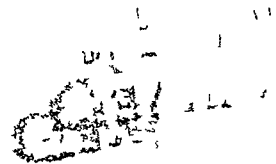
Cedric Perkins #382720
Tyger River Lower Yard
Unit 4 Room 227
200 Prison Road
Endree, South Carolina 29335

Legal Mail

17



USA 42



25-01+2121

Greenville County Courthouse
Paul B. Wickensimer
Greenville County Clerk of Court
305 East North Street
Greenville, South Carolina 29601

PCR
app



HENRY McMASTER
ATTORNEY GENERAL

September 22, 2009

Rodney W Richey, Esquire
Post Office Box 10916
Greenville SC 29603

**Re Cedric Emmanuel Perkins, 302720 v State of South Carolina
2009-CP-23-4128**

Dear Mr Richey

Enclosed please find copies of the Return and Partial Motion to Dismiss, PCR Application, Clerk's Records, SCDC Records, Drug Court Termination Transcript (2 volumes), Federal Habeas Corpus documents, and Appellate records in the above referenced case

Sincerely,

Judy A C Carey
Legal Assistant to
Karen C Ratigan
Assistant Attorney General

/jacc
Enclosures

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C A No 2009-CP-23-4128
COUNTY OF GREENVILLE	)	
	)	
Cedric Emmanuel Perkins,	)	
S C D C No 302720,	)	
	)	
Applicant,	)	
	)	RETURN AND
v	)	PARTIAL MOTION TO DISMISS
	)	
State of South Carolina,	)	
	)	
Respondent	)	
_____	)	

In response to the post-conviction relief application filed May 13, 2009, the Respondent would show this Court

I

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the April 2002 term of General Sessions for possession with intent to distribute (PWID) crack cocaine (2002-GS-23-2685). ~~Dorothy A.~~ Manigault, Esquire represented the Applicant.

On September 13, 2002, the Applicant pled guilty. The Honorable Charles B. Simmons, Jr. sentenced the Applicant to ten (10) years suspended to drug court for PWID crack cocaine, second offense. The Applicant did not appeal.

On April 26, 2004, the Applicant appeared in court for a three (3) day long drug court termination hearing. He was represented by Kenneth C. Gibson, Esquire. By order dated June 11, 2004, Judge Simmons terminated the Applicant from the drug court program and sentenced

him to ten (10) years imprisonment⁴

A notice of appeal was filed at the South Carolina Court of Appeals and the case was certified to the South Carolina Supreme Court. Kenneth C. Gibson, perfected the appeal. On May 12, 2008, the Supreme Court affirmed Judge Simmons' order imposing the Applicant's original ten (10) year sentence. State v. Perkins, 378 S.C. 57, 661 S.E.2d 366 (2008).

The Applicant filed a petition for writ of habeas corpus in the United States District Court for the District of South Carolina on September 18, 2008 (4:08-cv-03208-DCN). The Respondent submitted a motion for summary judgment on February 19, 2009. The Honorable Thomas E. Rogers, III, United States Magistrate Judge, issued a report and recommendation to grant the motion for summary judgment dated July 31, 2009. On August 18, 2009, the Honorable David C. Norton, United States District Judge, issued an order granting the motion for summary judgment and dismissing the petition with prejudice.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, the drug court termination transcript, the federal habeas corpus documents, and the appellate records.

II

In his application for post-conviction relief the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Plea counsel did not investigate
2. Appellate counsel did not object to testimony
3. Appellate counsel did not object to judge's order

¹ In an amended order dated July 21, 2004, Judge Simmons modified the Applicant's time-served credit

III

The Respondent submits that all issues related to the Applicant's guilty plea should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act S C Code Ann §§ 17-27-10, et seq (2003) South Carolina Code Ann § 17-27-45(a) reads as follows

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later

The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996 See Pelouquin v State, 321 S C 468, 469 S E 2d 606 (1996) The Applicant pled guilty to the offense he challenges in this Application on September 13, 2002 The Applicant was therefore required to file his application before September 13, 2003 This Application was filed on May 13, 2009, which was five (5) years and eight (8) months after the statutory filing period had expired

A motion for summary judgment may properly be used to raise the defense of statute of limitations See McDonnell v Consolidated Sch Dist of Aiken, 315 S C 487, 489, 445 S E 2d 638, 639 (1994) In addition, S C Code Ann § 17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law " Therefore, the Respondent requests that this Court summarily dismiss the application for post conviction relief for failure to file within the time mandated by the Post-Conviction Procedure Act

IV

The Respondent interprets the Applicant's allegations to be that the attorney who represented him at the drug court termination hearing and on appeal was ineffective. The Respondent asserts these allegations are without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a criminal defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984), Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that

“there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different” Cherry, 300 S C at 117-18, 386 S E 2d at 625 “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial” Johnson v State, 325 S C 182, 186, 480 S E 2d 733, 735 (1997) (citing Strickland v Washington, 466 U S 668, 104 S Ct 2052 (1984))

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v State, 279 S C 264, 265, 305 S E 2d 247, 248 (1983) (citing Norman v State, 276 S C 278, 277 S E 2d 707 (1981))

V

The Respondent denies each allegation not expressly admitted, qualified or explained

VI

WHEREFORE, having made its Return and Partial Motion to Dismiss, the Respondent requests (1) that all issues related to the Applicant’s guilty plea be summarily dismissed, (2) that a hearing be held on solely on the issues related to the drug court termination hearing, and (3) counsel appointed to represent the Applicant

Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

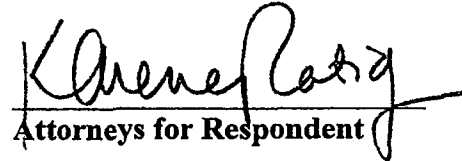
JOHN W McINTOSH
Chief Deputy Attorney General

SALLEY W ELLIOTT -
Assistant Deputy Attorney General

KAREN C RATIGAN
Assistant Attorney General

P O Box 11549
Columbia, S C 29211

By


Attorneys for Respondent

September 10, 2009

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	
	)	
	)	2009-CP-23-4128
	)	
CEDRIC EMMANUEL PERKINS, 302720	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent	)	
_____	)	

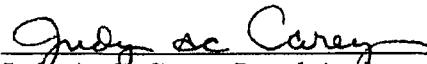
1 I am an employee of the Respondent in the above-captioned action

2 Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail

3 I have this day served a copy of the **Return and Partial Motion to Dismiss** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid

**Cedric Emmanuel Perkins, 302720
Tyger River Correctional Institution
100-200 Prison Road
Enoree SC 29355**

DATED this 10th day of September, 2009


Judy A. C. Carey, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMONS PLEAS
	)	CASE NO 2009-CP-23-4128
COUNTY OF GREENVILLE	)	
	)	
Cedric Emmanuel Perkins, SCDC #302720,	)	AMENDMENTS TO
Applicant,	)	POST CONVICTION
	)	RELIEF APPLICATIONS
vs	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
Respondent	)	
_____	)	

2009 NOV 18 4 11 55
 FILED CLERK OF COURT

The applicant hereby amends answers to his Application for Post-Conviction Relief to state the following

- 1 Court erred and plea counsel failed to object to the illegal suspending of the Applicant's sentence according to Section 44-53-375(B)(2) and Section 44-53-375(F)
- 2 Trial counsel failed to object to MRW employee's testimony of a tampered sweat patch
- 3 Trial counsel failed to request for the time in Drug Court and the 158 days served in detention
- 4 Trial counsel failed to object to the court's modification of the suspended sentence being modified to a non-suspended sentence
- 5 Appeal counsel failed to argue the court's abuse of discretion when it stated that the sweat patch would be used in conjunction and/or combination with hair and urine
- 6 Appeal counsel failed to raise the Double Jeopardy claim of the other violations that application has already been punished for

- 7 Appeal counsel failed to object to the Supreme Court's denial to review the appeal of the
Lower Court's abuse of discretion

Respectfully Submitted,

Rodney Richey
Richey and Richey, P A
Post Office Box 10916
Greenville, South Carolina 29603
Attorney for the Applicant

November 4, 2009

COPY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMONS PLEAS
	)	CASE NO 2009-CP-23-4128
COUNTY OF GREENVILLE	)	
	)	
Cedric Emmanuel Perkins, SCDC #302720,	)	SECOND AMENDMENTS TO
Applicant,	)	POST CONVICTION
	)	RELIEF APPLICATIONS
vs	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
Respondent	)	
_____	)	

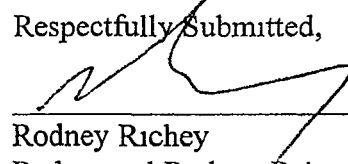
FILED CLERK OF COURT
PAUL B. WICKENS JR.
GREENVILLE CO
700D MAY 25 PM 12 10

The applicant hereby amends answers to his Application for Post-Conviction Relief to state the following

- 1 Plea Court violated Applicant's due process rights by accepting a plea agreement that is illegal under South Carolina Statute Section 44-53-375(B)(2) and Section 44-53-375(F)
- 2 Plea counsel, Dorothy Manigault, failed to object to the suspending of the Applicant's sentence according to Section 44-53-375(B)(2) and Section 44-53-375(F)
- 3 Plea counsel, Dorothy Manigault, was ineffective for allowing the 13th Circuit Drug Court Program to use the Pharmchem Sweat Patch, which was not authorized by the Waivers and Agreement, violating Applicant's due process rights
- 4 Drug Court Termination Counsel, Kenneth Gibson, failed to object to MRN employee's testimony of a tampered sweat patch when employee testified that the employee was only trained on exposed sweat patches
- 5 Drug Court Termination Counsel, Kenneth Gibson, failed to request for the time in Drug Court and the 158 days served in detention according to South Carolina Statute Section 24 13-40

- 6 Drug Court Termination Counsel, Kenneth Gibson, failed to argue to the Termination
Court the Plea Court's guilty plea agreement which is in violation of South Carolina
Statute Section 44-53-375(B)(2) and Section 44-53-375(F) and in violation of Applicant's
due process rights
- 7 Drug Court Termination Counsel, Kenneth Gibson, failed to object to the sentencing
court's modifying Applicant's suspended sentence to a non-suspended sentence
- 8 Appellant Counsel, Kenneth Gibson, failed to argue the Order of the Termination Hearing
Court's abuse of discretion when it stated that the sweat patch would be used in
conjunction and/or combination with hair and urine

Respectfully Submitted,



Rodney Richey
Richey and Richey, P A
Post Office Box 10916
Greenville, South Carolina 29603
Attorney for the Applicant

Dated May 21, 2010

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

IN THE COURT OF COMMONS PLEAS
 CASE NO 2009-CP-23-4128

Cedric Emmanuel Perkins, SCDC #302720)

AFFIDAVIT OF SERVICE

vs)

THE STATE OF SOUTH CAROLINA)

FILED CLERK OF COURT
 PAUL B. WICKENS
 GREENVILLE CO SC
 7:00 PM MAY 25 11

I certify that I have served the Second Amendments to PCR Application on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on May 21, 2010, addressed to their attorney of record, Karen Ratigan, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549

Respectfully submitted

Tina Garduno

Tina Garduno, paralegal
 Richey and Richey, P A
 Post Office Box 10916
 Greenville, South Carolina 29603

Sworn to before me on May 21, 2010


 Notary Public of South Carolina

My Commission Expires 3-18-16

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMONS PLEAS
COUNTY OF GREENVILLE) CASE NO 2009-CP-23-4128
) A 10 29
Cedric Emmanuel Perkins, SCDC #302720,)
Applicant,)
vs)
THE STATE OF SOUTH CAROLINA,)
Respondent)
_____)

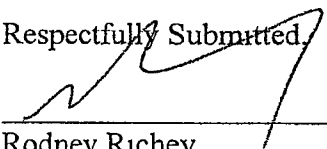
FILED CLERK OF COURT
GREENVILLE CO. S.C.
JUN 10 4 11 PM

THIRD AMENDMENTS TO
POST CONVICTION
RELIEF APPLICATIONS

The applicant hereby amends answers to his Application for Post-Conviction Relief to state the following

- 1 Appellate Counsel, Kenneth Gibson, failed to investigate and properly articulate/place before the appellate court the only reason the trial court's decision will be reversed is abuse of discretion
- 2 Appellate Counsel, Kenneth Gibson, failed to make an objection to the Supreme Court of South Carolina altering applicant's issue on Direct Appeal
- 3 Drug Court Termination Counsel, Kenneth Gibson, failed to get an expert opinion on the alleged tampered with sweat patch

Respectfully Submitted,


Rodney Richey
Richey and Richey, P A
Post Office Box 10916
Greenville, South Carolina 29603
Attorney for the Applicant

Dated June 7, 2010

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMONS PLEAS
)
COUNTY OF GREENVILLE) CASE NO 2009-CP-23-4128

)
)
)
)
Cedric Emmanuel Perkins, SCDC #302720) AFFIDAVIT OF SERVICE
)
vs)
)
THE STATE OF SOUTH CAROLINA)

JUN 10 A 10 29
FILED CLERK OF COURT
GREENVILLE CO S.C.
JUN 10 2009

I certify that I have served the Third Amendments to PCR Application on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on June 7, 2010, addressed to their attorney of record, Karen Ratigan, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549

Respectfully submitted

Tina Garduno, paralegal
Richey and Richey, P A
Post Office Box 10916
Greenville, South Carolina 29603

Sworn to before me on June 7, 2010

Notary Public of South Carolina

My Commission Expires 3-18-18

STATE OF SOUTH CAROLINA IN THE COURT OF COMMONS PLEAS
 COUNTY OF GREENVILLE CASE NO 2009-CP-23-4128

2010 JUL 15 A 9 42

Cedric Emmanuel Perkins, SCDC #302720,
 Applicant,

FORTH AMENDMENTS TO
 POST CONVICTION
 RELIEF APPLICATIONS

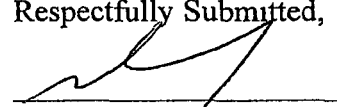
vs

THE STATE OF SOUTH CAROLINA,
 Respondent

The applicant hereby amends answers to his Application for Post-Conviction Relief to state the following

- 1 Drug Court Termination Counsel, Kenneth Gibson, failed to show/demonstrate to the Drug Court Termination Court the due process violation and abuse of discretion when the 13th Circuit Drug Court Program considered any violations relating to the use of the Pharmchen Sweat patch as the use of this device was not authorized by the specific provisions in the Waivers and Agreements that applicant and the 13th Circuit Solicitor executed upon applicant's entry into the Drug Court Program
- 2 Drug Court Termination Counsel, Kenneth Gibson, failed to get an expert opinion on the positive sweat patch, negative urine, and negative hair

Respectfully Submitted,


 Rodney Richey
 Richey and Richey, P A
 Post Office Box 10916
 Greenville, South Carolina 29603
 Attorney for the Applicant

Dated July 12, 2010

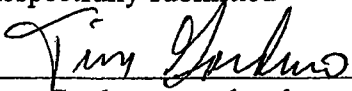
STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
2010 JUL 15 A 9 42)
Cedric Emmanuel Perkins, SCDC #302720)
vs)
THE STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMONS PLEAS
CASE NO 2009-CP-23-4128
MER

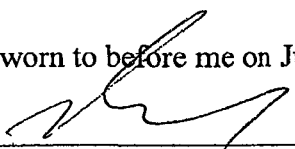
AFFIDAVIT OF SERVICE

I certify that I have served the Amendments on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on July 13, 2010, addressed to their attorney of record, Karen Ratigan, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549

Respectfully submitted


Tina Garduno, paralegal
Richey and Richey, P A
Post Office Box 10916
Greenville, South Carolina 29603

Sworn to before me on July 13, 2010


Notary Public of South Carolina

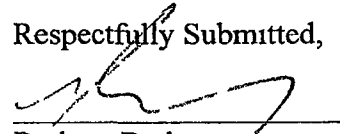
My Commission Expires 3-18-11

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMONS PLEAS
	)	CASE NO 2009-CP-23-4128
COUNTY OF GREENVILLE	)	
	)	010 AUG 20 A 11 27
Cedric Emmanuel Perkins, SCDC #302720,	)	MOTION FOR DISCOVERY
Applicant,	)	
	)	FILED CLERK OF COURT
vs	)	GREENVILLE CO S.C
	)	WICKENSIMER
THE STATE OF SOUTH CAROLINA,	)	
Respondent	)	
_____	)	

THE APPLICANT MOVES, through his attorney, this court on August 27, 2010 for order of discovery in the above matter The applicant needs additional discovery from the State to adequately prepare for his case The applicant brings this motion to have an open and fair Post Conviction Relief hearing

WHEREFORE, the Applicant moves this court for order allowing discovery in the above case

Respectfully Submitted,



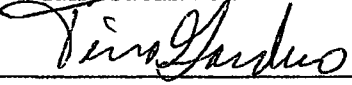
Rodney Richey
Richey and Richey, P A
Post Office Box 10916
Greenville, South Carolina 29603
Attorney for the Applicant

Dated August 18, 2010

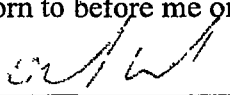
STATE OF SOUTH CAROLINA) IN THE COURT OF COMMONS PLEAS
COUNTY OF GREENVILLE) CASE NO 2009-CP-23-4128
AUG 20 10 A 11:28
Cedric Emmanuel Perkins, SCDC #302720) **AFFIDAVIT OF SERVICE**
vs) FILED CLERK OF COURT
THE STATE OF SOUTH CAROLINA) GREENVILLE CO SC
WISKEWISMER

I certify that I have served the Motion for Discovery on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on August 18, 2010, addressed to their attorney of record, Karen Ratigan, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549 and Betty Strom, 13th Circuit Solicitor's Office, 305 East North Street, Suite 325, Greenville, SC 29601

Respectfully submitted


Tina Garduno, paralegal
Richey and Richey, P A
Post Office Box 10916
Greenville, South Carolina 29603

Sworn to before me on August ____, 2010


Notary Public of South Carolina

My Commission Expires 3-1-15

COPY

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Cedric Emmanuel Perkins, SCDC# 302220,
Applicant,

vs

The State of South Carolina,
Respondent.

IN THE COURT
OF COMMON PLEAS
CASE NO 2009-CP-23-4128

INITIAL BRIEF AND
MEMORANDUM OF LAW
CONTESTING THE
PARTIAL MOTION
TO DISMISS

Applicant hereby submits an Initial Brief and
Memorandum of Law contesting the Respondent's
Partial Motion to Dismiss

HISTORY

On September 13, 2002, Applicant was sentenced
to 10yrs suspended to Drug Court for PWID crack cocaine.

On June 11, 2004, Applicant was terminated from
Drug Court and transferred to South Carolina Department
of Corrections (SCDC) after a Termination Hearing was
held April 26, 27, 28, 2004

On May 12, 2008, the South Carolina Supreme Court
affirmed the lower court's decision.

On September 16, 2008, Applicant filed a Petition
for Writ of Habeas Corpus

On July 31, 2009, the United States District Court
for the District of South Carolina Florence Division
recommended that Respondent's Motion to Dismiss
be granted

FILED CLERK OF COURT
GREENVILLE CO SC
JAMES B. WICKENHAY

OCT 14 AM 9 25

On August 18, 2009, the United States District Court for the District of South Carolina affirmed the magistrate Judge's Report and Recommendation.

On March 22, 2010, the United States Court of Appeals for The Fourth Circuit dismissed Applicant's appeal.

ARGUMENT

Applicant signed a Waivers and Agreement upon entering Drug Court. In that Waivers and Agreement Applicant had to plead guilty to enter Drug Court.

On September 13, 2002, Applicant plead guilty to 10yrs suspended to Drug Court for PWID crack cocaine.

On June 11, 2004, Applicant was terminated from the Drug Court Program and transferred to SCDC and began serving a non-suspended sentence. Applicant was repeatedly told his sentence was non-suspended by SCDC.

On May 12, 2008, the South Carolina Supreme Court stated "the trial court imposed Applicant's suspended sentence."

Applicant discovered then that his sentence is a suspended sentence and not a non-suspended sentence.

On May 7, 2009, Applicant filed a Post Conviction Relief Application (PCR) pursuant to § 17-27-45(C).

CONCLUSION

For the foregoing reason Applicant respectfully

request that the Respondent's Motion to Partial
Dismiss be denied

Respectfully Submitted,
Cedric Perkuss #302726

September 7, 2010

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Cedric Emmanuel Perkins, SCDC #302720)
)
 vs)
)
 THE STATE OF SOUTH CAROLINA)

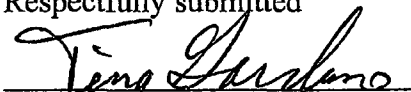
IN THE COURT OF COMMONS PLEAS
 CASE NO 2009-CP-23-4128

AFFIDAVIT OF SERVICE

FILED CLERK OF COURT
 GREENVILLE CO SC
 PAUL B WALKER JUDGE
 OCT 14 AM 9 26

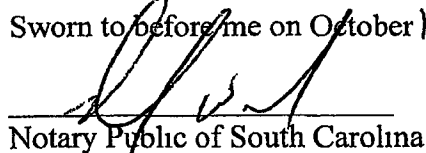
I certify that I have served the Initial Brief and Memorandum of Law contesting the Partial Motion to Dismiss on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on October 12, 2010, addressed to their attorney of record, Karen Ratigan, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549

Respectfully submitted



Tina Garduno, paralegal
 Richey and Richey, P A
 Post Office Box 10916
 Greenville, South Carolina 29603

Sworn to before me on October 12, 2010


 Notary Public of South Carolina

My Commission Expires 3-18-18



HENRY McMASTER
ATTORNEY GENERAL

October 27, 2010

VIA FAX 864-467-8595

The Honorable D Garrison Hill
305 E North Street, Suite 213
Greenville, SC 29601

RE Cedric Perkins v State
2009-CP-23-4128

Dear Judge Hill,

As you may recall, this case was on the August PCR docket. The purpose of the hearing before the Court was to resolve two motions.

The Applicant pled guilty on September 13, 2002 and was sentenced to ten (10) years suspended to drug court for PWID crack cocaine, second offense. The Applicant did not appeal his guilty plea or sentence. By order dated June 11, 2004, Judge Simmons terminated the Applicant from the drug court program and sentenced him to ten (10) years imprisonment. The drug court termination case was appealed through both the State and Federal courts and the Applicant filed a timely PCR application on May 13, 2009.

At the August PCR hearing, the Applicant moved for discovery (to review the Solicitor's file on the case). The State moved for a partial motion to dismiss, arguing that, while the Applicant's allegations regarding the drug court termination hearing were timely, any issues relating to the guilty plea hearing were not timely because the Applicant did not file a PCR application within one year of the plea hearing. At the end of the PCR hearing, the Applicant's motion for discovery was granted and the State's partial motion to dismiss was taken under advisement.

Pursuant to office policy, I have scheduled this case on the next available PCR roster – the week of November 15th before Judge Stilwell. In order for the case to proceed, however, the outstanding partial motion to dismiss must be resolved. Please let me know if you need any further information or have any questions. 803-734-4042 or kratigan@scag.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen C. Ratigan", with a long horizontal line extending to the right.

Karen C. Ratigan
Assistant Attorney General

cc Rodney W. Richey, Esquire (864-467-0646)

STATE OF SOUTH CAROLINA
 COUNTY OF GREENVILLE
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO 2009-CP-4128

Cedric Perkins

Seate

CHECK ONE

- ☐ **JURY VERDICT** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON)** ☐ Rule 12(b), SCRCPP ☒ Rule 41(a),
 SCRCPP (Vol Nonsuit), ☐ Rule 43(k) SCRCPP (Settled), ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON)** ☐ Rule 40(j) SCRCPP, ☐ Bankruptcy
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award,
☐ Other

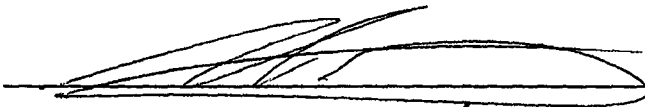
IT IS ORDERED AND ADJUDGED

☐ See attached order,☐ Statement of Judgment by the Court

The case is continued until the Feb term of court
 at the request of the attorney general.

Dated at Greenville, South Carolina, this 19 November 2010

Court Reporter April Herron


 PRESIDING JUDGE - STILWELL (2158)

This judgment was entered on the _____ and a copy mailed first class this _____,
 to attorneys of record or to parties (when appearing pro se) as follows

✓ Rodney Richey
 ATTORNEY(S) FOR THE PLAINTIFF(S)

Karen Ratigan
 ATTORNEY(S) FOR THE DEFENDANT(S)

SCRCPP APP-24/FORM 4

Paul B Wickensimer
 Paul B Wickensimer Greenville County Clerk Of Court
 - Clerk of Court

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C A No 2009-CP-23-4128
COUNTY OF GREENVILLE	)	
	)	
Cedric Emmanuel Perkins,	)	
S C D C No 302720,	)	
	)	
Applicant,	)	
	)	
v	)	
	)	
State of South Carolina,	)	
	)	
Respondent	)	

ORDER

FILED CLERK OF COURT
GREENVILLE CO S.C.
NICHOLS
2010 NOV 18 P 3 39

The above-captioned case is a post-conviction relief (PCR) matter arising from an application filed May 13, 2009. A hearing was held on August 27, 2010 in the Greenville County Courthouse to address motions filed by the parties. The Applicant was present and represented by Rodney W. Richey, Esquire. The Respondent was represented by Karen C. Ratigan, Esquire of the South Carolina Office of Attorney General.

The Applicant moved for discovery in this case. Specifically, the Applicant sought to examine the Thirteenth Circuit Solicitor's Office file. Discovery is generally not permitted in non-capital PCR actions unless the applicant can demonstrate good cause. S.C. Code Ann. § 17-27-150 (Supp. 2006). This Court finds the Applicant has met this burden.

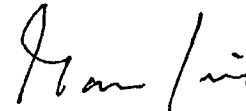
The Respondent moved for a partial dismissal of the action. The Respondent argued the statute of limitations barred the litigation of any issues related to the Applicant's guilty plea hearing. This Court agrees. The Applicant pled guilty on September 13, 2002 and was sentenced to ten (10) years suspended to drug court for PWID crack cocaine, second offense. The Applicant was terminated from the drug court program on June 11, 2004 and sentenced to ten (10) years. The Uniform Post-Conviction Procedure Act provides a PCR application must be

filed within one (1) year of the date of conviction S C Code Ann § 17-27-45(a) (Supp 2006)
This Court finds the PCR application was filed more than five (5) years after the expiration of
the statute of limitations for challenging the guilty plea proceedings The Applicant, however,
may proceed on issues relating to the drug court termination hearing

IT IS THEREFORE ORDERED

- 1 That the Applicant's motion for discovery is granted Counsel for the Applicant is permitted to review the file maintained by the Thirteenth Circuit Solicitor's Office
- 2 That the Respondent's partial motion to dismiss is granted The Applicant cannot litigate any issues related to the September 13, 2002 guilty plea hearing

AND IT IS SO ORDERED this 18th day of November, 2010



D Garrison Hill
Presiding Judge
Thirteenth Judicial Circuit

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone 864-467 8647
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Greenville County Courthouse
305 E North Street Suite 325
Greenville SC 29601 2185

Solicitor
W Walter Wilkins

February 18, 2011

Rodney Richey, Esq
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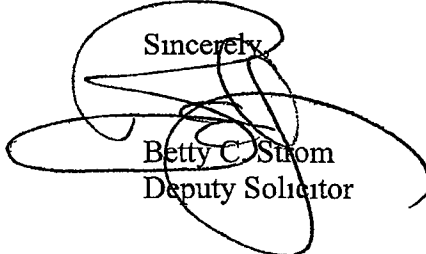
RE Cedric Perkins

Dear Mr Richey

Pursuant to the court order in the above PCR action, I am providing to you a copy of my entire Drug Court file on Mr Perkins, with the exception of 15 pages which I consider to be work product documents. I have retained those pages and am willing to provide them to the court for review, if necessary.

If you have any questions, do not hesitate to contact me

Sincerely,



Betty C Strom
Deputy Solicitor

cc Karen Ratigan, Esq

1 STATE OF SOUTH CAROLINA

2 IN THE COURT OF COMMON PLEAS

3 COUNTY OF GREENVILLE

4
5 CEDRIC EMMANUEL PERKINS

6
7 -vs-

TRANSCRIPT OF RECORD

8
9 STATE OF SOUTH CAROLINA

10
11 February 23, 2011

12 Greenville, South Carolina

13
14 B E F O R E

15 HONORABLE ROBIN B STILWELL, Judge

16
17 A P P E A R A N C E S

18 RODNEY RICHEY, ESQ

19 Attorney for the Plaintiff

20 KAREN RATIGAN, ESQ

21 Attorney for the Defendant

22
23
24 - - - MARY E DIGIROLAMO - - -

25 Court Reporter

1	<u>I N D E X</u>				
2	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	CEDRIC PERKINS				
4	Mr Richey	11			
5	Ms Ratigan		N/A		
6	KENNETH GIBSON				
7	Mr Richey	27		36	
8	Ms Ratigan		34		
9					
10					
11					
12	<u>EXHIBITS</u>		<u>MARKED</u>	<u>FILED</u>	
13	N/A				
14					
15					
16					
17					
18					
19					
20	CHARGE OF THE COURT	N/A			
21					
22					
23					
24	- - - - -				
25					

1 THE COURT Let's see, I have Mr Henry Okay And
2 Mr Perkins Okay Mr Hill, is that right? Okay
3 Good morning Hope y'all are doing well this morning
4 The reason why I have y'all up here is because I wanted
5 to give you an advisement with respect to post conviction
6 relief applications I find that in presiding over these
7 and looking at some of the applicants that sometimes
8 people have a misconception about what I can do as a
9 consequence of a successful post conviction relief
10 application And sometimes it's helpful for me to tell
11 you on the front end so you'll know and that you'll be
12 clear on what it is that I can't do

13 What I can't do is resentence you What I can't do
14 is change the way in which you do your time or the
15 percentage of time that you do I can't change your
16 classification And I can't change any credit for good
17 time or any other thing of that sort

18 What I can do and what I'm limited to solely is to
19 granting you a new trial Now, understand that that
20 could be good but in some circumstances that could be
21 bad, because many times when you come before the Court
22 either pursuant to a plea or subsequent to a trial you
23 may have had the benefit of certain plea negotiations
24 You may have had the benefit of certain rulings from the
25 Court You also may have had the benefit of a judge

1 imposing a sentence that was less than the maximum And
2 if you go back to trial then you start at square one,
3 which means that all of the indictments that were
4 outstanding at the time you either went to trial or you
5 plead that may have been dismissed as a consequence of
6 the plea or trial are back up That is, they're good
7 again And you will have to face all of those
8 indictments

9 If you had a plea negotiation, that is you had a
10 recommendation from the State wherein they recommended
11 that you get something less than the maximum, then that
12 recommendation will no longer be valid And if you got a
13 sentence from the Court either subsequent to a plea or a
14 trial then that sentence, if it was less than the maximum
15 that -- you would not have the benefit of that any longer
16 either You will be facing the maximum amount of time
17 that you could get under the law for which you plead or
18 for which you were found guilty at trial

19 The reason I tell you that is because sometimes,
20 sometimes if an applicant is successful in post
21 conviction relief then they go back to the trial and it
22 could be actually worse if you were to have to go back
23 through the system and you were to have to face the
24 original charges that you had And I only tell you that
25 so you'll know that, because I don't want you to come in

1 and have a successful post conviction relief application
2 only to find out that it's really hurting you in a very
3 significant and material way All right

4 Now, having said that I'm not saying that to
5 dissuade you from going forward on your post conviction
6 relief application I'm here to hear your case I'm
7 glad you're here And I'm looking forward to hearing
8 your case But I wanted to make sure you knew that so
9 you don't have an unrealistic expectation of what could
10 happen, or an unrealistic or that you're fully advised of
11 the consequences of a successful post conviction relief
12 application All right

13 (Other post conviction relief hearings were held)

14 THE COURT Okay Let's call to case -- or call to
15 bar the case of Cedric Perkins versus the State of South
16 Carolina, case number 2009-CP-23-4128

17 Ms Ratigan, be happy to hear from you

18 MS RATIGAN Thank you, Your Honor May it please
19 the Court? This is the case of Cedric Perkins versus the
20 State He has a bit of a lengthy procedural history
21 I'll go through it as quickly as possible

22 Mr Perkins was indicted in April of 2002 for
23 possession with intent to distribute crack cocaine He
24 plead guilty to that charge September 13th of 2002, - -
25 before Judge Simmons He received a sentence of 10 years

1 suspended to drug court for PWID crack cocaine, second
2 offense He did not file an appeal

3 In April of 2004, Mr Perkins appeared for a drug
4 court termination hearing before Judge Simmons He was
5 represented at that hearing, which actually took about
6 three days, by Mr Gibson By order dated June 11, 2004,
7 Judge Simmons terminated Mr Perkins from drug court and
8 sentenced him to 10 years That case was appealed to the
9 Court of Appeals and -- which was later certified to the
10 State Supreme Court Mr Gibson, again, represented Mr
11 Perkins on that appeal

12 On May 12th of 2008, the Supreme Court affirmed
13 Judge Simmons' order imposing that 10 year sentence
14 That was a published opinion Mr Perkins then filed a
15 petition for writ of habeas corpus in the District Court
16 After -- the State moved for summary judgement That was
17 granted by Judge Rogers, United States Magistrate Judge
18 He issued a report and recommendation to grant that
19 motion The matter then went before the District Judge
20 Norton who in August of 2009 issued an order granting the
21 motion for summary judgement dismissing the matter with
22 prejudice

23 Mr Perkins then filed this PCR application The
24 State is ready to go forward However, I have been -
25 advised that Mr Perkins may have a motion to make at

1 this time

2 THE COURT Okay Mr Richey?

3 MR RICHEY Thank you, Your Honor Give you a
4 little brief background on my side of this Mr Perkins,
5 I'll say this, I advised and talked to Mr Perkins He
6 is eligible to be released next September and I have
7 explained to him ---

8 THE COURT This coming September?

9 MR RICHEY Next September, 2012

10 THE COURT 2012? Okay

11 MR RICHEY And that will conclude his sentence
12 And I talked to him about the ramifications of getting a
13 new trial He's already served all of his time

14 Secondly, Your Honor In this case I was previously
15 before the Court and I asked to be relieved The Court
16 denied it Mr Perkins asked me to ask for a
17 continuance, and I will tell the Court a little
18 background about that This case involved his testing
19 positive for drugs during the drug court termination
20 procedure Mr Gibson went through a lengthy trial on
21 this thing They called an expert from the DC area I
22 believe, Dr Kimbell (sic) who testified in this case for
23 some almost hundred pages of testimony Mr Perkins
24 wants Dr Kimbell (sic) to come testify before this Court
25 as to some matters he wants to ask him

1 Now, I've told Mr Perkins that -- is that I don't
2 know whether that would be paid for I mean, I -- I
3 mean, my understanding is appellate defense don't have
4 the money to do it, and I don't know if the Court sent an
5 order down there that they would even do it

6 But to be frank with the Court, I mean, I would have
7 to file that motion for that and I don't know if I can do
8 that in good cause, and I explained that to Mr Perkins
9 But that's what he wants

10 He asked me to get the drug court file I've got
11 the drug court file I've reviewed it It essentially
12 deals with the -- a lot of the violations that he had and
13 some drug tests that he done But he wants to take this
14 file, review it, and submit questions to Dr Kimbell
15 (sic) to answer, and I just don't know where the source
16 of funding for that's going to come from And so he's
17 asked me to ask the Court to continue the case but -- you
18 know

19 THE COURT Well, how is Dr Kimbell's (sic)
20 testimony relevant to the post conviction relief
21 application?

22 MR RICHEY Mr Perkins believes that he would not
23 have been violated on the drug court termination if he
24 had been asked more specific questions about the testing
25 of the -- by the drug testing That's his position and

1 the questions were not asked There were some questions
2 that were not asked of the expert

3 THE COURT Okay Well, I'll tell you what, I'm
4 going to respectfully deny a request for a continuance
5 However, what I will do is I'll listen to the testimony
6 and if there are outstanding questions at the end of the
7 testimony that I have that I feel that I need to
8 determine whether in fact there was inefficient -- or
9 insufficient representation then I'll leave the record
10 open for the purposes of getting testimony from the
11 expert But if -- it seems to me that at a threshold I
12 would presume that you're going to ask Mr Gibson
13 questions about what he failed to ask

14 MR RICHEY Yes, sir

15 THE COURT And it seems to me that the question
16 that I'm going to have to answer is whether the failure
17 to ask those questions was deficient and we'll determine
18 that issue at a threshold and then we may leave the
19 record open for purposes of the expert But I have the
20 same -- I have the same questions that you have and that
21 is, how is that all going to get paid for

22 MR RICHEY I don't know any mechanism for paying
23 it because the Office of Indigent Defense, they just
24 don't have the money So I don't know how it would get
25 paid

1 THE COURT Okay All right Well, then I'll -- at
2 the conclusion of testimony I'll make a determination as
3 to whether that -- whether the doctor's testimony is
4 relevant to my determination and if so I'll leave the
5 record open for that sole and specific purpose Okay?
6 Okay?

7 MR PERKINS Your Honor, may I have an opportunity
8 to look through the drug court file? Because I haven't
9 had an opportunity at all

10 THE COURT Sure

11 MR RICHEY I received it last week and I couldn't
12 get it to him in time but ---

13 THE COURT Do you want to take him out of order and
14 go with the next one and let him review that file while
15 we're going forward?

16 MS RATIGAN We are waiting on Mr Wilkes He's
17 not going to be here for about another half an hour I
18 mean, but certainly if we need to take a break I would
19 just note, Your Honor, this matter has been scheduled
20 numerous times Mr Richey was appointed September of
21 '09 I think it's been put on the docket at least four
22 if not five times

23 THE COURT Yeah, we're going to go forward I'm
24 going -- tell you what, Mr Perkins, go ahead and take a
25 look at those documents, okay

1 (A short recess was taken, after which, the hearing
2 continued as follows)

3 THE COURT All right Mr Perkins, Mr Richey,
4 y'all ready to go?

5 MR RICHEY I'm ready to go forward

6 THE COURT Okay All right Let's go back on the
7 record in the case of Cedric Perkins verus the State of
8 South Carolina Mr Richey, your case, sir Be happy to
9 hear from you

10 MR RICHEY Call Cedric Perkins

11 THE CLERK Step up here to the Bible, please
12 Place your left hand on the Bible and raise your right
13 hand

14 CEDRIC PERKINS

15 Having been first duly sworn, testified as follows

16 THE CLERK Thank you You may be seated State
17 your full name for the record, please

18 THE WITNESS My name is -- my name is Cedric
19 Perkins

20 THE CLERK Thank you

21 DIRECT EXAMINATION

22 BY MR RICHEY

23 Q Mr Perkins, are you in the Department of
24 - -Corrections? - -

25 A Yes, I am

1 Q And what are you serving time for?

2 A Possession with intent to distribute

3 Q Okay And who represented you on the initial case?

4 Was it Dorothy Manigault?

5 A Yes, it was

6 Q Okay And Ms Manigault, you all negotiated a
7 sentence where were you in the drug court program, is
8 that correct?

9 A That's correct

10 Q And did you enter that program?

11 A Yes, I did

12 Q Okay And subsequently after entering into the drug
13 court program you were terminated from that program, is
14 that correct?

15 A That's correct

16 Q And who represented you on those proceedings?

17 A Mr Kenneth Gibson

18 Q And Mr Gibson represented you on the appellate part
19 of that case as well?

20 A That's correct

21 Q And is it your position that Mr -- that Mr Gibson
22 did not effectively represent you, is that correct?

23 A That's correct

- 24 - Q - Okay- And what type of sentence did you -- do you
25 believe -- what -- let me go back What type of sentence

1 did you get from your termination of drug court?

2 A Ten years, no suspended sentence

3 Q Okay And some of the issues that you have with Mr
4 Gibson is that you believe Mr Gibson failed to object to
5 the sentencing Court modifying your suspended sentence to
6 non-suspended, is that correct?

7 A That's correct

8 Q Okay Can you explain to me why you believe that
9 he's in effective for doing that?

10 A The waivers and agreement ---

11 Q You got to talk into the microphone

12 A Okay I said the waivers and agreement, the waivers
13 and agreement states that you must plead guilty to all
14 charges prior to acceptance in the drug court program
15 And I'm trying to finding it It was 10 years suspended
16 to drug court

17 Q Okay Is it your position that your sentence could
18 not be suspendable, right?

19 A It was already suspended

20 Q No, but ---

21 A And on my sentencing sheet 44-53-375(B) (1) is the
22 suspended sentence which is on the sentencing sheet,
23 which would be correct with the -- with the contract

24 Q So you're saying that-that the suspended sentence,
25 your sentence couldn't be suspended, is that what you're

1 saying?

2 A No, I'm saying B1 is the suspended sentence
3 Actually this would have really went back with Ms
4 Manigault where she didn't make sure -- properly
5 investigate to make sure that the paperwork was done
6 correctly And Ms -- when Chief Justice Jean Toal gave
7 her opinion she said applicant suspended sentence was
8 enforce When I went to the Department of Corrections I
9 found out then or at the sentencing phase is where it was
10 a non-suspendable sentence, when actually it was a
11 suspended sentence because B1 is the only one that is
12 suspendable

13 Q So you're saying the sentencing sheets were
14 incorrect but your agreement with the drug court was
15 correct?

16 A That's what I'm under the influence of I'm also
17 trying to a -- crap, I can't find it

18 Q All right You also say that Mr Gibson failed to
19 get an expert opinion on the alleged tampered with sweat
20 patch In this case there was an issue where the sweat
21 patch you wear was tampered with or not, is that correct?

22 A That's correct

23 Q And you believe that Mr Gibson failed to get an
24 expert to talk about the tampering of the sweat patch?

25 A That's correct

1 Q Okay Do you -- now, Mr Gibson got an expert in
2 this case, is that correct?

3 A That's correct

4 Q And you're saying that that expert he got did not
5 have expertise to testify as to the tampering of the
6 sweat patch?

7 A On, no, sir I think he had -- he definitely had
8 the expertise I think he was an excellent expert
9 witness

10 Q So you're saying Mr Gibson should have got another
11 expert witness?

12 A No, sir What I am talking about, or what I was --
13 concerning that tampered with sweat patch, I would have
14 liked Dr Kidwell, who was the expert witness to give his
15 opinion on the -- the structure, durability of that sweat
16 patch that was tampered with and what could have caused
17 it to tear

18 Q Okay

19 A Which was what I was referring to concerning that
20 sweat patch

21 Q So you ---

22 A Because they were saying that I tampered with that
23 sweat patch I did not tamper with it Some kind of way
24 it tore which that has happened in the past on some of
25 them but not to that extent, where the outside of the

1 adhesive would tear And so what I was hoping, or wished
2 had been asked, sir, to Dr Kidwell is how did that sweat
3 patch tear, or what caused it to tear, or how durable is
4 that sweat patch, or what do you do or could have done,
5 or should not have done concerning that sweat patch so
6 that it could be proven that I did not tamper with that
7 sweat patch

8 Q Did you talk Mr Gibson about doing that?

9 A No, sir, not at that time

10 Q Okay So these questions you have they happened
11 after you had your hearing?

12 A That's correct

13 Q The questions ---

14 A That's correct

15 Q Did you and -- did you and Mr Gibson discuss
16 getting an expert to testify to the ---

17 A He -- he had already -- I think he came and told me
18 that he had -- you know, he had already had an expert
19 witness that he was going to get to testify

20 Q No, my question is, did you discuss with Mr Gibson
21 that I need to have this expert testify to durability of
22 the sweat patch? Did you discuss that with him?

23 A Not specifically like -- not like that, no You
24 know, my thing was Mr Gibson I had told him that -- that
25 I didn't tamper with that sweat patch, you know, and that

1 was the purpose of me getting a hair sample, you know,
2 trying to prove I did not tamper with that sweat patch
3 nor did I have -- nor had I been using drugs

4 Q And you believe that Mr Gibson failed to show drug
5 court termination that your due process for violation in
6 the discretion with the drug court program with any
7 violation of the sweat patch used in the waiver and
8 agreement? You believe that Mr Gibson did not -- did
9 not demonstrate to the drug court basically violated your
10 due process and abused its discretion and terminated you?

11 A And what was your question?

12 Q You believe that Mr Gibson failed to effectively
13 represent you because he failed to demonstrate with the
14 drug court termination that they violated your due
15 process and they abused their discretion when you were
16 terminated?

17 A Well, in the waivers and agreement, specifically
18 line 7 where it says that drug testing includes urine,
19 blood, hair analysis and breathalyzer, and I was
20 terminated on the sweat patch which wasn't a part of that
21 contract South Carolina Constitution article one
22 section four prohibits the impairment ---

23 Q Was those the issues raised -- and Mr Gibson done
24 your appeal, is that correct?

25 A That's correct

1 Q Did you raise that issue on -- during your appeal?

2 A He did not raise exactly like that but he made
3 mention that the sweat patch was used unauthorized, or
4 should not have been used

5 Q And you believe that Mr Gibson failed to make an
6 objection to the order of the termination court abuse of
7 discretion when it stated the sweat patch was used in
8 conjunction or in combination with the hair and urine
9 test?

10 A Well, in the judge's order, it's page 12 on -- page
11 12 -- let me see No, not page 12 I'm sorry It is
12 page 13 of the judge's order it says rather the State
13 has, which is consistent with the recommendation of Dr
14 Kidwell, used the patch in combination with and in
15 conjunction with other methods such as urine testing,
16 hair strand testing, behavior changes of the participant
17 and other information relative to the drug use and
18 addiction And I had negative hair and negative urine so
19 when he made that statement that's why I was thinking
20 that should have been something that should have been
21 appealable, you know, had Mr Gibson objected to that

22 Q And you believe that if Mr Gibson had done the
23 things that you articulated you would won your drug court
24 termination hearing? - - - -

25 A I believe the outcome would have been different had

1 he shown the -- the termination court the -- the abuse of
2 discretion and due process violation when the 13th
3 circuit drug court termination program used a sweat patch
4 that was not part of the contract

5 Q And you believe that Mr Gibson failed to make an
6 objection to the Supreme Court for -- on your applicant's
7 question on direct appeal, is that correct? Did Mr
8 Gibson object to the Supreme Court changing the question
9 presented in your appeal?

10 A Well, they -- when they changed the question, yes, I
11 believe -- I believe so

12 Q Okay What objection would you want him to make?

13 A Well, by them changing my question they changed the
14 question I mean, what you asking me?

15 Q I'm asking you what would you want Mr Gibson to do?
16 What steps would you want him to take?

17 A I would have liked for him of redress or object to
18 them changing my question on appeal

19 Q And do you believe you would have been successful if
20 he had objected to the Supreme Court?

21 A Yes, or even more I feel like he would have been
22 more successful had he properly raised it on appeal, had
23 the question been properly raised as abuse and
24 discretion, you know, for my error of law that's South-
25 Carolina State Constitution and the United States

1 Constitution, I believe the Appellate Court would have --
2 would have addressed the question

3 Q Okay Do you believe that Mr Gibson failed to
4 investigate and properly articulate before the Appellate
5 Court the reasons the trial court discretion would be
6 reversed -- the trial court's discretion was abused?

7 A Well, yeah, that's -- that's what I -- the one I
8 was just referring to, had he properly raised it I feel
9 like the Appellate Court would have addressed that
10 question

11 Q Well, the -- I'm asking you, do you believe he
12 failed to investigate your case?

13 A To some degree

14 Q What's that? What degree?

15 A Well, to fail to know -- that only way they're
16 going -- on appeal the abuse and discretion is the only
17 way it's going to be turned on error of law So had
18 he addressed it in that fashion or that manner and
19 showed the abuse of discretion or the error of law,
20 South Carolina Constitution, United States Constitution,
21 I believe they would have -- they would have addressed
22 it

23 Q Did you raise these concerns with Mr Gibson while
24 the appeal process was going on? - -

25 A I wrote him and asked him, you know, about it, you

1 know, how it was going on, and -- you know, I don't
2 recall I -- I can't recall if I asked him specifically
3 about, you know, that

4 Q Okay Well, just tell me, when the appeal was going
5 on did you forward to Mr Gibson issues and responses to
6 your appeal that you raised issues with Mr Gibson that
7 you wanted him to follow through on?

8 A From the appeal process?

9 Q Yes

10 A You know, I would write him, you know, and let him
11 know what I thought of how I felt about it, you know,
12 about ---

13 Q And -- well, the question is, the issues you've
14 raised today that you believe that there was some things
15 that should have been done in the briefing and presenting
16 of your appeal, correct?

17 A Right, that I just stated that I feel like had it
18 been properly raised

19 Q Did you discuss that with him at the time of your
20 appeal, that, hey, look, you're not properly raising
21 these issues?

22 A On appeal, for direct appeal?

23 Q Yes During your appeal you're saying that he did
24 not properly phrase or present the question presented, he
25 did not properly inform the Court that your due process

1 violations had been violated? I'm asking you, during the
2 process did you make Mr Gibson aware that he was not
3 doing these things?

4 A I didn't see his appeal to do that until he was
5 ready to submit it and then I found out that's the one --
6 you know, that's when I had -- was aware of that I
7 mean, you know, I didn't -- I was incarcerated and ---

8 Q Did you -- did you have oral argument in this case?

9 A I think he did, but I wasn't there

10 Q Okay In terms of the actual drug court
11 termination, do you believe that he properly investigated
12 your case to go forward with the actual termination
13 hearing?

14 A Do I believe ---

15 Q He was prepared to have your hearing? Do you
16 believe that at the time you went in and had your hearing
17 in front of Judge Simmons, that he was prepared to handle
18 your termination hearing?

19 A Well, you know, I assumed he was I don't think the
20 preparation was an issue here I just feel that had he
21 demonstrated the due process violation and abuse of
22 discretion when they breached the contract, had he shown
23 that and stressed that to the termination court the
24 outcome would have been different We're talking about--
25 the South Carolina Constitution violation and the United

1 States Constitution violation That's ---

2 Q So you're saying that he was prepared but he put
3 emphasis on the -- he put more emphasis on stuff that he
4 shouldn't have?

5 A Well, I feel like he should have put more emphasis
6 on that particular issue

7 Q Right

8 A You know, whether or not he should have put more or
9 less emphasis an another issue, you know, I don't want to
10 comment that way I'm just talking about that particular
11 issue because that was the breach of contract

12 Q And so that's -- that is the basis of why he did not
13 effectively represent you?

14 A That's why I feel like the termination court did not
15 rule in my favor I had negative hair I had negative
16 urine which were the specifics that were listed on the
17 contract The sweat patch was not on the contract and it
18 was positive I feel that had he questioned Dr Kidwell
19 about those -- or about that particular sweat patch and
20 how it became tore or ripped, and also the differences in
21 the testing If you have -- that's what I was looking
22 for why I wanted the drug court file, which I still
23 didn't see any of those -- those drug testing results in
24 there, that-you're going to have a sweat patch which I
25 think they had submitted -- made mention of the sweat

1 patch was so high, and then I have a negative hair and a
2 negative urine If you're going to have this high
3 concentration and this low cut off level for the hair and
4 urine I would like to have Dr Kidwell to have given his
5 opinion on that so that maybe would have given the
6 termination court some clarification on that issue

7 Q Basically what you're saying is Mr Gibson got the
8 expert there but he didn't ask him the right questions?

9 A Well, I guess you could put it that way, or ---

10 Q No, I'm asking you Is that -- is that why he was
11 ineffective because he got the expert there -- you
12 don't have any qualms with the expertise of the expert,
13 right?

14 A No, I think the expert was -- was ---

15 Q And there was -- and so -- but it's your position
16 that if the expert had been asked the right questions you
17 would have had a different result?

18 A I think that's -- I think that's somewhat accurate

19 Q No, I want to make sure So you don't -- when you
20 say somewhat accurate, then -- I'm just trying to make
21 sure it's accurate or not accurate Do you believe that
22 Mr Gibson had asked this expert different questions
23 than what was asked of him then your outcome would have
24 been different? - - - - -

25 A Well, I don't say different questions, I just say

1 more questions, or questions pertaining to that
2 particular issue, what I was talking about concerning,
3 you know, the sweat patch, and the topic sweat patch
4 is what they used to terminate me You know, that's
5 what ---

6 Q Right, you didn't ask the expert the right
7 questions?

8 A Concerning that particular issue

9 Q And that's the issues you have with Mr Gibson, is
10 that correct?

11 A Well, that's one of the issues, yes

12 Q Yeah, I'm talking about all the other issues, failed
13 to object to the Supreme Court changing the question
14 presented and all the things I went through with you
15 Those are the issues you have with Mr Gibson?

16 A Also, I'd like to have gotten from the time that I
17 was in drug court, according to 24-13-40, there is only
18 two reasons, you know, statute 24-13-40, there's only two
19 reasons why I wouldn't have gotten that, as far as
20 pending case or an escapee, I didn't receive any of my
21 time in drug court either If they -- you know, if I had
22 violated the drug court program according to the terms of
23 the agreement then it should have been a suspended
24 sentence - Jean Toal has already stated that my suspended
25 sentence was enforce, which as I said earlier I believe

1 that mainly fell on the plea attorney But I feel like
2 he should have known that this was a suspended sentence
3 because only the first offense is suspendable And then
4 my time in drug court, I even have what they call, drug
5 court sentencing sheet where I spent a great deal of time
6 in the detention center, I didn't get credit for that nor
7 for the ---

8 Q You understand that's not relief this Court can give
9 you?

10 A Oh, yes, sir, I think this is just -- yeah, this is
11 a PCR for ineffective assistance of counsel, is that
12 correct?

13 THE COURT That's correct

14 THE WITNESS Okay Dr Stilwell (sic), you stated
15 that

16 THE COURT That's right

17 MR RICHEY Answer any questions Ms Ratigan may
18 have for you

19 MS RATIGAN I don't have any questions for Mr
20 Perkins

21 THE COURT Okay Thank you, Mr Perkins I
22 appreciate you being here

23 THE WITNESS Give me some time to get my ---

24 THE COURT Yeah, yeah, absolutely All right Mr -
25 Richey, anything further from the applicant?

1 MR RICHEY We call Mr Gibson, Kenneth Gibson

2 THE CLERK Mr Gibson, place your left hand on the

3 Bible, please, raise your right hand

4 KENNETH GIBSON

5 Having been first duly sworn, testified as follows

6 THE CLERK Thank you You may be seated

7 THE WITNESS Thank you

8 DIRECT EXAMINATION

9 BY MR RICHEY

10 Q Sir, would you state your name, please?

11 A Kenneth Clifton Gibson

12 Q And where are you employed?

13 A I run my own law office here in Greenville, South
14 Carolina

15 Q And do you recall representing Mr Perkins?

16 A Yes

17 Q On a drug court termination?

18 A Yes

19 Q Can you -- do you -- can you tell me how long did
20 you -- were you appointed or retained?

21 A Retained

22 Q Can you tell me how long you were retained, if you
23 can remember, from -- before the time he had in fact went
- - - 24 - to the hearing, the termination hearing?

25 A I know it was several months, maybe even as many as

1 five, but off the top of my head I don't recall
2 specifically

3 Q Now, I'm going to go straight to the issues You
4 were in the courtroom and you heard the issues raised by
5 Mr Perkins The first one is the Supreme Court changing
6 the question presented and that you did not object to
7 that Can you explain to this Court why you would not
8 objected to it, or whether you could or not?

9 A I'm not aware that that's something that I could do
10 I mean, I think we proposed what we thought our question
11 was that the -- you know, they responded -- the State
12 proposed to what they thought the question was, and the
13 Supreme Court certified what issue they wanted to hear
14 And that's where we -- that's what I felt that we had to
15 deal with

16 Q Okay Can you tell me about your investigation in
17 terms of perfecting this appeal?

18 A In terms of perfecting the appeal?

19 Q Yes

20 A We ordered a copy of the transcript I mean, I had
21 been trial counsel so, you know, I sort of -- I knew
22 everything that had gone on But as far as
23 investigating, I mean, we requested a copy of the
24 transcript, and I think his family ended up paying for
25 that We made a record with all the exhibits And I

1 think that was the extent of it, because like I said I
2 was trial counsel

3 Q And going through the trial -- now, Dr Kidwell, was
4 that an expert that you found or retained?

5 A Yes, there were three of us And what the Court had
6 done -- the drug court at the time had started using the
7 sweat patch, and Judge Simmons, who runs the drug court,
8 had some concerns about -- I think he had some concerns
9 about the sweat patch himself So what he did, when
10 these three individuals came up for termination, and each
11 of them had raised the reliability of the sweat patch as
12 an issue, he did a consolidated hearing for all three
13 individuals Along with Mr Bannister and along with Mr
14 Armstrong -- yeah, Mr Armstrong, I found Mr Kidwell and
15 we brought him here from, I think he's somewhere in
16 Maryland, here to testify And Mr Kidwell, he's -- the
17 way we found him was he had testified in some federal
18 probation hearings regarding the reliability of the sweat
19 patch

20 Q Okay And you heard the testimony, do you believe
21 that your examination of Dr Kidwell was sufficient? I
22 mean, there has been some issues raised in terms of
23 asking him specifically about the sweat patch being
24 altered and all that?

25 A I think we got everything out of Dr Kidwell that we

1 could have gotten Dr Kidwell is not an expert in
2 fabrics, or polymers, or you know, the -- you know, how a
3 sweat patch, if it was torn, or if it was cut, how -- you
4 know, what that would be like So I don't think that he
5 would have been the expert to ask those questions of As
6 far as whether or not we should have called an expert,
7 really -- that issue really never came up I mean, I
8 didn't think -- in my judgment I didn't think it was
9 something we needed an expert for I mean, we had
10 testimony of his mother who -- and all along, Cedric's
11 contention was that the way this thing got torn was that
12 he was in the attic helping his mother and he started
13 sweating a lot and he got caught on a nail or something
14 like that and it tore So we had Cedric's testimony to
15 that effect In fact we had his mother's testimony to
16 that effect And then we had the patch itself to
17 examine But, you know, sort of going on here, but I
18 just didn't think that was an issue we needed an expert
19 for

20 Q Okay Do you believe that you did not properly
21 address the violation of his due process rights in
22 terms -- do you believe you effectively protected his
23 due process rights in this case?

24 A Yeah, I think I did I mean, to the extent, you
25 know, that there could have been a due process violation

1 I mean, in my view it was a breach of contract issue as
2 opposed to a due process issue And I have done some
3 research on due process cases, not involved with this
4 case but with others, and you know, that standard is
5 pretty high And you know, I just didn't think -- I
6 don't think at this juncture that, you know, what
7 happened with him rose to that point But to the extent
8 that there were any due process issue, I think, you know,
9 they were properly protected

10 Q And when you say a contract case you mean that the
11 wavier and consent that he signed?

12 A (Witness nodded his head)

13 Q Do -- so you believe there was a violation of that?

14 A Yes, yes And we raised that issue We raised that
15 issue at the trial level and we raised that issue with
16 Appellate Court And you know, just to clarify our
17 position, was that he had signed an agreement coming in
18 stating that he would specifically, you know, accommodate
19 certain kinds of testing and then after some -- sometime
20 afterwards they started adding different testing methods,
21 including the sweat patch And I think the Court, the
22 trial Court addresses it in his order I mean, we raised
23 that issue at both the trial level and the Appellate
24 Court issue -- and the appellate level - -

25 Q Okay Did you have any issues with the sentence of

1 10 years he got? Did you have any issues with that
2 being suspended or suspendable? At the time you got the
3 case?

4 A At the time I got the case, no At the time I got
5 the case I didn't think there was anything to do about
6 it I mean, quite frankly, he should never have been put
7 in the program with that sentence, I mean, quite frankly
8 I mean, once he plead in front of the Court to that
9 sentence it was not really in the Court's authority at
10 the beginning to suspend that sentence to put him in the
11 program, but once the Court decided to enforce that
12 sentence, there was nothing that the Court could do I
13 mean, the Court had to give him the 10 years, I mean --
14 you know

15 Q When you say suspended sentence to get into the
16 program, what are you referring to?

17 A He plead to a PWID second offense, and it's my
18 understanding that the PWID second offense's sentence is
19 not suspendable And if I'm wrong then I'm wrong, but
20 that's my understanding What happened was when he plead
21 to get into the drug court program the Court suspended
22 the sentence to allow him into the program And
23 basically what they said was, you know, we're going to
24 take your plea, I'm sentencing you to 10 years but I'm - -
25 suspending that sentence pursuant to your participating

1 in the drug program And if he had done everything that
2 he was supposed to do he would have graduated from the
3 drug program and he would never have had to serve any
4 time on that sentence But to the extent there was any
5 violation of that it inured in his benefit and no one
6 else's

7 Q Okay Mr Gibson, do you believe you still should
8 have asked Dr Kidwell about the sweat patch being torn
9 and given -- have him give an opinion on that to the
10 extent he could?

11 A I just didn't think he has the expertise to do that,
12 so no

13 MR PERKINS My question is -- my question is ---

14 (A discussion was held off the record)

15 BY MR RICHEY

16 Q Mr Gibson, because of his experience in testing
17 these samples, and he had came across samples of this
18 nature in the past, you do not believe he still would be
19 able to testify as to the tearing of the sweat patch?

20 A No

21 MR RICHEY Okay One moment, Your Honor

22 THE COURT Mr Richey, what I'm going to do is I'm
23 going to allow the State to go ahead and conduct
24 cross-examination

25 MR RICHEY Thank you, Your Honor

1 THE COURT All right Ms Ratigan

2 CROSS-EXAMINATION

3 BY MS RATIGAN

4 Q Just a few kind of basic questions Do you file a
5 motion of discovery in drug court? Is that something
6 that you can file, or do you just get the records from
7 the drug court program?

8 A I'm not sure if we actually filed motions for
9 discovery or not, but they gave us a complete copy of his
10 file and all the records relating to his case

11 Q Besides from the sweat patch violation, did he have
12 any other violations of the program?

13 A Yeah, he had like 18 or 19 violations prior to the
14 termination hearing

15 Q And again, that was for other things than the sweat
16 patch?

17 A Yes Well, I think two of them may have been for
18 sweat patch violations in the past which he had -- which
19 he ultimately had agreed that he had used

20 Q And did you go over with him that any of these
21 violations could terminate him from the program?

22 A I don't know if we went over that or not, but I
23 think he knew that based on our conversations

24 Q - And what was your strategy at the drug court
25 hearing? You were going to argue breach of contract and

1 just the faulty patch?

2 A Well, we did -- at the drug court hearing we did a
3 number of things We argued that, you know, the sweat
4 patches shouldn't have been used because of the prior
5 agreement that he had signed, or that all three of them
6 had signed We argued to try to keep out their -- we
7 argued that their results shouldn't be admissible
8 because due to evidentiary rules We had Dr Kidwell
9 testify as to the unreliability of the sweat patch so
10 that, you know, the Court could see that, you know, any
11 results from that shouldn't be counted upon I mean,
12 we sort of attacked everything that we could attack
13 Now, at the appellate level it became a little more
14 focused But at the trial level we sort of attacked
15 everything

16 Q Looking back on it now do you feel like there's
17 anything else you could have argued at the trial level
18 that you did not?

19 A No

20 Q And regarding your expert, Kidwell, what was he
21 qualified as an expert in, do you remember?

22 A I don't recall specifically but -- if you give me a
23 second I can ---

24 Q Well, I was just ---your testimony today has been - - -
25 consistent that his area of expertise was not the

1 construction or the manufacturing?

2 A No, it was -- I think he was a chemist and he had
3 done a bunch of research and testing reliability of
4 various kinds of drug testing, and that's what -- if my
5 recollection serves me that's what he was certified or
6 approved as an expert in

7 Q In your opinion were there any questions that you
8 wish now you had asked him that you did not?

9 A I mean, you know, given Cedric's desire to me -- for
10 me to have asked him those questions I wish I would have
11 asked them I just don't think they would have made any
12 difference

13 Q Is that something Mr Perkins mentioned maybe during
14 the hearing, could you ask this and he had brought that
15 up?

16 A No

17 MS RATTING Okay That's all I have, Your Honor

18 THE COURT All right

19 REDIRECT-EXAMINATION

20 BY MR RICHEY

21 Q Mr Gibson, do you believe you should have requested
22 the time that he spent in drug court to be applied to his
23 sentence?

24 A We did request that and the Court refused

25 Q Okay So you believe that he -- that he received

1 all the time that he statutorily was able to get?

2 A Without going through all the record I can't say for
3 certain because there was some -- because he had had so
4 many violations, he had spent a bunch of time in jail
5 So without going through the records, you know, I don't
6 know if the Court gave him day for day what he -- for
7 his drug court violations But I think the Court gave
8 him everything -- I think the 83 days that he gave him
9 was everything that -- that was absolutely clear under
10 the law that he was entitled to Let me say it that
11 way

12 MR RICHEY I have no other questions

13 MS RATIGAN I have no re-cross, Your Honor

14 THE COURT Okay All right, Mr Gibson, thank you,
15 sir You may step down

16 MR GIBSON Thank you, Your Honor

17 THE COURT Appreciate you being here Anything
18 further from the applicant?

19 MR RICHEY Nothing, Your Honor

20 THE COURT Okay Anything from the State?

21 MS RATIGAN No, Your Honor We'd rest

22 THE COURT All right I'll take the matter under
23 advisement I know there's a significant amount of
24 documents in front of me, and I have been reading the
25 transcript, with particular attention to the expert

1 testimony of Dr Kidwell, which I have in front of me
2 I'll review that and the application together with all of
3 the orders and briefs that went to the Supreme Court
4 And I'll issue a ruling in fairly short order Thank
5 you, Mr Perkins Good luck to you

6 MR RICHEY Thank you

7 - - -END OF TRANSCRIPT OF RECORD- - -
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C E R T I F I C A T E

I, the undersigned Mary E DiGirolamo, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 23rd day of February, 2011

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

October 14, 2011



Mary E DiGirolamo

Official Court Reporter



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

Robin B Stilwell
 Judge

Greenville County Courthouse
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February 24, 2011

Ms Karen C Ratigan
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RE Cedric Perkins v State of South Carolina
 2009-CP-23-4128

Dear Counsel

I have had the opportunity to review the above-referenced case file in context with the testimony and arguments submitted at the hearing. I would respectfully deny the application, finding specifically that the applicant failed to meet his burden of proving that representation was deficient or that any deficiency prejudiced him in any material or substantial way. Furthermore, I do not think it is necessary to leave the record open for examination of the expert witness. I find that after having reviewed the record, any testimony of the expert witness would not be relevant or necessary to a decision in this case. I would appreciate Ms. Ratigan preparing an Order memorializing this finding and submitting the same to me.

I thank each of you for having tried an excellent case and look forward to seeing you again soon.

With kindest regards,

ROBIN B STILWELL

RBS cor

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT

Cedric Emmanuel Perkins,
S C D C No 302720,

Applicant,

v

State of South Carolina,

Respondent

C A No 2009-CP-23-4128

ENTERED COMPUTER

ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 13, 2009. The Respondent made its return and partial motion to dismiss on September 10, 2009.¹ An evidentiary hearing was convened on February 23, 2011 at the Greenville County Courthouse. The Applicant was present at the hearing and represented by Rodney W. Richey, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's drug court termination counsel, Kenneth C. Gibson, Esquire. The Court had before it the drug court termination transcript, the records of the Greenville County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the Respondent's return, and the appellate records.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections.

¹ By order filed November 18, 2010 the Honorable D. Garrison Hill granted the Respondent's partial motion to dismiss, finding any issues related to the Applicant's guilty plea on September 13, 2002 were barred by the expiration of the statute of limitations.

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pursuant to orders of commitment from the Greenville County Clerk of Court. The Greenville County Grand Jury indicted the Applicant at the April 2002 term of General Sessions for possession with intent to distribute (PWID) crack cocaine (2002-GS-23-2685). Dorothy A. Manigault, Esquire represented the Applicant.

On September 13, 2002, the Applicant pled guilty. The Honorable Charles B. Simmons, Jr. sentenced the Applicant to ten (10) years suspended to drug court for PWID crack cocaine, second offense. The Applicant did not appeal.

On April 26, 2004, the Applicant appeared in court for a three (3) day long drug court termination hearing. He was represented at this hearing by Kenneth C. Gibson, Esquire. By order dated June 11, 2004, Judge Simmons terminated the Applicant from the drug court program and sentenced him to ten (10) years imprisonment.²

A notice of appeal was filed at the South Carolina Court of Appeals and the case was certified to the South Carolina Supreme Court. Kenneth C. Gibson, Esquire perfected the appeal. On May 12, 2008, the Supreme Court affirmed Judge Simmons' order imposing the Applicant's original ten (10) year sentence. State v. Perkins, 378 S.C. 57, 661 S.E.2d 366 (2008).

The Applicant filed a petition for writ of habeas corpus in the United States District Court for the District of South Carolina on September 18, 2008 (4:08-cv-3208-DCN-TER). The Respondent submitted a motion for summary judgment on February 19, 2009. The Honorable Thomas E. Rogers, III, United States Magistrate Judge, issued a report and recommendation to grant the motion for summary judgment dated July 31, 2009. On August 18, 2009, the Honorable David C. Norton, United States District Judge, issued an order granting the motion for summary judgment and dismissing the petition with prejudice.

² In an amended order dated July 21, 2004, Judge Simmons modified the Applicant's time served credit

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons

- 1 Plea counsel did not investigate
- 2 Appellate counsel did not object to testimony
- 3 Appellate counsel did not object to judge's order

The Applicant, through counsel, submitted a document titled "Amendments to Post Conviction Relief Applications" dated November 4, 2009, in which he alleged the following

- 1 Court erred and plea counsel failed to object to the illegal suspending of the Applicant's sentence according to Section 44-53-375(B)(2) and Section 44-53-375(F)
- 2 Trial counsel failed to object to MRW employee's testimony of a tampered sweat patch
- 3 Trial counsel failed to request for the time in Drug Court and the 158 days served in detention
- 4 Trial counsel failed to object to the court's modification of the suspended sentence being modified to a non-suspended sentence
- 5 Appeal counsel failed to argue the court's abuse of discretion when it stated that the sweat patch would be used in conjunction and/or combination with hair and urine
- 6 Appeal counsel failed to raise the Double Jeopardy claim of the other violations that application has already been punished for
- 7 Appeal counsel failed to object to the Supreme Court's denial to review the appeal of the Lower Court's abuse of discretion

The Applicant, through counsel, submitted a document titled "Second Amendments to Post Conviction Relief Applications" dated May 21, 2010, in which he alleged the following

- 1 Plea court violated Applicant's due process rights by accepting a plea agreement that is illegal under South Carolina Statute Section 44-53-375(B)(2) and Section 44-53-375(F)
- 2 Plea counsel, Dorothy Manigault, failed to object to the suspending of the Applicant's sentence according to Section 44-3-374(B)(2) and Section 44-53-375(F)
- 3 Plea counsel, Dorothy Manigault, was ineffective for allowing the 13th Circuit Drug Court Program to use the Pharmchem Sweat Patch, which was not authorized by the Waivers and Agreement, violating Applicant's due process rights

- 4 Drug Court Termination Counsel, Kenneth Gibson, failed to object to MRN employee's testimony of a tampered sweat patch when employee testified that the employee was only trained on exposed sweat patches
- 5 Drug Court Termination Counsel, Kenneth Gibson, failed to request for the time in Drug Court and the 158 days served in detention according to South Carolina Statute Section 24-13-40
- 6 Drug Court Termination Counsel, Kenneth Gibson, failed to argue to the Termination Court the Plea Court's guilty plea agreement which is in violation of South Carolina Statute Section 44-53-375(B)(2) and Section 44-53-375(f) and in violation of Applicant's due process rights
- 7 Drug Court Termination Counsel, Kenneth Gibson, failed to object to the sentencing court's modifying Applicant's suspended sentence to a non-suspended sentence
- 8 Appellant Counsel, Kenneth Gibson, failed to argue the Order of the Termination Hearing Court's abuse of discretion when it stated that the sweat patch would be used in conjunction and/or combination with hair and urine

The Applicant, through counsel, submitted a document titled "Third Amendments to Post Conviction Relief Applications" dated June 7, 2010, in which he alleged the following

- 1 Appellate Counsel, Kenneth Gibson, failed to investigate and properly articulate/place before the appellate court the only reason the trial court's decision will be reversed is abuse of discretion
- 2 Appellate Counsel, Kenneth Gibson, failed to make an objection to the Supreme Court of South Carolina altering applicant's issue on Direct Appeal
- 3 Drug Court Termination Counsel, Kenneth Gibson, failed to get an expert opinion on the alleged tampered with sweat patch

The Applicant, through counsel, submitted a document titled "Forth [sic] Amendments to Post Conviction Relief Applications" dated July 12, 2010, in which he alleged the following

- 1 Drug Court Termination Counsel, Kenneth Gibson, failed to show/demonstrate to the Drug Court Termination Court the due process violation and abuse of discretion when the 13th Circuit Drug Court Program considered any violations relating to the use of the Pharmchen Sweat patch as the use of this device was not authorized by the specific provisions in the Waivers and Agreements that applicant and the 13th Circuit Solicitor executed upon applicant's entry into the Drug Court Program
- 2 Drug Court Termination Counsel, Kenneth Gibson, failed to get an expert opinion on the positive sweat patch, negative urine, and negative hair

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S C Code Ann § 17-27-80 (2003)

Ineffective Assistance of Drug Court Termination Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frazier v. State, 351 S C 385, 389, 570 S E 2d 172, 174 (2002)

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U S 668, 104 S Ct 2052 (1984), Porter v. State, 368 S C 378, 383, 629 S E 2d 353, 356 (2006). In order to prove prejudice, an applicant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry v. State, 300 S C 115, 117-18, 386 S E 2d 624, 625 (1989). "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S C 182, 186, 480 S E 2d 733, 735 (1997) (citing Strickland v. Washington, 466 U S 668, 104 S Ct 2052).

The Applicant stated he neither used drugs nor tampered with the sweat patch that he was wearing as a condition of his participation in drug court. The Applicant stated counsel failed to

object to the sentencing in this case. The Applicant stated counsel failed to question the expert witness (Kidwell) about the durability of the sweat patch used by the drug court team. The Applicant stated counsel failed to properly argue that his due process rights were violated and the judge abused his discretion in terminating him from drug court. The Applicant stated counsel failed to properly argue that the drug court team's use of the sweat patch was not provided for in the waivers and agreement he signed before entering the drug court program. The Applicant stated counsel failed to argue that he was entitled to credit from the time he served in the detention center.

Drug court termination counsel testified he was retained several months before the termination hearing and had a complete copy of the file from the drug court program. Counsel testified the Applicant had eighteen or nineteen violations and that only two stemmed from the sweat patch. Counsel testified his defense theories at the termination hearing were (1) breach of contract, (2) that the sweat patch was faulty, and (3) that the test results were unreliable. Counsel testified there were no other arguments he could have made that would have been successful. Counsel testified that, while the original sentence likely should not have been imposed by the plea judge, this was to the Applicant's benefit and could not have been challenged during the termination hearing. Counsel confirmed he retained Dr. David Kidwell as a defense expert. Counsel stated Dr. Kidwell testified about the sweat patch's reliability. Counsel stated he could not have asked Dr. Kidwell about the construction or durability of the sweat patch because he was not an expert in that area. Counsel stated the Applicant had never raised concerns about the construction or durability of the sweat patch but that, regardless, questions in that area would have been irrelevant. Counsel stated he protected all of the Applicant's rights during the course of his representation. Counsel testified the breach of

contract argument is not a due process issue. Counsel testified he argued – both at the termination hearing and on appeal – that the use of the sweat patch was a breach of contract because it was added after the Applicant had signed the waivers and agreement to enter the drug court program. Counsel testified he asked the drug court termination judge to give the Applicant credit for the time spent in the drug court program and the judge refused. Counsel testified the Applicant received all the jail credit that he was clearly entitled to receive.

This Court finds the Applicant's testimony is not credible, while also finding drug court termination counsel's testimony is credible. This Court further finds counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

This Court finds the Applicant failed to meet his burden of proving counsel should have objected to the sentencing in this case. Counsel testified that, by the time of the Applicant's drug court termination hearing, there was no method to challenge the propriety of the original sentence. This Court agrees. If the Applicant had wished to challenge the suspension of his original sentence upon the completion of drug court, he should have filed an appeal from his guilty plea hearing. See Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974) (finding post-conviction relief is not a substitute for an appeal), see also Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) (holding a post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal).

This Court finds the Applicant failed to meet his burden of proving counsel did not properly question the defense's expert witness, Dr. David Kidwell. Dr. Kidwell was qualified as an expert in drug testing, pharmacology, and toxicology – (Termination transcript, pp 157-60). Counsel testified he extensively questioned Dr. Kidwell within the field of his expertise. This

Court finds counsel's testimony on this issue is both credible and corroborated by the record. This Court finds the Applicant failed to present any proof that Dr. Kidwell was qualified to testify about the durability and construction of the sweat patch such that counsel should have questioned him on those issues. Further, as the Applicant failed to present any expert testimony on this issue, this Court cannot speculate as to possible prejudice. See Dempsey v. State, 363 S.C. 365, 370, 610 S.E.2d 812, 815 (2005) (finding that, as the applicant failed to have an expert testify at the evidentiary hearing, "any finding of prejudice is merely speculative").

This Court finds the Applicant failed to meet his burden of proving counsel should have argued a violation of his due process rights. This Court finds that, while the Applicant did allege his due process rights were violated, he failed to present any compelling testimony or evidence to corroborate the allegation. The drug court termination judge found the Applicant's due process rights had been preserved and this Court cannot find any evidence counter to that finding (Termination Order, p. 6). The Applicant also alleges counsel should have argued the judge abused his discretion in this case in terminating him from the drug court program. This Court finds this allegation is without merit. This Court notes the proper avenue to argue abuse of discretion would be through an appeal – which counsel properly filed and perfected on the Applicant's behalf.

This Court finds the Applicant failed to meet his burden of proving counsel did not properly argue the breach of contract issue. Counsel testified that one of his main arguments at the drug court termination hearing was that the drug court team's use of a sweat patch was not authorized (or even mentioned) in the waivers and agreement signed by the Applicant prior to his participation in the drug court program. Counsel's testimony on this issue is both credible and corroborated by the record. This Court finds counsel thoroughly argued this issue to the drug

court termination judge, who simply did not agree with the argument (Termination Order, pp 13-15) This Court further finds the Applicant failed to articulate what more counsel should have done to present this issue to the drug court termination judge

This Court finds the Applicant failed to meet his burden of proving counsel should have asked for him to receive credit for the time he spent in the detention center This Court finds the Applicant failed to present any credible evidence or testimony that he is entitled to additional credit for the time he spent in the detention center This Court notes that issues related to sentence credit must be pursued through an administrative procedure in the Department of Corrections See Al-Shabazz v State, 338 S C 354, 527 S E 2d 742 (2000)

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that counsel failed to render reasonably effective assistance under prevailing professional norms The Applicant failed to present specific and compelling evidence that counsel committed either errors or omissions in his representation of the Applicant This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by counsel's performance This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance See Fiasier v State, 351 S C at 389, 570 S E 2d at 174

Ineffective Assistance of Appellate Counsel

The Applicant stated counsel failed to investigate and raise certain issues to the South Carolina Supreme Court The Applicant stated he asked counsel to raise several issues but that he never saw the Brief of Appellant until it was ready to be filed The Applicant stated counsel should have objected when the Supreme Court re-framed the issue that counsel raised on appeal

Appellate counsel – who was also the drug court termination counsel – stated that he

ordered the transcript, made the record, and reviewed the exhibits in order to prepare the appeal. Counsel stated the Supreme Court certified the question that it wanted to address on appeal. Counsel stated he was not aware that he could challenge this.

In assessing a claim of ineffective assistance of appellate counsel, courts apply the Strickland test to determine if appellate counsel was deficient for failing to raise an issue and whether the defendant was prejudiced from the failure to raise the issue. See Southerland v State, 337 S C 610, 616, 524 S E 2d 833, 836 (1999). However, counsel is not required to raise every non-frivolous claim, but instead may select among them in order to maximize the likelihood of a favorable outcome. Smith v Robbins, 528 U S 259, 288, 120 S Ct 746, 765 (2000) (citing Jones v Barnes, 463 U S 745, 103 S Ct 3308 (1983)).

This Court finds the Applicant failed to meet his burden of proving appellate counsel was ineffective. Appellate counsel was also the drug court termination counsel, so he was well aware of the facts and issues in this case. The Applicant failed to articulate why the issues raised by appellate counsel were inappropriate. This Court notes counsel raised two (2) issues in his appellate brief and that the substance of those issues were discussed in the issue that was re-framed by the South Carolina Supreme Court when it certified the case from the South Carolina Court of Appeals. This Court finds there was no basis for appellate counsel to have objected when the Supreme Court chose to re-frame the issues to be argued on appeal.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they

are hereby denied and dismissed

CONCLUSION

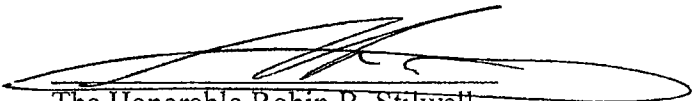
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his drug court termination proceedings. Further, the Applicant has not demonstrated appellate counsel was ineffective. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED

- 1 That the application for post-conviction relief be denied and dismissed with prejudice, and
- 2 That the Applicant be remanded to the custody of the Respondent

AND IT IS SO ORDERED this 24th day of March, 2011


The Honorable Robin B. Stilwell
Presiding Judge, Thirteenth Judicial Circuit

Greenville, South Carolina

WITNESSES

LISKA

GCSO

11/02/01

ARREST WARRANT NUMBER

G687999

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO 2002-GS002685

TMC

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

APRIL TERM 2002

THE STATE

VS

CEDRIC E PERKINS

Indictment for

POSSESSION OF CRACK COCAINE WITH
INTENT TO DISTRIBUTE

VIOLATION § 44-53-375

127

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF CRACK COCAINE WITH INTENT
TO DISTRIBUTE

At a Court of General Sessions, convened on APRIL 2, 2002

the Grand Jurors of Greenville County present upon their oath

That CEDRIC E PERKINS did in Greenville County, on or about the 2nd day of November, 2001, possess with intent to distribute or aid, abet, or conspire to possess with the intent to distribute a quantity of Crack Cocaine, a controlled substance, such possession not having been authorized by law This is in violation of §44-53-375 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

Thomas M. C. L.

ARREST WARRANT

G-687999 005
11-26-01

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLETHE STATE 01-153092
against

CEDRIC EMMANUEL PERKINS

Address GREENVILLE SC 29605

Phone _____ SSN _____

Sex M Race B Height 507 Weight 170

Date 11-19-66 DL# _____

DOB 9-19-66 Agency ORI# SC130000

Prosecuting Agency GREENVILLE COUNTY

Prosecuting Officer D LSKA

Offense PWID CRACK COCAINE

Offense Code _____

Code/Ordinance Sec 44-53-375

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
to be arrested and brought before me to be
satisfied with according to law_____
Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant CEDRIC EMMANUEL PERKINS
on 11-2-01M. Q. Edwards #550 E-31
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

GARRETT

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of
GREENVILLE)Personally appeared before me the affiant D LSKA
being duly sworn deposes and says that defendant CEDRIC EMMANUEL PERKINS
did within this county and state on 11-2-01 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars

DESCRIPTION OF OFFENSE PWID CRACK COCAINE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following factsTHE DEFENDANT DID KNOWINGLY AND INTENTIONALLY
POSSESS WITH THE INTENT TO DISTRIBUTE CRACK
COCAINE, THE SUBSTANCE WEIGHING IN EXCESS OF
1 GRAM, UNDER CIRCUMSTANCES INDICATING AN INTENT
TO DISTRIBUTE SAID SUBSTANCE TO ANOTHER THIS
COMPUTER ENTERED GREENVILLE COUNTY.Sworn to and subscribed before me
on 11-2-01
GREENVILLE COUNTY

Signature of Issuing Judge (L.S.)

Signature of Affiant

Affiant's Address

GREENVILLE SC 29601

Affiant's Telephone

467-5300

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of
GREENVILLE)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that
on 11-02-01 defendant CEDRIC EMMANUEL PERKINS

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of _____) as set forth below

DESCRIPTION OF OFFENSE PWID CRACK COCAINE

Now therefore you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable_____
Signature of Issuing Judge (L.S.)

Judge's Address

Judge's Telephone

4 MC GEE ST

GREENVILLE SC 29601

Issuing Court

☐ Magistrate☐ Municipal☐ Circuit

ORIGINAL

COUNTY OF Greenville
800 DATE 2002 VS PERKINS, CEDRIC EMMANUEL
AKA _____
Race B Sex M Age 35
DOB _____ SS# _____
Address _____
DL# _____ SID# _____

CEMENT CASE#
2002 302685
A/W# G687999
Date of Offense 11-02-2001
S C Code § 44-53-0375(B)(1)
CDR Code # 0113
☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was
TO PWITD CRACK 2nd Offense

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0375(B)(2) of the S C Code of Laws, bearing CDR Code # 0113

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is ☒ As Indicted ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury

The plea is ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence ☒ Recommendation by the State

ATTEST

Thomas M. Carl
Solicitor

Cedric Perkins
Defendant

South Carolina
Attorney for Defendant

WHEREFORE the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/year or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment
of \$ _____ plus costs and assessments as applicable* the balance is suspended with Drug Court probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference

☐ The Defendant is to be given credit for _____ days/months jail time

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on _____

SPECIAL CONDITIONS

☐ RESTITUTION ☐ Heard ☐ Waived ☐ Ordered
Total \$ _____ plus 20% fee \$ _____
Payment Terms _____
☐ set by SCDPPPS _____

Recipient _____

*Fine \$ _____
§ 14-1-206 - Assessments 100 % \$ _____
§ 14-1-211(A)(1) (Surcharge) \$ 100
§ 14-1-211(A)(2) (Surcharge) \$ _____
§ 56-5-2995 (DUI Assessment) \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

Court Reporter

Paul B. Wicksen
Clerk of Court/Deputy Clerk

Schmidt

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol testing _____
Fine may be pd in equal consecutive weekly/monthly
pmts of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other _____

PRESIDING JUDGE

Judge Code: _____

Sentence Date 11/13/02

SCCA/217 (1/2001)

- Non-suspendable
- 85% sentence

ARREST WARRANT

G-688000

005
11-26-01

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

THE STATE 01-153092
against

CEDRIC EMMANUEL PERKINS

address GREENVILLE SC

Phone SSN

Sex M Race B Height 507 Weight 170

Age 36 DL# SC

DOB 9-19-66 Agency ORI# SC230000

Prosecuting Agency GREENVILLE COUNTY

Prosecuting Officer D Liska

Offense PWID MARIJUANA

Offense Code

Code/Ordinance Sec 44-53-370

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to law

Signature of Judge (LS)

RETURN

A copy of this arrest warrant was delivered to
defendant CEDRIC EMMANUEL PERKINS

on 11-2-01

M. G. Edwards #550 E 36
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

GARRETT

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

Personally appeared before me the affiant D Liska who

being duly sworn deposes and says that defendant CEDRIC EMMANUEL PERKINS

did within this county and state on 11-2-01 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)

in the following particulars

DESCRIPTION OF OFFENSE PWID MARIJUANA

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts

THE DEFENDANT DID KNOWINGLY AND INTENTIONALLY POSSESS
MARIJUANA IN THREE PACKAGES INDICATIVE OF AN
INTENT TO DISTRIBUTE SAID SUBSTANCE TO ANOTHER
COMPUTER ENTERED IN GREENVILLE COUNTY

NOV 02 2001

Sworn to and subscribed before me

on GREENVILLE COUNTY

SHERIFF'S OFFICE

Signature of Issuing Judge (LS)

Signature of Affiant

Affiant's Address

GREENVILLE SC 29601

Affiant's Telephone

ARREST WARRANT

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on 11-2-01 defendant CEDRIC EMMANUEL PERKINS

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below

DESCRIPTION OF OFFENSE PWID MARIJUANA

Now therefore you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution or as soon thereafter as is practicable

Signature of Issuing Judge (LS)

Signature of Issuing Judge

Judge Code

Judge's Address

GREENVILLE SC 29601

Judge's Telephone

Issuing Court

☐ Magistrate

☐ Municipal

☐ Circuit

ORIGINAL

801

PHARMICHEM INC
4600 N Beach Street, Haltom City, TX 76137-3219

LABORATORY
REPORT

=====

ACCOUNT NUMBER	643500002	BARCODE NUMBER	270197577
COLLECTOR NAME		SPECIMEN ID1	PERKINS CldRIC
COLLECTOR TELEPHONE		SPECIMEN ID2	
RESULTS TO		ACCESSION NUMBER	3A690994
AFT		REASON FOR TEST	01
Corporate Choice			
Tony Waters			
		LOCATION CODE	
()		SPECIMEN DATE	09/17/2003
DISTRIBUTOR		DATE RECEIVED	10/08/2003
		DATE REPORTED	10/12/2003

=====

TEST METHODS AND DETECTION LEVELS

Drug or Drug Class	Initial Test Method	Cutoff	Confirmation Test Method	Cutoff
Amphetamine	EIA	10 ng/ml	GC/MS	10 ng/ml
Cannabinol	EIA	1 5 ng/ml	GC/MS	0 500 ng/ml
Cocaine	EIA	10 ng/ml	GC/MS	10 ng/ml
Opiates	EIA	10 ng/ml	GC/MS	10 ng/ml
Phencyclidine	EIA	7 5 ng/ml	GC/MS	7 500 ng/ml

=====

LAB RESULTS

Cocaine
Benzoyllecgonine POSITIVE
Cocaine *POSITIVE

ADDITIONAL RESULTS

REMARKS

Benzoyllecgonine = 21 ng/ml
Cocaine = 197 ng/ml

I certify that the specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed, and reported in accordance with applicable requirements. If the test method indicated is not GC or GC/MS, then no confirmation test performed and the results for this specimen are for the initial screening test only.

Results certified by DOROTHY WEIK

Date 10/12 2003

DRUG COURT WEEKEND CASE MANAGEMENT REPORT

CLIENT Cedric PerkinsDATE 10-4-03 TIME 12:20 pmHOUSE CHECK OkayNUMBER IN HOUSEHOLD 5 Mom, Grandparents, Sister - SelfALCOHOL ON PREMISES YES _____ NO ☒ALCOHOL DRUG SCREEN YES ☒ - Negative NO _____OTHER DRUGS ON PREMISES YES _____ NO ☒DRUG SCREEN YES _____ NO ☒

COMMENTS _____

Cedric doing yard work and gathering up leaves. He says he will go to a meeting tonight. He did not appear to be under the influence of alcohol or drugs.

REPORTED BY Ben Ford / Ding 2

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Greenville County Courthouse
305 East North Street, Suite 320
Greenville South Carolina 29601 2185



Telephone 864-467 8277
Telefax 864 467 8695

Drug Court

June 24, 2003

Greenville County Family Court
Greenville, S C

To Whom It May Concern

This is to advise that Cedric Perkins is now being held in the Detention Center per Thirteenth Judicial Circuit Drug Court order Mr Perkins has been participating in Drug Court since September 13, 2002 He is being held in detention due to continued use of drugs His continued relapses indicate a need for more intense treatment and Drug Court has referred Mr Perkins to an inpatient facility for alcohol and drug treatment lasting 28 days He will be held in the Detention Center until his admission into an inpatient facility is possible

After completing inpatient treatment, Mr Perkins will return to Drug Court and continue with Drug Court's outpatient program Mr Perkins has been in Detention since June 9, 2003 Should you require further information, please contact me at 864 467 8134 Thank you

Sincerely,

Bobbie Godwin
Program Manager

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

805

Greenville County Courthouse
305 East North Street Suite 320
Greenville, South Carolina 29601 2185



Telephone 864 467 8277
Telefax 864-467 8695

Drug Court

September 16, 2003

To Whom It May Concern

This is to verify that ,Cedric Perkins, is participating in the Thirteenth Judicial Circuit's Drug Court program Cedric has had setbacks which resulted in sanctions of incarceration and inpatient treatment This sanctioning period from June 2003 to the present explains client's inability to pay child support Cedric has returned to Drug Court with a good attitude and commitment to his personal recovery following his completion of a 28 day inpatient program at Holmesview

Drug Court will continue to provide outpatient counseling, case management, and routine drug screens throughout his participation in the program which will be a minimum of 14 months until scheduled completion Should more information be required, please contact me at 864 467 8134 Thank you

Sincerely,

Bobbie Godwin
Program Manager

Cedric Perkins Becky Perez A23955
Physician's Name Printed

Street Address City State Zip Code

Telephone Number SC License Number DEA Reg Number

This is not a legal prescription unless the above appropriate
information is filled out or imprinted on the back

Patient Name _____

Date 10/21/02

Address _____

Rx

This is to confirm that
Mrs. Gladys Sanders has been hospitalized
since 10/18/02 at Greenville Memorial Hospital

Becky Perez

Dispense as Written M D

Substitution Permitted M D

SS# CEDRIC PERKINS Y-T-D EARNINGS 711 00 CK# 0083398

M

CLIENT	TYPE	HOURS	RATE	AMOUNT	WK ENDING
Eurokera	REGULAR PAY	40.00	9.00	360.00	12/07/2002
Eurokera	OVERTIME PAY	26.00	13.50	351.00	12/07/2002

WITHHOLDING	AMOUNT	Y-T-D	DEDUCTIONS	AMOUNT	Y-T-D
FEDERAL	94.65	94.65			
FICA	44.08	44.08			
FICA MED	10.31	10.31			
STATE	37.40	37.40			

TOTAL EARNINGS 711 00 TOTAL W/H 186 44 TOTAL DED CK NET 524 56

6953

1174429

1059 1059

EMPLOYEE	PAY PERIOD	SOC SEC NO		# of EXEMPT	STATUS
Cedric Perkins	11/3/2002 to 11/9/2002	SSN	FEDERAL	1	S
			STATE	1	S

TAXABLE EARNINGS	HOURS	RATE	CURRENT	YEAR TO DATE
REG HOURS	38 25	7 75	296 44	
		Totals	\$ 296 44	\$ 1 102 14
TAXES				
FEDERAL WITHHOLDING TAX			22 49	77 43
SOCIAL SECURITY EMPLOYEE			18 38	68 33
MEDICARE EMPLOYEE			4 30	15 99
SOUTH CAROLINA WH			9 81	34 25
		Totals	\$ 54 98	\$ 196 00
POST TAX DEDUCTIONS				
MERHANDIS				10 00
		Totals	\$ 00	\$ 10 00

CURRENT

YEAR TO DATE

NET PAY	\$ 241 46	\$ 896 14

Remedy

RemedyTemp Inc. Aliso Viejo CA

		6853	1157985	1059 1059
EMPLOYEE	PAY PERIOD	SOC SEC NO	# of EXEMPT	STATUS
Cedric Perkins	10/13/2002 to 10/19/2002	SSN	FEDERAL 1	S
			STATE 1	S

TAXABLE EARNINGS	HOURS	RATE	CURRENT	YEAR TO DATE
REG HOURS	29 98	7 75	232 35	
		Totals	\$ 232 35	\$ 232 35
TAXES				
FEDERAL WITHHOLDING TAX			12 88	12 88
SOCIAL SECURITY EMPLOYEE			14 41	14 41
MEDICARE EMPLOYEE			3 37	3 37
SOUTH CAROLINA WH			6 05	6 05
		Totals	\$ 36 71	\$ 36 71
POST TAX DEDUCTIONS				
MERHANDIS			10 00	10 00
		Totals	\$ 10 00	\$ 10 00

Remedy

RemedyTemp Inc. Alliso Viejo CA

	CURRENT	YEAR TO DATE
NET PAY	\$ 185 64	\$ 185 64

aide INC • P O BOX 6226 GREENVILLE SC 29606

FROM SCCH-08899 Mon Apr 26, 2004 08 47 11
ICHS/QH INQUIRY OF SCLED CCH FILES USING
ATN-GODWIN BOBBIE
ORI-SC023015A PUR-C
NAM-PERKINS CEDRIC
SOC SEX-M RAC-B DOB-

DATE-04/26/2004 TIME-08 47 PAGE-01 OF 01
ORI-SC023015A
SCLED IDENT RESPONSE TO ICHS/QH INQUIRY
THIS RESPONSE CONTAINS POSSIBLE HITS ONLY AND DOES NOT IMPLY A POSITIVE
MATCH WITH THE INDIVIDUAL IN QUESTION

NAME-PERKINS CEDRIC EMMANUEL SEX-M RACE-B
HEIGHT-506 WEIGHT-150 EYES-BRO HAIR-BLK SKIN-MBR BORN-SC
FPC HENRY-12 O 31 W IOO 13 NCIC-DOPII2PO13DIPODIPI13
I 20 W OII
SID-SC00627853 FBI-585753TA0 ✓
PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS
DATE RECORD ENTERED--03/16/1988 DATE OF LAST UPDATE--06/24/2002

ALIAS NAMES-PERKINS CEDRIC E

BIRTH DATES-

SOC SEC NUMBERS-2
SCLED CJICS CCH FILE INDICATES SUBJECT HAS NO OUT-OF-STATE ARRESTS

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS
THEREFORE THIS PERSON IS INELIGIBLE TO SHIP TRANSPORT OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18 USC 922(G))

** END OF IDENT **

REQUESTED FOR CRIMINAL JUSTICE PURPOSES
FOR COMPLETE CRIMINAL HISTORY PERFORM ICHR INQUIRY USING SID NUMBER OR
FBI NUMBER

REQUEST FORWARDED TO NCIC
ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCIC VIA YOUR TERMINAL
** END OF MESSAGE **

IN Mon Apr 26, 2004 08 47 11 000170525777/4055
OUT Mon Apr 26 2004 08 47 12 GVLSL03 MSG# 04212 SAN 0MQXFNM4G2M8

FROM III-03647 Mon Apr 26, 2004 08 47 15

71010FD700043D2QH

812
SC022015A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/PERKINS CEDRIC SEX/M RAC/B DOB/ SOC/
PUR/C

NAME	FBI NO	INQUIRY DATE
PERKINS CEDRIC EMMANUEL	585753TA0	2004/04/26

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	PHOTO
M	B	0	506	150	BRO	BRO	SOUTH CAROLINA	N

FINGERPRINT CLASS	PATTERN CLASS
DO PI 12 PO 14	WU WU RS WU RS WU WU WU WU LS
DI PO DI PI 11	LS

ALIAS NAMES
PERKINS CEDRIC E

OTHER
BIRTH DATES SOCIAL SECURITY

SSN

IDENTIFICATION DATA UPDATED 2002/07/02

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING
SOUTH CAROLINA - STATE ID/SC00627853

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION

END

IN	Mon Apr 26	2004 08 47 15			000170536127/4055
OUT	Mon Apr 26	2004 08 47 16	GVL	SL03 MSG# 04213	SAN 0MQXFNM4G2M8

FROM SCCH-08912 Mon Apr 26 2004 08 48 20

813

ICHR REQUEST FOR RAP SHEET
ORI-SC023015A FBI-585753TA0 PUR-C
ATN-GODWIN BOBBIE

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE

PAGE-01 DATE-04/26/2004 TIME-08 48 20
REQ ORI-SC023015A GREENVILLE SOL
SID-SC00627853 FBI-585753TA0
NAME-PERKINS CEDRIC EMMANUEL SEX-M RACE-B
HEIGHT-506 WEIGHT-150 EYES-BRO HAIR-BLK SKIN-MBR BORN-SC
FPC-DOPI12PO13DIPODIPI13 HENRY-12 O 31 W IOO 13
I 20 W OII

PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--03/16/1988 DATE OF LAST UPDATE--06/24/2002

ADDITIONAL IDENTIFIERS BIRTH
NAME DATES MARKS SOC SEC MISC NUM
PERKINS CEDRIC E

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

PERKINS, CEDRIC EMMANUEL 02/19/1988
SC0230200 GREENVILLE PD
CASE-91575
WARR-07764KW

ARREST CHARGE 01-DISORDERLY
CONDUCT
PHOTOGRAPH AVAILABLE
COURT CHARGE 01-DISORDERLY
CONDUCT
COURT DISP-NON-CONVICTION
NOT GUILTY
COURT DATE-03/09/1988

PERKINS CEDRIC EMMANUEL 07/09/1993
SC0230200 GREENVILLE PD

CASE-91575
WARR-D385716 @

ARREST CHARGE 01-POSSESSION
WITH INTENT TO DIST COCAIN
E
PHOTOGRAPH AVAILABLE

WARR-6769W

ARREST CHARGE 02-SIMPLE POSSE
SSION OF MARIJUANA
COURT CHARGE 01-SIMPLE POSSES
SION OF MARIJUANA
COURT DISP-CONVICTED 30 DYS
OR \$195 AND COURT COST

WARR-6769VV

IT-44-53-375
OC-94GS2300371 WARR-D385716

COURT CHARGE 02-CRACK COCAINE
POSS W/ INTENT 1ST OFF
COURT DISP-CONVICTED 15 YRS
SUSP 2 MOS W/E BAL SUS 5Y
PROB 200 HRS PSE
COURT DATE-09/06/1994

PERKINS CEDRIC EMMANUEL 08/14/1993
C0230400 MAULDIN PD

814
CASE-91575
WARR-7835TS

DOC-94GS2300372 WARR-07835TS

ARREST CHARGE 01-DRIVING
UNDER SUSPENSION 2ND
PHOTOGRAPH AVAILABLE
COURT CHARGE 01-DUS 2ND OFFEN
SE
COURT DISP-CONVICTED, 2 MOS &
\$500 (TO BE SERVED ON
WEEK-ENDS TO RUN CONC)
COURT DATE-09/06/1994

PERKINS CEDRIC EMMANUEL
SC0230200 GREENVILLE PD
CASE-91575
WARR-D386679

08/23/1993

ARREST CHARGE 01-POSSESSION
W/I TO DISTRIBUTE CRACK
PHOTOGRAPH AVAILABLE

CIT-44-53-375
DOC-94GS2300373 WARR-D386679

COURT CHARGE 01-CRACK COCAINE
POSS W/ INTENT 1ST OFF
COURT DISP-NON-CONVICTION

NOLLE PROSSED
COURT DATE-09/19/1994

PERKINS CEDRIC EMMANUEL
SC0230200 GREENVILLE PD
CASE-91575
WARR-32975AN

05/26/1997

ARREST CHARGE 01-DRIVING
UNDER SUSPENSION 2ND
PHOTOGRAPH AVAILABLE

WARR-32974AN

ARREST CHARGE 02-LICENSE
PLATE VIOLATION

CIT-56-1-440 MISDEMEANOR
DOC-97GS2305809 WARR-32975AN

COURT CHARGE 01-DRIVING WITHO
UT A LICENSE
COURT DISP-CONVICTED 30 DA
OR \$100 (FINE TO BE PD
092297)
COURT DATE-09/22/1997

PERKINS CEDRIC EMMANUEL
SC0230200 GREENVILLE PD

07/28/1999

ATN-
WARR-G100288

ARREST CHARGE 01-POSS CRACK
COCAINE W/INTENT TO DISTRI
BUTE
PHOTOGRAPH AVAILABLE

DOC-99GS2307432 WARR-G100288

COURT CHARGE 01-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 2ND
COURT DISP-CONVICTED 18 MO
CTS 1 DA
COURT DATE-07/17/2000

ATN-

PERKINS CEDRIC EMMANUEL
SC0230200 GREENVILLE PD
CASE-091575
ATN-
WARR-G101270

10/12/1999

ARREST CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE

SC040055C R & E CENTER COLA
CASE-267892
CIT-44-53-375 (A) -FELONY

07/19/2000 CUSTODY STATUS-RECEIVED
START DATE-07/19/2000

COURT CHARGE 01-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED 18 MNTHS
ATN-

PERKINS CEDRIC EMMANUEL
SC0230000 GREENVILLE CNTY SO
CASE-091575
ATN-
WARR-G687999
CIT-44-53-370 (B) (2) -FELONY

11/02/2001

ARREST CHARGE 01-MANUFT POSSE
SS OTHER SUB SCH I II,III
WITD-1ST
PHOTOGRAPH AVAILABLE

WARR-G688000
CIT-44-53-370 (B) (2) -FELONY

ARREST CHARGE 02-MANUFT POSSE
SS OTHER SUB SCH I II III

WARR-96922BX
CIT-61-9-87-MISDEMEANOR

WITD-1ST

ARREST CHARGE 03-OPEN CONTAIN
ER

WARR-96923BX
CIT-44-53-960-MISDEMEANOR

ARREST CHARGE 04-POSSESSION
OF DRUG PARAPHERNALIA
COURT CHARGE 01-OPEN CONTAIN
ER

DOC-23 WARR-96922BX

COURT DISP-CONVICTED BENCH
WARRANT
COURT DATE-12/18/2001

DOC-23 WARR-96923BX

ATN-
COURT CHARGE 02-FIGHTING
COURT DISP-CONVICTED BENCH
WARRANT
COURT DATE-12/18/2001

PERKINS CEDRIC EMMANUEL
SC0230000 GREENVILLE CNTY SO
CASE-91575

11/30/2001

ATN-231600007403
WARR-H019199
CIT-16-25-20-MISDEMEANOR

ARREST CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE 2ND
OFFENSE
OFFENSE DATE-11/30/2001
PHOTOGRAPH AVAILABLE

PERKINS CEDRIC EMMANUEL
SC0230000 GREENVILLE CNTY SO
CASE-091575
ATN-
WARR-F810946
CIT-16-11-620-MISDEMEANOR

06/06/2002

ARREST CHARGE 01-ENTERING
PREMISES AFTER WARNING
PHOTOGRAPH AVAILABLE

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

816

BASED ON SEARCH OF SCLED CJICS CCH FILE USING FBI/585753TA0

REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJICS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION

INQUIRY WILL BE FORWARDED TO NCIC WANTED PERSONS

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS
THEREFORE THIS PERSON IS INELIGIBLE TO SHIP TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18 USC 922(G))

** S C CJICS END OF RECORD **

IN Mon Apr 26 2004 08 48 20 000170744215/4055
OUT Mon Apr 26 2004 08 48 25 GVLSL03 MSG# 04214 SAN 0PQXFNM4G3PM

TO GVLSL03-04215 Mon Apr 26 2004 08 48 25 0PQXFNM4G3PM
FROM NC2K-03651 Mon Apr 26 2004 08 48 24
1L010FD700043E2QW
SC023015A

NO NCIC WANT FBI/585753TA0
NO NCIC WANT SOC/

IN Mon Apr 26 2004 08 48 24 000170745375/4055
OUT Mon Apr 26 2004 08 48 25 GVLSL03 MSG# 04215 SAN 0PQXFNM4G3PM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 8/28/2003

817

RECEIPT # 2948

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$25 00	AMOUNT PAID \$25 00	BALANCE \$0 00	
TYPE OF PAYMENT Money Order	TAKEN BY TDM		

DATE 8/15/2002



GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

RECEIPT # 1940

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville, SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$25 00	AMOUNT PAID \$25 00	BALANCE \$0 00	
TYPE OF PAYMENT TDM	TAKEN BY		

CLIENT #	ANGELA HURKS	AMOUNT DUE \$25 00	TYPE OF PAYMENT Money Order
		AMOUNT PAID \$25 00	TAKEN BY TDM
		BALANCE \$0 00	

Greenville SC 29601

ANGELA HURKS

File Copy

CASH RECEIPT



GREENVILLE COUNTY
DRUG COURT
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

RECEIPT # 2126

DATE 10/24/2002

818


**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET, SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 9/12/2002

RECEIPT # 2008

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM


**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 9/5/2002

RECEIPT # 1982

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM


**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 8/30/2002

RECEIPT # 1970

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 10/10/2002

819

RECEIPT # 2083

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville, SC 29601

CLIENT #	ANGELA HURKS	
AMOUNT DUE \$25 00	AMOUNT PAID \$25 00	BALANCE \$0 00
TYPE OF PAYMENT Money Order		TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

RECEIPT # 2109

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS	
AMOUNT DUE \$25 00	AMOUNT PAID \$25 00	BALANCE \$0 00
TYPE OF PAYMENT Money Order		TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 9/19/2002

RECEIPT # 2026

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS	
AMOUNT DUE \$25 00	AMOUNT PAID \$25 00	BALANCE \$0 00
TYPE OF PAYMENT Money Order		TAKEN BY TDM

820



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE **9/26/2002**

RECEIPT # 2039

CASH RECEIPT

Client Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$25 00	AMOUNT PAID \$50 00	BALANCE (\$25 00)	
TYPE OF PAYMENT Money Order	TAKEN BY TDM		



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE **9/26/2002**

RECEIPT # 2039

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$25 00	AMOUNT PAID \$50 00	BALANCE (\$25 00)	
TYPE OF PAYMENT Money Order	TAKEN BY TDM		



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

RECEIPT # 2401

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$200 00	AMOUNT PAID \$50 00	BALANCE \$150 00	
TYPE OF PAYMENT Money Order	TAKEN BY TDM		



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 11/26/2002

821

RECEIPT # 2216

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 11/14/2002

RECEIPT # 2185

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 11/21/2002

RECEIPT # 2196

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM

822



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE **2/27/2003**

RECEIPT # 2446

CASH RECEIPT

File Copy

ANGELA HURKS

ADDRESS

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$200 00

AMOUNT PAID \$75 00

BALANCE \$125 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE **11/7/2002**

RECEIPT # 2169

CASH RECEIPT

File Copy

ANGELA HURKS

ADDRESS

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE: \$06 00

AMOUNT PAID: \$06 00

BALANCE: \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET, SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE **3/13/2003**

RECEIPT # 2482

CASH RECEIPT

File Copy

ANGELA HURKS

ADDRESS

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$175 00

AMOUNT PAID \$75 00

BALANCE \$100 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 5/15/2003 823

RECEIPT # 2678

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS	
AMOUNT DUE \$175 00	AMOUNT PAID \$50 00	BALANCE \$125 00
TYPE OF PAYMENT Money Order	TAKEN BY TDM	



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 4/24/2003

RECEIPT # 2615

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS	
AMOUNT DUE \$150 00	AMOUNT PAID \$50 00	BALANCE \$100 00
TYPE OF PAYMENT Money Order	TAKEN BY TDM	



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 4/10/2003

RECEIPT # 2570

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS	
AMOUNT DUE \$150 00	AMOUNT PAID \$50 00	BALANCE \$100 00
TYPE OF PAYMENT Money Order	TAKEN BY TDM	

824



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET, SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE **6/12/2003**

RECEIPT # 2735

CASH RECEIPT

File Copy

ANGELA HURKS

ADDRESS

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$125 00

AMOUNT PAID \$80 00

BALANCE \$45 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE **5/30/2003**

RECEIPT # 2709

CASH RECEIPT

File Copy

ANGELA HURKS

ADDRESS

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$175 00

AMOUNT PAID \$50 00

BALANCE \$125 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM

CLIENT #	ANGELA HURKS	AMOUNT DUE \$70 00	AMOUNT PAID \$45 00	BALANCE \$25 00	TAKEN BY TDM	TYPE OF PAYMENT Money Order

Greenville SC 29601

ANGELA HURKS

(864) 467 8717

GREENVILLE COUNTY
DRUG COURT
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601

RECEIPT # 2767

CASH RECEIPT

File Copy





**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

RECEIPT # 2988

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$50 00	AMOUNT PAID \$50 00	BALANCE \$0 00	
TYPE OF PAYMENT	Money Order	TAKEN BY	TDM



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 7/10/2003

RECEIPT # 2823

CASH RECEIPT

Office Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$50 00	AMOUNT PAID \$50 00	BALANCE \$0 00	
TYPE OF PAYMENT	Money Order	TAKEN BY	TDM



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 6/19/2003

RECEIPT # 2766

CASH RECEIPT

File Copy

ANGELA HURKS
ADDRESS
Greenville SC 29601

CLIENT #	ANGELA HURKS		
AMOUNT DUE \$120 00	AMOUNT PAID \$50 00	BALANCE \$70 00	
TYPE OF PAYMENT	Money Order	TAKEN BY	TDM

826

**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET, SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 7/31/2003

RECEIPT # 2873

CASH RECEIPT

File Copy

ANGELA HURKS

AD

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM

**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 8/21/2003

RECEIPT # 2932

CASH RECEIPT

File Copy

ANGELA HURKS

AD

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM

**GREENVILLE COUNTY
DRUG COURT**

GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 8/14/2003

RECEIPT # 2913

CASH RECEIPT

File Copy

ANGELA HURKS

AD

Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 7/24/2003

827

RECEIPT # 2862

CASH RECEIPT

File Copy

ANGELA HURKS

Greenville, SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 7/3/2003

RECEIPT # 2814

CASH RECEIPT

File Copy

ANGELA HURKS

ADDRESS
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$75 00

AMOUNT PAID \$50 00

BALANCE \$25 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM



**GREENVILLE COUNTY
DRUG COURT**
GREENVILLE COUNTY COURTHOUSE
305 E NORTH STREET SUITE 320
GREENVILLE SC 29601
(864) 467 8717

DATE 8/7/2003

RECEIPT # 2904

CASH RECEIPT

File Copy

ANGELA HURKS

AD
Greenville SC 29601

CLIENT #

ANGELA HURKS

AMOUNT DUE \$25 00

AMOUNT PAID \$25 00

BALANCE \$0 00

TYPE OF PAYMENT Money Order

TAKEN BY TDM

10-28-03

To: Solicitor Robert Axiel

I think the Drug Court Program is a very good program. The program gives addicts an opportunity to regain a normal life. It teaches us how to maintain sobriety and how to become working productive and responsible members of society and good parents.

However the Drug Court Program is using drug patches that is giving inaccurate readings. These patches are accusing people of using drugs when they have not been using them. Do the Drug Court Program want to incarcerate people who have learned to obtain sobriety and become working productive and responsible members of society?

I am just one of these people who have not been using drugs is being accused of using drugs by these patches. I am willing to take a hair test and any other test to prove my innocence. I ask you to research the accuracy of these patches for the program.

Thank You Very Much
Cedric Perkins

**State of South Carolina
Solicitor, Thirteenth Judicial Circuit
Drug Court**

I Cedric Perkins fully understand that the use of certain prescription medication is prohibited during my participation in the Drug Court program. This type of medication includes but is not limited to benzodiazepines, sedative-hypnotics, narcotics, stimulants, or opiates. I acknowledge that it is my responsibility to inform the Drug Court staff of any prescription I am given while I am in the Drug Court program. I also give my permission for the Drug Court staff to contact my physician to discuss my medical problem, medication needs, and the requirements of my participation in the Drug Court program.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my release from the Drug Court program.

Signed	<u>X Cedric Perkins</u>	Date	<u>8/12/02</u>
Witness	<u>Bobbie Perkins</u>	Date	<u>8/12/02</u>

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Greenville County Courthouse
305 East North Street, Suite 320
Greenville South Carolina 29601 2185



Telephone 864 467 8277
Telefax 864 467 8695

Drug Court

Fax

To Dorothy Manigault From Dorise Gamson
Fax 235-9630 Pages 2
Phone _____ Date 4-18-02
Re _____ CC _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments

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State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Greenville County Courthouse
305 East North Street, Suite 320
Greenville South Carolina 29601 2185



Telephone 864 467 8277
Telefax 864 467 8695

Drug Court

April 18, 2002

Dorothy Manigault
P O Box 392
Greenville, SC 29602

Dear Ms Manigault

This letter is to inform you that your client, Cedric Perkins, is scheduled to enter Drug Court on Friday, June 7, 2002 at 9 a m Judge Simmons will be the presiding judge at the pleading Please notify Mr Washington of his scheduled plea date Should you have any questions, please contact me at 467-8715 Thank you

Sincerely,

Perkins

Denise Garrison
Drug Court Case Manager

MESSAGE CONFIRMATION

04/18/2002 10 08
ID=PRE-TRIAL/DRUG COURT

DATE	S,R-TIME	DISTANT STATION ID	MODE	PAGES	PESULT	
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3-22-02

CEDRIC E PERKINS
ADDRESS
GREENVILLE, SC 29605

MR PERKINS

YOU HAVE BEEN APPROVED FOR DRUG COURT UNDER THE FOLLOWING
CONDITIONS PROOF THAT YOU HAVE PAID YOUR PENDING FINES ON THE
MAGISTRATE CHARGES MUST BE PROVIDED TO DRUG COURT PRIOR TO
PLEA DATE YOUR PLEA DATE IS SCHEDULED FOR 4-5-02, 9 00 AM, JUDGE
SIMMONS, USUALLY COURT ROOM 5

I HAVE INCLUDED SOME INFORMATION ON YOUR PLEA DATE AND HAVE
SCHEDULED YOU FOR AN APPOINTMENT AT MY OFFICE ON 3-27-02 AT 8 30
AM PLEASE MAKE SURE YOU KEEP THIS APPOINTMENT AND BRING THE
RECEIPT OF YOUR PAYMENT ON YOUR MAGISTRATE CHARGES

IF YOU HAVE QUESTIONS , CALL ME AT 467-8134

YOURS TRULY

CURTIS PITTS
GREENVILLE DRUG COURT

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

835

Greenville County Courthouse
305 East North Street, Suite 320
Greenville South Carolina 29601-2185



Telephone 864 467 8277
Telefax 864-467 8695

Drug Court

3-22-02

CEDRIC E PERKINS
ADDRESS
GREENVILLE, SC 29605

MR PERKINS

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YOURS TRULY

CURTIS PITTS
GREENVILLE DRUG COURT

DRUG COURT CLINICAL ASSESSMENT REPORT

Referral Cedric Perkins

Date of MMPI - 2 3/15/02

Comments Client's test evaluation does not report any significant personality disorder diagnosis It is stated, however, that he did try and present himself in an overly positive light and therefore the actual validity of personality profile is questionable Recommend staffing and decision per staff decision

Approved for admission

☒ yes☐ no☐ pending

3/22/02 Per staffing

Clinician Title and date

Barbara Goodman, LPC 3/22/02

DRUG COURT CLINICAL ASSESSMENT REPORT**Referral** Cedric Perkins**Date of MMPI – 2** 3/15/02

Comments Client's test evaluation does not report any significant personality disorder diagnosis. It is stated, however, that he did try and present himself in an overly positive light and therefore the actual validity of personality profile is questionable. Recommend staffing and decision per staff decision.

Approved for admission **yes** **no** **pending**

Clinician Title and date

Bobbee Godwin, ^{2PC} 3/21/02

Stafkd 3-22-02

DRUG COURT CLINICAL ASSESSMENT REPORT

Referral Cedric Perkins

Date of MMPI - 2 3/15/02

Comments Client's test evaluation does not report any significant personality disorder diagnosis. It is stated, however, that he did try and present himself in an overly positive light and therefore the actual validity of personality profile is questionable. Recommend staffing and decision per staff decision.

Approved for admission

yes

no

pending

per staffing

3/20/02

Clinician Title and date

Barbier Boduin LPC 3/20/02

DRUG COURT CLINICAL ASSESSMENT REPORT**Referral** Cedric Perkins**Date of Assessment** 3/13/02

Diagnosis 303 90 Alcohol Dependence w/ phys dependence
304 30 Cannabis Dependence w/ phys dependence
304 20 cocaine Dependence w/ phys dependence

Comments Client does present with symptoms of dependence which qualifies for admission for Drug court and the need for treatment His dependence is a daily affair and he may need Detox before he enters Drug court outpatient There is a problem, however, in his eligibility as he has two convictions of CDV He will need to complete MMPI-2 before final clinical report can be made concerning his admission

Approved for admission yes no pending

Clinician Title and date

Debbie Bradman, LPC 3/13/02

Clinical Assessment

Client Name (Last, First, MI) <u>Parkins, Cedrick</u>	ID# <u>Probs:</u>
Date <u>3/13/02</u>	Medical Status <u>None</u>

Employment/Support Status employed w/ temp service prior to
temp service + uncle's garage longest employment
1996-1999 DWI

Legal Status Current
PWID Marijuana PWID Coc. Open Container 10 Parag.
Prior PWID Coc. 2000, COV x 2, Poss Coc

Family/Social Relationship (current) currently lives w/ his mother

she is retired from AT&T + moved back here from
Jacksonville in 2001. He has girlfriend 1996-present
child age 2 y.o. she + cl also have children by prev
 Psychiatric Status NO mental illness in family relationships
no alcohol or drug probs reported, father drank
every w/ out however. cl reports no suicide thought
 Abilities, Strengths, cl. unable to state any gifts/talents

Current problems legal - only working through
temp service - probs. w/ girlfriend
just plead guilty last week to
COV charge - pd fine.

Family History

Cl born in Greenville, SC - has 2
 sisters. Parents separated when Cl was pre-
 school age. He knows his father who died
 May, 2001. He died from complications of
 heart by-pass surgery - age 60. Cl reports
 he was a good father & he had a good
 relationship w/ him. Cl - grew up w/ mother
 & sisters - has a good relationship w/ them
 today. Has 1 younger sister & 1 older.
 Went to Brooklynn Elementary, Southside
 High School, 02/13/02 Morris finished @ Pontiac
 Northern High (mother's family there). Cl also
 attended Morris College in Sumter, SC 2 yrs
 & USC for a year. He says "drugs"
 messed up his college years. He
 has lived in Greenville all his life.
 1st serious relationship in High School -
 lasted a yr. 2nd serious relationship
 first yr. in college lasted 2 1/2 yrs.
 3rd relationship lasted 2 yrs 1994-96.
 02/13/02 Cl's Now Cl is in relationship
 ongoing since 1996. They have 1 child
 a 2yo G. Cl has a daughter age 16
 from "not serious" relationship. He does
 pay child support. Girlfriend drinks
 alcohol. Cl has had prior 4x 1995-96. BSG/2001
 N. high outpatient - sent by Prob. & parole.

Type of Drug	Age of first use	Frequency	Amount	Date of last used
Alcohol	16	daily	6-7 pints	3/12/02
Cannabis	14	3-4x week	dime bag	3/12/02
Cocaine	20's	3-4x week	w/ money	3/12/02
Opiates				
Sedatives				
Hallucinogens				
Amphetamines				
Other				

Above reported use indicative of last 6 months

Have you ever tried to cut down or stop using? yes

Have you ever tried to control your use by switching to another drug? NO

Do you often wish you could control your use? yes

Have you ever used at school/job? NO

Have you ever gone to school or work high? NO

Have you ever done anything risky, while using, which could have resulted in harm to yourself or others? DUI

Have you continued to use while pregnant? NA

Do you spend a lot of time getting or buying your drug (s)? yes - constantly

How much time do you spend using your drug (s)? daily approx

Do you spend a great deal of time recovering from heavy use? yes ^{over} sleeps once he ^{does} sleep

Have you gone without important things that you wanted or needed in order to pay for drugs?

yes

Have you stopped doing anything that used to be important to you because it interfered with using your drug (s)? yes

Have there been occasions when you used in larger amounts than you planned to use? yes

Have you used even though you planned not to? yes

Have you continued to use despite being told that you have a disability or medical problem that may be made worse by using drugs? no

Have you been told by a doctor that your use has caused a disability or medical problem? no

Have you been told that your use has caused you to suffer a mental or psychological disorder? no

smokes weed (aced w/ cocaine)
In the beginning of your use how much and how often did you use to get high? at realizing it takes more of cocaine alcohol & pot
used to be 10g - now 3-4g's
How much do you need now to get high? 3-4g's weed to get high

Have you experienced withdrawal symptoms when you stopped using or cut down?

Depression

Nervousness Fits

Chills Trembling

Aches

Vomiting

Sleep problems

Runny Nose

Yawning

Hallucinations

Weight Loss/Gain

Other:

Have you used drugs in order to relieve withdrawal symptoms? no

Have you used drugs to prevent withdrawal symptoms? no

Has your drug use caused you to be absent from school or work more than once? no

Have you been suspended or fired as a result of your drug use? no but can't get a good job due to not being able to pass drug screen
Have problems with your family/friends become worse because you use drugs? yes

Have family/friends told you to cut down/stop using drugs? yes

mother & girlfriend want him to stop

Dependence Criteria (evidence of)

Tolerance cl. reports increase in 3 drugs needed for same effect
alcohol — cocaine — marijuana

Withdrawal Symptoms

NO — some sleep problems
but NO other symptoms

Past efforts to control or stop

Thru to stop several times in the
past but always started back w/
alcohol first — then the marijuana

Using more than intended

yes — using 3-4x week or when he
has the money

Great deal of time spent procuring, using, or recovering from drug

yes — cl. feels he is constantly
either using — procuring —
or recovering — for the other

Social, occupational, or recreational life areas reduced due to drug use

yes — has served time in prison
related to drug use. Currently just PWID
he was dealing drugs to support habit.
Jobs lost due to drug use

Continued use despite knowledge of physical or psychological problem caused or worsened by drug use

NO

Clinical Comments

cl. presents w/ alcohol — marijuana
& cocaine dependence w/ phys.
dependence

Clinician Signature and Title

Barbieri Bodwin, CPC

Date

3/13/02

Assessment Red Flags

_____ Poor level of accountability
 _____ Lack of remorse concerning past wrongs
 _____ History of possession of weapons
2 CDV _____ History of Domestic violence or stalking
 _____ History of depression
 _____ History of violent offenses
 _____ Hostage-taking offenses

Comments

CL has had 2 CDV's w/ current
 girlfriend and although they are
 not living together they are
 still together. CL admits to "hitting her"

Clinician Title and Date

Bobbie Bolmer, CPC 3/13/02

Drug Court Intake Information

Name Cedric E Perkins
 First Middle Last

Street Address _____

Mailing Address _____

Date of Birth 9/19/66 Apt. _____ City Gville State SC Zip 29605
 State where you were born SC

Social Security Number _____ Race B Sex M

Telephone numbers - Day 211-1100 Evening 1-211-1111

Cell-phone _____ beeper _____

Do you _____ own _____ rent ☒ live with someone else?

Who else lives at that address? Carolyn Perkins

What is their relationship to you? Mother

Give At Least Three Contact Persons other than where or whom you live with

- 1 Name Terry Harris phone# 4
 Address _____ Grove Station Gville, SC
 Relationship girl friend
- 2 Name Stephanie Perkins phone# _____
 Address _____
 Relationship sister
- 3 Name Maureen Perkins-Saxon phone# 2
 Address _____
 Relationship sister

Do you have a valid Drivers Licenses ☒ yes _____ no

Drivers License number _____ state SC

If not explain why _____

Do you own or have access to a car? yes

If you do not have a Drivers Licenses and/or access to a car how will you get back and forth in Drug Court? _____

Do you understand that transportation problems are not vaild excuses for non compliance? yes

Do you have an attorney? no

Attorney s name & telephone # _____

Employment _____ Full time _____ Part time ☒ Unemployed

_____ Disabled _____ Retired _____ DSS

Individual yearly income _____ 0-5 000 _____ 5,000-10,000 _____ 10-20,000
 _____ 20-30,000 _____ 30-40,000 _____ 40-50,000
 _____ 50,000 +

Are you receiving any of the following? Please state how much
 Disability \$ _____ Food stamps \$ _____ AFDC \$ _____

If you are receiving disability, you must provide a copy of your last check stub

Unemployment \$ _____

Employer s name _____

Employer s address _____

Employer s phone number _____

If you are unemployed, how have you supported yourself in the last year?

List the last three places of employment

1 Employer Power Personnel Dates worked-From 6/01 to 3/02

Reason for leaving I work when they have work available

Military Service _____ Yes ☒ No If yes, what branch? _____

Dates of service _____ to _____ Type of discharge _____

Do you have any prior court ordered fines and/or restitution that you have not paid? no If so explain _____

Do you have any other outstanding charges other than the incident for which you are applying to Drug Court? no

If yes, please explain _____

Are you currently under investigation regarding any crimes, other than the charges that you are applying to Drug Court on? _____ Yes ☒ No

If yes, please explain _____

Are you currently on probation or parole? _____ Yes ☒ No

If yes Explain _____

Name of Probation/Parole Officer _____ County _____

Are you currently in Pre-Trial Intervention? _____ Yes ☒ No

Have ever been charged with a violent crime? ~~yes~~ no

If so explain _____

Have you ever been charged with Criminal Domestic Violence? yes

If So explain I had a misunderstanding with my girlfriend

Have you ever dealt drugs? no If so Explain _____

For how long? _____ Why? _____

What were the benefits from selling drugs? _____

Were there any negative results from selling drugs? _____

Explain _____

2 Employer Sawyer Temp Dates worked-From 5/01 to 12/01

Reason for leaving not enough hours

3 Employer Reynolds Company Dates worked-From 2/00 to 8/00

Reason for leaving went to jail

Do you have financial obligations that would hinder your paying drug court fees, indictment, and/or restitution payments? NO If yes how do you plan to handle the situation? _____

Marital status _____ Married _____ Widowed _____ Divorced
 _____ Separated _____ Never Married ☒ Other

Name of spouse/live-in _____

Where is spouse/live-in employed? _____

How many children do you have? 2 Do you have custody? NO

If not, where do they live? With their mother

Do you pay child support? ☒ Yes _____ No

Is it Court-ordered? yes Voluntary? _____ Amount to be paid? 141 41

Are you behind in Child-support payments? yes If so Explain I have not been able to pay on time I got behind when I went to jail

Name of child _____ Age 16

Ceterria Harris Age 2

_____ Age _____

_____ Age _____

Are you currently a student? _____ Yes _____ Full time _____ Part time ☒ No

Name of last school you attended University of South Carolina

Number of years completed 3 Do you have yes diploma ☒ GED?

Failure to report pending charges probation or parole status, or other charges under investigation could result in automatic termination from the drug court program and sentence will be imposed

Why should you be allowed to participate in the Drug Court Program?

I need some help to get me off these drugs so that
I can be apart of my Childrens life and get me a job
so that I can take care of my children

What do you hope to achieve by participating in the Drug Court Program?

I hope to get clean and stay clean
I want some discipline in my life
I want to raise my family
I want steady employment
I want to start to going to church again

My signature below indicates that I completed this form honestly and accurately, understood all questions and was given ample explanation to any questions concerning my application to the Drug Court program

Signature

Cedric Perkins

Date

3/6/02

Simple Screening Instrument for AOD Abuse
Self-Administered Form

Directions: The questions that follow are about your use of alcohol and other drugs. Your answers will be kept private. Mark the response that best fits for you. Answer the questions in terms of your experiences in the past 6 months.

During the last 6 months

- 1 Have you used alcohol or other drugs? (Such as wine, beer, hard liquor, pot, coke, heroin or other opiates, uppers, downers, hallucinogens, or inhalants)
☒ Yes ☐ No
- 2 Have you felt that you use too much alcohol or other drugs?
☒ Yes ☐ No
- 3 Have you tried to cut down or quit drinking or using alcohol or other drugs?
☒ Yes ☐ No
- 4 Have you gone to anyone for help because of your drinking or drug use? (Such as Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, counselors, or a treatment program)
☒ Yes ☐ No
- 5 Have you had any health problems? For example, have you:
☐ Had blackouts or other periods of memory loss?
☐ Injured your head after drinking or using drugs?
☐ Had convulsions, delirium tremens (DTs)?
☒ Had hepatitis or other liver problems?
☒ Felt sick, shaky, or depressed when you stopped?
☐ Felt "coke bugs" or a crawling feeling under the skin after you stopped using drugs?
☐ Been injured after drinking or using?
☐ Used needles to shoot drugs?
- 6 Has drinking or other drug use caused problems between you and your family or friends?
☒ Yes ☐ No
- 7 Has your drinking or other drug use caused problems at school or at work?
☒ Yes ☐ No
- 8 Have you been arrested or had other legal problems? (Such as bouncing bad checks, driving while intoxicated, theft, or drug possession)
☒ Yes ☐ No
- 9 Have you lost your temper or gotten into arguments or fights while drinking or using other drugs?
☒ Yes ☐ No
- 10 Are you needing to drink or use drugs more and more to get the effect you want?
☒ Yes ☐ No

(Continued on next page)

Thirteenth Judicial Circuit Drug Court Waivers and Agreements

Defendant's Name Edenis Z Terkins
Middle Last

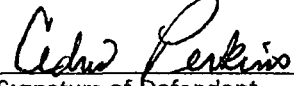
Address 2 Greenview SC 29605
Street Apt# City / State Zip

Telephone 700 -- --- DOB 9-19-66

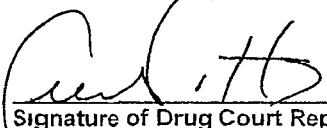
I understand that before I can be accepted into the Drug Court Treatment Program, I must give up certain statutory and/or constitutional rights I have pertaining to my present criminal charge(s). I hereby voluntarily agree and consent to give up the following statutory and/or constitutional rights upon my acceptance into the Drug Court Treatment Program. I also understand that I must plead guilty to all charges prior to acceptance into the Drug Court Program.

- 1 I expressly agree to accept and abide by all the terms and conditions of the Drug Court Treatment Program as established by the Court and treatment providers (CP)
- 2 I waive any and all rights to appeal I may have in the event I am dismissed from the Drug Court Treatment Program and understand and consent to the Court being the sole authority for determining such dismissal (CP)
- 3 I do hereby release and forever discharge the complaining witnesses victim(s) the Drug Court Judge, the Solicitor's Office Police Department The Drug Court Staff and their respective heirs, successors, executors administrators and assigns from any and all claims of any kind or nature whatsoever either in law or in equity arising out of my arrest participation in, or termination from, the Drug Court Program and do expressly release and forever hold them harmless from any criminal or civil action which I may have a right to bring as a result of my arrest or participation in the Drug Court Program (CP)
- 4 I agree to complete a diagnostic evaluation for the development of my drug treatment program as ordered by the Court or Drug Court Case Manager I hereby authorize release of all treatment information by the provider to the Court and the Drug Court staff Any information may be considered by the Court in deciding whether I remain in the Drug Court Treatment Program (CP)
- 5 I understand that the State may at any time request my termination from the Drug Court Treatment Program for noncompliance Noncompliance means failure to follow the rules of the program I understand that all final decisions on termination will be determined by the Court (CP)
- 6 Failure to appear for Drug Court will result in the order of bench warrant Failure to turn yourself in within ten (10) days of the bench warrant being issued will result in automatic termination (CP)
- 7 I understand and agree to submit to random drug testing at the request of the treatment provider Drug Court Case Manager, the Judge or any other staff involved the process of my treatment program Drug tests include urine blood hair analysis and breathalyzer (CP)
- 8 I understand that convictions of certain crimes will result in the suspension of my driver's license I agree if convicted of one of these charges to surrender my license to the Clerk of Court on the day of my guilty plea (CP)
- 9 No psychoactive prescription drugs allowed (Benzodiazepines Amphetamines Sedative Hypnotics Opiates Barbiturates or psychiatric medications) All prescribed medication use must be cleared by Drug Court staff before use (CP)
- 10 I understand and agree to pay a participation fee of \$25.00 each week for Phase I – Phase III and \$100 a month in Phase IV (CP)
- 11 I understand that I will be billed \$100.00 surcharge per conviction by the Clerk of Court I will be given a total amount and a payment schedule will be arranged for the payment of this fee I understand that these fees must be paid in full prior to completion of phase II and failure to do so could result in sanctions and/or termination (CP)

- 12 I understand and agree to attend once a month case management sessions and understand that additional sessions may be required as determined by the Drug Court Case Manager (CP)
- 13 I understand that Drug Court may last a minimum of 18 months I also understand and agree that if I have not reached my treatment goals within that time the Drug Court staff may recommend extending my time in the program (CP)
- 14 Drug Court will consist of four phases, Phases I, Phase II and Phase III are each a minimum of 16 weeks, Phase IV is a minimum of six months Phase IV participants will appear in court the 1st Thursday of every month, meet with the Drug Court Case Manager once a month, meet for follow up support group with Drug Court Case Manager once a month, attend NA or AA meetings Friday Saturday and Sunday, and be routinely drug screened at random (CP)
- 15 I understand that I will pay restitution (if applicable) to the Clerk of Court as ordered by the Drug Court Judge The Drug Court Case Manager will set payments and all restitution will be paid in full, to the Clerk of Court, before completion of phase 2 unless alternate arrangements have been made with drug court case manager All money owed to Drug Court must be paid prior to completion and successful termination from the program (CP)
- 16 I understand that I must be employed prior to acceptance into drug court If in the detention center at application I agree to have employment within thirty days of entry into Drug Court.(CP)
- 17 I understand that NO time off will be given from Drug Court in Phase I and in Phase II unless it is an immediate medical emergency or death of a close family member (spouse father mother, grandmother grandfather, brother, sister or children) (CP)
- 18 I understand that participants in Phase III may have two (2) excused long weekends with two weeks prior written request (The weekend starts after Drug Court on Thursday and you must report for a drug screen the following Monday I also understand that attendance of community support meetings must be made while out of town and that documentation of such must be provided (CP)
- 19 I understand that I may be required to obtain a G E D , prior to completion of drug court if I am not a high school graduate (CP)
- 20 I understand that I will be required to attend treatment group sessions on Monday Tuesday and Wednesday according to each phase requirement I also understand that I will be required to attend AA or NA meetings Friday Saturday and Sunday of every week and that I must provide verification of my attendance to my treatment group counselor on Monday (CP)
- 21 I understand that I am responsible for all transportation required to participate in the Drug Court Program (CP)
- 22 I understand that I will be required to mentor or speak to either phase I, II III or juvenile drug court on two occasions prior to completion of phase IV (CP)
- 23 I understand that should I fail to comply with Drug Court Program requirements the Judge can issue sanctions Sanctions will include community service work jail time or other penalties as prescribed by the Drug Court Judge (CP)
- 24 I understand that if I am rearrested on new charges after my plea I can be terminated from drug court (CP)


Signature of Defendant

3-6-02
Date


Signature of Drug Court Representative

3-6-02
Date

Attorney (if applicable)

Date

State of South Carolina
Solicitor, Thirteenth Judicial Circuit
Drug Court

Noncompliance of the Drug Court program is defined as any of the following behaviors

Failing or altering a drug test
Failure to attend Drug Court session
Failure to attend Treatment session
Failure to attend weekend 12 step support group meetings or provide documentation of attendance
Failure to provide drug screen sample
Being rearrested
Physical violence
Threats or intimidation of Drug Court staff or other clients
Failure to pay participation fee on time
Failure to perform any sanction ordered by the Drug Court judge
Any action or behavior deemed inappropriate by the Drug Court team
Using prescription medication that has not been approved for use by the Drug Court staff

Sanctions for the offenses will include

Community service work
Written assignments
Incarceration
Inpatient treatment
Detox
Other appropriate sanctions

Violation of any of the above could result in immediate termination from Drug Court

I understand the Drug Court rules and regulations and that any of the above violations could result in immediate termination from the Drug Court program with full sentence to be imposed upon my termination

Signed X Cedric Perkins Date 3-6-02
Witness Andre H Date 3-6-02

State of South Carolina
Solicitor, Thirteenth Judicial Circuit
Drug Court

I Cedric Perkins fully understand that the use of certain prescription medication is prohibited during my participation in the Drug Court program. This type of medication includes but is not limited to benzodiazepines sedative-hypnotics narcotics stimulants or opiates. I acknowledge that it is my responsibility to inform the Drug Court staff of any prescription I am given while I am in the Drug Court program. I also give my permission for the Drug Court staff to contact my physician to discuss my medical problem, medication needs, and the requirements of my participation in the Drug Court program.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my release from the Drug Court program.

Signed Cedric Perkins Date 3-6-02
Witness [Signature] Date 3-6-02

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Greenville County Courthouse
305 East North Street Suite 320
Greenville South Carolina 29601 2185



Telephone 864 467 8277
Telefax 864-467-8695

Drug Court

PLEASE READ CAREFULLY

Section 16-13-470 of the South Carolina Code of Laws provides

“ It is a crime to (1) sell, give away, distribute, or market urine in this State or transport urine into this State with the intent of using the urine to defraud a drug or alcohol screening test, (2) attempt to tamper with a drug or alcohol screening test by substituting or spiking a sample or the advertisement of a sample substitution or other spiking device or measure, (3) adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol screening test, (4) possess adulterants for the purpose of defrauding a drug or alcohol screening test, or (5) sell adulterants “ The penalty for a first offense violation of this law is a fine of not more than \$5000 or not more than three years in prison, or both. The penalty for a second or subsequent offense is a fine of not more than \$10, 000 or not more than five years in prison , or both

I, the undersigned, do understand that I will be required to take drug and alcohol screening tests and violation of Section 16-13-470 of the South Carolina Code of Laws will result in punishment as the law provides in this section

x Cedric Perkins
Signature

3-6-02
Date

Curtis H
Witness

3-6-02
Date

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Greenville County Courthouse
305 East North Street Suite 320
Greenville South Carolina 29601 2185



Telephone 864 467 8277
Telefax 864-467 8695

Drug Court

Consent to Release Information

I, the undersigned, do hereby consent to the disclosure and release of information concerning the admission and treatment of

Name Cedric Perkins

in The Thirteenth Judicial Circuit Drug Court program

Release of this information is made to Greenville Drug Court

for the following purpose Enter of Complete Drug Court

I authorize release of the following information

All info requested By Drug Court including Test Scores, medical - Psychological info, legal - treatment and all other info requested

I understand that I may revoke this consent at any time, except to the extent that the program or person that is to make this disclosure has already acted on it. If not revoked by me sooner, this consent will automatically expire upon my formal release from the Drug Court program. I understand that my records are governed by S C code Ann S 17-22-70, as amended, and the Federal regulations governing Confidentiality of Alcohol and Drug Abuse Client Records, 42 CFR, and cannot be disclosed without my written consent unless otherwise provided for by law.

Cedric Perkins
Signature of client

3.6.02
Date

[Signature]
Witness

3.6.02
Date

REVOCATION OF CONSENT

Signed _____ Date _____

Witness _____ Date _____

State Of South Carolina
Solicitor, Thirteenth Judicial Circuit
Drug Court

Drug Court coordinates the resources of the Judicial System and the Solicitor's Office to provide an intense, treatment-based program. The goal of the program is to help the defendant succeed in establishing recovery from drug or alcohol addiction. **Defendants who are selected to participate in the program are required to plead guilty in court and will be sentenced.** The Judge will then suspend the sentence under the condition that the defendant enter into and complete the Drug Court Program. Successful completion of the program will result in the satisfaction of the sentence. Referrals for Drug Court must come from the solicitor assigned to the case.

Program Requirements

Participants will be involved in the program for a minimum of 18 months. Phases I- III of the program are a minimum of 16 weeks each. Phase IV is a minimum of 6 months. Drug Court cost \$25.00 per week for Phases I- III and \$100.00 a month in Phase IV. **Persons in all phases are subject to random drug screens weekly and sanctions for noncompliance.** The 18 months program is structured as follows:

Phase I

Group counseling 3 times per week. Each group session last a minimum of 2 hours and meets Mondays, Tuesdays and Wednesdays.

Court 1 time week- every Thursday at 5:30

Case management session a minimum of once per month as scheduled by case manager

If client does not have High School education they will be required to obtain a GED

12 Step Support Group attendance - 3 times a week-Fridays, Saturdays, and Sundays

Set up Restitution and indictment payment schedule with case manager and begin payments

Must be employed full time on job that can be verified

Phase II

Group counseling 2 times per week. Each group session last a minimum of 2 hours and meets Mondays and TUESDAYS

Court 2 time a month: the 1st and 3rd Thursday of every month at 5:30

Case management session a minimum of once per month as scheduled by case manager

12 Step Support Group attendance - 3 times a week-Fridays, Saturdays, and Sundays

Complete Restitution and indictment payments in full before moving to Phase III

Phase III

Group counseling 1 time per week. Each group session last a minimum of 2 hours and meets every Wednesday

Court 2 time a month- the 2nd and 4th Thursday of every month at 5:30

Case management session a minimum of once per month as scheduled by case manager

12 Step Support Group attendance - 2 times a week-Fridays, Saturdays and Sundays

Phase IV

Court 1 time a month: the first Thursday of every month

Case management session a minimum of once per month as scheduled by case manager

Attend follow-up support group with Case Manager once per month

Mentor or speak to Phase I, II, III or Juvenile Drug Court on two (2) occasions prior to completion

12 Step Support Group attendance - 3 times a week-Fridays, Saturdays, and Sundays

Cedric Perkins

Drug Court Participant

3-6-02

Date

Curtis

Drug Court Case Manager/ Witness

NAME Cedric E Perkins

VIOLENT HISTORY CDW - says argument with Girlfriend

TRANSPORT reports DL & Auto

WORK HISTORY Recent Temp Service - Spandex

DRUG DEALER Dimes

PRIOR TREATMENT Uor Rehab

PROBATION NO

RESTITUTION ϕ

OTHER Prior v.a Client - average intelligence -
articulate - can benefit, must pay \$450 m/mo
prior to plea if accepted -
uses, Cracks, Pot - alcohol.

APPOINTMENT with Godwin 3-13-02 - 11:00 AM

October 19, 2003

To all concerned

I am Carolyn Perkins, mother of Cedric Perkins, who is in the Thirteenth Judicial Circuit's Drug Court Program that you oversee. First, I would like to say the program is an excellent program. It gives so many people who have made mistakes a chance of changing their lives and having hope for a prosperous future.

I'm writing you because there has been some controversy surrounding Cedric and the accusation that he appeared to have tampered with his Pharm Chem Sweat Patch and used drugs. I have spoken with Ms. Bobbie Godwin, the Drug Court program manager, and the judgement she made to have Cedric jailed is based on opinion and not facts. Ms. Godwin told me "*The only way the patch could come off is that it had to be pryed off with tweezers*" and in her opinion, "*The only reason Cedric would tamper with his patch is because he had used drugs*". There are facts that have not and are not being considered that would show Cedric did not tamper with his patch nor use any drugs. I am appealing to all of you and asking you to consider all of the evidence before any decision is made to terminate Cedric from the program. I trust that you will base your decision on fact and not opinion.

1 On Tuesday, 9/30, Cedric was drug tested for Cocaine, Marijuana, Opiates/Morphine, Amphetamines and Meth-Amphetamine by Instant Technologies for Alliance Staffing to be qualified for a job he was to begin. The results were negative.

I am enclosing a copy for your review.

2 On Saturday, 10/4, Cedric was outside doing yard work when an officer with the Drug Court Program sent by Ms. Godwin came by to check on his status. During the visit from the officer, Cedric was given a mouth swab test to see if he was positive for any alcohol or drug use. The result was negative.

3 On Monday, 10/6, I asked Cedric to go into our attic to take down my winter clothes, which were in large boxes and storage tubs and were very heavy. It took a lot of ingenuity to get them thru the small attic opening which is 20" wide and 50" long. A few of the storage tub/box measurements are

- () 1) 37 1/2" x 20 7/8" x 20 1/8" (2 lbs)
- 2) 32 5/8" x 19 1/4" x 17 3/4" (1 tub)
- 3) 30" x 16" x 12 1/2" (1 footlocker)
- 4) 24" x 23" x 16 1/2" (1 box)

Cedric's measurements across the shoulders are 27" and his arms are 18" round. This is where we believe that the patch was torn because Cedric snagged his shirt sleeve several times and the tear along with the continuous itch and scratching he has each time he has a patch may have torn it more.

4 Cedric was changing clothes for work when he realized the patch was torn, he showed it to me and also called Ms. Godwin right away, this was after 10pm on Monday, 10/6. Ms. Godwin told Cedric to go to MRW first thing the next morning. He worked 3rd shift on 10/6 from 11pm to 7am. While at work he had a co-worker tape his shirt sleeve to his arm so he wouldn't lose the patch.

5 Cedric went to MRW on Tuesday, 10/7 around 9am to have the patch screened. Ms. Godwin stated *"The staff at MRW says the patch was out of place and appeared to have been tampered with"*. This was an opinion and not based on any fact. If Cedric had known that the patch was out of place, knowing that he was going to MRW, he could have put it back into place or stated that it had gotten lost if he was trying to avoid it from being tested.

6 Cedric had spoken with Ms. Godwin on 10/7 and she advised him the patch would be overruled to be tested. As of Thursday, 10/9 the patch had not yet been sent off for testing.

I spoke with Ms. Godwin on Friday, 10/10, after she recommended Cedric be jailed until a decision was made about the patch and I asked her about the results from having the patch tested. Ms. Godwin advised me that she has not sent the patch off to be tested. She stated *"It doesn't matter about the results of the test because a tampered patch is a positive screen"*. I beg to differ. What happened to innocent until proven guilty?

7 A urine test was administered by MRW less than 10 hours after Cedric noticed the patch had been torn. The results were negative for any drug use.

Ms. Godwin is suggesting that Cedric had used drugs and tampered with the patch to keep it from being screened and also that he may have done something unorthodox to pass the urine test like drank lots of water or injected something to cover it up. Again, I remind you Cedric worked 3rd shift from 11pm to 7am (8 hours) and nothing would have cleared drugs from his system in that short period of time. Cedric had no way of knowing what type of test Ms. Godwin was going to have him go through (i.e. urine test, hair test or another patch which could have been tested and shown that he was not positive for any drugs also) and he is very willing to take any other patch, urine, hair, or blood test because he has nothing to hide.

I am confused, it's my understanding when Cedric pled into the program that random urine and hair test would be done. Now, a negative drug screen for employment on 9/30, a negative mouth swab by the Drug Court Program officer on 10/4 and a negative urine by MRW on 10/7 are all being discounted and I'm being told that the hair test will not pick up casual drug use and the suggested tampered patch has not been tested at all.

All the facts should be considered before any decision is made. Thus far, I cannot see that the

facts are being considered. I asked Ms. Godwin if it would be ok. If I contacted Judge Simmons about this issue. She advised me "*Judge Simmons would base his decision on what the counselors suggest*." I am asking that the decision from Judge Simmons will be based on the facts from what the counselors suggest and not their opinion. Ms. Godwin stated "*The participants have to know that they cannot go on and on and not suffer the consequences*." I agree, but only when the decision to terminate or sanction is based on facts and not opinion. The facts behind the tearing of Cedric's patch are too controversial to be accepted as the sole reason for him to be sanctioned or terminated from the Thirteenth Judicial Circuit's Drug Court Program. I am also enclosing for your review information regarding discrepancies with the accuracy of the Pharm Chem Sweat Patch.

In closing I ask again that your decision be fair and based on facts, not opinion or circumstantial evidence.

Sincerely,



Carolyn Perkins

cc Judge Charles Simmons
Bobbie Godwin, Drug Court Program Manager
Senator Mike Fair
Senator Ralph Anderson
County Council Woman Lottie T. Gibson

Enclosures



Instant Technologies

Initial Drug Screen Result Form

23213863

Specimen ID Number (if applicable)

Company Information (information about the company doing the testing)

Company Alliance Staffing Phone 299-0641
Address 104 Mauldin Road Fax 299-0671
City Greenville State SC Postal Code 29605
Collector Name TW
Specimen Temperature (90-100 F) In Range ☒ Other _____

Collection
Test Date9/30/03**Donor Information** (information about the person being tested)

Donor Name Cedric Perkins
Identification Type SC DL Expiration 9-19-06
Notes Watermark Employee ID or
Donor Last Name Perkins

Certification Information (must be signed by both Donor and Collector)

I hereby certify that the specimen provided is my own and has not been substituted or adulterated. I further agree and grant permission for the testing of my urine specimen for drug metabolites and, or alcohol

Cedric Perkins
Donor Signature

9/30/03
Date

I hereby certify that I collected the specimen provided by the aforementioned Donor and that it was not substituted or adulterated to the best of my knowledge. The specimen temperature and color were acceptable

[Signature]
Collector Signature

9/30/03
Date**Initial Screen Results** (all "Confirm" or non-negative results must be confirmed using GC/MS)

Drug Name	Device Code	Negative	Confirm	Not Tested
Cocaine	COC	☐	☐	☐
Marijuana	THC	☐	☐	☐
Opiates/Morphine	OPI/MOR	☐	☐	☐
Amphetamines	AMP	☐	☐	☐
Meth-Amphetamine	MET/MTH	☐	☐	☐
Phencyclidine	PCP	☐	☐	☐
Benzodiazepine	BDZ	☐	☐	☐
Barbiturates	BAR	☐	☐	☐
Methadone	MTD	☐	☐	☐
Tri-Cyclic Antidepressants	TCA	☐	☐	☐
ALCOHOL SCREEN	ALC	☐	Level _____	

Last Name

Perkins

First Name

Cedric

Federal Court Drug-Testing Device Under Fire, PharmChem Sweat Patch May Be "Too Good"

1/5/01

For the last four years federal probation offices have been authorized to use a new drug testing device, a patch worn on the body that absorbs and collects components of sweat, including drugs. Now in widespread use at US probation offices, the sweat patch, manufactured by PharmChem Laboratories of Menlo Park, California, was supposed to enhance law enforcement efforts to catch drug users.

But dogged federal defenders in Nevada, where the US probation office has used the patch since 1997, have blown a huge hole in its reliability. Fallout has so far been limited mainly to Nevada, but could spread across the US Court system. It could also scuttle PharmChem's grand vision of widespread adoption of the patch in the federal workplace.

Nevada defenders had for the past 2 1/2 years sought to challenge the patch in court after hearing repeated complaints from federal probationers who bitterly denied they were using drugs despite positive results from the patch.

Then, in dramatic testimony at a November 30th federal court hearing in Las Vegas, a prosecution witness unexpectedly bolstered the federal defenders' claim that the patch picks up environmental contaminants, thus causing false positive drug test results. The testimony has also prompted federal court officials in Nevada and the local US Attorney's Office to think again about relying on the patch.

At the hearing, in the case of a woman accused of violating the conditions of her release after the patch indicated she had used cocaine, PharmChem toxicologist James Meeker stunned prosecutors when he revealed that PharmChem's own in-house tests found evidence of external contamination.

Meeker described studies in which researchers placed a tiny amount of cocaine — invisible to the naked eye — on the skin of five subjects. Researchers then wiped the skin with isopropyl alcohol before applying the patch. Two of the five subjects tested positive for cocaine, Meeker testified. He also revealed that PharmChem was concerned enough about the patch's reliability that it contracted with an independent lab to conduct further tests.

Although Meeker testified that he still believed the patch "is acceptable and reliable to determine drug use," the damage was already done. Within days of Meeker's testimony, prosecutors ended their effort to revoke the woman's release.

"We didn't want to be in a position where we were trying to revoke somebody based on science that wasn't sound," Assistant US Attorney Joseph Sullivan told the Las Vegas Review-Journal. "We decided to step back and see whether the potential for contamination is legitimate."

Then US probation officials in Nevada stepped in to announce that, in light of Meeker's testimony, they will no longer use patch test results as the sole basis for violating federal probationers or those on supervised release. Until the patch's reliability can be confirmed, US probation officers in Nevada will use other indicators of drug use, such as urine tests and eyewitness accounts to corroborate the

patch

"We think the sweat patch is a great drug detection device " said senior US probation officer Mike Severance "The problem is it may be too good " he told the Review-Journal

Meanwhile concerns about the patch resulted in two more aborted revocation hearings In mid-December, US probation officials in Las Vegas withdrew a revocation petition against a man whose patch came back positive for methamphetamines

"We would now request that this petition be withdrawn due to new evidence shared with our office by PharmChem Laboratories which has shown the patch may have returned positive due to environmental contaminants " the prosecutors wrote in court documents

And in an early sign of the potential national impact federal prosecutors in Oakland late in December declined to proceed with a revocation hearing after learning of Meeker's testimony

That's not enough for Franny Forsman the head federal public defender for Nevada "I think it should be pulled off the market until the problems are fixed, she told the Review-Journal "This thing ought not to be used because it is being used in this city to take people's kids away and to put people in jail "

In addition to the federal courts, judges in the Clark County (Las Vegas) Family Courts have been using the patch when parents in custody battles make allegations of drug use

The sweat patch is good business for PharmChem In Nevada, probation official Severance told the Review-Journal PharmChem gets \$5 for each patch and \$20 for each test US probation officials in Nevada used 850 patches in 2000

But PharmChem wants to get the patch into the federal workplace, where its potential customer base would be in the hundreds of thousands

"If it gets into the workplace it's a lucrative proposition for PharmChem " said Forsman, who spearheaded the campaign against the patch

PharmChem may have to reevaluate its plans, though Now, thanks to the efforts of Forsman and the Nevada federal defenders, the patch is fair game across the country

-- END --

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- > United States v. Marilyn Groveman Defendant's Supplemental Brief Re Admissibility of Sweat Patch Results, United States District Court, District of Nevada (2002)
- > Urneschool A Study of the Impact of the Earls Decision on High School Random Drug Testing Policies

Drug Testing Technologies' Sweat Patch

A recent innovation in the science of drug testing, the PharmChek Drugs of Abuse Patch - or sweat patch - is used to test for various illegal drugs. The sweat patch is affixed to the skin in much the same way as a band-aid, and is worn for up to 14 days. The patch is used to detect the presence of drugs as excreted through perspiration. Individuals required to wear the sweat patch are those on probation or involved in child custody cases. The federal government is currently considering use of the sweat patch in federal workplace drug testing.

The Drug Policy Alliance feels that the use of sweat testing in any of these settings is inappropriate. As published, peer-reviewed research has revealed serious problems with current sweat testing technology. We believe that sweat patch testing poses an unacceptably strong potential for false positive test results. False positives carry serious consequences for tested individuals - sometimes including incarceration or loss of child custody.

If you are involved in a court case where sweat patch evidence is being used, please contact us at legalaffairs@drugpolicy.org. Drug Policy Alliance tracks the use of the sweat patch, and in some cases can assist individuals in challenging the use or admission of sweat patch test results.

How does the sweat patch work?

The sweat patch consists of a gauze pad covered by a protective membrane similar to that of a band-aid. The membrane has an adhesive perimeter that sticks tightly to

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the test subject's skin. The sweat patch is usually worn on the subject's upper arm. Before application, the subject's arm is swabbed with an isopropyl alcohol rub.

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After the patch has been worn for approximately seven to ten days, it is removed and the gauze pad is sent to the laboratory for testing. The lab usually performs screening tests for several different drugs using an immunoassay testing system. If any screening test indicates the presence of a drug, the lab performs a confirmatory test for that drug using the more precise gas chromatography / mass spectrometry (GC/MS) testing system. If the confirmatory test finds levels of the drug above the cutoff, the lab is using, the lab will report a positive test result.

Where is the sweat patch being used?

Many counties around the country use the sweat patch to drug test individuals who are on probation, in drug courts, or involved in child custody cases. PharmChem contracts with these counties to sell them the sweat patch testing kits to perform the drug tests, and to help the counties defend the results in court.

The Administrative Office of the Federal Courts also has a contract with PharmChem. This contract gives individual federal court districts the option to use the sweat patch when they drug test individuals who are on probation or supervised release for federal crimes. Not all federal court jurisdictions use the sweat patch, but many do.

How has the sweat patch fared in court?

Each trial court has the right to make its own decision as to whether sweat patch evidence will be admitted, and how that evidence will be used. A decision by an appellate court would govern the trial courts in that appellate court's jurisdiction, but so far there are no appellate court decisions on the sweat patch from either state or federal courts.

Many trial courts have considered the sweat patch. Some courts have admitted sweat patch evidence and relied on it in deciding to imprison probationers or terminate parental custody. Others have found the sweat patch insufficiently reliable for these purposes. At least six different federal courts have rejected government efforts to base punitive action on sweat patch test results.

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While Drug Policy Alliance tracks court decisions on the sweat patch, many of these cases are confidential, and hardly any have resulted in written court decisions. There is no exhaustive list of court rulings on the sweat patch. Only two courts have issued written decisions that discuss the science behind the sweat patch and are published in official legal case reports.

§ U S v Snyder F Supp 2d 2002 WL 257381 N D N Y , 2002. This recent federal court decision finds that in certain circumstances, the sweat patch can be environmentally contaminated, leading to a false positive test result. Because the defendant in this case made a plausible case that his positive test results were a product of environmental contamination, the court rejected the use of the sweat patch to revoke the defendant's supervised release.

§ U S v Stumpf 54 F Supp 2d 972 D Nev May 31 1999. This federal court decision finds sweat patch evidence admissible, and rules that it can be used as the basis for revoking an individual's supervised release. This decision was issued prior to the release of several scientific studies that indicate problems with the sweat patch. The decision contains virtually no scientific analysis; the court simply describes the views presented by each side's expert and then states that the court agrees with the government's expert.

What are the problems with the sweat patch?

The problems with the sweat patch are many.

False positives through environmental contamination. Scientific studies have demonstrated that environmental contamination can produce false positives in the sweat patch.

- Naval Research Lab study. This study by the United States Naval Research Laboratory found that the sweat patch is susceptible to environmental contamination through two scenarios:

- 1 Contamination from within
Environmental contamination may occur when a test subject has a small amount of drug residue on her skin where the patch is to be placed, and the isopropyl alcohol rub fails to remove that residue. The sweat patch will then pick up that drug residue, which becomes indistinguishable from drugs excreted through the subject's sweat, resulting in a false positive test result.
 - 2 Contamination from without
Environmental contamination may occur when drugs in the environment leak through the protective membrane covering a patch that is being worn. This situation is more likely when the membrane is wet and when it is exposed to a substance with a high (basic) pH level. This is the environmental contamination scenario that led to the rejection of sweat patch evidence in *U.S. v. Snyder*.
- PharmChem's internal studies have duplicated the results of the Naval Research Laboratory Study in finding that contamination from within can occur. PharmChem has refused to release or publish the results of these studies, but the studies were described in detail in the recent court hearing in *U.S. v. Snyder*.
 - Studies designed in consultation with PharmChem and conducted at the Center for Human Toxicology in Salt Lake City also duplicated the results of the Naval Research Laboratory Study in finding that contamination from within can occur.

False positives through skin storage A recent study suggests that long-term storage of

drugs in skin could lead to false positive test results. See Levisky, Bowerman, Jenkins, and Karch. "Drug Deposition in Adipose Tissue and Skin: Evidence for an Alternative Source of Positive Sweat Patch Tests," *Forensic Science International* 110 (2000) 35-46. The study indicates that chronic drug users may store drugs under the skin surface. These drugs may be released a long time after drug use so that 'a sweat patch, used as a detection device, might falsely indicate that new drug use had occurred. Such false positives are a particular concern to the many individuals who have been heavy drug users, have conquered their drug habits, and are currently being tested by the sweat patch.

False positives during application and removal. Application and removal of the sweat patch are usually performed by non-medical personnel, in a non-clinical setting. Patches are often applied and removed in a probation office by probation officers who have received only a videotaped training. Any sloppiness or failure to follow proper procedures can easily result in false positives. PharmChem officials have themselves admitted that there is a risk of false positives during application and removal. Indeed, one study indicates that even when application and removal is performed by scientists, in a laboratory setting, contamination can result in false positives. See Cone, Hillsgrove, Jenkins, Keenan, and Darwin, "Sweat Testing for Heroin, Cocaine, and Metabolites," *Journal of Analytical Toxicology* 18 (1994) 298, 304.

No dose-response relationship. For any drug testing system, the dose-response relationship indicates the test result that one would normally expect to see based on ingestion of a certain amount of a particular drug. This information is central to analysis of the results of any drug test. If one does not know the dose-response relationship for a particular drug in a drug testing system, one cannot make meaningful statements about test results for that drug. And most importantly, one cannot set a cutoff level that will distinguish a positive test result from

No regulation of PharmChem's testing program The federal government does not regulate the use of the sweat patch. PharmChem's sweat testing program is not overseen by the federal government. The federal government does not require PharmChem's sweat testing program to use any particular collection techniques, chain of custody procedures, quality control mechanisms, or testing procedures.

All aspects of PharmChem's sweat testing program are designed and operated by a private corporation without any public checks and balances or quality assurances. No government entity ensures that PharmChem is spending the money necessary to make its tests as accurate as possible. When a company markets a product as a means to catch more drug users, there may in fact be a financial incentive to return positive test results, regardless of accuracy. Without government regulation of PharmChem's testing program, such a dynamic can take effect.

Patch wear problems The adhesive membrane covering the sweat patch is supposed to bind tightly to the subject's skin, theoretically protecting the sweat patch and preventing tampering. However, subjects routinely report that the membrane does not adhere properly, peeling or rolling up along one or more edges of the sweat patch. This appears to be particularly common when subjects perspire heavily. As far as we know, there have been no studies to determine how often the sweat patch will fail to adhere in real-life wear conditions.

When a sweat patch does not adhere properly, the subject is usually accused of having attempted to tamper with the sweat patch, and is considered as having submitted a positive drug test.

What about rumors that PharmChem has given false

testimony about the sweat patch in court

This memorandum was submitted as part of an ethics complaint filed with the American Academy of Forensic Sciences and the Society for Forensic Toxicologists. It recounts testimony given under oath by Neil Fortner, a vice president of PharmChem, in various court hearings regarding the reliability of the sweat patch. These hearings occurred in cases involving removal of child custody and the threat of incarceration.

The memorandum describes numerous false statements made under oath by Mr. Fortner regarding scientific research on the sweat patch. The memorandum also describes false or strongly misleading statements made under oath by Mr. Fortner regarding his academic credentials. Drug Policy Alliance possesses and can produce copies of court transcripts and other documents referenced in the memorandum.

trace contamination of the subject the sample or the testing system

No one knows the dose-response relationship for sweat testing. The few attempts at controlled-dose studies have been methodologically inadequate, and have found enormous variability in test results.

In one study, a subject tested at 15 ng/ml after being given a dose of methamphetamine, while the next subject tested at 631 ng/ml, 42 times higher, after being given a smaller dose (Compare subject # 6 with subject # 7, in unpublished 'SCRI' study in PharmChem's FDA submission.) Such wide variations in response between different test subjects are typical. Subjects given 20 ng of methamphetamine tested six days after ingestion show results as low as 5.7 ng/ml (SCRI subject # 7) and as high as 905 ng/ml (SCRI subject # 15). These high-end results are in no way aberrational: twenty different tests in the SCRI study alone produced readings above 500 ng/ml, many readings were over 1000 ng/ml.

Substantial disparities exist even with two patches taken simultaneously from a single individual. The SCRI study tested two patches from the lower chest of Subject # 13, nine days after a dose of methamphetamine. One patch tested negative at 7.1 ng/ml, while the other tested at 30 ng/ml - a positive four times as high. Similarly, the study tested two patches removed from the lower chest of Subject # 5, seven days after the dose of methamphetamine. One patch tested at 34 ng/ml, while the other tested at 185 - more than five times as high.

To our knowledge, neither PharmChem nor any scientist has claimed to understand the dose-response relationship for sweat testing. Nonetheless, PharmChem employs cutoff levels that it claims can distinguish actual drug use from contamination. Without an understanding of a dose-response relationship, however, PharmChem's cutoff level is
arbitrary.



Your Drug Testing Resource

875

Suite 10
4200 East North Street
Greenville SC 29615
Phone 864 609 5015
888 801 0606
Fax 864 292 0727

October 7 2003

To Whom It May Concern

In reference to Cedric Perkins and the patch that was applied on October 1 2003 in our expert opinion the patch appeared to be tampered with when removed on October 7 2003

Angela S Dillard
Chanda Garner

Angela S Dillard
Chanda Garner
Corporate Choice



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DRUG COURT PARTICIPATION RECORD

Name Cedric Perkins

Date January 15, 2004

- 9/13/02 Client entered Drug Court with drug charges reportedly related to his addiction
- 9/16/02 Positive cocaine drug screen Client admitted to using cocaine Sanctioned with two weekends in jail
- 10/24/02 Client missed drug screen on October 18 and was late in completing home work assignment Sanctioned with two hours community service work for home work and weekend in jail for missed screen
- 12/12/02 Client late in providing AA/NA 12 step group attendance Sanctioned with eight hours community service
- 12/19/02 Client late for court Sanctioned with eight hours community service work
- 1/09/03 Client falsely documented 12 step verification – given ten hours community service as sanction
- 1/16/03 Patch worn over the holidays resulted in positive for cocaine Client also missed a drug screen was late for court, and late for group this week He denied using drugs Sanctioned with 30 days incarceration
- 2/20/03 First week back from sanction, client was late for court – five hours community service given as sanction
- 2/24/03 Missed case management appointment, no fee payments made, and failure to complete community service work Sanctioned with weekend in jail
- 3/07/03 Client had third positive screen for cocaine Client admitted to using cocaine and informed Bobbie Godwin that the next patch would also be positive
- 3/12/03 Staff decision to refer client to inpatient treatment was made
- 4/15/03 After only one week inpatient at Faith Home, client was discharged for multiple rule violations After review of the case, staff did not recommend termination from Drug Court which would normally be considered as failure

to comply with referral. Client was given the option to receive inpatient treatment at Holmesview. Client felt he did not need any further inpatient (with five weeks abstinence) and needed to return to the work force with child support payments. He was aware that his Faith Home experience was his treatment option. Staff agreed to client's job concerns and ability to stay in outpatient status and he returned to Phase I.

- 5/22/03 Client failed to attend 12 step meeting and missed case management appointment. Received 25 hours community service work.
- 6/06/03 Client's patch worn May 16 – June 3, 2003 was positive for cocaine. He was sanctioned with incarceration. After review of client's case, staff felt inpatient treatment was the only option left for client's case to remain active. Referral was made to Holmesview.
- 8/18/03 Client entered Holmesview.
- 9/15/03 Client was released from Holmesview on 9/12/03 and returned to Phase I.
- 9/16/03 Client met with his case manager and discussed his need to pay indictment fees and find a job. A letter verifying client's participation and sanctions was written to Family Court per client request due to his late child support payments and possible incarceration for this. Client was told that any rule violation could jeopardize his active Drug Court status.
- 9/22/03 Client missed Saturday drug screen on September 20, 2003 despite being reminded to call the drug screen line.
- 10/4/03 Client was given an alcohol swab test on Saturday by weekend case manager. The test given was for alcohol only and was negative.
- 10/6/03 Client called Bobbie Godwin and reported his patch was rolling up. He was instructed to report to MRW on October 7, 2003 in the morning to have patch examined by MRW staff.
- 10/7/03 MRW reported client's patch was tampered with. There was a precise cut along the patch and the sweat pad had completely fallen out and was taped to client's upper arm. A copy of MRW's statement is attached. Client was sanctioned with incarceration until case status determined.
- 10/12/03 Client's patch results for patch worn September 17 through September 24 was positive for cocaine. This was the patch worn before the "tampered" patch was applied. The positive patch was the patch client was wearing when he missed the drug screen on September 20, 2003.

SUMMARY

Cedric has had 18 sanctions throughout his 13 months in the program. He has had six positive screens, two missed screens (also considered positive by Drug Court policy), a tampered screen, and has received 65 hours community service work for multiple violations. He has never paid any amount on his indictment fee of \$125. He has been referred to inpatient twice and was given a second chance after being dismissed from Faith Home for rule violations. Despite several lengthy incarceration sanctions, inpatient treatment, and months of group counseling sanctions, he has continued to violate Drug Court rules. His record of participation consistently demonstrates a personal disregard of program rules and treatment interventions. It is for this overall lack of participation and non-adherence to the program rules, that staff recommends his termination from the program. Client was in the Detention Center from October 9, 2003 until December 23, 2003 awaiting termination hearing and is eligible for credit for time served.

DRUG COURT DATA SHEET

NAME Cedric Perkins

ADDRESS, _____

PHONE _____

EMPLOYMENT ~~Disposal Plastics Euro Ware~~SPONSOR Anthony H.SANCTIONS 6+ screens + multiple non-compliance~~P~~INDICTMENTS 103⁰⁰RESTITUTION ~~0~~ADMITTED TO DRUG COURT 9/13/02

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Greenville County Courthouse
305 East North Street Suite 320
Greenville South Carolina 29601 2185



Telephone 864-467 8277
Telefax 864 467 8695

Drug Court

Office of the Solicitor
The Thirteenth Judicial Circuit
DRUG COURT

Drug Court Installment Schedule

I agree to the following and shall pay in accordance with the schedule set forth below until the total amount(s) due have been paid in full I further understand that should I fail to do so, I can be immediately terminated from participating in the Drug Court Program

I understand and agree that the amount of restitution/indictment is \$ 103.00 and shall pay same as set forth below

☒ In full, on or before Jan. 31, 2003

☐ In installments at the rate of \$ _____ each per month, said payments commencing _____, 2001 and continuing monthly thereafter on the _____ day of each and every month until the total of all restitution which may come due during my participation in the Drug Court program is paid in full

I further understand that any and all restitution payments shall be in the form of Cashiers Check or Money Order--- payable to Greenville County Clerk of Court

Cedric Perkins
Participant

11/15/02
Date

Bobbie Bodwin
Witness

11/15/02
Date

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

881

Greenville County Courthouse
305 East North Street Suite 320
Greenville South Carolina 29601-2185



Telephone 864-467 8277
Telefax 864 467 8695

Drug Court

Office of the Solicitor
The Thirteenth Judicial Circuit
DRUG COURT

Drug Court Installment Schedule

I agree to the following and shall pay in accordance with the schedule set forth below until the total amount(s) due have been paid in full I further understand that should I fail to do so, I can be immediately terminated from participating in the Drug Court Program

I understand and agree that the amount of restitution/indictment is \$ _____ and shall pay same as set forth below

☒ In full, on or before Dec 31, 2002

☐ In installments at the rate of \$ _____ each per month, said payments commencing _____, 2001 and continuing monthly thereafter on the _____ day of each and every month until the total of all restitution which may come due during my participation in the Drug Court program is paid in full

I further understand that any and all restitution payments shall be in the form of Cashiers Check or Money Order--- payable to Greenville County Clerk of Court

Cedric Perkins
Participant

10/15/02
Date

Bruce Brown, CPC
Witness

10/15/02
Date

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

VS _____ CEDRIC PERKINS _____

02-2685

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

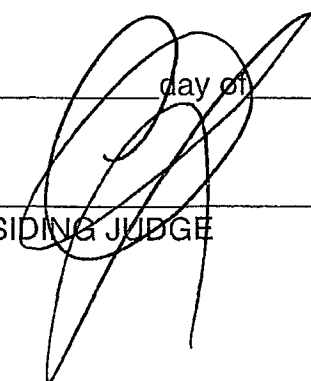
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time

(X) To be held in Detention Center until further Order

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____, 20____


 PRESIDING JUDGE

6/1/04



Accurate Diagnostics

1635 E North Street
Greenville SC 29607
Tel (864) 271-3306
Fax (864) 271 3307

CONSENT FOR ALCOHOL SCREEN

DONAR NAME Cedric Perkins DONAR ID (SSN#) 2

COMPANY
NAME/EMPLOYER/INSTITUTION 13th Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ Other (specify) Legal Court Order

Date of Specimen Collection and Test 5 / 15 / 2004 Time 5:45 pm

Location of Test (Collection Site) Accurate Diagnostics

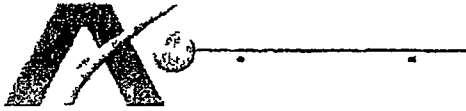
I hereby consent to have a recording of my breath taken on a Digital Alcohol Detector (breathalyzer) I understand that my breath will be used for breath alcohol concentration analysis by Accurate Diagnostics with the results of the tests being made available to the above named Company/Employer, Entity, Institution or their Designee I hereby release Accurate Diagnostics and their employees, contract representatives, and agents from any and all liability arising from the release of the information discovered from my test I certify that I provided my breath specimen to the collector that I have not adulterated it in any manner that the specimen was tested on the ABI Breathalyzer approved by US Dept Of Transportation in my presence, and that the information provided on this form is correct

Test Results

Drug Screened	Result Breath Alcohol Concentration
Alcohol	0.00%

Signature of Donor Cedric Perkins Date 5 / 15 / 2004

Collector ANDRES CANIBE Test Performed by Andres



1635 East North Street
Greenville SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ Other (specify) Legal Court Order

Date of Specimen Collection and Test 5/28/2004 Time 6:00pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company, Employer, Entity, Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives, and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector that I have not adulterated it in any manner that the specimen was tested on the instant 5 panel instant drug screen in my presence and that the information provided on this form is correct.

Test Results positive Temperature 94°

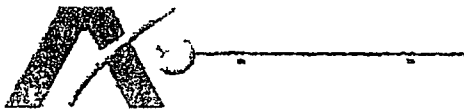
Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>positive</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL

Signature of Donor Cedric Perkins

Date 5/28/2004

Collector ANDRES CANIBE / NINA RADDATZ



1635 East North Street
Greenville SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ other (specify) Legal Court Order

Date of Specimen Collection and Test 5 / 28 / 2004 Time 9:25 pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville SC

I hereby consent to have a specimen of my urine taken and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company Employer Entity Institution or their Designee I hereby release Accurate Diagnostics and their employees contract representatives, and agents from any and all liability arising from the release of the information discovered from my test I certify that I provided my specimen to the collector that I have not adulterated it in any manner that the specimen was tested on the instant 5 panel instant drug screen in my presence and that the information provided on this form is correct

Test Results positive Temperature 93°

Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>positive</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>positive</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL

Signature of Donor Cedric Perkins

Date 5 / 28 / 2004

Collector Andres Canipe

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

__02-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time

(X) To be held in Detention Center until further Order.

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____
 20 _____

10/9/03

PRESIDING JUDGE

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

02-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time

(X) To be held in Detention Center from 5:30 pm 9/20/03
and release after 2:00 pm 9/28/03

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____
20 _____

9/25/03

PRESIDING JUDGE

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

02-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time

(X) To be held in Detention Center from 5:30 pm 9/20/03
and release after 2:00 pm 9/28/03

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____
20 _____

9/25/03

PRESIDING JUDGE

2003 SEP 26 A 11 46

FILED CLERK OF COURT
GREENVILLE CO S C
PAUL B WICKENSIMER

COUNTY OF GREENVILLE

DRUG COURT
(ORDER OF RELEASE)

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

02-21095

Cedric Perkins

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence

NOW, THEREFORE, IT IS ORDERED, AJUDGED AND DECREED that Defendant is to be released from the Greenville County Detention Center As follows

Defendant is to be released Monday, August 18, 2003 at 7:00 a.m. and is to report to Holmview Treatment Center by 11:00 a.m. Defendant is responsible for his own transportation.

Dated at GREENVILLE, South Carolina, this _____ day
of _____ 20____

PRESIDING JUDGE

8/14/03 2 2 2003 AUG 14 P 2

FILED CLERK OF COURT
GREENVILLE CO S.C.
PAUL B WICKENSIMER

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

__02-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time

(+) To be held in Detention Center until further order

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____
 20_____

6/6/03

PRESIDING JUDGE

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

02-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

() To be held in the Detention Center for a period of _____ with release to be as soon as practicable after that time

(x) To be held in Detention Center until further order

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____ 20_____

6/6/03

PRESIDING JUDGE

FILED CLERK OF COURT
 GREENVILLE CO S.C.
 PAUL B WICKENS
 JUN 11 PM 2 03

COUNTY OF GREENVILLE

DRUG COURT
(ORDER OF RELEASE)

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

02-2685

____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence

NOW, THEREFORE, IT IS ORDERED, AJUDGED AND DECREED that Defendant is to be released from the Greenville County Detention Center As follows

____ Defendant is to be released Monday, April 7, 2003 at 8 00 a m He is to report to Faith Home located in Greenwood, South Carolina by 10 00 a m Defendant is responsible for his own transportation

Dated at GREENVILLE, South Carolina, this _____ day
of _____ 20 _____

4/3/03

PRESIDING JUDGE

FILED CLERK OF COURT
GREENVILLE CO S.C.
PAUL B WICKENSIMER
2003 APR - 7 A 8 44

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

02-2685

VS Cedric Perkins

This matter is before the Court through establishment of the Greenville County Drug Court Program. Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence. Defendant has violated the terms and conditions of the program.

NOW, THEREFORE, IT IS ORDERED ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows:

() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time.

(✓) To be held in Detention Center until further order.

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____
 20 _____

2/27/03

PPESIDING JUDGE

day of

2003 FEB 28

A 9 48

FILED IN CLERK OF COURT
 GREENVILLE CO SC
 BY CLERK OF COURT
 SIMMER

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

02-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program. Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence. Defendant has violated the terms and conditions of the program.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows:

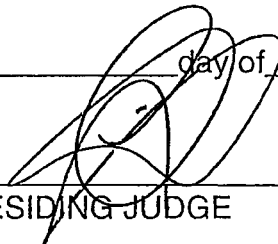
() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time.

(✓) To be held in Detention Center until 2/17/03. Release after 2:00 p.m. to attend Drug Court that night.

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____, 20____

1/16/03



 PRESIDING JUDGE

2003 JAN 17 A 10 16

FILED CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. W. CHERMSIMER

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

2002-GS-23-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

- () To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time
- () To be held in Detention Center by 6:00 pm Friday Oct 25, 2002 until 10:00 am Sunday Oct 27, 2002
- () _____
- _____
- _____
- _____
- _____

Dated at GREENVILLE, South Carolina, this 25 day of Oct 20 02

[Signature]
PRESIDING JUDGE

I so move,

[Signature]
Program Mgr
Drug Court

FILED CLERK OF COURT
GREENVILLE COUNTY
PAUL WICKENS
2002 OCT 25 2 45

AMENDED

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

_____2002-GS-23-2685

VS _____CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

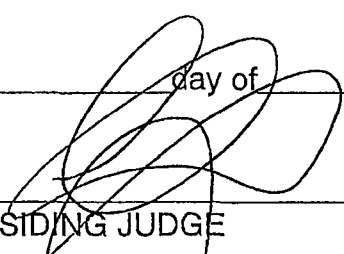
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant is sentenced to the Greenville County Detention Center as follows

() To be held in the Detention Center for a period of _____ hours with release to be as soon as practicable after that time

() To be held in Detention Center by 10 00 A m 9/21/02 and release 7 00 p m 9/22/02. Return by 10 00 A m 9/23/02 release at 7 00 p m 9/29/02.

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____ 20____



PRESIDING JUDGE

80 71 P 12 08

FILED CLERK OF COURT
GREENVILLE, S.C.
PAUL B WICKENSIMER
9/27/02

COUNTY OF GREENVILLE

DRUG COURT SENTENCE SHEET

IN THE COURT OF GENERAL SESSIONS

CASE NO _____

State of South Carolina _____

_____ 2002-GS-23-2685

VS _____ CEDRIC PERKINS _____

This matter is before the Court through establishment of the Greenville County Drug Court Program Defendant is currently voluntarily enrolled in the Drug Court Program as an alternative to his/her active sentence Defendant has violated the terms and conditions of the program

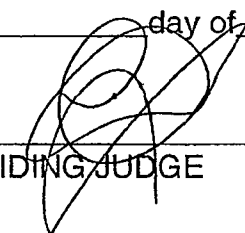
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that
 Defendant is sentenced to the Greenville County Detention Center as follows

- () To be held in the Detention Center for a period of _____ hours
 with release to be as soon as practicable after that time
- (✓) To be held in Detention Center by 10 00 A m 9/21/02 and release
 7 00 p m 9/22/02 Return by 10 00 A m 9/28/02 and
 release 7 00 p m 9/28/02

() _____

Dated at GREENVILLE, South Carolina, this _____ day of _____
 20____

9/19/02


 PRESIDING JUDGE

Drug Court Community Service Work
Verification Form

899

Name Cedric Perkins

Work Site Location Parks and Recreation

Phone _____

Supervisor Warren Walton

Obligation ~~25~~ 25 hours Hours to be completed by 6, 5, 03

Date	Hours Worked	Supervisor Signature

Upon completion of all hours return to Greenville County Drug Court
305 E North St , Suite 320
Greenville, SC 29601
Phone 864-467-8277
Fax 864 467 8695
Attn Bobbie Godwin

Drug Court Community Service Work Verification Form

Name Cedric Perkins

Work Site Location Greenville Parks and Recreation

Phone -

Supervisor Warren Walton 467-4350

Obligation 5 Hours to be completed by 2/27/03

Date	Hours Worked	Supervisor Signature

Upon completion of all hours return to Greenville County Drug Court

305 E North St , Suite 320

Greenville, SC 29601

Phone 864-467-8277

Fax 864-467-8695

Attn Bobbie Godwin

Drug Court Community Service Work Verification Form

Name Cedric Perkins

Work Site Location Parks and Recreation

Phone 467-4350

Supervisor Warren Walton

Obligation 10 Hours to be completed by 1/16/03

Date	Hours Worked	Supervisor Signature

Upon completion of all hours return to Greenville County Drug Court
 305 E North St, Suite 320
 Greenville, SC 29601
 Phone 864 467-8277
 Fax 864-467-8695
 Attn Bobbie Godwin

() ()

**Drug Court Community Service Work
Verification Form**

Name

Cedric PerkinsWork Site Location. Phyllis Wheatley Center

Phone _____

Supervisor Ann HoustonObligation: 8 Hours to be completed by 12/19/02

Date	Hours Worked	Supervisor Signature
12-17-02	4.0	<i>Rodney C. Thompson</i>
12-18-02	4.0	<i>Rodney C. Thompson</i>

Upon completion of all hours return to Greenville County Drug Court

305 E North St , Suite 320

Greenville, SC 29601

Phone 864-467-8277

Fax 864-467-8695

Attn Bobbie Godwin

**Drug Court Community Service Work
Verification Form**

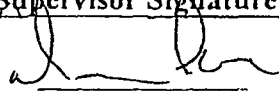
Name Cedric Perkins

Work Site Location Phyllis Wheatley Center

Phone _____

Supervisor Ann Houston

Obligation 2 hrs Hours to be completed by 10/31/02

Date	Hours Worked	Supervisor Signature
10-31-02	2.0	

Upon completion of all hours return to Greenville County Drug Court
305 E North St , Suite 320
Greenville, SC 29601
Phone 864-467-8277
Fax 864-467-8695
Attn Bobbie Godwin

1

NAME	
Sessions	Cedric Perkins
Date /	continued
10-23-03	Staff feels all treatment & intervention efforts have been exhausted & recommends termination from the program.
CA	Bobbie Bodden, CPC

**DRUG COURT
PROGRESS NOTES**

NAME	Cedric Perkins
Date / ~~Screen~~	
10-14-03	pad visible upon removal as it adheres to the cellophane covering
CM	Cl's sweat pad covering was kept by MKW & sent to Hl. Court.
10-16-03	Cl's patch results for patch worn 9/17-9/24 positive for cocaine This was the patch Cl was wearing when he missed the Sat. 9/20/03 drug screen.
10-23-03	Cl's participation record was reviewed by staff. ^{Since} He's admission into the program on 9/13/02, he has not demonstrated any significant progress in treatment. He had just returned from tx (inpatient) and ^{again} failed to follow instructions. Then there is the additional tampering & positive screens.
CM	He had been told "one" rule violation could result in termination.

**DRUG COURT
PROGRESS NOTES**

NAME	Cedric Perkins
Service	
Date / ~~10-14-03~~	continued —
10-14-03	determine if pad would actually "fall out" of the case ~~membrane~~ ^{cellophane} with normal wear. B
	Godwin wore the patch in this state for 3 days Friday ^{10/10} Monday ^{10/13} & completed
CP	routine activities including horse back riding. The patch pad did not "fall out" from the ~~membrane~~ ^{cellophane} case even though the case had a tear in it (similar to tear in cl 5 patch covering). Godwin has also spoken w/ MRW staff & Pharm - Chem concerning this incident. Both MRW & Pharm - Chem report the pad is attached to the cellophane covering & normally requires a pair of ~~twissors~~ ^{twissors} to remove the pad from the cellophane case. This is further substantiated by layer of

**DRUG COURT
PROGRESS NOTES**

NAME	Cedric Perkins
Date / ~~Screen~~	
10-9-03	After case review & discussion by staff, decision was made to recommend incarceration as sanction for cl until full case can be evaluated for case status decision. Cl. denies any tampering w/ screen or drug use. The patch is invalid as a drug screen due to suspected tampering as reported by MRW staff - confirmed in written statement. Bryana Bolmer, 41
10-14-03	Cl insists he tore patch while moving furniture for his mother. Mother called & confirmed he was helping her & moved items into the attic. B. Bolmer actually had a patch applied ^{to herself} by T. Moore on 10-10-03 & wore it over the week - and a precise cut made by scissors, <u>was</u> deliberately

**DRUG COURT
PROGRESS NOTES**

NAME	Cedric Perkins
Date / ~~Screen~~	
9-25-03	Cl reports he wasn't used to call a screen line on Saturday
Cm	He was told, however, to do so + reminded on the w/c line to do so Cedric was told he must have no other rule violations if he is to remain an active participant. — Babbar Godwin, Lt
10-7-03	Cl called B. Godwin ^{10/6} + reported his patch ^{screen} was rolling up on the edges. He was told to report to MRW on 10/7 in a.m. MRW reported to B. Godwin that Cl's patch appeared to be tampered with. The adhesive covering was torn in a precise manner indicating a cut rather than a tear. The pad had completely fallen out the membrane covering + was taped on Cl's upper arm sleeve Per MRW. — Babbar Godwin,
Cm	

NAME:	Cedric Perkins
Date/Service	
9/16/03	Cl. understands he MAY be able to move to Phase 2 next wk.
CM	as soon as he provides proof of job, involvement in school, & payment of indictment fees. B Godwin wrote letter of support for cl. to aid in this F. Court & D 65 relationship. He is behind on child support. Cedric understands he must stay drug free or he terminated unsuccessfully. N. Appt. 10/26/03. B. Godwin CP
9/22/03	1 5th wk back & cl. forgot to show for w/end & B. Godwin 9/20. B. Godwin

NAME	Cedric Perkins
Date/Service	
9/16/03	Cl. in today. Showed facings last night. We worked on Phase I. He-work goals & discussed what he needs to do to quickly move on.
CM	Cl. wants to live w/ his mother & attend Grville Tech part-time & work part-time. He plans to work w/ Voc. Rehab w/ both of these. Cl. also needs to pay the indict. fee \$103. He understands he must pay this before he can advance in weeks / Phases. Cl. had 14 weeks in Phase I when 1ST slip occurred, gained 2 weeks after sanction & then used again. After 1wk. Tx Faith Home he began Phase I again in April, 2003. Made it 8 wks. then re-used. After sanction & tx he has returned to Phase I. He has spent 22 wks in Phase I + 4 wks tx = 26 wks up ^{just} 12 of that. Credited = 13 wks —————

**DRUG COURT
PROGRESS NOTES**

911

NAME	Cedric Perkins
Date / ~~Time~~ Service	
6/6/03	Cl's patch worn 5-16 - 6/3
CM	results are positive for cocaine. Cl will be held in Detention pending stop decision on his case
	Bobbie Bodman, LPC
6/13/03	Cl. will be given another opportunity for inpatient tx.
CM	Referral made to Holmesview. He will be held in Detention Ctr. until admission.
	Bobbie Bodman, LPC
8/18/03	Cl entered tx @ Holmesview
CM	Bobbie Bodman, LPC
9/15/03	Cl completed tx @ Holmesview on 9/12/03 & is to return to group on 9/15/03 Phase I week 1 status
CM	Bobbie Bodman, LPC

**DRUG COURT
PROGRESS NOTES**

NAME	Cedric Pugh
Date / ~~Time~~	4/15/03
CM	In consideration of all of the ^{one} ~~not counting~~ ^{against the} ~~alone~~, counselor feels that Cedric's dismissal ^{from} ~~does not merit~~ his dismissal from Drug Court. Cedric realizes that he has "used" his tx option & must now continue in outpatient & remain drug free. — Bobbie Boduin, LPC
CM	PS Cl. was given an option of inpatient tx @ Holmesview but refused stating he felt he did not need inpatient. His last use was over 5 weeks ago & he was w/ girlfriend. He feels he knows about cause of relapse & will avoid old friends & places which trigger use. Cl. was again reminded that refusal of tx was using his tx option. He acknowledged understanding. — Bobbie Boduin, LPC

**DRUG COURT
PROGRESS NOTES**

NAME	Cedric Perkins
Date / ~~XXXX~~	
4/15/03	When counselor pursued this
	Buddy stated Cedric also had
	insubordination incidences. When
CM	asked to be specific he stated
	that Cedric had failed to change
	the dishwasher as instructed &
	there was an incident concerning
	the silverware ^{Cedric} he was told
	to put it on the table which he
	did Cedric states he told staff
	person (Nanny) that he had put the
	silverware on the table & tried 3x
	to inform Nanny of this. Nanny
	was busy & talking to someone.
	Cedric feels he got aggravated @
	Cedric for the interruption & snapped
	at him & putting him in his place.
Mike (Kitchen staff)	Buddy reported that Nanny told
Bx 4/15/03	staff that Cedric had physically

assaulted him & pinned his arm
against the wall why did he not
get an immediate dismissal then?

**DRUG COURT
PROGRESS NOTES**

NAME:	Cedric Perkins
Date / [REDACTED]	
4/15/03	Cl in to day: Reports he was dismissed from Faith Home last night. Cedric reported that he was dismissed because he + his roommate were discussing their past drug use. His roommate was a ~~crack~~ ^{cocaine} ~~crack~~ ^{BB} user + mfg meth - he + Cedric discussed this as Cedric states he ^(Cedric) was "just making conversation" trying to get to know his roommate. Faith Home has a rule that clients cannot discuss their past - Cedric states he was not told this. Faith Home believes that Cedric was plotting to leave Faith Home + mfg crack. This was primary reason for his dismissal per Buddy + mfg of Faith Home. Buddy also stated that Cedric's roommate was not dismissed + was not willing to discuss this discrepancy w/m.

**DRUG COURT
PROGRESS NOTES**

NAME	Cedric Perkins
Service	
Date / ~~Time~~	
1/16/03	Cl given 30 days incarceration for several offenses as sanctions He continued to deny cocaine use.
CM	
3/7/03	Counselor met w/ cl. at LEC. Cl. admits to using cocaine States he had rekindled romance w/ girlfriend (his child's mother) but girlfriend uses drugs He informed counselor that pending patch will be positive result!
CM	
3/12/03	Cl's patch results returned positive. Cl. ^{as 3/12/03} ~~with~~ ^{was} ~~was~~ referred for inpatient (only) treat 1 time (approximate) weeks.
CM	

Bobbie Gordon, CR

Bobbie Gordon, CR

Bobbie Gordon, CR

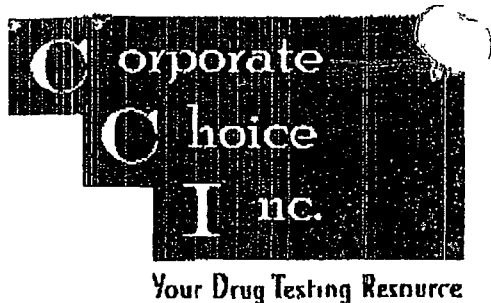
**DRUG COURT
PROGRESS NOTES**

NAME	
<i>Seaside</i>	<i>Cedric Perkins</i>
Date /	
<i>1/14/03</i>	<i>Cl.'s patch drug screen</i>
<i>CM</i>	<i>(worn over Christmas) returned</i>
	<i>w/ positive for cocaine. Cl. also</i>
	<i>was late for group last night</i>
	<i>& missed his drug screen</i>
	<i>He was late for court</i>
	<i>as well last Thursday</i>
	<i>CC suspects drug use is</i>
	<i>responsible for Cl's irresponsible</i>
	<i>behavior & will recommend</i>
	<i>jail sanction. CC called</i>
	<i>Phon Chen for screen</i>
	<i>confirmation & to obtain</i>
	<i>level of drug — Bahie Bolan</i>
<i>1/14/03</i>	<i>CC spoke w/ Phon-Chen</i>
<i>CM</i>	<i>Tech who stated level of 35ng</i>
	<i>had been confirmed & meant</i>
	<i>that the person had to have</i>
	<i>used either while wearing</i>
	<i>patch or 2-3 days prior.</i>
	<i>Will recommend jail sanction</i>
	<i>at this time to hopefully</i>
	<i>help Cl refocus w/ meditation/therapy.</i>

**DRUG COURT
PROGRESS NOTES**

Name	Cedric Perkins
Date/service	
10/15/02	Cl. in today. Is seeking other employment - this job is temporary service & will not be permanent. Cl. is actually seeking. Good attitude - signed Inst. agreement to pay indictment fees. Cl. doing well in Phase II. N. Appt. 9 am Nov. 5, 02
11/18/02	Cl. in today. Is working at Wal-Mart - makes \$7.30/hr. Cl. is too smart to stay there & we discussed this. He is trying to get a better job. Wants to go back to college & we discussed this for long term goals once recovery efforts stabilized. Cl. will pay indictment fee in full by 1/31/03. N. Appt. 12/20/02 4:30 pm

12/20/02 4:30 pm - B.G.



919

Suite 10
4200 East North Street
Greenville SC 29615
Phone 864 609 5015
888 801 0606
Fax 864 292 0727

October 7 2003

To Whom It May Concern

In reference to Cedric Perkins and the patch that was applied on October 1 2003, in our expert opinion the patch appeared to be tampered with when removed on October 7 2003

Angela S Dillard
Chanda Garner

Angela S Dillard
Chanda Garner
Corporate Choice



PROVIDING SERVICES FOR

Drug Testing • Hair Analysis • On Site Service • Same Day Results
Drug Free Workplace Programs • DOT Policy Development • Testing Kits & Supplies



Corporate Choice, Inc.

864-609-5015

13th Judicial Circuit CourtPATIENT NAME Cedric Perkins DATE 9/20/03Authorizing Counselor Bobbi Godwin Fax 467-8695**TEST REQUESTED**

- ☐ 5 Panel Instacheck Kit Test
(THC, COC, OPI, METH, BENZO)
- ☐ 2 Panel Instacheck Kit Test
(THC, COC)
- ☐ Comprehensive Hair Analysis
- ☐ 6 Panel Instacheck Kit Test
(THC, COC, OPI, AMPH, Meth amph, BENZO)
- ☐ Skin Patch Application and Test
- ☒ Alcohol Screen (Breath / Saliva)

NO SHOW

Special instructions _____

On-Site Drug Screen Results

NEGATIVE / CONFIRMATION NEEDED

Confirming for _____ Lab Chain # _____

CLIENT AUTHORIZATION TO RELEASE RESULTS.

My signature below indicates that I understand the drug screen and agree with the screen results. Also, my signature below authorizes the release of the drug screen results to authorized 13th Judicial Circuit Court and Corporate Choice personnel

Date __________
Date _____

Corporate Choice Authorized Staff Member

PHARMICHEM INC
4600 N Beach Street, Haltom City, TX, 76137-3219

LABORATORY
REPORT

```

=====
ACCOUNT NUMBER          643500002      BARCODE NUMBER          270197577
COLLECTOR NAME          SPECIMEN ID1      PERKINS C&DPIC
COLLECTOR TELEPHONE     SPECIMEN ID2
RESULTS TO              ACCESSION NUMBER      3A690994
AFT                     REASON FOR TEST          01
Corporate Choice
Tony Waters

                                LOCATION CODE
                                SPECIMEN DATE          09/17/2003
                                DATE RECEIVED          10/08/2003
DISTRIBUTOR             DATE REPORTED          10/12/2003
=====

```

TEST METHODS AND DETECTION LEVELS

Drug or Drug Class	Initial Test		Confirmation Test	
	Method	Cutoff	Method	Cutoff
Amphetamine	EIA	10 ng/ml	GC/MS	10 ng/ml
Cannabinol	EIA	1 5 ng/ml	GC/MS	0 500 ng/ml
Cocaine	EIA	10 ng/ml	GC/MS	10 ng/ml
Opiates	EIA	10 ng/ml	GC/MS	10 ng/ml
Phencyclidine	EIA	7 5 ng/ml	GC/MS	7 500 ng/ml

LAB RESULTS

Cocaine
 Benzoyllecgonine POSITIVE
 Cocaine POSITIVE

ADDITIONAL RESULTS

REMARKS

Benzoyllecgonine = 21 ng/ml
 Cocaine = 197 ng/ml

I certify that the specimen identified on this form was examined upon receipt, handled using chain of custody procedures analyzed and reported in accordance with applicable requirements. If the test method indicated is not GC or GC/MS, then no confirmation test performed and the results for this specimen are for the initial screening test only.

Results certified by DOROTHY WEIK

Date 10/12/2003

PHARMICHEM INC
4600 N Beach Street Haltom City, TX, 76137

LABORATORY
REPORT

=====

ACCOUNT NUMBER 643500002 BARCODE NUMBER 0261730995

RESULTS TO SPECIMEN ID PERKINS CEDRIC
Corporate Choice SPECIMEN ID SSN
SPECIMEN DATE 05/16/2003
TEST TYPE 01
LOCATION CODE

Tony Waters ACCESSION NUMBER 012433500
DISTRIBUTOR DATE RECEIVED 06/03/2003
DATE REPORTED 06/06/2003

=====

TEST METHODS AND DETECTION LEVELS

Drug or Drug Class	Initial Test		Confirmation Test	
	Method	CutOff	Method	CutOff
Amphetamine	EIA	10 ng/ml	GC/MS	10 ng ml n
Cannabinol	EIA	1 5 ng/ml	GC/MS	0 5 ng ml
Cocaine	EIA	10 ng/ml	GC/MS	10 ng ml n
Opiates	EIA	10 ng/ml	GC/MS	10 ng ml n
Phencyclidine	EIA	7 5 ng/ml	GC/MS	7 5 ng ml

=====

TEST RESULTS

Drug or Drug Class/ Analyte	Test Result	Drug or Drug Class/ Analyte	Test Result
Amphetamine		Opiates	
Amphetamine	negative	Codeine	negative
Methamphetamine	negative	Morphine	negative
Cannabinol		6-MAM	negative
9-THC	negative	Heroin	negative
Cocaine		Phencyclidine	
Benzoyllecgonine	POSITIVE	Phencyclidine	negative
Cocaine	POSITIVE		

SPECIMEN SEAL INTACT

* TEST RESULT *
* POSITIVE *

COMMENTS

Benzoyllecgonine >100 ng/ml
Cocaine >100 ng/ml

I certify that the specimen identified by this accession number is the same specimen that bears the specimen identification barcode number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable requirements, and that these results are for that specimen. This is not an official report for Regulated Specimens.

Results Certified by Tamika Bolden Date 06/06/2003

=====

PHARMICHEM INC
4600 N Beach Street, Haltom City, TX, 76137

LABORATORY
REPORT

=====

ACCOUNT NUMBER	580600061	BARCODE NUMBER	0261722451

=====

RESULTS TO	SPECIMEN ID	PERKINS CEDRIC
ATT Bobbie Godwin	SPECIMEN ID	9829
13th Judicial Circuit	SPECIMEN DATE	12/19/2002
305 E North St	TEST TYPE	01
Greenville, SC 29601	LOCATION CODE	

Bobbie Godwin	ACCESSION NUMBER	012402295
	DATE RECEIVED	01/08/2003
	DATE REPORTED	01/13/2003

=====

TEST METHODS AND DETECTION LEVELS				
Drug or Drug Class	Method	Initial Test CutOff	Confirmation Test Method	Confirmation Test CutOff

=====

Amphetamine	EIA	10 ng/ml	GC/MS	10 ng ml n
Cannabinol	EIA	1 5 ng/ml	GC/MS	0 5 ng ml
Cocaine	EIA	10 ng/ml	GC/MS	10 ng ml n
Opiates	EIA	10 ng/ml	GC/MS	10 ng ml n
Phencyclidine	EIA	7 5 ng/ml	GC/MS	7 5 ng ml

=====

TEST RESULTS			
Drug or Drug Class/ Analyte	Test Result	Drug or Drug Class/ Analyte	Test Result

=====

Amphetamine		Opiates	
Amphetamine	negative	Codeine	negative
Methamphetamine	negative	Morphine	negative
Cannabinol		6-MAM	negative
9-THC	negative	Heroin	negative
Cocaine		Phencyclidine	
Benzoyllecgonine	negative	Phencyclidine	negative
Cocaine	POSITIVE		

=====

SPECIMEN SEAL INTACT

COMMENTS

Cocaine 39 ng/ml

* TEST RESULT *
* POSITIVE *

I certify that the specimen identified by this accession number is the same specimen that bears the specimen identification barcode number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable requirements, and that these results are for that specimen. This is not an official report for Regulated Specimens.

Results Certified by Marc McCain

Date 01/13/2003

=====

MRV. Corporate Choice, Inc.

Drug Screening Specialists

13th Judicial Circuit Court

PATIENT NAME Cedric Perkins

DATE 10/18/08

Authorizing Counselor Bobbi Goodwin

TYPE OF TEST REQUESTED

 5 Panel Instacheck Kit Test *
(THC, COC, OPI, METH, BENZO)

✓ 2 Panel Instacheck Kit Test *
(THC, COC)

 5 Panel Laboratory Test
(THC, COC, OPI, METH, PCP)

 6 Panel Instacheck Kit Test
(THC, COC, OPI, AMPH, Meth-amph, BENZO)

**NO
SHOW**

special instructions _____

LAB USE ONLY

THC POS / NEG
COC POS / NEG
METH POS / NEG

OPIATE POS / NEG
AMPH POS / NEG
BENZO POS / NEG

confirming with lab for _____

CLIENT AUTHORIZATION TO RELEASE RESULTS

My signature below indicates that I understand the drug screen and agree with the screen results. Also my signature below authorizes the release of the drug screen results to authorized 13th Judicial Circuit Court and Corporate Choice personnel.

Date 10/18/08

Date 10/18/08
MRV/Corporate Authorized Staff Member

MRW/CorporateChoice, Inc.
Drug Screening Specialists

925

13th Judicial Circuit Court

PATIENT NAME Cedric Perkins DATE 9-18-02

Authorizing Counselor Bobbi Gadsden

TYPE OF TEST REQUESTED

_____ **5 Panel Instacheck Kit Test ***
(THC, COC, OPI, METH, BENZO)

✓ _____ **2 Panel Instacheck Kit Test ***
(THC, COC)

_____ **5 Panel Laboratory Test**
(THC, COC, OPI, METH, PCP)

_____ **6 Panel Instacheck Kit Test**
(THC, COC, OPI, AMPH, Meth-amph, BENZO)

SPECIAL INSTRUCTIONS _____

LAB USE ONLY

THC	POS / NEG	OPIATE	POS / NEG
COC	POS / NEG	AMPH	POS / NEG
METH	POS / NEG	BENZO	POS / NEG

confirming with lab for _____

CLIENT AUTHORIZATION TO RELEASE RESULTS

My signature below indicates that I understand the drug screen and agree with the screen results. Also, my signature below authorizes the release of the drug screen results to authorized 13th Judicial Circuit Court and Corporate Choice personnel.

Cedric Perkins Date _____
Edwards Date 9-18-02
MRW/Corporate Authorized Staff Member

MRW Corporate Choice Inc.

Drug Screening Specialists

13th Judicial Circuit Court

PATIENT NAME Cedric Perkins DATE 9-16-02

Authorizing Counselor Bobby Godwin

TYPE OF TEST REQUESTED:

☐ 5 Panel Instacheck Kit Test *
(THC, COC, OPI, METH, BENZO)

☒ 2 Panel Instacheck Kit Test *
(THC, COC)

☐ 5 Panel Laboratory Test
(THC, COC, OPI, METH, PCP)

☐ 6 Panel Instacheck Kit Test
(THC, COC, OPI, AMPH, Meth-amph, BENZO)

Special Instructions _____

.....
LAB USE ONLY
.....

THC	POS / NEG	OPIATE	POS / NEG
COC	POS / NEG	AMPH	POS / NEG
METH	POS / NEG	BENZO	POS / NEG

confirming with lab for _____

CLIENT AUTHORIZATION TO RELEASE RESULTS

My signature below indicates that I understand the drug screen and agree with the screen results. Also, my signature below authorizes the release of the drug screen results to authorized 13th Judicial Circuit Court and Corporate Choice personnel

Date _____
Cerin Owens
Date 9-16-02
MRW Corporate Authorized Staff Member



1111 Newton Street **027**
Gretna, LA 70053
(800) 433 3823 (504) 361 8989
FAX (504) 361 1530

Drug Test Report

MRW OF SOUTH CAROLINA
LESLIE BRYANT
4200 EAST NORTH ST
UNIT 10
GREENVILLE, SC 29615 0000

Facility Phone (864) 609 5015

Account Number 107193
Facility Number 127521
Lab Number 5944082
Specimen ID Number 48110038

Collection Site Number 28335

Collection Site Name MEDICAL REHAB & WELLNESS

Collection Site Address 4200 J AS1 NORTH STREET STE 10

Collection Site City, St Zip GREENVILLE, SC 29615

Collection Site Phone (864) 609 5015

Collection Site Fax (864) 292 0727

Donor Name / ID PERKINS, CEDRIC/BOBBIE

Donor SSN SSN

Reason for Drug Test REASONABLE SUSPICION

Date Collected 09/13/2002

Date Received 09/14/2002

Date Reported 09/15/2002

Panel Number 46

Panel Description 5 DRUG 50

Drug Test Result **POSITIVE**

This specimen is positive for the following drug(s)

BENZOYLECGONINE C

MARIJUANA 761.00 ng/ml

Screening Method IA

Confirmation Method GC/MS

The following drugs and/or drug classes were tested at the indicated threshold (cut off) levels

Description	Screening Level	Confirmation Level
AMPHETAMINES	1000 ng/ml	500 ng/ml
BENZOYLECGONINE COCAINE	300 ng/ml	150 ng/ml
MARIJUANA METABOLITES	50 ng/ml	15 ng/ml
OPIATES	2000 ng/ml	2000 ng/ml
PHENCYCLIDINE	25 ng/ml	25 ng/ml

Comments BENZOYLECGONINE = 11,341 NG/ML

ANN THANAWASTEIN

Certifying Scientist

MRW Corporate Choice, Inc.

Drug Screening Specialists

13th Judicial Circuit Court

PATIENT NAME Cedric Perkins DATE 9-13-02

Authorizing Counselor Bobbi Godwin

TYPE OF TEST REQUESTED

☐ **5 Panel Instacheck Kit Test ***
(THC, COC, OPI, METH, BENZO)

☒ **2 Panel Instacheck Kit Test ***
(THC, COC)

☐ **5 Panel Laboratory Test**
(THC, COC, OPI, METH, PCP)

☐ **6 Panel Instacheck Kit Test**
(THC, COC, OPI, AMPH, Meth-amph, BENZO)

special instructions _____

LAB USE ONLY

THC POS / NEG
COC POS / NEG
METH POS / NEG

OPIATE POS / NEG
AMPH POS / NEG
BENZO POS / NEG

confirming with lab for _____

CLIENT AUTHORIZATION TO RELEASE RESULTS

My signature below indicates that I understand the drug screen and agree with the screen results. Also, my signature below authorizes the release of the drug screen results to authorized 13th Judicial Circuit Court and Corporate Choice personnel.

Cedric Perkins

Date _____

Erin J. Owens

Date 9-13-02

MRW/Corporate Authorized Staff Member

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report: October 9, 2003

Name Cedric Perkins Current Phase 2 Week 1
 # Of Screens 3 urine 10/4 10/7 Negative 3 Positive 0 Pending Patch on 10/1-10/7
 Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen
 Treatment Components
 Motivated Toward Treatment GOOD FAIR POOR
 Case Management GOOD FAIR POOR
 Attendance This Reporting Period Group Sessions 2 of 2
 Case Management of
 Fee Payment This Reporting Period Restitution As Agreed Delinquent
 Participation As Agreed Delinquent

Treatment Counselor's Comments

Not listening 15T session
Too quiet the next

Case Manager's Comments

up and c. m. met. check ok
MRW reports tampered w/ screen (patch)
Sanction recommended of jail until case status
discussion

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report September 25, 2003

Name Cedric Perkins Current Phase I Week 2
Of Screens 2 Negative missed Positive Sat Pending Patch on 9/17
Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen _____

Treatment Components

Motivated Toward Treatment GOOD FAIR POOR
Case Management GOOD FAIR POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management 0 of 0

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

Doing good in group Much
more responsive to treatment
& ready to make changes now

Case Manager's Comments

~~It~~ WAS NOT used to Sat. screens
but was reminded on Fri to call the line
so staff recommends spend jail sentence

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report September 18, 2003

Name Cedric Perkins Current Phase I Week 1
Of Screens 1 Negative Positive Pending Patch on 9/17
Tested For Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management of

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

must pay before Phase I complete

Treatment Counselor's Comments

Much improved focus + accountability

Case Manager's Comments

needs P.I. - is enrolled @ B-Tech
sh. be able to start school

Judge's Comments

Greenville County Drug Court
Defendant Status Report

935

Date of Status Report September 11, 2003

Name Cedric Perkins Current Phase I Week 8

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
Propoxphene _____ Opiates _____ Amphetamines _____
Marijuana _____ Alcohol _____ Other _____
Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward Treatment Case Management GOOD FAIR POOR
GOOD FAIR POOR

Attendance This Reporting Period Group Sessions _____ of _____
Case Management _____ of _____

Fee Payment This Reporting Period Restitution _____ As Agreed _____ Delinquent
Participation _____ As Agreed _____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

*Scheduled to be released from
Holmesview 9/12/03 to return to group*

Judge's Comments

9/15/03

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report September 4, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
_____ Propoxyphene _____ Opiates _____ Amphetamines
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen _____**Treatment Components**

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions _____ of _____
Case Management _____ of _____Fee Payment This Reporting Period Restitution _____ As Agreed _____ Delinquent
Participation _____ As Agreed _____ Delinquent**Treatment Counselor's Comments***In tx Holmesview***Case Manager's Comments***continue inpatient***Judge's Comments**

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report August 28, 2003

Name Edric Perkins Current Phase I Week 6

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxphene _____ Opiates _____ Amphetamines _____
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	_____ As Agreed _____	Delinquent
	Participation	_____ As Agreed _____	Delinquent

Treatment Counselor's Comments _____

Case Manager's Comments _____

continue w/ tx @ Holmesview

Judge's Comments _____

Greenville County Drug Court
Defendant Status Report

Date of Status Report August 21, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
_____ Propoxyphene _____ Opiates _____ Amphetamines
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions _____ of _____
Case Management _____ of _____

Fee Payment This Reporting Period Restitution _____ As Agreed _____ Delinquent
Participation _____ As Agreed _____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

*C. is in 140 review
admitted 8-18-03*

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report August 14, 2003

Name Cedric Perkins **Current Phase** 2 **Week** 0

Of Screens _____ **Negative** _____ **Positive** _____ **Pending Patch on** _____

Tested For _____ **Cocaine** _____ **Barbiturates** _____ **Benzodiazepines** _____
 Propoxyphene _____ **Opiates** _____ **Amphetamines** _____
 Marijuana _____ **Alcohol** _____ **Other** _____
 Methamphetamines _____ **Type of screen** _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	_____ As Agreed	_____ Delinquent
	Participation	_____ As Agreed	_____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

Scheduled to enter Holmesview 8/18/03

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report July 31, and August 7, 2003

Name Cedric Perkins **Current Phase** I **Week** 6

Of Screens _____ **Negative** _____ **Positive** — **Pending Patch on** _____

Tested For _____ **Cocaine** _____ **Barbiturates** _____ **Benzodiazepines** _____
 _____ **Propoxyphene** _____ **Opiates** _____ **Amphetamines** cl
 _____ **Marijuana** _____ **Alcohol** _____ **Other** _____
 _____ **Methamphetamines** _____ **Type of screen** _____

Treatment Components

Motivated Toward _____ **Treatment** **GOOD** **FAIR** **POOR** in
Case Management **GOOD** **FAIR** **POOR**

Attendance This Reporting Period _____ **Group Sessions** _____ **of** _____ 12
Case Management _____ **of** _____ 12

Fee Payment This Reporting Period _____ **Restitution** _____ **As Agreed** _____ **Delinquent** _____
Participation _____ **As Agreed** _____ **Delinquent** CTR

Treatment Counselor's Comments

Case Manager's Comments

still under sanction

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report July 24th 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
 _____ Propoxyphene _____ Opiates _____ Amphetamines
 _____ Marijuana _____ Alcohol _____ Other cl
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward _____ Treatment _____ GOOD FAIR POOR
 Case Management _____ GOOD FAIR POOR

Attendance This Reporting Period _____ Group Sessions _____ of _____
 Case Management _____ of _____

Fee Payment This Reporting Period _____ Restitution _____ As Agreed _____ Delinquent
 Participation _____ As Agreed _____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

continue w/ sanction

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report July 17, 2003

Name Cedric Perkins Current Phase I Week 8

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxyphene _____ Opiates _____ Amphetamines cl.
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen in

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	_____ As Agreed _____	Delinquent
	Participation	_____ As Agreed _____	Delinquent

Treatment Counselor's Comments

Case Manager's Comments

cl. awaiting bed @ Holmesview

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report July 10, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
_____ Propoxyphene _____ Opiates _____ Amphetamines in
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward Treatment GOOD FAIR POOR
Case Management GOOD FAIR POOR

Attendance This Reporting Period Group Sessions _____ of _____
Case Management _____ of _____

Fee Payment This Reporting Period Restitution _____ As Agreed _____ Delinquent
Participation _____ As Agreed _____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

awaiting bel @ Holmesview

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report July 3, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
 _____ Propoxyphene _____ Opiates _____ Amphetamines
 _____ Marijuana _____ Alcohol _____ Other in
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Retention

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

CTR

Fee Payment This Reporting Period	Restitution	_____ As Agreed _____	Delinquent
	Participation	_____ As Agreed _____	Delinquent

Treatment Counselor's Comments

Case Manager's Comments

*referred — admission to
Ho/mescreen*

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report June 26, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
 _____ Propoxyphene _____ Opiates _____ Amphetamines
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions 0 of 1
 Case Management 0 of 1

Fee Payment This Reporting Period Restitution _____ As Agreed _____ Delinquent
 Participation _____ As Agreed _____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

Judge's Comments

*will meet w/d in Reberton CTR
 6/27 a m + confront w/ false inf he gave of drug use dates*

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report June 19, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending Patch on _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxyphene _____ Opiates _____ Amphetamines in
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period _____ Group Sessions _____ of _____
 Case Management _____ of _____

Fee Payment This Reporting Period _____ Restitution _____ As Agreed _____ Delinquent
 Participation _____ As Agreed _____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

C needs to get honest about drug

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report June 12, 2003

Name Cedric Perkins Current Phase I Week 2
 # Of Screens 2 Negative Positive ^{DOC} Pending Patch on 6/6
 Tested For Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	<u> </u> of <u> </u>
	Case Management	<u> </u> of <u> </u>

Fee Payment This Reporting Period	Restitution	<u> </u> As Agreed <u> </u>	Delinquent
	Participation	<u> </u> As Agreed <u> </u>	Delinquent

Treatment Counselor's Comments

[Handwritten initials]

Case Manager's Comments

*Sanction for positive screen
referred Holmesview for inpatient tx*

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report June 5, 2003

Name Cedric Pecher Current Phase I Week 8
 # Of Screens 1 Negative Positive Pending 5/27 patch
 Tested For Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward Treatment GOOD FAIR POOR
 Case Management GOOD FAIR POOR

Attendance This Reporting Period Group Sessions 3 of 3
 Case Management 1 of 1

Fee Payment This Reporting Period Restitution As Agreed Delinquent
 Participation As Agreed Delinquent

Treatment Counselor's Comments

Doing work very good Able to
share feelings & argue in healthy way & understand
how feelings can lead to drug use

Case Manager's Comments

Struggling to get permanent job
Working three temps now

Judge's Comments

Check on CSW

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report May 29, 2003

Name Cedric Perkins Current Phase I Week 7

Of Screens 1 Negative Positive Pending 5/27 patch

Tested For Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen 5p

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions 2 of 3 1 Holiday
Case Management of

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

Work in group is good Participates well stressed about job situation + pending family court hearing.

Case Manager's Comments

Working at temp jobs only worked 1 day this week thus far

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report May 22, 2003

Name Cedric Perkins Current Phase I Week 6
 # Of Screens Negative Positive Pending 5/16 patch
 Tested For Cocaine Barbiturates Benzodiazepines
 Propoxphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	<u>3</u> of <u>3</u>
	Case Management	<u> </u> of <u> </u>

Fee Payment This Reporting Period	Restitution	<u> </u> As Agreed <u> </u>	Delinquent
	Participation	<u> </u> As Agreed <u> </u>	Delinquent

Treatment Counselor's Comments

*waited on his lack of
commitment — puts job —
relationships before recovery.*

Case Manager's Comments

*missed c.m. mtg & aa/na mtg,
recommend as his CSW — cl needs
to put recovery first*

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report May 15, 2003

Name Cedric Peches Current Phase I Week 5

Of Screens 1 Negative _____ Positive _____ Pending patch off 5/15

Tested For Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	<u>GOOD</u>	FAIR	POOR
	Case Management	<u>GOOD</u>	FAIR	POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management of

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

*Trust work done .
will need more work on this or control issues*

Case Manager's Comments

*Is working @ job
meeting requirements Continue*

Judge's Comments

Judge's Comments

Greenville County Drug Court Defendant Status Report

Date of Status Report May 1, 2003

Name Cedric Perkins Current Phase 7 Week 3

Of Screens 1 Negative _____ Positive _____ Pending 4/30

Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen patch

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management of

Fee Payment This Reporting Period **Restitution** / **As Agreed** **Delinquent**
Participation / **As Agreed** **Delinquent**

Treatment Counselor's Comments

Showing stability has much
more teachable attitude

Case Manager's Comments

good progress continue

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report April 24, 2003

Name Cedric Puleis **Current Phase** I **Week** 2

Of Screens 1 **Negative** _____ **Positive** _____ Pending pat.

Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other _____
Methamphetamines **Type of screen** _____

Treatment Components

Motivated Toward **Treatment Case Management** GOOD FAIR POOR
GOOD FAIR POOR

Attendance This Reporting Period **Group Sessions** 3 of 3
Case Management _____ of _____

Fee Payment This Reporting Period **Restitution** _____ As Agreed _____ Delinquent
Participation As Agreed _____ Delinquent

Treatment Counselor's Comments

Good work in group.

Case Manager's Comments

Has new job!
continue

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report April 17, 2003

Name Cedric Perkins Current Phase I Week 1
 # Of Screens 1 Negative 1 Positive _____ Pending _____
 Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other _____
Methamphetamines Type of screen _____

Treatment Components

Motivated Toward _____ Treatment Case Management GOOD GOOD FAIR POOR
 FAIR POOR

Attendance This Reporting Period _____ Group Sessions 2 of 3
 Case Management _____ of _____

Fee Payment This Reporting Period _____ Restitution As Agreed _____ Delinquent
 Participation As Agreed _____ Delinquent

Treatment Counselor's Comments

Doing very well in returning to group

Case Manager's Comments

Continue - - - -

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report April 10, 2003

Name Cedric Perkins **Current Phase** I **Week** 0

Of Screens _____ **Negative** _____ **Positive** _____ **Pending** _____

Tested For _____ **Cocaine** _____ **Barbiturates** _____ **Benzodiazepines** _____
 Propoxyphene _____ **Opiates** _____ **Amphetamines** in tx
 Marijuana _____ **Alcohol** _____ **Other** _____
 Methamphetamines _____ **Type of screen** _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR	<u>Faith</u>
	Case Management	GOOD	FAIR	POOR	

Attendance This Reporting Period	Group Sessions	_____ of _____	<u>None</u>
	Case Management	_____ of _____	

Fee Payment This Reporting Period	Restitution	_____ As Agreed	_____ Delinquent
	Participation	_____ As Agreed	_____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

C entered tx at Faith Home
4/7/03

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report April 3, 2003

Name Cedric Perkins **Current Phase** I **Week** 8

Of Screens _____ **Negative** _____ **Positive** _____ **Pending** _____

Tested For _____ **Cocaine** _____ **Barbiturates** _____ **Benzodiazepines** _____
 Propoxyphene _____ **Opiates** _____ **Amphetamines** _____
 Marijuana _____ **Alcohol** _____ **Other** _____
 Methamphetamines _____ **Type of screen** _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	_____ As Agreed _____	Delinquent
	Participation	_____ As Agreed _____	Delinquent

Treatment Counselor's Comments

Case Manager's Comments

release 4/7 8am for ingested
TX

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**Date of Status Report **March 27, 2003**Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
_____ Propoxyphene _____ Opiates _____ Amphetamines
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen _____**Treatment Components**

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions _____ of _____
Case Management _____ of _____Fee Payment This Reporting Period Restitution _____ As Agreed _____ Delinquent
Participation _____ As Agreed _____ Delinquent**Treatment Counselor's Comments****Case Manager's Comments**

*cl is in Retention Ctr awaiting
inpatient bed @ Faith Home*

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**Date of Status Report **March 13, 2003**Name Cedric Perkins Current Phase I Week 2

Of Screens _____ Negative _____ Positive _____ Pending _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
_____ Propoxphene _____ Opiates _____ Amphetamines
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen W/E**Treatment Components**

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period _____ Group Sessions _____ of _____
Case Management _____ of _____Fee Payment This Reporting Period _____ Restitution _____ As Agreed _____ Delinquent
Participation _____ As Agreed _____ Delinquent~~Treatment Counselor's Comments,~~

Case Manager's Comments

Has been referred to
Faith Home for TX

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report February 27, 2003

Name Cedric Perkins Current Phase I Week 2
 # Of Screens 1 Negative _____ Positive _____ Pending _____
 Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxphene _____ Opiates _____ Amphetamines _____
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen pat. 2

Treatment Components

Motivated Toward	Treatment	<u>GOOD</u>	FAIR	POOR
	Case Management	<u>GOOD</u>	FAIR	POOR

Attendance This Reporting Period	Group Sessions	<u>3</u> of <u>3</u>
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	<u>/</u> As Agreed	_____ Delinquent
	Participation	_____ As Agreed	_____ Delinquent

Treatment Counselor's Comments

Good work

Case Manager's Comments

Still needs jk
missed a mgmt 8 hrs. CSN

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report February 20, 2003

Name Cedric Perkins Current Phase 5 Week 1
 # Of Screens 1 Negative _____ Positive _____ Pending patch
 Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other _____
Methamphetamines Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions 3 of 3
 Case Management _____ of _____

Fee Payment This Reporting Period Restitution As Agreed Delinquent
 Participation As Agreed Delinquent

Treatment Counselor's Comments

157/ wt back following 1 mo. - jail Good attitude
 WAS open-minded & responsive to recovery
 tools & sharing w/ others rather than self-reliance
 or prob. solving

Case Manager's Comments

~~intent~~ Next C. mgmt. apt. 2/25/03
 (Behind on Child Support since jail sanction) 11 am
 stressed (Needs employment)

Judge's Comments

Sanction 5 hrs CSW, late to court
 Concerned about paying child support/will contact temp agencies

**Greenville County Drug Court
Defendant Status Report**Date of Status Report **February 13, 2003**Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
_____ Propoxyphene _____ Opiates _____ Amphetamines _____
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen _____**Treatment Components**

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period _____ Group Sessions _____ of _____
Case Management _____ of _____Fee Payment This Reporting Period _____ Restitution _____ As Agreed _____ Delinquent
Participation _____ As Agreed _____ Delinquent**Treatment Counselor's Comments****Case Manager's Comments***continue w/ sanction***Judge's Comments**

Greenville County Drug Court
Defendant Status Report

Date of Status Report February 6, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxphene _____ Opiates _____ Amphetamines _____
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	_____ As Agreed _____	Delinquent
	Participation	_____ As Agreed _____	Delinquent

Treatment Counselor's Comments

Case Manager's Comments

continue w/ jail sanction

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report January 30, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxyphene _____ Opiates _____ Amphetamines _____
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions _____ of _____
 Case Management _____ of _____

Fee Payment This Reporting Period Restitution _____ As Agreed _____ Delinquent
 Participation _____ As Agreed _____ Delinquent

Treatment Counselor's Comments

Case Manager's Comments

Continue w/ sanction

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report January 23, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxyphene _____ Opiates _____ Amphetamines _____
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	_____ As Agreed _____	Delinquent
	Participation	_____ As Agreed _____	Delinquent

Treatment Counselor's Comments

Case Manager's Comments

Continue w/ sanction

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report **January 16, 2003**

Name Cedric Parker Current Phase I Week 8
Of Screens 2 Negative 1 Positive 1 Pending patch
Tested For MISSSED Cocaine MISSSED Barbiturates MISSSED Benzodiazepines
Propoxphene MISSSED Opiates MISSSED Amphetamines
Marijuana MISSSED Alcohol MISSSED Other MISSSED
Methamphetamines MISSSED Type of screen MISSSED

Treatment Components

Motivated Toward

Treatment
Case Management

GOOD
GOOD

FAIR
FAIR

POOR
POOR

Attendance This Reporting Period

Group Sessions

3 of 3

Case Management

3 of 3

Fee Payment This Reporting Period

Restitution

As Agreed

Delinquent

Participation

As Agreed

Delinquent

Treatment Counselor's Comments

information Not applying
recovery first Not pulling
missed screen Monday
late for group

Case Manager's Comments

Positive, screen cocaine for Christmas
2 positive w/ missed screen - late
for group late for court last
week - not meeting requirements

Judge's Comments

Sanction of 10 days jail time
recommended.

Greenville County Drug Court
Defendant Status Report

Date of Status Report January 9, 2003

Name Cedric Perkins Current Phase I Week 15
Of Screens 3 Negative 3 Positive _____ Pending _____
Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen _____

Treatment Components

Motivated Toward Treatment GOOD FAIR POOR
Case Management GOOD FAIR POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management _____ of _____

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

good progress on group
seems to work he only

Case Manager's Comments

meeting all requirements
good att take

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report January 2, 2003

Name Cedric Perkins Current Phase I Week 14# Of Screens 2 Negative 0 Positive _____ Pending _____Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
_____ Propoxyphene _____ Opiates _____ Amphetamines
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen _____**Treatment Components**Motivated Toward _____ Treatment Case Management GOOD GOOD FAIR FAIR POOR POORAttendance This Reporting Period _____ Group Sessions 1 of 1
Case Management _____ of _____Fee Payment This Reporting Period _____ Restitution As Agreed _____ Delinquent
Participation As Agreed _____ Delinquent**Treatment Counselor's Comments**only 1 screen - holiday**Case Manager's Comments**cont. mile**Judge's Comments**

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report

December 24, 2002

Name

Cedric Perkins

Current Phase

Week

13

Of Screens

1

Negative

Positive

Pending

patch

Tested For

Cocaine

Barbiturates

Benzodiazepines

Propoxyphene

Opiates

Amphetamines

Marijuana

Alcohol

Other

Methamphetamines

Type of screen

Treatment Components

Motivated Toward

Treatment

GOOD

FAIR

POOR

Case Management

GOOD

FAIR

POOR

Attendance This Reporting Period

Group Sessions

0 of 0

Case Management

0 of 0

Fee Payment This Reporting Period

Restitution

As Agreed

Delinquent

Participation

As Agreed

Delinquent

Treatment Counselor's Comments

NO group - holidays

Case Manager's Comments

continue

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report December 19, 2002

Name Cedric Perkins Current Phase I Week 12

Of Screens Negative Positive Pending ✓ patch 12/19/02

Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management 1 of 1

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

*good progress
still needs to work on control issues*

Case Manager's Comments

overall good progress

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report **December 12, 2002**

Name Cedric Perkins **Current Phase** I **Week** 11

Of Screens _____ **Negative** _____ **Positive** _____ **Pending** patch

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
 Propoxyphene _____ Opiates _____ Amphetamines
 Marijuana _____ Alcohol _____ Other _____
 Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	<u>3</u> of <u>3</u>
	Case Management	<u>1</u> of <u>1</u>

Fee Payment This Reporting Period	Restitution	<u>As Agreed</u>	Delinquent
	Participation	<u>As Agreed</u>	Delinquent

Treatment Counselor's Comments

Good progress

Case Manager's Comments

Making good progress, has good goals on continuing education

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report December 5, 2002

Name Adrian Perkins Current Phase I Week 9/10
 # Of Screens 1 Negative 1 Positive 0 Pending patch is on
 Tested For 1 Cocaine 1 Barbiturates 1 Benzodiazepines
1 Propoxyphene 1 Opiates 1 Amphetamines
1 Marijuana 1 Alcohol 1 Other 1
1 Methamphetamines 1 Type of screen 1
 Treatment Components
 Motivated Toward 1 Treatment Case Management GOOD FAIR POOR
 Attendance This Reporting Period 1 Group Sessions 1 of 2 missed for work
 Case Management 1 of 1
 Fee Payment This Reporting Period 1 Restitution 1 As Agreed 1 Delinquent
 Participation 1 As Agreed 1 Delinquent

Treatment Counselor's Comments

Good work in group

Case Manager's Comments

New job . higher pay .
more opportunity

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report **November 26, 2002**

Name Cedric Perkins Current Phase I Week 9

Of Urine Screens 1 # Negative _____ # Positive pending

Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen patch

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period Group Sessions 2 of 2 Holiday
Case Management 1 of 1

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

Good progress

Case Manager's Comments

*Is considering employment
in career options i.e. school. Good
progress overall.*

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report November 21, 2002

Name Cedric Perkins Current Phase I Week 8

Of Urine Screens _____ # Negative _____ # Positive _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines
_____ Propoxyphene _____ Opiates _____ Amphetamines
_____ Marijuana _____ Alcohol _____ Other _____
_____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward _____ Treatment Case Management GOOD GOOD FAIR FAIR POOR POOR

Attendance This Reporting Period _____ Group Sessions 3 of 3
Case Management 1 of 1

Fee Payment This Reporting Period _____ Restitution / As Agreed _____ Delinquent
Participation / As Agreed _____ Delinquent

Treatment Counselor's Comments

good progress

Case Manager's Comments

continue

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report November 14, 2002

Name Cedric Perkins Current Phase I Week 7

Of Urine Screens 1 # Negative 1 # Positive 0

Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	<u>GOOD</u>	FAIR	POOR
	Case Management	<u>GOOD</u>	FAIR	POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management of

Fee Payment This Reporting Period Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

Doing well in going on goals

Case Manager's Comments

*Has new job at Disgo
but has goals for career improvement*

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report November 7, 2002

Name Cedric Perkins **Current Phase** I **Week** 6

Of Urine Screens 2 **# Negative** 2 **# Positive** _____

Tested For. ✓ **Cocaine** ✓ **Barbiturates** ✓ **Benzodiazepines**
 ✓ **Propoxyphene** ✓ **Opiates** ✓ **Amphetamines**
 ✓ **Marijuana** ✓ **Alcohol** ✓ **Other** _____
 ✓ **Methamphetamines** **Type of screen** _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	<u>3</u> of <u>3</u>
	Case Management	<u>1</u> of <u>1</u>

Fee Payment This Reporting Period	Restitution	<u>✓</u> As Agreed	<u>✓</u> Delinquent
	Participation	<u>✓</u> As Agreed	<u>✓</u> Delinquent

Treatment Counselor's Comments

Good progress

Case Manager's Comments

new job , better participation overall

Judge's Comments

check on homework

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report October 31, 2002

Name Cedric Parker **Current Phase** I **Week** 5

Of Urine Screens 2 **# Negative** 2 **# Positive** _____

Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other _____
Methamphetamines **Type of screen** _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period **Group Sessions** 3 of 3
Case Management 1 of 1

Fee Payment This Reporting Period **Restitution** As Agreed **Delinquent**
Participation As Agreed **Delinquent**

Treatment Counselor's Comments

Making progress on goals

Case Manager's Comments

Has new job - better pay good attitude

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report October 24, 2002

Name Cedric Fellers **Current Phase** 4 **Week** 4

Of Urine Screens 2 **# Negative** 2 **# Positive** missed screen on 10/18

Tested For ✓ Cocaine ✓ Barbiturates ✓ Benzodiazepines
✓ Propoxyphene ✓ Opiates ✓ Amphetamines
✓ Marijuana ✓ Alcohol ✓ Other ✓
✓ Methamphetamines ✓ Type of screen ✓

Treatment Components

Motivated Toward **Treatment** **GOOD** **FAIR** **POOR**
Case Management **GOOD** **FAIR** **POOR**

Attendance This Reporting Period **Group Sessions** 3 of 3
Case Management 1 of 1

Fee Payment This Reporting Period **Restitution** ✓ **As Agreed** ✓ **Delinquent**
Participation ✓ **As Agreed** ✓ **Delinquent**

Treatment Counselor's Comments

late h. work
 otherwise good participant

Case Manager's Comments

sanction w/end jail for missed screen
 + for late h. work

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report January 30, 2003

Name Cedric Perkins Current Phase I Week 0

Of Screens _____ Negative _____ Positive _____ Pending _____

Tested For _____ Cocaine _____ Barbiturates _____ Benzodiazepines _____
 _____ Propoxyphene _____ Opiates _____ Amphetamines _____
 _____ Marijuana _____ Alcohol _____ Other _____
 _____ Methamphetamines _____ Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	_____ of _____
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	_____ As Agreed _____	Delinquent
	Participation	_____ As Agreed _____	Delinquent

Treatment Counselor's Comments

Case Manager's Comments

Continue w/ sanction

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report October 17, 2002

Name Adrian Perkins Current Phase I Week 3

Of Urine Screens 2 # Negative 2 # Positive

Tested For ✓ Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	<u>GOOD</u>	FAIR	POOR
	Case Management	<u>GOOD</u>	FAIR	POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management 1 of 1

Fee Payment This Reporting Period Restitution ✓ As Agreed Delinquent
Participation ✓ As Agreed Delinquent

Treatment Counselor's Comments

Shows well in group. Is more attentive
still needs to be more open to "new ideas"
that recovery work requires.

Case Manager's Comments

Lost 3rd shift job - laid off
has new job: Dispose Plastics
1st/shift - should be on improvement

Judge's Comments

for group -
participation

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report October 10, 2002

Name Cedric Perkins **Current Phase** I **Week** 2

Of Urine Screens. 3 **# Negative** 3 **# Positive** _____

Tested For ✓ Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward. **Treatment** GOOD **FAIR** **POOR**
Case Management GOOD **FAIR** **POOR**

Attendance This Reporting Period **Group Sessions** 3 of 3
Case Management _____ of _____

Fee Payment This Reporting Period **Restitution** ✓ **As Agreed** **Delinquent**
Participation ✓ **As Agreed** **Delinquent**

Treatment Counselor's Comments

Doing better in group. more focused
 more "teachable" attitude

Case Manager's Comments

CM appt.
 10/15 @ 8:30 am

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report October 3, 2002

Name Cedric Perkins **Current Phase** I **Week** 1

Of Urine Screens 2 **# Negative** 2 **# Positive** _____

Tested For. Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward	Treatment	GOOD	FAIR	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	<u>3</u> of <u>3</u>
	Case Management	_____ of _____

Fee Payment This Reporting Period	Restitution	<u> </u> As Agreed <u> </u> Delinquent
	Participation	<u> </u> As Agreed <u> </u> Delinquent

Treatment Counselor's Comments

Finally a clear drug screen week!

Case Manager's Comments

continue

Judge's Comments

**Greenville County Drug Court
Defendant Status Report**

Date of Status Report Sept 26, 2002

Name Cedric Perkins Current Phase I Week 0

Of Urine Screens 1 # Negative # Positive 1 THC or

Tested For Cocaine Barbiturates Benzodiazepines
 Propoxyphene Opiates Amphetamines
 Marijuana Alcohol Other
 Methamphetamines Type of screen

Treatment Components

Motivated Toward Treatment GOOD FAIR POOR
Case Management GOOD FAIR POOR

Attendance This Reporting Period Group Sessions 3 of 3
Case Management of

Fee Payment This Reporting Period. Restitution As Agreed Delinquent
Participation As Agreed Delinquent

Treatment Counselor's Comments

C participates in group Needs
to "listen" more.

Case Manager's Comments

Positive for marijuana
may be residue from last week will wait
on confirmation & level analysis.

Judge's Comments

Greenville County Drug Court
Defendant Status Report

Date of Status Report Sept 19, 2002

Name Cedric Perkins Current Phase I Week 0

Of Urine Screens 3 # Negative 1 # Positive 2

Tested For Cocaine Barbiturates Benzodiazepines
Propoxyphene Opiates Amphetamines
Marijuana Alcohol Other
Methamphetamines Type of screen _____

Treatment Components

Motivated Toward	Treatment	GOOD	<u>FAIR</u>	POOR
	Case Management	GOOD	FAIR	POOR

Attendance This Reporting Period	Group Sessions	<u>3</u>	of <u>3</u>
	Case Management		of _____

Fee Payment This Reporting Period	Restitution	<u>As Agreed</u>	Delinquent
	Participation	<u>As Agreed</u>	Delinquent

Treatment Counselor's Comments

*Cl admits to using 9/13/02 per
after entering D. Court*

Case Manager's Comments

*Recommend sanction 2 w/ends in jail
for + screen works Mon-Thurs 10 hrs days
3rd shift*

Judge's Comments

04-Jun-2004

Clinical Reference Laboratory
CLIA #17D0667123 SAMHSA #0007 CAP #30211-01

08 01

ACCURATE DIAGNOSTICS	NAME PERKINS, CEDRIC	SAMPLE ID 69124062
NINA RADDATZ	DOB N/S	COLLECTED 05/28/04
1635 E NORTH ST	SSN SSN	RECEIVED 06/02/04
GREENVILLE, SC 29607	GENDER N/S	COMPLETED 06/04/04
	SLIP ID: 0040908420	FAX (864) 271 3307
PH (864) 271 3306	REF ID: 13TH JUDICIAL CIRCUIT DRU	
COLL SITE ID A7G001Z	REFERENCE 1 NONDOT DEFAULT	
	REFERENCE 2:	

SITE ADDR	ACCURATE DIAGNOSTICS	SITE BRANCH	GREENVILLE SC
	1635 E NORTH ST	SITE PHONE	(864) 271-3306
	GREENVILLE, SC 29607	SITE FAX	(864) 271-3307

REASON FOR TESTING	OTHER
SAMPLE TYPE	DRUG SCREEN (5 PANEL)

SPECIMEN TEMPERATURE WITHIN RANGE
THIS SPECIMEN HAS BEEN HANDLED AND ANALYZED IN ACCORDANCE WITH FORENSIC
REQUIREMENTS ALL POSITIVE RESULTS ARE CONFIRMED BY A MASS SPECTROMETRIC
TECHNIQUE

URINALYSIS	RESULT / STATUS	CUTOFF/EXPECTED VALUES
-----	-----	-----
URN CREATININE	41 9	20 0-300 0 mg%
INITIAL TEST	RESULT / STATUS	CUTOFF VALUE
-----	-----	-----
COCAINE METABOLITES	POSITIVE	300 ng/mL
AMPHETAMINES (CLASS)	NEGATIVE	1000 ng/mL
MARIJUANA METABOLITE	POSITIVE	50 ng/mL
OPIATES	NEGATIVE	2000 ng/mL
PHENCYCLIDINE	NEGATIVE	25 ng/mL
GC/MS, LC/MS CONFIRMATIONS	RESULT / STATUS	CUTOFF VALUE
-----	-----	-----
GC/MS COCAINE METABOLITE	500 POSITIVE	150 ng/mL
GC/MS MARIJUANA METABOLITE	140 POSITIVE	15 ng/mL

LAB DIRECTOR S C Kammerer, PhD, RP

ELECTRONICALLY REVIEWED BY JAMES C ROBERTSON

Page 1

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8433 Quivira Road Lenexa, Kansas 66215 (913) 492-3652

FCB CLS A7G 001Z DEFNON

[end of report]

988

04-Jun-2004

Clinical Reference Laboratory

08 01

CLIA #17D0667123

SAMHSA #0007

CAP #30211-01

ACCURATE DIAGNOSTICS

NAME PERKINS, CEDRIC

SAMPLE ID 69124062

NINA RADDATZ

DOB N/S

COLLECTED 05/28/04

1635 E NORTH ST

SSN SSN

RECEIVED 06/02/04

GREENVILLE, SC 29607

GENDER N/S

COMPLETED 06/04/04

SLIP ID: 0040908420

FAX (864) 271-3307

PH (864) 271-3306

REF ID: 13TH JUDICIAL CIRCUIT DRU

COLL SITE ID A7G001Z

REFERENCE 1 NONDOT DEFAULT

REFERENCE 2

SITE ADDR ACCURATE DIAGNOSTICS

SITE BRANCH GREENVILLE SC

1635 E NORTH ST

SITE PHONE (864) 271-3306

GREENVILLE, SC 29607

SITE FAX (864) 271-3307

REASON FOR TESTING. OTHER

SAMPLE TYPE DRUG SCREEN (5 PANEL)

SPECIMEN TEMPERATURE WITHIN RANGE

THIS SPECIMEN HAS BEEN HANDLED AND ANALYZED IN ACCORDANCE WITH FORENSIC
REQUIREMENTS ALL POSITIVE RESULTS ARE CONFIRMED BY A MASS SPECTROMETRIC
TECHNIQUE

URINALYSIS

RESULT / STATUS

CUTOFF/EXPECTED VALUES

URN CREATININE

41 9

20 0 300 0 mg%

INITIAL TEST

RESULT / STATUS

CUTOFF VALUE

COCAINE METABOLITES

POSITIVE

300 ng/mL

AMPHETAMINES (CLASS)

NEGATIVE

1000 ng/mL

MARIJUANA METABOLITE

POSITIVE

50 ng/mL

OPIATES

NEGATIVE

2000 ng/mL

PHENCYCLIDINE

NEGATIVE

25 ng/mL

GC/MS, LC/MS CONFIRMATIONS

RESULT / STATUS

CUTOFF VALUE

GC/MS COCAINE METABOLITE

500 POSITIVE

150 ng/mL

GC/MS MARIJUANA METABOLITE

140 POSITIVE

15 ng/mL

LAB DIRECTOR S C Kammerer, PhD, RP

ELECTRONICALLY REVIEWED BY JAMES C ROBERTSON

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FCB CLS A7G 001Z DEFNON

[end of report]



1635 East North Street
Greenville, SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ other (specify) Legal Court Order

Date of Specimen Collection and Test 5/28/2004 Time 6 00pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company, Employer, Entity Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector that I have not adulterated it in any manner that the specimen was tested on the instant 5 panel instant drug screen in my presence, and that the information provided on this form is correct.

Test Results positive

Temperature 94°

Observed yes

Drug Screened	Result	Cut Off Value
~~Cocaine Metabolites~~	~~positive~~	300 ng/mL
Amphetamines	negative	1000 ng/mL
Marijuana Metabolite	negative	50 ng/mL
Methamphetamines	negative	1000 ng/mL
Opiates	negative	2000 ng/mL

Signature of Donor Cedric Perkins

Date 5/28/2004

Collector ANDRES CANIBE / NINA RADDATZ



1635 East North Street
Greenville SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ other (specify) Legal Court Order

Date of Specimen Collection and Test 5 / 28 / 2004 Time 9.25 pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville SC

I hereby consent to have a specimen of my urine taken and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company Employer Entity Institution or their Designee. I hereby release Accurate Diagnostics and their employees contract representatives and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector that I have not adulterated it in any manner that the specimen was tested on the instant 5 panel instant drug screen in my presence and that the information provided on this form is correct.

Test Results positive Temperature 93°

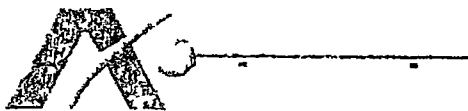
Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolite	<u>positive</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>positive</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL

Signature of Donor Cedric Perkins

Date 5 / 28 / 2004

Collector Andres Canipe



1635 East North Street
Greenville SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ other (specify) Legal Court Order

Date of Specimen Collection and Test 5/26/2004 Time 4:24 pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company, Employer, Entity Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector that I have not adulterated it in any manner that the specimen was tested on the instant 5 panel instant drug screen in my presence and that the information provided on this form is correct.

Test Results negative Temperature 94°

Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>negative</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL

Signature of Donor

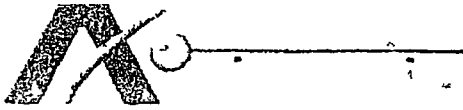
Cedric Perkins

Date 5/26/2004

Collector

ANDRES CANIPE

992



1635 East North Street
Greenville SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ other (specify) Legal Court Order

Date of Specimen Collection and Test 5 / 20 / 2004 Time 5 44 pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company, Employer, Entity Institution or their Designee. I hereby release Accurate Diagnostics and their employees contract representatives and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector, that I have not adulterated it in any manner, that the specimen was tested on the instant 6 panel instant drug screen in my presence, and that the information provided on this form is correct.

Test Results negative Temperature 92°

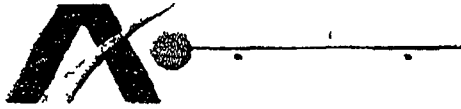
Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>negative</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL

Signature of Donor Cedric Perkins

Date 5 / 20 / 2004

Collector Andres Canipe



1635 East North Street
Greenville SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) _____

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ other (specify) Legal Court Order

Date of Specimen Collection and Test 5/13/2004 Time 5:35pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company Employer Entity Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector that I have not adulterated it in any manner, that the specimen was tested on the instant 6 panel instant drug screen in my presence, and that the information provided on this form is correct.

Test Results negative Temperature 94°

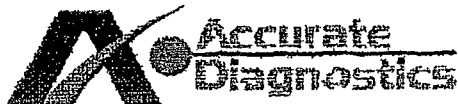
Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>negative</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL

Signature of Donor Cedric Perkins

Date 5/13/2004

Collector Andres Canipe



1635 East North Street
Greenville, SC 29607
Phone 864 271 3306
Fax 864 271 3307

Consent for Drug Screen

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ other (specify) Legal Court Order

Date of Specimen Collection and Test 5/11/2004 Time 5:29 PM

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company Employer Entity, Institution or their Designee I hereby release Accurate Diagnostics and their employees, contract representatives and agents from any and all liability arising from the release of the information discovered from my test I certify that I provided my specimen to the collector, that I have not adulterated it in any manner, that the specimen was tested on the instant 6 panel instant drug screen in my presence, and that the information provided on this form is correct

Test Results Negative

Temperature 93°F

Observed Yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>Negative</u>	300 ng/mL
Amphetamines	<u>Negative</u>	1000 ng/mL
Marijuana Metabolite	<u>Negative</u>	50 ng/mL
Methamphetamines	<u>Negative</u>	1000 ng/mL
Opiates	<u>Negative</u>	2000 ng/mL

Signature of Donor Cedric Perkins

Date 5/11/2004

Collector NINA RADDATZ



Accurate Diagnostics

1635 E North Street
Greenville SC 29607
Tel (864) 271-3306
Fax (864) 271-3307

CONSENT FOR DRUG SCREEN

DONOR NAME Cedric Perkins DONOR ID (SSN#)

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

- ☐ Pre-Employment
 ☐ Random
 ☐ Reasonable Suspicion/Cause
☐ Post Accident
 ☐ Return to Duty
 • Other (specify) Legal Court Order

Date of Specimen Collection and Test 3/30/2004 Time 4:40 PM

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics, with the results of the tests on my specimen being made available to the above named Company, Employer, Entity, Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives, and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector, that I have not adulterated it in any manner, that the specimen was tested on the an instant 5 panel instant drug screen in my presence and that the information provided on this form is correct.

Test Results: Negative Temperature 93°F
Observed Yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>Negative</u>	300 ng/mL
Amphetamines	<u>Negative</u>	1000 ng/mL
Marijuana Metabolite	<u>Negative</u>	50 ng/mL
Methamphetamines	<u>Negative</u>	1000 ng/mL
Opiates	<u>Negative</u>	2000 ng/mL
Benzodiazepines	<u>Negative</u>	300 ng/mL

Signature of Donor [Signature] Date 3/30/2004

Collector T. Andrés Canipe Test Performed by T. Andrés Canipe



Accurate Diagnostics

1635 E North Street
Greenville SC 29607
Tel (864) 271 3306
Fax (864) 271- 3307

CONSENT FOR DRUG SCREEN

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

- ☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause
☐ Post Accident ☐ Return to Duty ☒ Other (specify) Legal Court Order

Date of Specimen Collection and Test 4/30/2004 Time 6:00 pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics, with the results of the tests on my specimen being made available to the above named Company, Employer, Entity, Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives, and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector, that I have not adulterated it in any manner, that the specimen was tested on the an instant 5 panel instant drug screen in my presence and that the information provided on this form is correct.

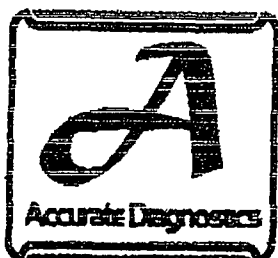
Test Results negative Temperature 93°

Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>negative</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL
Benzodiazepines	<u>negative</u>	300 ng/mL

Signature of Donor Cedric Perkins Date 4/30/2004

Collector Cedric Perkins Test Performed by ANDRES CANIBE



Accurate Diagnostics

1635 E North Street
Greenville SC 29607
Tel (864) 271-3306
Fax (864) 271 3307

CONSENT FOR DRUG SCREEN

DONAR NAME Cedric Perkins DONAR ID (SSN#) SSN

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause

☐ Post Accident ☐ Return to Duty ☒ Other (specify) Legal Court Order

Date of Specimen Collection and Test 4/20/2004 Time 5:50 pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics with the results of the tests on my specimen being made available to the above named Company, Employer, Entity, Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives, and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector, that I have not adulterated it in any manner, that the specimen was tested on the an instant 5 panel instant drug screen in my presence, and that the information provided on this form is correct.

Test Results negative

Temperature 94.0

Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>negative</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL
Benzodiazepines	<u>negative</u>	300 ng/mL

Signature of Donor

Cedric Perkins

Date

4/20/2004

Collector

Andres Canipe

Test Performed by

Andres Canipe



Accurate Diagnostics

1635 E North Street
Greenville SC 29607
Tel (864) 271-3306
Fax (864) 271-3307

CONSENT FOR DRUG SCREEN

DONAR NAME Cedric Perkins DONAR ID (SSN#) _____

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause

☐ Post Accident ☐ Return to Duty ☒ Other (specify) Legal Court Order

Date of Specimen Collection and Test 4/16/2004 Time 5:06 pm

Location of Test (Collector Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics, with the results of the tests on my specimen being made available to the above named Company Employer, Entity, Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives and agents from any and all liability arising from the release of the information discovered from my test. I certify that I provided my specimen to the collector, that I have not adulterated it in any manner that the specimen was tested on the an instant 5 panel instant drug screen in my presence, and that the information provided on this form is correct.

Test Results negative Temperature 95°

Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>negative</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL
Benzodiazepines	<u>negative</u>	300 ng/mL

Signature of Donor [Signature] Date 4/16/2004

Collector Andres Camper Test Performed by [Signature]



Accurate Diagnostics

1635 E North Street
Greenville SC 29607
Tel (864) 271 3306
Fax (864) 271 3307

CONSENT FOR ALCOHOL SCREEN

DONAR NAME Cedric Perkins DONAR ID (SSN#) _____

COMPANY
NAME/EMPLOYER/INSTITUTION 13th Judicial Circuit Drug Court

REASON FOR TEST

☐ Pre-Employment ☐ Random ☐ Reasonable Suspicion/Cause

☐ Post Accident ☐ Return to Duty ☒ Other (specify) Legal - Court Order

Date of Specimen Collection and Test 4/1/12 /2004 Time 1:36pm

Location of Test (Collection Site) Accurate Diagnostics

I hereby consent to have a recording of my breath taken on a Digital Alcohol Detector (breathalyzer) I understand that my breath will be used for breath alcohol concentration analysis by Accurate Diagnostics, with the results of the tests being made available to the above named Company/Employer, Entity, Institution or their Designee I hereby release Accurate Diagnostics and their employees, contract representatives, and agents from any and all liability arising from the release of the information discovered from my test I certify that I provided my breath specimen to the collector, that I have not adulterated it in any manner, that the specimen was tested on the ABI Breathalyzer approved by US Dept Of Transportation in my presence and that the information provided on this form is correct

Test Results

Drug Screened	Result Breath Alcohol Concentration
Alcohol	0.00%

Signature of Donor Cedric Perkins Date 4/1/12 /2004



Accurate Diagnostics

1635 E North Street
Greenville SC 29607
Tel (864) 271 3306
Fax (864) 271 3307

CONSENT FOR DRUG SCREEN

DONAR NAME Cedric Perkins DONAR ID (SSN#) _____

NAME OF COMPANY/EMPLOYER/INSTITUTION/ENTITY Thirteenth Judicial Circuit Drug Court

REASON FOR TEST:

- ☐ Pre Employment ☐ Random ☐ Reasonable Suspicion/Cause
- ☐ Post Accident ☐ Return to Duty ☒ Other (specify) Legal Court Order

Date of Specimen Collection and Test 4/12/2004 Time 1:36pm

Location of Test (Collection Site) Accurate Diagnostics 1635 East North Street Greenville, SC

I hereby consent to have a specimen of my urine taken, and I understand that it will be used for drug analysis by Accurate Diagnostics, with the results of the tests on my specimen being made available to the above named Company, Employer, Entity, Institution or their Designee. I hereby release Accurate Diagnostics and their employees, contract representatives, and agents from any and all liability arising from the release of this information discovered from my test. I certify that I provided my specimen to the collector, that I have not adulterated it in any manner, that the specimen was tested on the an instant 5 panel instant drug screen in my presence, and that the information provided on this form is correct.

Test Results negative Temperature 95°

Observed yes

Drug Screened	Result	Cut Off Value
Cocaine Metabolites	<u>negative</u>	300 ng/mL
Amphetamines	<u>negative</u>	1000 ng/mL
Marijuana Metabolite	<u>negative</u>	50 ng/mL
Methamphetamines	<u>negative</u>	1000 ng/mL
Opiates	<u>negative</u>	2000 ng/mL
Benzodiazepines	<u>negative</u>	300 ng/mL

Signature of Donor [Signature] Date 4/12/2004

Collector Andres Canipe Test Performed by [Signature]