

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
General Sessions Court

Jocelyn Newman, Circuit Court Judge

Case No. 2016-GS-28-01123
Appellate Case No. 2024-001890

The State,

Respondent,

v.

Walter Wade Goad,

Appellant.

**RECORD ON APPEAL
VOLUME 1 OF 2**

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ATTORNEY FOR APPELLANT

RECEIVED

Feb 04 2026

SC Court of Appeals

INDEX

Indictment No. 2016-GS-281123	1
Sentence Sheets.....	3
Trial Transcript	6
Proceedings	12
Opening Statement by Ms. McKellar	105
Opening Statement by Mr. Swerling	107
Witnesses for the State	
Michael Sellers:	
Direct Examination by Ms. Gatte	117
Cross Examination by Mr. Swerling.....	184
Redirect Examination by Ms. Gatte.....	261
Re-cross Examination by Swerling.....	279
Damon Robertson:	
Direct Examination by Ms. McKellar.....	282
Kelly Morgan:	
Direct Examination by Ms. Gatte	295
Ashley Lyles:	
Direct Examination by Ms. Gatte	303
Cross Examination by Mr. Swerling.....	311
Adam Clayton:	
Direct Examination by Ms. Gatte	346
Cross Examination by Mr. Swerling.....	365
Redirect Examination by Ms. Gatte.....	373
Re-cross Examination by Swerling.....	374
Joshua Parnell:	
Direct Examination by Ms. McKellar.....	378
Cross Examination by Mr. Swerling.....	405
Redirect Examination by Ms. McKellar	492
Special Agent Adam Hardin:	
Direct Examination by Ms. McKellar.....	499
Cross Examination by Mr. Swerling.....	516

State Rests.....	532
Defense Rests.....	562
Closing Statement by Ms. Gatte	564
Closing Statement by Mr. Swerling.....	574
Final Closing Statement by Ms. Gatte	613
Jury Charge	614
Reading of the Verdict	631
Sentencing Hearing	638
State’s Exhibit 1 (Photo of Parnell’s House)	642
State’s Exhibit 2 (Photo of Parnell’s House)	644
State’s Exhibit 3 (Photo of SW Day at Parnell’s House)	646
State’s Exhibit 4 (Photo of Living Room)	648
State’s Exhibit 5 (Photo of Chair).....	650
State’s Exhibit 6 (Photo of Go Bag)	652
State’s Exhibit 7 (Photo of Drugs & Go Bag)	654
State’s Exhibit 8 (Photo of Packaging).....	656
State’s Exhibit 9 (Photo of Laid out Evidence)	658
State’s Exhibit 10 (Photo of Drugs on Scale)	660
State’s Exhibit 14 (Parnell’s Ledger).....	662
State’s Exhibit 13 (CD Phone Calls)	Filed Separately

State’s Exhibit 13 (CD Phone Calls) is omitted from this printed Record on Appeal and counsel is seeking to have it transported to the South Carolina Court of Appeals pursuant to court order.

WITNESSES

(S) Mickey Sellers
– Kershaw County Sheriff

ARREST WARRANT NUMBER

2016A2810100704

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: DEC 05 2016

VERDICT

Guilty

Foreperson of Petit Jury

Date:

Linda Mc Lallen Wagner
11-31-24

DOCKET NO. 2016GS281123

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

DECEMBER TERM 2016

K96

THE STATE

vs.

Walter Wade Goad

Indictment for

DRUGS / TRAFFICKING IN COCAINE, 200
G OR MORE, BUT LESS THAN 400 G

SC Code: 44-53-0370(e)(2)(d)

CDR Code: 0288

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2016 DEC -5 PM 4:36
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on December 5, 2016,
the Grand Jurors of Kershaw County present upon their oath:

TRAFFICKING COCAINE
(200 GRAMS OR MORE, BUT LESS THAN 400 GRAMS)

That Walter Wade Goad did in Kershaw County on or about September 22, 2016,
knowingly, sell, deliver, purchase or bring in to this State, or aid, abet, attempt or
conspire to sell, deliver, purchase or bring into this State, or was in actual or
constructive possession, or attempted to become in actual or constructive
possession of a quantity of Cocaine in an amount of 200 grams or more, but less
than 400 grams, the same being a controlled substance, a within the meaning of
Section 44-53-370, et. seq., S. C. Code of Laws, 1976, as amended, such
possession not having been authorized by law, and being in violation of Section
44-53-370(e)(2)(d), S. C. Code of Laws, 1976, as amended, for the crime of
trafficking

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



DAN JOHNSON, SOLICITOR

STATE VS. Walter GoadINDICTMENT/CASE#: 2016 -GS- 28 - 1123

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

STATE

VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016 -GS- 28 - 1123Walter Goad

AKA:

AW#: 2016A2810100704Date of Offense: 9/22/16S.C. Code §: 44-53-370(e)(2)CDR Code #: 0288Race: W Sex: M Age: _____DOB: 7/13/81 SS#: 225-27-8504

Address: _____

City, State, Zip: _____

DL# 007792899 * SID# _____

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐☐ Defendant Pro Se

In disposition of the above indictment comes now the Defendant who

☒ WAS CONVICTED OF or ☐ PLEADSTO: Trafficking Cocaine, 200g or more but less than 400gIn violation of §44-53-370(e) of the S.C. Code of Laws, bearing CDR Code # 0288☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:

☒ None☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months☐ Negotiated and Agreed as to Charges Only☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months

ATTEST:

Solicitor

104834

SC Bar #

Attorney for Defendant

SC Bar # 5457WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Centerfor a determinate term of 25 Hours/ Days/ Months/ Years ☐ Time Served☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other: _____☐ Judicial Review _____ Days/ Months☐ Youthful Offender Act not to exceed _____ Days/ Months/ Years☒ And/or to pay a fine of \$ 100,000

STATE VS. Walter GoadINDICTMENT/CASE#: 2016 -GS- 28 - 1123provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
- ☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
- ☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
- ☐ Suspended To Batterer's Treatment
- ☐ Other: _____

~~And~~ For a payment of \$ ~~1000~~ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
- ☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

- ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. 2 days/months.
- ☐ To include time spent on monitored house arrest prior to trial and sentencing.
- ☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. Section 922 and §16-25-30 it is unlawful for a person convicted of a violation of Section §16-25-20 or §16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

- ☐ PTUP after _____ Months/ Years ☐ Home Detention Program(HIP)

And Other Terms Listed Below:

- ☐ Conditional Discharge
- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

STATE VS. Walter Goad INDICTMENT/CASE#: 2016 -GS- 28 - 1123☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered☐ See Attached Restitution Order

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$ 100,000. -

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ 100

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25§14-1-213 (Drug Court Surcharge) \$150 \$ 150

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) TBD \$ 8.25

Other Costs (As Authorized by Cost Code)* \$ _____

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

\$500

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TBD \$ _____

TOTAL \$ 100,283.25Clerk of Court/Deputy Clerk: [Signature]Court Reporter: [Signature]Presiding Judge: [Signature]Judge Code: 2757Sentence Date: October 31, 2024

Specify Other Costs*

☐ Cost Code	Cost Description	Amount
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW) IN THE CIRCUIT COURT NO. 5
)
) DOCKET NOS: 2016-GS-28-1123

State of South Carolina,)
)
 Plaintiff,))
))
versus)
))
Walter Goad)
))
 Defendant.)

J U R Y T R I A L

DATES AND TIMES:

October 28, 2024 - 9:47 a.m. to 5:20 p.m.

October 29, 2024 - 9:57 a.m. to 12:56 p.m.

October 30, 2024 - 10:29 a.m. to 4:47 p.m.

October 31, 2024 - 10:28 a.m. to 2:19 p.m.

LOCATION: South Carolina Circuit Court No. 5

JUDGE: Jocelyn Newman

TRANSCRIBED BY: Jessica N. Antonucci

LEGAL EAGLE

Post Office Box

Greenville, South Carolina 29606

(864) 467-1373 -- depos@legaleagleinc.com

A P P E A R A N C E S

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I N D E X

Jury Trial Proceedings.....	7
Certificate of Transcriber.....	178, 340, 540, 636

E X A M I N A T I O N S

PLAINTIFF'S
WITNESSESDIRECTCROSSREDIRECTOctober 28, 2024

MICHAEL SELLERS	113		

October 29, 2024

MICHAEL SELLERS		179	256
DAMON ROBERTSON	277		
KELLY MORGAN	290		
ASHLEY LYLES	298	306	

October 30, 2024

ADAM CLAYTON	342	360/368	369
JOSHUA PARNELL	373	401	487
ADAM HARDIN	494	511	

E X H I B I T S

<u>PLAINTIFF'S</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
Exhibit 1	Photo of Parnell's House	129
Exhibit 2	Photo of Parnell's House	129
Exhibit 3	Photo of SW Day at Parnell's House	129
Exhibit 4	Photo of Living Room	129
Exhibit 5	Photo of Chair	129
Exhibit 6	Photo of Go Bag	129
Exhibit 7	Photo of Drugs and Go Bag	129
Exhibit 8	Photo of Packaging	129
Exhibit 9	Photo of Laid out Evidence	129
Exhibit 10	Photo of Drugs on Scale	129
Exhibit 11	Drugs (Cocaine)	303
Exhibit 12	Packaging	139
Exhibit 13	CP Phone Calls	386
Exhibit 14	Parnell's Ledger	167
Exhibit 15	Photos of SW Day at Goad's House	159
Exhibit 16	Photo of Saturn	159
Exhibit 17	Photo of Tote	159
Exhibit 18	Photo of Tote Closeup	159

E X H I B I T S (Cont'd.)

<u>PLAINTIFF'S</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
Exhibit 19	Goad's Ledger	166
Exhibit 20	Photo of Saturn	283
Exhibit 21	Photo of Saturn Parked	283
Exhibit 22	Photo of Goad with Trash Can	283
Exhibit 24	Drug Analysis	304
Exhibit 25	Tote	508
Exhibit 27	Sellers Report ID Only	261
Exhibit 28	Camo Bag	265
Exhibit 29	Scale	267
Exhibit 30	Google Image Ward	283
Exhibit 31	Front Image Ward	283
Exhibit 32	Street View Ward	283

E X H I B I T S (Cont'd.)

<u>DEFENDANT'S</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
Exhibit 1	Verizon Phone Record	333
Exhibit 2	Verizon Text Messages ID only	333
Exhibit 3	Verizon Key ID only	333
Exhibit 4	Cell Phone Records	462
Exhibit 5	Parnell Facebook Post	530

(Exhibits retained by counsel.)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH
MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

JURY TRIAL

October 28, 2024

THE CLERK: Juror number 1, Carolyn Allen.

JUROR NO. 1: I'm a retired paramedic and my husband is retired law enforcement.

UNIDENTIFIED MALE: (Inaudible).

THE CLERK: Juror number 11, Daniel Bochette.

JUROR NO. 11: I'm a med gas certifier overseeing medical gas at Trident Medical Center in Charleston.

THE CLERK: Are you married?

JUROR NO. 11: No.

THE CLERK: Okay. Juror 13, Jonathan Bowers.

JUROR NO. 13: I work at Walmart Distribution in (inaudible), my wife works as a secretary at the Kershaw County School District.

THE CLERK: Juror number 17, Melissa Brown.

JUROR NO. 17: I'm the co-owner of (inaudible) and my husband is employed by (inaudible) Farms he's a service manager.

THE CLERK: Juror number 3, Sheri Browne.

JUROR NO. 3: Okay, I work at HCA, I'm a medical (inaudible) auditor nurse and my husband works at (inaudible) as a greeter.

THE CLERK: Juror number 20, Cheri Burris.

JUROR NO. 20: I'm retired from the Kershaw

JURY TRIAL

1 County School District as a teacher, and my husband
2 is currently a teacher at Kershaw County School
3 District.

4 THE CLERK: Juror number 25, Steven Carron.

5 JUROR NO. 25: I work for (inaudible) General
6 Contracting and I'm not married.

7 THE CLERK: Thank you. Juror number 26,
8 Welton Cauthen.

9 JUROR NO. 26: (Inaudible) and I work for
10 Tender Hearts Care, and I'm not married.

11 THE CLERK: Juror number 27, Rusty Childers.

12 JUROR NO. 27: I'm employed by LL Forestry
13 (inaudible) operator, my wife's (inaudible) she
14 works at (inaudible) MUSC ophthalmology officer
15 manager.

16 THE CLERK: Thank you. Juror number 31, Maria
17 Cline.

18 JUROR NO. 31: I'm a housekeeper, and my
19 husband is a (inaudible).

20 THE CLERK: Thank you. Juror number 33,
21 William Coleman.

22 JUROR NO. 33: I work at (inaudible), I'm a
23 storage coordinator and my wife works (inaudible)
24 and she's a secretary.

25 THE CLERK: Thank you. Juror 34, Vernessa

JURY TRIAL

1 Cook.

2 JUROR NO. 34: I am retired; my husband is
3 also retired.

4 THE CLERK: Juror number 37, Jessica Cox.

5 JUROR NO. 37: (Inaudible) full time student
6 at USC Sumter and I'm not married.

7 THE CLERK: Thank you. Juror number 38,
8 Jonathan Cox.

9 JUROR NO. 38: I work for Sylvamo Paper
10 Company and my wife is a health care recruiter for
11 (inaudible) Staffing.

12 THE CLERK: Thank you. Juror number 114,
13 Palma Crispino-Britton.

14 JUROR NO. 114: I'm employed by Feels Like
15 Family Dentistry, I'm an office manager; and my
16 husband works for the government, he's chief of
17 maintenance logistics.

18 THE CLERK: Thank you. Juror number 40, Lisa
19 Dasher.

20 JUROR NO. 40: I'm not employed and my husband
21 works for Bell Insurance as an insurance executive.

22 THE CLERK: Thank you. Juror 41, Jessica
23 Debruhl.

24 JUROR NO. 41: I'm employed Nutramax
25 Laboratories as a retail sales specialist. My

JURY TRIAL

1 husband is a Sheriff's office -- at the Sheriff's
2 Office at Lancaster County Sheriff's office.

3 THE CLERK: Thank you. Juror 47, Andrea
4 Evans.

5 JUROR NO. 47: I am a area supervisor at
6 (inaudible).

7 THE CLERK: Juror number 50, Carla Figueroa-
8 Mungula.

9 JUROR NO. 50: I am employed by (inaudible).
10 My husband passed away.

11 THE CLERK: Thank you. Juror 59, Michael
12 Galloway.

13 JUROR NO. 59: I'm an accountant at CAHEC
14 Management, my wife's a teacher at Kershaw County
15 School District.

16 THE CLERK: Thank you. Juror 63, Landen Goff.

17 JUROR NO. 63: I'm a maintenance technician at
18 (inaudible) and my wife's a bank teller at
19 (inaudible).

20 THE CLERK: Juror 65, Nicholas Goode.

21 JUROR NO. 65: I'm a groundskeeper at
22 (inaudible).

23 THE CLERK: Juror 68, Kasem Griffin.

24 JUROR NO. 68: I'm a truck driver at CWS, and
25 my wife works at DSS.

JURY TRIAL

1 THE CLERK: Thank you. Juror 76, William
2 Henderson.

3 JUROR NO. 76: I work for Reeds Construction.
4 I'm assistant superintendent, and I'm happily
5 divorced.

6 THE CLERK: Juror number 79, Norman Hill.

7 JUROR NO. 79: I'm a department supervisor at
8 Home Depot and I'm single.

9 THE CLERK: Thank you. Juror 89, Dewon
10 Hunter.

11 JUROR NO. 89: I'm unemployed and I'm single.

12 THE CLERK: Juror 92, Thomas Ingram.

13 JUROR NO. 92: I'm a shift superintendent at
14 OceanaGold, and my wife is a correctional officer at
15 KCDC.

16 THE CLERK: Thank you. Juror 96, Jay Johnson.

17 JUROR NO. 96: I'm a technology coordinator
18 for the US Army. And my wife is (inaudible).

19 THE CLERK: Thank you. Juror 97, Sidney
20 Johnson.

21 JUROR NO. 97: Yes. I'm an over-the-road
22 truck driver, I work for RJ Trucking. My wife's a
23 teacher at (inaudible) Kershaw County School
24 District 9.

25 THE CLERK: Juror number 100, Haley Kelly.

JURY TRIAL

1 JUROR NO. 100: Yes, I'm a stay-at-home mom,
2 and my husband is an engineer with the DOT.

3 THE CLERK: Thank you. Juror 105, Jill Leake.

4 JUROR NO. 105: I'm employed with First
5 Palmetto Bank, I'm a loan processor. And my husband
6 is a safety inspector for (inaudible) America.

7 THE CLERK: Juror 106, Ashley Lee.

8 JUROR NO. 106: I'm a cashier at the Corner
9 Pantry and I'm not married.

10 THE CLERK: Juror 112, Megan Martinez.

11 JUROR NO. 112: I'm a homemaker, and my
12 husband is a shop foreman and he's also retired
13 military.

14 THE CLERK: Thank you. Juror 115, Lindsay
15 Mays.

16 JUROR NO. 115: I work for Allegiance
17 Industries in HR, and my husband works for Site
18 Logistics and he is a heavy equipment operator.

19 THE CLERK: Juror 117, Christian McCants.

20 JUROR NO. 117: I (inaudible) and I am not
21 married.

22 THE CLERK: Juror number 120, Linda McClellan-
23 Wagner.

24 JUROR NO. 120: I am a part-time caregiver
25 (inaudible) senior services and I am also divorced.

JURY TRIAL

1 THE CLERK: Thank you. Juror 121, Cassie
2 Mcleod.

3 JUROR NO. 121: I'm Cassie Mcleod, I work as a
4 front desk manager at (inaudible).

5 THE CLERK: Thank you. Juror 122, James
6 McMurphy.

7 JUROR NO. 122: I am employed by Eaton
8 Aerospace Engineering as a materials planner. My
9 wife is employed by Kershaw Health as a registered
10 nurse.

11 THE CLERK: Juror 126, Taniya Middleton.

12 JUROR NO. 126: I work at Sub Station II and
13 I'm not married.

14 THE CLERK: Thank you. Juror number 127,
15 Michael Miller.

16 JUROR NO. 127: I'm an operations officer for
17 the United States Army, and my wife is not employed.

18 THE CLERK: Thank you. Juror number 143,
19 Judson Pharez.

20 JUROR NO. 143: I work at Walmart, stocker,
21 and my wife's unemployed.

22 THE CLERK: Thank you. Juror number 145,
23 Ekilah Poles.

24 JUROR NO. 145: I'm employed by Richland
25 County School District 2. I'm an administrator for

JURY TRIAL

1 Family Intervention Services.

2 THE CLERK: Thank you. Juror number 146,
3 Kaitlin Powell.

4 JUROR NO. 146: I am a homemaker and my
5 husband is a manager for FedEx Ground.

6 THE CLERK: Thank you. Juror 147, Bryan
7 Proctor.

8 JUROR NO. 147: I'm a staff accountant at
9 Bodie & Parker CPA, also retired military. My wife
10 is a 911 dispatcher for Kershaw County.

11 THE CLERK: Thank you. Juror 157, Troy
12 Rogers.

13 JUROR NO. 157: Retired Army and my wife is
14 currently unemployed.

15 THE CLERK: Thank you. Thank you for your
16 service.

17 JUROR NO. 157: Yes, ma'am.

18 THE CLERK: Juror 159, James Salmond.

19 JUROR NO. 159: Retired truck driver and my
20 wife is a physical therapy tech (inaudible).

21 THE CLERK: Thank you. Juror 163, Crystal
22 Schneider.

23 JUROR NO. 163: I am a stay-at-home mom and my
24 husband (inaudible).

25 THE CLERK: Thank you. Juror 168, John Smith.

JURY TRIAL

1 JUROR NO. 168: I'm unemployed and single.

2 THE CLERK: Thank you. Juror 174, Sharon
3 Stevens.

4 JUROR NO. 174: I'm a licensed professional
5 counselor working with Mental Health Services
6 currently. My husband is retired (inaudible)
7 supervisor (inaudible).

8 THE CLERK: Thank you. Juror 176, Amanda
9 Swartz.

10 JUROR NO. 176: I am the administrative
11 assistant to the pastor at Stephen Greene Baptist
12 Church in Winnsboro, and my husband is a (inaudible)
13 shop machinist at FN America.

14 THE CLERK: Thank you. Juror 178, Destiny
15 Thomas.

16 JUROR NO. 178: I'm employed by Blue Cross
17 Blue Shield and I'm not married.

18 THE CLERK: Thank you. Juror 180, Kayla
19 Threatt.

20 JUROR NO. 180: I'm a licensed physical
21 therapy assistant at Rehabilitation Center, and my
22 husband is an investigator with Elgin PD.

23 THE CLERK: Thank you. Juror 181, Emily
24 Tidwell.

25 JUROR NO. 181: I am an RN Quality Assurance

JURY TRIAL

1 and Training Coordinator with Palmetto GBA, my
2 husband works at City of Camden Fire Department as
3 the Assistant Fire Chief.

4 THE CLERK: Thank you. Juror 182, Matthew
5 Tindal.

6 JUROR NO. 182: I'm a machine operator at
7 (inaudible) and my wife is a stay-at-home mom.

8 THE CLERK: Thank you. Juror 188, Terri --

9 JUROR NO. 188: Terri Vaikus, I'm a patient
10 care technician at Prisma Health, my husband is a VA
11 (inaudible).

12 THE CLERK: Thank you. Juror 189, Jessica
13 Varnes.

14 JUROR NO. 189: I'm a head teller at Mid
15 Carolina Credit Union, and my husband is a
16 operations manager at Target.

17 THE CLERK: Thank you. Juror 190, Ashley
18 Watson.

19 JUROR NO. 190: I'm employed by Kershaw County
20 School District as a nurse, and my husband is
21 employed by (inaudible) as a machine operator.

22 THE CLERK: Thank you. Juror 192, Jerry
23 Whitehead.

24 JUROR NO. 192: I'm employed at Blue Cross
25 Blue Shield; my wife is employed at DSS.

JURY TRIAL

1 THE CLERK: Thank you. Juror 193, Devin
2 Wilson.

3 JUROR NO. 193: I work at CNG and I am not
4 married.

5 THE CLERK: Thank you. Juror 195, Robert
6 Wood.

7 JUROR NO. 195: I'm a (inaudible) partner with
8 Sheheen Hancock and Godwin, and my wife is self-
9 employed.

10 THE CLERK: Thank you. Juror 200, Jesse
11 Yocum.

12 JUROR NO. 200: I work for (inaudible). I'm a
13 (inaudible) supervisor and my wife is a insurance
14 adjuster.

15 THE CLERK: Thank you. Is there anybody that
16 I did not call your name? All right.

17 JUDGE NEWMAN: Be seated. All right, good
18 morning, everyone. My name is Jocelyn Newman. I'm
19 a Circuit Court Judge from Richland County and I am
20 here this morning to determine your qualifications
21 to serve as jurors here in Kershaw County. I don't
22 know what you've been told already, but you should
23 plan to be here for the week. Your term of service
24 is for the full week, although it's unlikely that
25 any of you will be here all five days this week.

JURY TRIAL

1 But, you should make plans, make arrangements in
2 case you have to be here for the full week. I
3 understand that jury service is inconvenient, and we
4 will try to minimize that inconvenience to you.
5 But, I am, like I said, here to ask you certain
6 questions to determine your qualifications to serve
7 as jurors. These questions are mandated by law.
8 Also, I understand that some of the questions are
9 maybe sort of personal and private to you. If that
10 applies, just make a mental note of the question,
11 and there will be an opportunity for you to speak to
12 me more privately at the end of my questioning, so
13 that you don't have to stand up and tell all your
14 business to all the people in the courtroom, if you
15 don't want to. It's essential that we have accurate
16 information, and so I'm going to have the Clerk
17 place you under oath before I ask you these
18 questions. Madam Clerk?

19 THE CLERK: Please stand and raise your right
20 hand. Do you swear or affirm that you will provide
21 truthful and complete responses and answers during
22 this jury qualifications process? If you accept
23 (inaudible) please indicate by saying I do.

24 JURY POOL: I do.

25 THE CLERK: Please be seated.

1 JUDGE NEWMAN: All right, we're going to start
2 off pretty easy, is there any member of the jury
3 panel who's not a citizen of the United States? If
4 so, please stand. Is there any member of the jury
5 panel who is not a citizen and resident of Kershaw
6 County? If so, please stand. Stand up and give me
7 your name and jury number, please.

8 JUROR NO. 89: My jury number is 45 and my
9 name is Dewon Hunter.

10 JUDGE NEWMAN: Is this --

11 MS. MCKELLAR: We have Number 89, Your Honor.

12 JUDGE NEWMAN: Right, that's what I was going
13 to ask. Number 89, okay. You don't live in Kershaw
14 County?

15 JUROR NO. 89: No, I live in Columbia.

16 JUDGE NEWMAN: Okay, did you used to live in
17 Kershaw County?

18 JUROR NO. 89: Yes, ma'am.

19 JUDGE NEWMAN: Until when?

20 JUROR NO. 89: Well I've been in Columbia
21 about six months now.

22 JUDGE NEWMAN: Did you change your driver's
23 license?

24 JUROR NO. 89: Yes, ma'am.

25 JUDGE NEWMAN: Did you change your voter

JURY TRIAL

1 registration?

2 JUROR NO. 89: I don't know. I'm not going to
3 answer that because --

4 JUDGE NEWMAN: Okay.

5 JUROR NO. 89: -- I ain't gonna -- I don't
6 know.

7 JUDGE NEWMAN: That's probably the problem.
8 If you are still registered to vote in Kershaw
9 County, that's how you would've come up on this
10 list. But you have changed your driver's license;
11 is that right?

12 JUROR NO. 89: Yes, ma'am.

13 JUDGE NEWMAN: Girl, go ahead and change your
14 voter registered too, please, 'cause --

15 JUROR NO. 89: Okay.

16 JUDGE NEWMAN: -- you know, the election is
17 coming up really soon, right.

18 JUROR NO. 89: Right, right.

19 JUDGE NEWMAN: But if you actually live in
20 Columbia, you're free to go.

21 JUROR NO. 89: Okay.

22 JUDGE NEWMAN: You can --

23 JUROR NO. 89: Okay.

24 JUDGE NEWMAN: Go to room 313, ma'am.

25 JUROR NO. 89: 313?

JURY TRIAL

1 JUDGE NEWMAN: Clerk's office, room 313.

2 JUROR NO. 89: Okay. Okay.

3 JUDGE NEWMAN: Change you address. All right,
4 I have another hand. If you would, stand up and
5 give me your jury number, please.

6 JUROR NO. 79: My jury number is 79, and I
7 live in Columbia.

8 JUDGE NEWMAN: Mr. Hill?

9 JUROR NO. 79: Yes.

10 JUDGE NEWMAN: Have you changed your driver's
11 license?

12 JUROR NO. 79: No.

13 JUDGE NEWMAN: Have you changed your voter
14 registration?

15 JUROR NO. 79: I don't even know if I'm signed
16 up for that.

17 JUDGE NEWMAN: Okay. How long have you lived
18 in Columbia?

19 JUROR NO. 79: Since May -- no, June. I'm not
20 from here so I don't know.

21 JUDGE NEWMAN: Okay. Why did you move to
22 Columbia?

23 JUROR NO. 79: I just needed my grandma's
24 address for my license, that's all --

25 JUDGE NEWMAN: Okay. And your grandmother

JURY TRIAL

1 lives in Kershaw?

2 JUROR NO. 79: Yes, ma'am, she lives in
3 (inaudible).

4 JUDGE NEWMAN: Okay. Did you ever live with
5 your grandmother?

6 JUROR NO. 79: No. I was going to college
7 down here, that's it.

8 JUDGE NEWMAN: You were born where?

9 JUROR NO. 79: I was going to college down
10 here, that's it.

11 JUDGE NEWMAN: Okay. And you still use your
12 grandmother's address?

13 JUROR NO. 79: Yeah.

14 JUDGE NEWMAN: Okay. So I'm gonna keep you
15 right here on this jury. Anyone else? Stand up and
16 give me your name and jury number, please.

17 JUROR NO. 65: Nicholas Goode, jury number 65.

18 JUDGE NEWMAN: Yes, sir, Mr. Goode.

19 JUROR NO. 65: I live in Columbia.

20 JUDGE NEWMAN: How long have you lived in
21 Columbia?

22 JUROR NO. 65: Two months.

23 JUDGE NEWMAN: Have you changed your driver's
24 license?

25 JUROR NO. 65: No.

JURY TRIAL

1 JUDGE NEWMAN: Do you plan to change your
2 driver's license?

3 JUROR NO. 65: Yes, ma'am.

4 JUDGE NEWMAN: Why haven't you changed it?

5 JUROR NO. 65: No reason.

6 JUDGE NEWMAN: Are you registered to vote?

7 JUROR NO. 65: No.

8 JUDGE NEWMAN: Why not?

9 JUROR NO. 65: (Inaudible).

10 JUDGE NEWMAN: Everybody needs to be
11 registered to vote. Everybody. Everybody. Matter
12 of fact, you can register when you go change the
13 address on your driver's license. We still do that
14 motor voter registration, right? Yeah. You can
15 register at the DMV when you go to change the
16 address. Where do you stay in Columbia?

17 JUROR NO. 65: (Inaudible).

18 JUDGE NEWMAN: I can't hear.

19 JUROR NO. 65: (Inaudible).

20 JUDGE NEWMAN: What part of town?

21 JUROR NO. 65: Right outside the city,
22 (inaudible).

23 JUDGE NEWMAN: Okay. All right, you're free
24 to go. Is there any member of the jury panel who is
25 unable to read, write, speak, or understand the

JURY TRIAL

1 English language? If so, please stand. Your name
2 and jury number?

3 JUROR NO. 50: Carla Figueroa.

4 JUDGE NEWMAN: Number 50?

5 JUROR NO. 50: 50, yes, ma'am.

6 JUDGE NEWMAN: What is your primary language?

7 JUROR NO. 50: It's Spanish.

8 JUDGE NEWMAN: How long have you lived in
9 Kershaw County?

10 JUROR NO. 50: 2020.

11 JUDGE NEWMAN: Do you work?

12 JUROR NO. 50: Yes.

13 JUDGE NEWMAN: What kind of work do you do?

14 JUROR NO. 50: I work manager (inaudible).

15 JUDGE NEWMAN: Manager of where now?

16 JUROR NO. 50: (Inaudible) manager.

17 JUDGE NEWMAN: Okay. Do you have children?

18 JUROR NO. 50: Yes.

19 JUDGE NEWMAN: How old are your children?

20 JUROR NO. 50: One is 26, 18, and 16.

21 JUDGE NEWMAN: And the younger ones are in
22 school?

23 JUROR NO. 50: Yes.

24 JUDGE NEWMAN: Okay. You seem to be
25 relatively fluent in English, at least

JURY TRIAL

1 conversational.

2 JUROR NO. 50: The terms used in the
3 courtroom; I don't understand.

4 JUDGE NEWMAN: Okay. I'm going to keep you.
5 As a juror it will be the lawyers responsibility to
6 explain, if they use special words, they should
7 explain those to you. If I use any special legal
8 words I will explain those to, you so that you
9 understand what those mean, okay.

10 JUROR NO. 50: Okay.

11 JUDGE NEWMAN: But I'll ask you to stay, thank
12 you. Does any member of the jury panel have less
13 than a sixth-grade education or its equivalent? If
14 so, please stand. Is there any member of the jury
15 panel who has been convicted by guilty plea or trial
16 in a State or Federal Court of record, of a crime
17 punishable by more than one year imprisonment, and
18 your civil rights have not been restored by pardon
19 or amnesty? So, the question is, have you been
20 convicted of a crime punishable by more than one
21 year in prison, and have not been pardoned or
22 received amnesty? That doesn't mean that you
23 necessarily served more than a year in prison, it's
24 the potential that you could have, you may have paid
25 a fine, you may have been on probation, or something

1 like that. But if you could have served more than a
2 year in prison, please stand. Give me your name and
3 jury number?

4 JUROR NO. 116: My name is Megan Martinez. My
5 jury number is 116.

6 MS. MCKELLAR: I think 112, Your Honor.

7 JUDGE NEWMAN: 112.

8 JUROR NO. 112: 112, sorry.

9 JUDGE NEWMAN: Okay. What was the crime?

10 JUROR NO. 112: Accessory to a crime.

11 JUDGE NEWMAN: How long ago?

12 JUROR NO. 112: I was charged in 2011, pled in
13 2012, and have been on probation since 2014.

14 JUDGE NEWMAN: Did y'all -- okay, you're free
15 to go. Yes, sir, your name and jury number?

16 JUROR NO. 68: Kasem Griffin, I'm 68.

17 JUDGE NEWMAN: Yes, sir. What was the crime?

18 JUROR NO. 68: Possession.

19 JUDGE NEWMAN: Of what? Marijuana or
20 something else?

21 JUROR NO. 68: Marijuana (inaudible) cocaine.

22 JUDGE NEWMAN: Where was it?

23 JUROR NO. 68: Richland.

24 JUDGE NEWMAN: How long ago?

25 JUROR NO. 68: Like 2000.

JURY TRIAL

1 MS. GATTE: 68?

2 JUROR NO. 68: 70 -- 68.

3 MS. MCKELLAR: We don't have that, Your Honor,
4 but --

5 JUDGE NEWMAN: Okay, have a seat, we're gonna
6 check on it and we'll let you know. Anyone else?

7 MS. MCKELLAR: Your Honor, do we need to
8 (inaudible).

9 JUDGE NEWMAN: I'm sorry?

10 MS. MCKELLAR: We need to approach.

11 JUDGE NEWMAN: Okay. Right now? Come on.

12 MS. MCKELLAR: We have some that's not.

13 JUDGE NEWMAN: Oh, give me those at the end.

14 MS. MCKELLAR: Okay.

15 JUDGE NEWMAN: Okay. Is there any member of
16 the jury panel who is a Clerk or Deputy Clerk of
17 Court, Constable, Sheriff, or other commissioned law
18 enforcement officer, Probate Judge, County
19 Commissioner, Magistrate, or other county officer,
20 or employed within the walls of any courthouse? If
21 so, please stand. Is there any member of the jury
22 panel who has previously served on jury duty in
23 Circuit Court this calendar year, during 2024? If
24 so, please stand. That does not apply to
25 Magistrate's Court, Municipal Court, or Federal

JURY TRIAL

1 Court. Is there any member of the jury panel who
2 served as a member of the Kershaw County Grand Jury
3 during the past several years? If so, please stand.
4 All right, ladies and gentlemen, we will now move on
5 to exemptions from jury service. State law provides
6 for several exemptions from jury service. An
7 exemption doesn't mean that you're not qualified to
8 serve, it simply means that under certain
9 circumstances, with my approval, you may choose not
10 to serve. The first exemption deals with those of
11 you age 65 or older. Anyone age 65 or older is not
12 required to serve on jury duty, but we'd love to
13 have you if you'd love to stay.

14 FEMALE VOICE: (Inaudible).

15 JUDGE NEWMAN: Give me your name and jury
16 number.

17 JUROR NO. 120: Linda McLallen-Wagner, juror
18 number 120.

19 JUDGE NEWMAN: Yes, ma'am. And you choose to
20 stay with us?

21 JUROR NO. 120: Yes, I do.

22 JUDGE NEWMAN: Oh, thank you for your service.
23 Please have a seat. I love that. My grandmother
24 was 99 or 100 and still showing up for jury duty,
25 so. She even went -- she lived in Cleveland, she

JURY TRIAL

1 went through a snow storm one year to make it for
2 jury duty, only to find out the court was closed
3 because of the snow storm, but -- so a 90-something
4 year old woman trudging through the snow. But
5 that's how important it was to her. In any event,
6 the next exemption deals with those of you -- let's
7 see, prior jury service. No person is required to
8 serve as a juror more often than once every three
9 calendar years, so again, this does not apply to
10 Magistrate's Court, Municipal Court, Federal Court,
11 but if you've served on jury duty in Circuit Court
12 during 2023, or 2022, and you choose not to serve
13 this week, please stand. Persons who have served as
14 Grand Jurors during the past five calendar years may
15 also be exempt from jury service. And I will extend
16 this to any Grand Jury. So, if you've served as a
17 member of the Kershaw County Grand Jury, the
18 statewide Grand Jury, Federal Grand Jury, some other
19 county's Grand Jury during the past five years, and
20 wish not to serve this week, please stand. The next
21 exemption deals with those of you who have small
22 children. There are several parts to this
23 exemption, all of which must apply for you to be
24 exempted on that basis. You may be exempted from
25 jury service if you have a small child or children

JURY TRIAL

1 under the age of seven, you have legal custody of
2 that children or children, you have the primary
3 custody, care, and control of that child or children
4 and you are unable to make adequate arrangements for
5 the care of your child or children this week. If
6 all of that applies to you and you wish to be
7 exempted on that basis, please stand. The next
8 exemption involves those of you who may be attending
9 school or working in some capacity at a school, if
10 this exemption applies to you, we will transfer you
11 to another week that does not conflict with your
12 school responsibilities. So, if there's any member
13 of the jury panel who is a full-time student, school
14 teacher, school crossing guard, school bus driver,
15 or who serves in any other school related function
16 and you wish to be transferred to another term of
17 court, please stand. All right, let's start, let me
18 -- you. Yes, your name and jury number, please?

19 JUROR NO. 178: My name is Destiny Thomas.
20 I'm juror number 178.

21 JUDGE NEWMAN: Yes, ma'am. Tell me about it,
22 are you a student or do you work at a school?

23 JUROR NO. 178: I'm a student.

24 JUDGE NEWMAN: Where are you in school?

25 JUROR NO. 178: At ECPI.

JURY TRIAL

1 JUDGE NEWMAN: You do that online?

2 JUROR NO. 179: No, on campus.

3 JUDGE NEWMAN: No? In person? What are you
4 studying?

5 JUROR NO. 179: Nursing.

6 JUDGE NEWMAN: And you have class this week?

7 JUROR NO. 179: Yes.

8 JUDGE NEWMAN: And -- okay. So, we can
9 transfer you to another week, give me one second.
10 Do we -- can y'all do that? I mean, do y'all even
11 know terms of court for 2025?

12 UNIDENTIFIED PERSON: (inaudible).

13 JUDGE NEWMAN: Can you come the week of
14 December 16th or are classes still going on then?

15 JUROR NO. 179: Yeah, this -- like this is
16 (inaudible) program, so I'm all the way until
17 October of next year. I'm just having finals this
18 week so.

19 JUDGE NEWMAN: Okay. So, I'm just gonna
20 excuse you, and we'll put you back in the random
21 pool. Normally we would have you pick another week,
22 but we don't have another week for you to pick right
23 now. So, yeah, you'll just be back in the random
24 order. But you're free to go. Next, in the blue
25 shirt, your name, and jury number?

JURY TRIAL

1 JUROR NO. 47: Aundrea Evans, number 47.

2 JUDGE NEWMAN: Yes, ma'am, tell me about it.

3 JUROR NO. 47: I go to University of Alabama
4 at Birmingham.

5 JUDGE NEWMAN: Say that again? University of
6 Alabama?

7 JUROR NO. 47: At Birmingham.

8 JUDGE NEWMAN: What are you studying?

9 JUROR NO. 47: Psychology.

10 JUDGE NEWMAN: What you doing here?

11 JUROR NO. 47: I've been calling. And my mom
12 (inaudible).

13 JUDGE NEWMAN: Okay. Y'all have some notes or
14 something? I thought I heard a (inaudible). No?
15 You were just talking to each other? Oh, okay. I
16 thought you were trying -- no, okay. That's fine.
17 December 16th, can you come back?

18 JUROR NO. 47: Maybe. I don't know for sure
19 because I don't know about finals and all that.

20 JUDGE NEWMAN: Aw, come on, it's -- it's
21 October. (Inaudible) calendar.

22 UNIDENTIFIED PERSON: Your Honor, according to
23 the website, the last final exam will be December
24 8th.

25 JUDGE NEWMAN: Thank you, that's exactly what

JURY TRIAL

1 I was looking for. Yeah, we're gonna have you come
2 back December 16th.

3 JUROR NO. 47: Okay.

4 JUDGE NEWMAN: Do you need her to come up
5 here?

6 THE CLERK: No, (inaudible).

7 JUDGE NEWMAN: Yeah, 47 is gonna come back
8 December 16th. Thank you.

9 JUROR NO. 47: Thank you.

10 JUDGE NEWMAN: Yes, sir, you are?

11 JUROR NO. 79: I'm jury number 79.

12 JUDGE NEWMAN: Yes. Tell me about it.

13 JUROR NO. 79: I go to Morris College in
14 Sumter, South Carolina. I just have classes. My
15 major is business administration.

16 JUDGE NEWMAN: Okay, can you come back
17 December 16th?

18 JUROR NO. 79: Yes, I can do that.

19 JUDGE NEWMAN: All right. So we're gonna
20 transfer you to December 16th. Now, of course -- I
21 know. Oh, yeah, thank you. Of course, if you go on
22 and change your driver's license and update all of
23 your information between now and then, then you
24 won't --

25 JUROR NO. 79: Yeah, I just needed a mailing

1 address really, that's all I needed.

2 JUDGE NEWMAN: Uh-huh (affirmative).

3 JUROR NO. 79: That's why -- 'cause I just
4 moved down here from Jersey.

5 JUDGE NEWMAN: What part of Jersey?

6 JUROR NO. 79: I'm from Newark.

7 JUDGE NEWMAN: Man. Let me just let you go,
8 not my -- my sweetie is from Newark, Brick City.

9 JUROR NO. 79: Yeah, I'm from Brick City.

10 JUDGE NEWMAN: Yeah, yeah. And came to South
11 Carolina. Listen, you need to update your address,
12 for real, for real.

13 JUROR NO. 79: Yes, ma'am.

14 JUDGE NEWMAN: Because, I mean, I know you say
15 you live in Columbia, you can put an apartment
16 address or wherever you live on your driver's
17 license, it just becomes inconvenient when you move
18 from there and have to change it again, but if
19 that's where you live, that's where you live. You
20 have to have a legal residence and right now your
21 legal residence is Kershaw County.

22 JUROR NO. 79: Yes, ma'am.

23 JUDGE NEWMAN: So, go change it. I guess you
24 can't have a P.O. Box on your driver's license but -
25 - but you can put your apartment address or wherever

JURY TRIAL

1 you stay.

2 JUROR NO. 79: Yes, ma'am, I am.

3 JUDGE NEWMAN: And then, you know, then you
4 won't have to come back December 16th, because you
5 will have moved, and you'll be in the pool for
6 Richland County at that point, but your odds are
7 better in Richland County, honestly. I mean, even
8 if you are summoned of jury duty just because
9 there's so many Richland County residents, you would
10 still have to show up and, you know, there's still a
11 chance you get picked, but there are so many more
12 people to choose from that you just have better odds
13 of not being selected if you don't want to be. So,
14 we're gonna put you down for December 16th, but go
15 change your information. If you haven't changed
16 your information, we'll see you December 16th, okay?

17 JUROR NO. 79: Okay. You have a nice day.

18 JUDGE NEWMAN: You too. Brick City, Norman
19 Hill. Mr. Hill, what high school did you go to?

20 JUROR NO. 79: East Orange Campus.

21 JUDGE NEWMAN: Okay. Just curious, he went to
22 Malcolm X Shabazz, do you know that one?

23 JUROR NO. 79: (Inaudible).

24 JUDGE NEWMAN: Yeah.

25 JUROR NO. 79: I used to play them in

JURY TRIAL

1 football.

2 JUDGE NEWMAN: Huh?

3 JUROR NO. 79: I used to play them in

4 football.

5 JUDGE NEWMAN: Okay, okay. Yeah, yeah, yeah,

6 have a good one. All right, got me off of my plan.

7 All right, any member of the jury panel employed

8 with the Department of Corrections at a

9 penitentiary? If so, please stand. Any juror who

10 is the primary caretaker of a severely disabled

11 person, or a person aged 65 or older, and that

12 person cannot be left unattended? If so, please

13 stand. Is there any member of the jury panel who

14 performs services for a business, commercial, or

15 agricultural enterprise, and your services are so

16 essential to the functioning of that business or

17 enterprise that if you were required to serve on

18 jury duty the business would have to close or stop

19 functioning? If that applies to you and you wish to

20 be exempted on that basis please stand. All right.

21 That concludes my list of statutory questions and

22 exemptions. It may be that you are qualified for

23 service and no particular exemption that I've listed

24 applies to you, but jury service this week would be

25 the worst thing in the world, you have your prepaid

JURY TRIAL

1 tickets to fly to Aruba tomorrow for your annual
2 family vacation, and this is the worst week we could
3 have picked, or something like that. Anything that
4 you want me to know about, I get that it's
5 inconvenient, and general inconvenience will not
6 excuse you from jury service, but if there's
7 something that you need to talk to me about stand up
8 at this time. Yeah, okay. So y'all are gonna form
9 a short line and come speak to me at this
10 microphone. Follow the instruction of the deputy,
11 but you'll sort of line up against that wall. Ms.
12 McKellar, do you have juror numbers that you can
13 call out? Give me one minute. Give me your name
14 and jury number?

15 JUROR NO. 146: My jury number is 146 and I'm
16 Kaitlin Powell.

17 JUDGE NEWMAN: Ms. Powell, tell me --

18 JUROR NO. 146: (Inaudible) jury 10, 9, and 8.
19 My youngest son is also in (inaudible) therapy
20 because he has autism, it helps with textures,
21 'cause she's struggling with textures, and that's on
22 Tuesdays and Thursdays.

23 JUDGE NEWMAN: Okay.

24 JUROR NO. 146: And I don't have child care,
25 'cause my husband does work for FedEx Ground, he's a

JURY TRIAL

1 manager, he works six days a week. His day off is
2 Sunday and my mom's only day off is Monday and
3 Saturday.

4 JUDGE NEWMAN: And so you don't work you just
5 stay and home school?

6 JUROR NO. 146: Ma'am?

7 JUDGE NEWMAN: You don't work outside the
8 home?

9 JUROR NO. 146: No, ma'am, I'm just a
10 homemaker and I'm a home school mom.

11 JUDGE NEWMAN: Okay. You're free to go.

12 JUROR NO. 146: Yes, ma'am, thank you so much.

13 JUDGE NEWMAN: Yes, ma'am. Hi, you are?

14 JUROR NO. 50: 50. 50.

15 JUDGE NEWMAN: Yes. Yes, ma'am.

16 JUROR NO. 50: The problem is in the morning I
17 need to go to open the business, because they have
18 work up there, and they won't (inaudible) attend to
19 the high (inaudible) North Carolina (inaudible),
20 then I need to back to work to close, that's the
21 problem.

22 JUDGE NEWMAN: What time?

23 JUROR NO. 50: We open 8:00.

24 JUDGE NEWMAN: Uh-huh (affirmative), and then
25 what time do you close?

JURY TRIAL

1 JUROR NO. 50: Close 4:00. And I have my
2 parents, you know, I can able to -- they are -- one
3 is 18 -- 82 and 83, they have the same problem, I
4 need to go up there.

5 JUDGE NEWMAN: Okay. You're free to go.

6 JUROR NO. 50: Okay, thank you.

7 JUDGE NEWMAN: Yes, ma'am.

8 MR. HOUGH: (Inaudible) suggest we could
9 (inaudible) break at 3:00 every day.

10 JUDGE NEWMAN: You're name and jury number?

11 JUROR NO. 34: Number 34, and it's Vernessa
12 Cook.

13 JUDGE NEWMAN: Got you. Yes, ma'am?

14 JUROR NO. 34: And I'm scheduled for a breast
15 biopsy in the morning at 8:00.

16 JUDGE NEWMAN: Okay. Is that the only thing?

17 JUROR NO. 34: Yes.

18 JUDGE NEWMAN: Okay, I'm gonna keep you and
19 we're not gonna start that early. So, you will be
20 able -- if you're selected, you'll just come after -
21 -

22 JUROR NO. 34: After the procedure?

23 JUDGE NEWMAN: After the procedure.

24 JUROR NO. 34: Okay.

25 JUDGE NEWMAN: Yeah.

JURY TRIAL

1 JUROR NO. 34: Okay.

2 JUDGE NEWMAN: But we don't start court at
3 8:00 a.m., we start at 9:30.

4 JUROR NO. 34: Okay.

5 JUDGE NEWMAN: Usually. And if 9:30 -- if you
6 get selected I'll ask you (inaudible), I mean, if
7 it's at 8:00 you should be --

8 JUROR NO. 34: Well, I'm going to Providence
9 North East in Columbia, so I mean I don't know how
10 long (inaudible).

11 JUDGE NEWMAN: Okay. So maybe we start at
12 10:00 or something tomorrow. I mean, I'll -- I'll
13 give you time.

14 JUROR NO. 34: Okay.

15 JUDGE NEWMAN: Yeah.

16 JUROR NO. 34: Okay.

17 JUDGE NEWMAN: Okay.

18 JUROR NO. 34: Okay (inaudible).

19 JUDGE NEWMAN: Thanks. Hi. Tell me your
20 name?

21 JUROR NO. 168: John Smith, juror 168.

22 JUDGE NEWMAN: Yes, sir.

23 JUROR NO. 168: Okay, one, my sister's my
24 primary (inaudible) caretaker for my mother, she's
25 84 and suffers from dementia, but I do assist her,

JURY TRIAL

1 and I just got a text message from her that she's
2 fallen and my sister can't lift her up. Usually I
3 lift her up when she's at home. And two, I don't
4 have a consistent form of transportation. I had to
5 borrow my sister's car to get here today. And I
6 don't know if she's going to need it further in the
7 week.

8 JUDGE NEWMAN: Okay.

9 JUROR NO. 168: That's about it.

10 JUDGE NEWMAN: Okay, you're free to go.

11 JUROR NO. 168: Okay, thank you.

12 JUDGE NEWMAN: Yes, sir. Give me your name.

13 JUROR NO. 40: It's Lisa Dasher, number 40.

14 JUDGE NEWMAN: Yes, ma'am.

15 JUROR NO. 40: I take care of my 19-month-old
16 granddaughter full-time while my daughter, who is a
17 single mom, who is an RN.

18 JUDGE NEWMAN: Do you work at all?

19 JUROR NO. 40: No, I take care of her.

20 JUDGE NEWMAN: Full-time, okay.

21 JUROR NO. 40: It's full-time.

22 JUDGE NEWMAN: I get it. I just -- some
23 people when -- you know, my -- doesn't matter.
24 You'd be surprised the number of people that I ask
25 that question to and they're like yeah, I work 9:00

JURY TRIAL

1 to 5:00 and -- it's inconsistent here. So, I always
2 ask. So where is she now? Where's your --

3 JUROR NO. 40: My daughter had to take off
4 this morning to take over.

5 JUDGE NEWMAN: What kind of work does she --
6 you said she's nurse?

7 JUROR NO. 40: She's an RN, uh-huh
8 (affirmative). And on top of that, I also have a
9 procedure to have skin cancer cut out this week, so.

10 JUDGE NEWMAN: I hate to let you go. I mean,
11 I will let you go, but --

12 JUROR NO. 40: Thank you.

13 JUDGE NEWMAN: Yeah.

14 JUROR NO. 40: Thank you.

15 JUDGE NEWMAN: You'd be a great juror. Next
16 time. Yeah, she's excused. Hi. Tell me your name.

17 JUROR NO. 11: Juror number 11, Daniel
18 Bochette.

19 JUDGE NEWMAN: Bochette, Bochette, not
20 Buchette, okay.

21 JUROR NO. 11: Bochette.

22 JUDGE NEWMAN: Bochette.

23 JUROR NO. 11: I'm actually French.

24 JUDGE NEWMAN: Sir.

25 JUROR NO. 11: I do medical gas installation,

JURY TRIAL

1 right now we only have three licensed people down
2 here at Trident Medical. The two licensed
3 (inaudible) are relying on me to teach them, so it
4 all starts with me. I just (inaudible) right now
5 (inaudible) come here. So, if anything goes wrong
6 we can possibly be liable.

7 JUDGE NEWMAN: That'd be a problem.

8 JUROR NO. 11: So, we do have a third-party
9 that comes in, but we don't give the responsibility
10 to them, we have to share it. So, if anything goes
11 wrong like a patient dies, we could be brought up on
12 manslaughter charges.

13 MR. HOUGH: (Inaudible) get immunity right
14 here.

15 JUDGE NEWMAN: Two lawyers ready to represent
16 you.

17 JUROR NO. 11: I hope I don't need them. I
18 can't afford them.

19 JUDGE NEWMAN: No, you're free to go.

20 JUROR NO. 11: Okay, thank you.

21 MR. SWERLING: Au revoir.

22 JUDGE NEWMAN: Yes, sir. Tell me your name.

23 JUROR NO. 97: I'm Sidney Johnson, 97.

24 JUDGE NEWMAN: Yes, sir.

25 JUROR NO. 97: I'm a over-the-road truck

1 driver and my wife she works -- she's a teacher and
2 I can't lose a whole week; they don't have any kind
3 of local work --

4 JUDGE NEWMAN: Okay.

5 JUROR NO. 97: -- in South Carolina. I'm
6 normally three to six weeks out.

7 JUDGE NEWMAN: Uh-huh (affirmative).

8 JUROR NO. 97: If I lose a whole week that's
9 (inaudible).

10 JUDGE NEWMAN: Okay. So I'm gonna keep you.
11 You won't be here the whole week. I told you
12 (inaudible) the beginning you're not actually gonna
13 be here the whole week. I will make sure that you
14 are not here the whole week. We do have --

15 JUROR NO. 97: Can I go out and work?

16 JUDGE NEWMAN: Uh-uh (negative). You can work
17 on Thursday and Friday, and maybe -- I don't know.
18 We have a two-day trial, we have a one-day trial, so
19 -- and you wouldn't have to do both. At the worst-
20 case scenario is that we're done on Wednesday, so
21 you can plan to work Thursday, Friday.

22 JUROR NO. 97: It's still half a week of lost
23 pay. I (inaudible).

24 JUDGE NEWMAN: I know, but -- well, and that's
25 why I say general inconvenience, I mean, I -- and I

JURY TRIAL

1 get it, but like everybody's missing work to be here
2 it's just kind of --

3 JUROR NO. 97: Yeah, but they're local. I'm
4 not local. I don't work (inaudible) local work. I
5 work over-the-road.

6 JUDGE NEWMAN: They still missing work and
7 missing paychecks wherever the work is. But it just
8 kind of comes with jury service so I'm just trying
9 to minimize the number of days that you'll be here.
10 But I want to keep you here, okay. I know you don't
11 like it. I know you don't. And maybe they will be
12 sympathetic and just not pick you and then you'll be
13 free to go after that, you know. Who knows. But
14 maybe they will say -- and I don't even know, I
15 haven't seen who's in trial, but maybe they'll look
16 at you and say no, he needs to weigh in on this case
17 and then you're doing you civic duty and helping
18 another human being out you know.

19 JUROR NO. 97: I understand that. If I
20 different occupation I wouldn't complain about it at
21 all.

22 JUDGE NEWMAN: But, we're gonna keep you and
23 hope you're not picked, and then you've only lost
24 today, and, you know -- 'cause we'll pick whatever
25 jury today. So, you'll know this afternoon whether

JURY TRIAL

1 you need to be here on Tuesday or Wednesday or
2 whether you're free for the week. You'll know that
3 the end of today.

4 JUROR NO. 97: Okay.

5 JUDGE NEWMAN: Okay?

6 JUROR NO. 97: When you say end of the day,
7 because my licensed expired today, and I need to get
8 to the Motor Vehicles -- it will be before 3:00 or
9 what time (inaudible)?

10 JUDGE NEWMAN: No, but when I finish here I'm
11 actually gonna give y'all a lunch break, and send
12 you away and come back, so you might have time over
13 the lunch break. I actually give you like a pretty
14 long break. It's 11:07 now, I'll probably have
15 y'all come back at 2:00. So -- so I mean, you'll be
16 -- hang tight for another 15 minutes or whatever but
17 then you'll have a break 'till about 2:00.

18 JUROR NO. 97: (Inaudible).

19 JUDGE NEWMAN: Uh-huh (affirmative). Next?
20 Name and jury number?

21 JUROR NO. 33: William Coleman, 33.

22 JUDGE NEWMAN: Coleman, yes, sir.

23 JUROR NO. 33: So, my work schedule is worked
24 around me picking my kids up every day.

25 JUDGE NEWMAN: Okay.

JURY TRIAL

1 JUROR NO. 33: On Tuesday, Wednesday,
2 Thursday, my wife does it on Monday and Friday.

3 JUDGE NEWMAN: Okay.

4 JUROR NO. 33: So, if she is to have to do
5 that she will not get paid for two hours of all
6 those days, each day.

7 JUDGE NEWMAN: What time do you pick up your
8 kids?

9 JUROR NO. 33: 3:00.

10 JUDGE NEWMAN: Okay. So, I'm gonna ask you to
11 stay.

12 JUROR NO. 33: (Inaudible).

13 JUDGE NEWMAN: And you -- you will know -- it
14 means she may have to miss a couple hours work and
15 pick up the kids. You won't be here Thursday, don't
16 worry about Thursday. It might be Tuesday,
17 Wednesday that she might have to do that, you'll
18 know that by the end of today though. And maybe you
19 don't get picked, hopefully, but you'll know that by
20 the end of today.

21 JUROR NO. 33: All right.

22 JUDGE NEWMAN: Okay?

23 JUROR NO. 33: Thanks.

24 JUDGE NEWMAN: Thank you. Hi. Tell me your
25 name?

JURY TRIAL

1 JUROR NO. 27: Rusty Childers, jury number 27.

2 JUDGE NEWMAN: Yes, sir.

3 JUROR NO. 27: I have a pinched nerve in my
4 lower back and for sitting for any long period of
5 time causes me pretty excruciating pain.

6 JUDGE NEWMAN: Okay. Do you work?

7 JUROR NO. 27: I do, heavy equipment operator,
8 which I'm allowed to get in and out of my tractor
9 and stretch pretty often.

10 JUDGE NEWMAN: Okay.

11 JUROR NO. 27: It's just the long periods of
12 sitting and --

13 THE CLERK: It may not be an issue.

14 JUDGE NEWMAN: Okay, let me see what you got.

15 THE CLERK: Here's the (inaudible) there's
16 this, which says to me there had to be something
17 before, which I can't tell.

18 JUDGE NEWMAN: Uh-huh (affirmative).

19 THE CLERK: More than likely --

20 JUROR NO. 27: I've had some expungements on
21 my record now.

22 THE CLERK: (Inaudible).

23 JUDGE NEWMAN: Yeah, I can't --

24 JUROR NO. 27: Now that -- that should've been
25 taken care of because I had to go through SLED, FBI,

JURY TRIAL

1 everything, 'cause I'm -- can legally purchase
2 firearms now, I went and do it and got my gun --

3 THE CLERK: (Inaudible) showing up as
4 probation violation, you just make sure it's still
5 showing --

6 JUROR NO. 27: That's not even supposed to be
7 there.

8 THE CLERK: Yeah so (inaudible).

9 JUDGE NEWMAN: Okay. So it's something --
10 this probation violation --

11 JUROR NO. 27: It's not even supposed to be on
12 my record.

13 JUDGE NEWMAN: Yeah, but it's 2005, so
14 whatever it was that you had expunged happened
15 before 2005?

16 JUROR NO. 27: No, that was a probation
17 violation for the same charge that got expunged.

18 JUDGE NEWMAN: For the -- yeah, that's what I
19 mean.

20 JUROR NO. 27: Yes, ma'am.

21 JUDGE NEWMAN: Okay.

22 JUROR NO. 27: So all that should've led
23 together. Yes, ma'am, I did the (inaudible)
24 incarceration, did my 90-day boot camp, and did the
25 five years prior, paid my fines, got all that

JURY TRIAL

1 expunged.

2 THE CLERK: (Inaudible).

3 JUROR NO. 27: Yes, ma'am.

4 JUDGE NEWMAN: It works. Listen, when people
5 do (inaudible) they don't really --

6 JUROR NO. 27: Hey, I was -- they told me --

7 JUDGE NEWMAN: -- come back.

8 JUROR NO. 27: -- they said one out of three,
9 we will see y'all back. I said don't make me a
10 statistic.

11 JUDGE NEWMAN: Yeah, no, usually it's not.

12 MS. MCKELLAR: Good for you.

13 JUDGE NEWMAN: I do want to ask you to stay.
14 Whatever trial we have is a short trial.

15 JUROR NO. 27: Okay.

16 JUDGE NEWMAN: You'd be seated over here, and
17 I will just ask you to just pick a seat on the back
18 row, if you need to stand --

19 JUROR NO. 27: Have (inaudible).

20 JUDGE NEWMAN: -- you stand. If you need a
21 break where you need to walk around, raise your hand
22 I'll take a break whenever.

23 JUROR NO. 27: I appreciate that. Thank you
24 very much.

25 JUDGE NEWMAN: You know -- but, yeah, we'll

JURY TRIAL

1 work with you.

2 JUROR NO. 27: I appreciate it.

3 MS. MCKELLAR: (Inaudible).

4 JUROR NO. 27: Thank y'all very much.

5 JUDGE NEWMAN: Do have others?

6 MS. MCKELLAR: (Inaudible). 143. (Inaudible)

7 conviction (inaudible). And 159, this is criminal

8 conspiracy, it looks (inaudible) got four years and

9 they also have (inaudible).

10 MR. HOUGH: On the (inaudible).

11 JUDGE NEWMAN: And then this -- the guy that

12 stood up earlier? He said cocaine, it is -- I saw

13 marijuana second, I can't remember the penalties,

14 possession of marijuana.

15 MS. MCKELLAR: Zero to a year. Right? No,

16 zero to 60 days; 0 to 60 days.

17 JUDGE NEWMAN: So that doesn't disqualify him,

18 okay. Okay, juror number 143, Judson Pharez. Can

19 you come up please? Also juror 159, James Salmond.

20 Yeah, if you could come forward, please. Hi. You

21 were born in 1965?

22 JUROR NO. 143: Uh-huh (affirmative).

23 JUDGE NEWMAN: It looks like -- oh, I don't

24 have the year, but you have a conviction from an

25 assault and battery charge, do you remember that?

JURY TRIAL

1 What year was that?

2 JUROR NO. 143: Assault and battery?

3 JUDGE NEWMAN: Uh-huh (affirmative), it was a
4 high and aggravated nature.

5 JUROR NO. 143: Long time ago. I forgot all
6 about that one.

7 JUDGE NEWMAN: It disqualifies you though.

8 JUROR NO. 143: Okay.

9 JUDGE NEWMAN: So you're free to go.

10 JUROR NO. 143: Thank you.

11 JUDGE NEWMAN: Thank you, sir. Mr. Salmond.

12 MS. MCKELLAR: (inaudible) 2005.

13 JUDGE NEWMAN: You were born in 1971, Mr.
14 Salmond?

15 JUROR NO. 159: Yes, ma'am.

16 JUDGE NEWMAN: Okay. You have a criminal
17 conspiracy --

18 JUROR NO. 159: Yes, ma'am.

19 JUDGE NEWMAN: -- conviction, and looks like
20 an assault and battery charge?

21 JUROR NO. 159: Yes, ma'am.

22 JUDGE NEWMAN: Yeah, those disqualify you from
23 service.

24 JUROR NO. 159: Okay.

25 JUDGE NEWMAN: So you're free to go.

JURY TRIAL

1 JUROR NO. 159: All right, thank you.

2 JUDGE NEWMAN: Thank you, sir. All right, I'm
3 gonna double check on that (inaudible). I stand
4 corrected Ms. McKellar; I needed to look further on
5 the Public Index. Juror number 68, Mr. Griffin?
6 Where's Mr. Griffin? Yeah, you're free to go.
7 Okay, so the next phase of this process is to pick a
8 jury for the trial -- the first trial that we have
9 this week. We're not quite ready to do that yet, so
10 what I'm gonna do is send you on a lengthy lunch
11 break, while we do some work outside of your
12 presence. So, I want all of you to be back in this
13 courtroom at 2:00. So, get some lunch, run an
14 errand, go home, whatever, but we'll pick a jury at
15 2:00. I will see you then. Thank you.

16 (JURY EXITS)

17 JUDGE NEWMAN: Mr. Swerling, I know you've got
18 some work y'all need to do. What time do you want
19 me back? 'Cause frankly I didn't eat breakfast, so
20 a nice break for me would be good. I mean --

21 MR. HOUGH: I'm floating 1:59, Your Honor. I
22 think Mr. Swerling (inaudible).

23 MR. SWERLING: I'd say we can do it all within
24 an hour if that's all right.

25 JUDGE NEWMAN: Okay.

JURY TRIAL

1 MR. SWERLING: Is that --

2 JUDGE NEWMAN: It's 11:16.

3 MS. MCKELLAR: Say 12:30?

4 JUDGE NEWMAN: Yeah, 12:30. I'll be back at
5 12:30. 12:30?

6 MR. SWERLING: Yeah, that's fine.

7 JUDGE NEWMAN: Okay, I'll see y'all at 12:30.

8 Okay, thank you. Thank you, thank you.

9 (BREAK)

10 JUDGE NEWMAN: Okay. All right, good
11 afternoon, folks. Welcome back. We are now going
12 to select a jury for the trial of this case. It's a
13 criminal case that I will tell you about briefly.
14 I'm going to ask you some questions to determine
15 your fitness to serve as jurors for the trial of
16 this particular case, different from the questions I
17 asked you this morning regarding your general
18 qualifications. But before I ask you these
19 questions, I'm gonna have the clerk place you under
20 oath one more time.

21 THE CLERK: Please stand and raise your right
22 hand. Do you swear or affirm that you will provide
23 truthful and complete responses and answers during
24 this jury qualification process. If you accept
25 (inaudible) please indicate by saying I do.

JURY TRIAL

1 JURY POOL: I do.

2 THE CLERK: Please be seated.

3 JUDGE NEWMAN: All right, the case that is up
4 for trial this week is the State of South Carolina
5 versus Walter Wade Goad. Mr. Goad is charged with
6 trafficking cocaine between 200 grams and 400 grams
7 of cocaine, for an incident that allegedly occurred
8 on September 22nd, 2016. My first question is, does
9 any member of the jury panel know anything about
10 this case, or think that you know anything about
11 this case, think that you read about it, saw it on
12 TV, or have any knowledge whatsoever about this
13 case? If so, please stand. Okay. In South
14 Carolina we don't have District Attorneys, our
15 prosecutors are called Solicitors, and Assistant
16 Solicitors -- oh, I'm sorry, this is the Attorney
17 General's office

18 MS. GATTE: Yes, ma'am.

19 JUDGE NEWMAN: Right. We also -- we also have
20 the Attorney General who prosecutes cases, and he's
21 got assistants or deputies that work for him. This
22 case is being prosecuted by the Attorney General's
23 office. There are two assistant -- are y'all AAG's?
24 Assistant Attorney General prosecuting this case Ms.
25 Jennifer McKellar and --

1 MS. GATTE: Christina Gatte.

2 JUDGE NEWMAN: Gatte, Ms. Christina Gatte, if
3 y'all would stand and face the jury panel. Is any
4 member of the jury panel related by blood, connected
5 by marriage, or have any close personal relationship
6 with Jennifer McKellar or Christina Gatte, are you -
7 - have you been represented by them? Or do you
8 recognize them? Have any dealings with them
9 whatsoever? If so, please stand. Thank you folks,
10 you may have a seat. As I said, they work for the
11 Attorney General's office, is any member of the jury
12 panel employed by the Attorney General's office, or
13 is any member of your immediate family or close
14 personal friends employed by the South Carolina
15 Attorney General's office? If so, please stand.
16 So, I started to mention that obviously the Attorney
17 General's office is a state level -- what I started
18 to say was, their cases are typically prosecuted in
19 the county by the Solicitors that are sometimes
20 called District Attorneys or County Attorneys in
21 other places. We are in the Fifth Judicial Circuit
22 in South Carolina, that includes Richland and
23 Kershaw counties. Is any member of the jury panel
24 employed by the Fifth Circuit Solicitor's Office?
25 Is any member of your immediate family employed by

JURY TRIAL

1 the Fifth Circuit Solicitor's Office, that is
2 Richland or Kershaw counties, have any business
3 dealings with them whatsoever? If so, please stand.
4 Okay, the accused person in this case is Mr. Walter
5 Wade Goad. Mr. Goad, would you stand and face the
6 jury panel? Is any member of the jury panel related
7 by blood, connected by marriage, or have any close
8 personal relationship with Mr. Walter Wade Goad? Do
9 you know him at all? If so, please stand. Thank
10 you, Mr. Goad, you may have a seat. Mr. Goad is
11 represented by two attorneys from Columbia, Richland
12 County, Mr. Jack Swerling and Mr. Randy Hough. They
13 both have solo practices, yes? Practice by
14 yourselves?

15 MR. HOUGH: Yes, Your Honor.

16 JUDGE NEWMAN: Okay. Two different law
17 offices, but they both practice by themselves under
18 their own names. Is any member of the jury panel
19 related by blood, connected by marriage, or have any
20 close, personal relationship with Jack Swerling or
21 Randy Hough? Are you currently represented by
22 either of them, or have you been represented by them
23 in the past? Do you have any dealings whatsoever
24 with their law offices? If so, please stand. There
25 are several potential witnesses who may testify in

1 this case, and the question is the same as to all of
2 them, and that's whether you're related to them or
3 know them at all. Those potential witnesses are
4 Michael Sellers, who is formerly of the Kershaw
5 County Sheriff's Office, that's you? Would you
6 stand and face the jury panel, just so they can see
7 your face? Thank you, sir, you may have a seat.
8 Adam Hardin, with the DEA. Daymon Robertson, DEA.
9 Brad Lawson, from the Kershaw County Sheriff's
10 Office, wave your hand. Lee Young, of the Kershaw
11 County Sheriff's Office, who's raising his hand back
12 there. Mike Lyons, formerly of the Kershaw County
13 Sheriff's Office. Adam Clayton, of the Calhoun
14 County Sheriff's Office. Kelly Morgan from the
15 Federal Department of Probation, Parole and Pardon.
16 Justin Spivey, formerly of the Kershaw County
17 Sheriff's Office. Brian Elliott, who is in law
18 enforcement. Norris Macon, is in law enforcement.
19 Janelle McMillan, in law enforcement. Paul Wyse, is
20 formerly of the DEA. Josh Call, formerly DEA.
21 Ronald Dadabo -- Dadabo -- Dadabo, from SLED.
22 Chelsea Cockrill, Kershaw County Sheriff's Office.
23 Kevin Lynch, Kershaw County Sheriff's Office. Doris
24 Yarborough, from SLED. Ashley Lyles, formerly known
25 as Ashley Bell, who works at SLED. Joshua Parnell,

JURY TRIAL

1 Luther Parnell, Randy Carter, and Gloria Gill. Is
2 any member of the jury panel related by blood,
3 connected by marriage, or have any close, personal
4 relationship with any of those potential witnesses?
5 If so, please stand at this time. Let's start
6 there, your name and jury number, please?

7 JUROR NO. 180: I'm Kayla Threatt, jury number
8 180.

9 JUDGE NEWMAN: Yes, Ms. --

10 MR. SWERLING: What was name? I'm sorry.

11 JUDGE NEWMAN: 180, Threatt.

12 MR. SWERLING: Okay.

13 JUDGE NEWMAN: 180. Who do you know?

14 JUROR NO. 180: The (inaudible).

15 JUDGE NEWMAN: And how do you know them?

16 JUROR NO. 180: My husband is a former
17 employee of the Kershaw County Sheriff's Office.

18 JUDGE NEWMAN: Do you socialize with either of
19 them?

20 JUROR NO. 180: Not recently, no.

21 JUDGE NEWMAN: When's the last time you did?

22 JUROR NO. 180: Maybe six months to a year
23 ago.

24 JUDGE NEWMAN: Okay. And your husband is no
25 longer employed by the Kershaw County Sheriff's

JURY TRIAL

1 Office; is that correct?

2 JUROR NO. 180: Correct.

3 JUDGE NEWMAN: Okay. Would anything about
4 your relationship with Mr. Lawson, Mr. Young, affect
5 your ability to be fair and impartial to all parties
6 during the trial of this case?

7 JUROR NO. 180: I wouldn't think so.

8 JUDGE NEWMAN: Okay, thank you. You may have
9 a seat. Your name and jury number?

10 JUROR NO. 33: William Coleman, 33.

11 JUDGE NEWMAN: Yes, sir, who do you know?

12 JUROR NO. 33: (Inaudible) he's marrying my
13 cousin in December.

14 MR. HOUGH: Who?

15 JUDGE NEWMAN: Okay. Did you attend the
16 wedding?

17 JUROR NO. 33: It's coming up.

18 JUDGE NEWMAN: Oh, in -- this December, okay.

19 MR. SWERLING: Who?

20 MR. HOUGH: Your Honor, we couldn't hear him,
21 who's getting married?

22 JUDGE NEWMAN: His cousin is marrying Chelsea
23 Cockrill? Is Chelsea in here?

24 UNIDENTIFIED PERSON: Yes, ma'am.

25 JUDGE NEWMAN: Yeah. In December. There you

JURY TRIAL

1 are. Okay. Do you socialize with her?

2 JUROR NO. 33: (Inaudible).

3 JUDGE NEWMAN: For how long has that been the
4 case? Months? Years?

5 JUROR NO. 33: Three, four years, at least.

6 JUDGE NEWMAN: Okay.

7 JUROR NO. 33: (Inaudible).

8 JUDGE NEWMAN: Do you believe that you can
9 still be a fair and impartial juror?

10 JUROR NO. 33: (Inaudible).

11 JUDGE NEWMAN: Okay, thank you. You may have
12 a seat. Has any member of the jury panel been
13 accused of a crime or been a victim of a crime? If
14 so, please stand. You or any member of your
15 immediate family, I'm sorry. Have you or any member
16 of your immediate family been accused of a crime or
17 been the victim of a crime? If so, please stand.
18 Give me one moment. Okay, your name and juror
19 number? In the black --

20 JUROR NO. 182: Matthew Tindal, 182.

21 JUDGE NEWMAN: Mr. Tindal, was it you or a
22 family member?

23 JUROR NO. 182: Family member.

24 JUDGE NEWMAN: What is your relation to them?

25 JUROR NO. 182: (Inaudible).

JURY TRIAL

1 JUDGE NEWMAN: And accused of or victim of?

2 JUROR NO. 182: Victim.

3 JUDGE NEWMAN: What kind of crime?

4 JUROR NO. 182: Domestic violence.

5 JUDGE NEWMAN: How long ago?

6 JUROR NO. 182: Two years.

7 JUDGE NEWMAN: Do you know if that case has
8 been resolved, if there was a case?

9 JUROR NO. 182: Not to my knowledge. The
10 individual is still on (inaudible).

11 JUDGE NEWMAN: Okay. Was that here or
12 somewhere else?

13 JUROR NO. 182: Richland County.

14 JUDGE NEWMAN: Richland. Do you believe that
15 you could still be a fair and impartial juror in the
16 trial of this case?

17 JUROR NO. 182: Probably not, because it
18 involves drugs.

19 JUDGE NEWMAN: Because it involves?

20 JUROR NO. 182: Drugs.

21 JUDGE NEWMAN: Okay.

22 JUROR NO. 182: She passed away due to a
23 forced drug overdose.

24 JUDGE NEWMAN: Understood. Okay, thank you,
25 sir. You may have a seat.

JURY TRIAL

1 MR. SWERLING: Your Honor, one other person
2 stood up, I thought.

3 JUDGE NEWMAN: They did and then they sat back
4 down. That was -- I believe it was --

5 MS. MCKELLAR: We're already aware.

6 UNIDENTIFIED PERSON: (Inaudible) yeah, what
7 we talked about earlier Your Honor.

8 JUDGE NEWMAN: Right, okay, got it. Thank
9 you. Is any member of the jury panel or any member
10 of your immediate family ever been employed by a law
11 enforcement agency? If so, please stand. Okay,
12 let's start with -- in the stripe. Yes, your name
13 and jury number?

14 JUROR NO. 1: My name is Carol Allen,
15 (inaudible) and jury number one.

16 JUDGE NEWMAN: Number one?

17 JUROR NO. 1: Yes.

18 JUDGE NEWMAN: Okay, you or a family member?

19 JUROR NO. 1: My husband.

20 JUDGE NEWMAN: And what agency?

21 JUROR NO. 1: He -- he worked for the
22 Department of Justice, I guess, as an instructor,
23 Lancaster County Sheriff's Department and City of
24 Lancaster Police Department.

25 JUDGE NEWMAN: Is he still employed by any of

JURY TRIAL

1 those agencies?

2 JUROR NO. 1: No.

3 JUDGE NEWMAN: How long ago?

4 JUROR NO. 1: I think around 2008 was the last

5 --

6 JUDGE NEWMAN: Okay. Do you believe that you
7 can still be a fair and impartial juror in the trial
8 of this case?

9 JUROR NO. 1: Yes.

10 JUDGE NEWMAN: Thank you, you may have a seat.

11 JUROR NO. 38: Jonathan Cox, number 38.

12 JUDGE NEWMAN: Yes, sir.

13 JUROR NO. 38: My brother works for SLED.

14 JUDGE NEWMAN: How long has he worked for
15 SLED; do you know?

16 JUROR NO. 38: Around a year.

17 JUDGE NEWMAN: Okay. Do you believe that you
18 can still be a fair and impartial juror for the
19 trial of this case?

20 JUROR NO. 38: Yes, ma'am.

21 JUDGE NEWMAN: Thank you. You may have a
22 seat. Yes, thank you.

23 JUROR NO. 41: Jessica Debruhl, 41.

24 JUDGE NEWMAN: Okay.

25 JUROR NO. 41: My husband is a Corporal with

JURY TRIAL

1 Lancaster County Sheriff's Office.

2 JUDGE NEWMAN: Do you still believe that you
3 can be a fair and impartial juror in the trial of
4 this case?

5 JUROR NO. 41: (Inaudible).

6 JUDGE NEWMAN: Thank you, you may have a seat.
7 Now in the black jacket, yes. Your jury number?

8 JUROR NO. 114: 114.

9 JUDGE NEWMAN: Yes, ma'am.

10 JUROR NO. 114: Palma Crispino-Britton, my
11 step-father was an undercover narcotic cop in
12 Rochester, New York.

13 JUDGE NEWMAN: Can you -- do you believe that
14 you can be a fair and impartial juror in the trial
15 of this case?

16 JUROR NO. 114: Yes, ma'am.

17 JUDGE NEWMAN: Thank you, you may have a seat.
18 In the -- is that like a scrub top? No, on the end
19 there. Yeah.

20 JUROR NO. 190: My brother worked for Kershaw
21 County Sheriff's Office and now he's with Elgin
22 Police Department.

23 JUDGE NEWMAN: And tell me your name and juror
24 number?

25 JUROR NO. 190: I'm sorry; Ashley Watson, 190.

JURY TRIAL

1 JUDGE NEWMAN: Do you know how long ago he
2 left Kershaw County?

3 JUROR NO. 190: A year.

4 JUDGE NEWMAN: Okay. Do you believe that you
5 can still serve as a fair and impartial juror in the
6 trial of this case?

7 JUROR NO. 190: Yes, ma'am.

8 JUDGE NEWMAN: Thank you, you may have a seat.
9 With the glass -- yes.

10 JUROR NO. 180: Kayla Threatt, 180. My
11 husband worked for Kershaw County Sheriff's Office
12 for 16 years, he left last year and now works for
13 Elgin PD.

14 MR. SWERLING: What -- which number it was?

15 JUDGE NEWMAN: 180. Can you still be fair and
16 impartial?

17 JUROR NO. 180: (Inaudible).

18 JUDGE NEWMAN: Thank you, you may have a seat.
19 Yes? Your name and juror number?

20 JUROR NO. 176: Amanda Swartz, 176. My nephew
21 is a Fairfield County Sheriff Deputy.

22 JUDGE NEWMAN: Can you be a fair and impartial
23 juror for the trial of this case?

24 JUROR NO. 176: (Inaudible).

25 JUDGE NEWMAN: Thank you, you may have a seat.

JURY TRIAL

1 Is that leopard print --

2 JUROR NO. 181: Yes.

3 JUDGE NEWMAN: Yes, okay. Your name and jury
4 number?

5 JUROR NO. 181: Emily Tidwell, 181. My
6 brother-in-law is currently employed with the
7 Kershaw County Sheriff's office.

8 JUDGE NEWMAN: What's his name?

9 JUROR NO. 181: David Tollison.

10 JUDGE NEWMAN: Do you know anything about this
11 case?

12 JUROR NO. 181: No, ma'am. He -- I think he
13 does like civil cases, like he (inaudible).

14 JUDGE NEWMAN: Okay.

15 JUROR NO. 181: (Inaudible).

16 JUDGE NEWMAN: Okay. Can you be a fair and
17 impartial juror?

18 JUROR NO. 181: Yes, I do.

19 JUDGE NEWMAN: Thank you, you may have a seat.

20 Back there? Sir?

21 JUROR NO. 127: Michael Miller, 127. I'm
22 (inaudible) former police officer with the City of
23 (inaudible).

24 JUDGE NEWMAN: Do you believe you could still
25 be a fair and impartial juror in this trial?

JURY TRIAL

1 JUROR NO. 127: (Inaudible).

2 JUDGE NEWMAN: Thank you, you may have a
3 seat. Yes, sir, your name and jury number?

4 JUROR NO. 92: Thomas Ingram, 92.

5 JUDGE NEWMAN: Yes, sir.

6 JUROR NO. 92: My wife works at the Kershaw
7 County Detention Center.

8 JUDGE NEWMAN: Currently?

9 JUROR NO. 92: Currently.

10 JUDGE NEWMAN: Do you believe that you can
11 still be a fair and impartial juror? Yes?

12 JUROR NO. 92: Yes, ma'am.

13 JUDGE NEWMAN: Thank you, you may have a seat.
14 And let's go to the back.

15 JUROR NO. 33: William Coleman, 33. My father
16 was a correctional officer at the CCI.

17 JUDGE NEWMAN: Goodness, that was some time
18 ago. Do you believe you can still be a fair and
19 impartial juror in this trial?

20 JUROR NO. 33: Yes.

21 JUDGE NEWMAN: Thank you, you may have a seat.
22 Yes, sir, your name and jury number?

23 JUROR NO. 147: Bryan Proctor, 147.

24 JUDGE NEWMAN: Yes, sir.

25 JUROR NO. 147: My brother-in-law Bryan

JURY TRIAL

1 Stokes, the Highway Patrol for South Carolina.

2 JUDGE NEWMAN: Do you believe you could be a
3 fair and impartial juror?

4 JUROR NO. 147: Yes, ma'am.

5 JUDGE NEWMAN: Thank you, you may have a seat.
6 So your job as jurors is to evaluate the credibility
7 of witnesses, that's one of your jobs. Is there any
8 member of the jury panel who is more likely to
9 believe a law enforcement officer simply because
10 they are in law enforcement? If so, please stand.
11 All right. Is there any member of the jury panel
12 who has served on the Kershaw County Grand Jury at
13 any time since 2016? If so, please stand. Is there
14 any member of the jury panel who has already formed
15 an opinion about the guilt or innocence of Mr. Goad?
16 If so, please stand. Have any of you or any of your
17 close family or friends ever had a drug addiction,
18 whether that's prescription drugs, or illegal
19 narcotics, or something else, you or any close
20 friend or family member ever had an addiction to
21 drugs? If so, please stand. Let's start in the
22 fuchsia. Your name and jury number?

23 JUROR NO. 126: Taniya Middleton, (inaudible)
24 126; and my dad years ago.

25 JUDGE NEWMAN: Did he get any treatment that

JURY TRIAL

1 you're aware of?

2 JUROR NO. 126: (Inaudible) since I was a kid.

3 JUDGE NEWMAN: Okay. Do you believe that that
4 would affect your ability to be fair and impartial
5 in this case?

6 JUROR NO. 126: No, ma'am.

7 JUDGE NEWMAN: Thank you, you may have a seat.
8 Yes, ma'am? Your jury number again?

9 JUROR NO. 114: 114. Ex-husband.

10 JUDGE NEWMAN: Did he receive treatment?

11 JUROR NO. 114: No, just the divorce papers.

12 JUDGE NEWMAN: Okay. How long have you been
13 divorced?

14 JUROR NO. 114: 24 years.

15 JUDGE NEWMAN: Okay. Do you think that would
16 affect your ability to be fair and impartial in this
17 trial?

18 JUROR NO. 114: No, ma'am.

19 JUDGE NEWMAN: Thank you, you may have a seat.
20 Yes, ma'am?

21 JUROR NO. 120: I am Linda McLallen-Wagner,
22 and my number is 120.

23 JUDGE NEWMAN: Yes, ma'am.

24 JUROR NO. 120: My great-nephew is an addict.
25 He's currently in sober living in the state of

JURY TRIAL

1 Pennsylvania.

2 JUDGE NEWMAN: Do you believe that would
3 affect your ability to be fair and impartial in this
4 case?

5 JUROR NO. 120: No.

6 JUDGE NEWMAN: Thank you, you may have a seat.

7 MR. SWERLING: Can I get that number? I'm
8 sorry.

9 JUDGE NEWMAN: 120.

10 MR. SWERLING: What number was it?

11 MS. MCKELLAR: 120.

12 JUDGE NEWMAN: 120. Either of you gentleman,
13 whoever wants to start.

14 JUROR NO. 182: (Inaudible) my mother-in-law
15 as well as my cousin died of a heroin overdose.

16 JUDGE NEWMAN: Give me your jury number again.

17 JUROR NO. 182: 182.

18 JUDGE NEWMAN: Thank you. Okay, thank you,
19 you can have a seat. Yes, sir, your name and jury
20 number?

21 JUROR NO. 200: Yocum, number 200. I have two
22 cousins and a niece with drug overdoses.

23 JUDGE NEWMAN: Did any of them receive
24 treatment of any kind?

25 JUROR NO. 200: One of them did at least once,

JURY TRIAL

1 but other than that (inaudible).

2 JUDGE NEWMAN: Okay. Do you believe that your
3 knowledge of their experiences would affect your
4 ability to be fair and impartial in the trial of
5 this case?

6 JUROR NO. 200: No (inaudible).

7 JUDGE NEWMAN: Okay. Thank you, you may have
8 a seat. In the blue, yes.

9 JUROR NO. 163: Schneider is the last name,
10 163 (inaudible). I lost my mother to a drug
11 overdose and my son is actively receiving help.

12 JUDGE NEWMAN: He's in treatment now?

13 JUROR NO. 163: Yes.

14 JUDGE NEWMAN: Okay. Do you believe that any
15 of that would affect your ability to be fair and
16 impartial in the trial of this case?

17 JUROR NO. 163: No.

18 JUDGE NEWMAN: Thank you, you may have a seat.
19 In the plaid, your name and jury number?

20 JUROR NO. 27: Rusty, 27 (inaudible).

21 JUDGE NEWMAN: Yes, Mr. Childers?

22 JUROR NO. 27: Yes, ma'am.

23 JUDGE NEWMAN: Okay.

24 JUROR NO. 27: My best friend OD'd
25 (inaudible).

JURY TRIAL

1 JUDGE NEWMAN: Would that affect your ability
2 to be fair and impartial in this trial?

3 JUROR NO. 27: (Inaudible).

4 JUDGE NEWMAN: Okay, thank you, you may have a
5 seat. Ma'am in the back? Your name and jury
6 number?

7 JUROR NO. 31: Maria Cline, 31.

8 JUDGE NEWMAN: Yes, ma'am.

9 JUROR NO. 31: My husband's nephew OD'd.

10 JUDGE NEWMAN: Would that affect your ability
11 to be fair and impartial in the trial of this case?

12 JUROR NO. 31: (Inaudible).

13 JUDGE NEWMAN: Okay, say that last part again.
14 Repeat what you just said; I couldn't hear you, I'm
15 sorry.

16 JUROR NO. 31: (Inaudible) bitter (inaudible).

17 JUDGE NEWMAN: Very bitter?

18 JUROR NO. 31: (Inaudible).

19 JUDGE NEWMAN: Okay.

20 JUROR NO. 31: (Inaudible).

21 JUDGE NEWMAN: Okay. I understand. You can
22 have a seat, thank you. In the burgundy with the
23 blazer. Name and jury number?

24 JUROR NO. 174: Name is Stevens, jury number
25 174.

1 JUDGE NEWMAN: Yes, ma'am.

2 JUROR NO. 174: My brother and my sister-in-
3 law both have substance addiction.

4 JUDGE NEWMAN: Did either of them receive any
5 treatment ever?

6 JUROR NO. 174: My sister-in-law.

7 JUDGE NEWMAN: Okay. Would any of that affect
8 your ability to be a fair and impartial juror in the
9 trial of this case?

10 JUROR NO. 174: No.

11 JUDGE NEWMAN: Thank you, you may have a seat.
12 Name and jury number, please?

13 JUROR NO. 37: Cox, number 37.

14 JUDGE NEWMAN: Yes, ma'am.

15 JUROR NO. 37: My mother was an addict most of
16 my life. She's been sober for the past seven years
17 and she's overseas (inaudible).

18 JUDGE NEWMAN: Would that affect your ability
19 to be fair and impartial in the trial of this case?

20 JUROR NO. 37: No.

21 JUDGE NEWMAN: Thank you, you may have a seat.

22 MR. HOUGH: Your Honor, was that 37?

23 JUDGE NEWMAN: Yes.

24 MR. HOUGH: Thank you, Your Honor.

25 JUDGE NEWMAN: Is there any member of the jury

JURY TRIAL

1 panel who has such strong feelings about drugs,
2 whether those are positive in some way or negative,
3 but do you have such strong feelings that you
4 believe that you cannot be fair and impartial in the
5 trial of this case? If so, please stand. And
6 that's juror 182? Thank you, you may have a seat,
7 sir. Does any member of the jury panel or any
8 member of your immediate family a member of or
9 contributor to an organization that supports
10 victim's rights, or the rights of the accused?
11 Anything like the Innocence Project, or Sistercare
12 or something along those lines? So, agencies that
13 advocate for the rights of the accused or people who
14 have been convicted or who advocate for victim's
15 rights. If you or any member of your immediate
16 family is a contributor to or a member of any of
17 those organizations please stand. Any additional
18 voir dire requested from the State?

19 MS. GATTE: No, ma'am, Your Honor.

20 JUDGE NEWMAN: From the Defense?

21 MR. SWERLING: Judge, can we approach for a
22 moment?

23 JUDGE NEWMAN: Yes, sir.

24 (BENCH CONFERENCE)

25 JUDGE NEWMAN: Juror 181, do you -- juror 181,

JURY TRIAL

1 I just want to ask again, do you know the defendant
2 Walter Wade Goad?

3 JUROR NO. 181: No, ma'am.

4 JUDGE NEWMAN: Mr. Goad, turn around and look
5 at this juror one more time. Never seen him before?
6 Okay, all right. Thank you, you may have a seat.

7 JUROR NO. 181: (Inaudible).

8 (BENCH CONFERENCE)

9 JUDGE NEWMAN: Okay, ladies and gentlemen.
10 We're now going to select a jury for the trial of
11 this case. The Clerk needs just a moment. We've
12 been working off of a list of your names in
13 alphabetical order, but they need to put your names
14 in random order so that we can select a jury. So,
15 it's going to take them just a moment to do that.
16 Oh, strikes are five and 10 -- five and five? I
17 forget. Yeah, five and five. So --

18 MR. SWERLING: Judge, could we just have a
19 moment after we get the list --

20 JUDGE NEWMAN: Oh, you're not going to get a
21 list. I will get a list; you will not get a list.
22 No, so your names are being placed in random order.
23 And after that we will -- I'll have the Clerk assist
24 me, she will call your names and have you come to
25 the front. She'll explain it to you when we get to

JURY TRIAL

1 that part, so give us just second.

2 MR. SWERLING: Judge (inaudible).

3 (BENCH CONFERENCE)

4 JUDGE NEWMAN: All right, folks. I have one
5 additional question. As I was reading -- or
6 explaining what Mr. Goad is charged with, that being
7 trafficking cocaine 200 to 400 grams, someone
8 whistled, who was that? Tell me your juror number.

9 JUROR NO. 27: Russell Childers, 27.

10 JUDGE NEWMAN: Twenty-seven. Thank you, sir.
11 Anything -- I'm sorry?

12 (BENCH CONFERENCE)

13 JUDGE NEWMAN: All right, thank you, sir. As
14 soon as we get this random list, we will select a
15 jury. As soon as I get the list.

16 THE CLERK: Okay, when I call your name, you
17 can come up to the front and bring all of your
18 belongings with you. If they choose you, you'll
19 have a seat up in the jury (inaudible) but if not,
20 you can go back and have a seat out in the audience.
21 Juror number 62, Landen Goff.

22 JUDGE NEWMAN: Oh, wait a minute.

23 MR. HOUGH: (Inaudible) not ready.

24 JUDGE NEWMAN: Yeah --

25 THE CLERK: (Inaudible) you're at. Let him

JURY TRIAL

1 stand where you're at.

2 JUDGE NEWMAN: Yeah.

3 MS. MCKELLAR: He was in your spot.

4 JUDGE NEWMAN: Exactly. Right there is good.

5 MS. GATTE: Please seat the juror.

6 THE CLERK: What say the Defense?

7 MR. SWERLING: Please seat the juror.

8 JUDGE NEWMAN: Have a seat in the jury box.

9 THE CLERK: Juror number 34, Vernessa Cook.

10 JUDGE NEWMAN: Right there is good.

11 THE CLERK: What (inaudible).

12 MS. GATTE: Please excuse this juror.

13 THE CLERK: Juror number 17, Melissa Brown.

14 What say --

15 MS. GATTE: Please seat this juror.

16 THE CLERK: What say the Defense?

17 MR. SWERLING: Please seat the juror.

18 THE CLERK: Juror number 174, Sharon Stevens.

19 MS. GATTE: Please seat this juror.

20 THE CLERK: What say the Defense?

21 MR. SWERLING: Please excuse the juror from
22 this case.

23 THE CLERK: Juror number 114, Palma Crispino-
24 Britton.

25 MS. GATTE: Please excuse this juror.

JURY TRIAL

1 THE CLERK: Juror number 27, Rusty Childers.

2 MS. GATTE: Please seat this juror.

3 MR. SWERLING: Please excuse the juror from
4 this case.

5 JUDGE NEWMAN: You can go back and have a
6 seat. Thank you, sir.

7 THE CLERK: Juror number 13, Jonathan Bowers.

8 MS. GATTE: Please seat this juror.

9 MR. SWERLING: Please swear the juror.

10 JUDGE NEWMAN: Have a seat in the jury box.

11 THE CLERK: Juror number 33, William Coleman.

12 MS. GATTE: Please seat this juror.

13 MR. SWERLING: Please excuse the juror from
14 this case.

15 JUDGE NEWMAN: You can go back and have a
16 seat, sir.

17 THE CLERK: Juror number 126, Taniya
18 Middleton.

19 MS. GATTE: Please seat this juror.

20 MR. SWERLING: Please swear the juror.

21 THE CLERK: Juror number 38, Jonathan Cox.

22 MS. GATTE: Please seat this juror.

23 JUDGE NEWMAN: What says the Defense?

24 MR. SWERLING: Please swear the juror.

25 THE CLERK: Juror number 97, Sidney Johnson.

JURY TRIAL

1 MS. GATTE: Please excuse this juror.

2 THE CLERK: The State and Defense both have
3 used three strikes each. Juror number 195, Robert
4 Wood.

5 MS. GATTE: Please seat this juror.

6 THE CLERK: Defense?

7 MR. SWERLING: Please seat the juror; swear
8 the juror.

9 THE CLERK: Juror 181, Emily Tidwell.

10 MS. GATTE: Please excuse this juror.

11 THE CLERK: Juror number 1, Carolyn Allen.

12 MS. GATTE: Please seat this juror.

13 MR. SWERLING: Please excuse the juror for
14 this case.

15 THE CLERK: Juror number 120, Linda McLallen-
16 Wagner.

17 MS. GATTE: Please seat this juror.

18 MR. SWERLING: Excuse me one moment.

19 THE CLERK: What say the Defense?

20 MR. SWERLING: Sorry, excuse me. Please swear
21 the juror.

22 THE CLERK: Juror number 106, Ashley Lee.

23 MS. GATTE: Please excuse this juror.

24 THE CLERK: Okay, the State has used five of
25 their strikes; Defense four. Juror number 59,

JURY TRIAL

1 Michael Galloway.

2 MR. SWERLING: I'm sorry, what was the number,
3 ma'am?

4 THE CLERK: Fifty-nine, Michael Galloway.

5 MR. SWERLING: Thank you.

6 MS. GATTE: Please seat this juror.

7 MR. SWERLING: You said 59?

8 THE CLERK: Fifty-nine, Michael Galloway.

9 MR. SWERLING: Excuse me one minute, Your
10 Honor.

11 JUDGE NEWMAN: Yes, sir.

12 MR. SWERLING: Please swear the juror.

13 THE CLERK: Juror number 37, Jessica Cox.

14 MS. GATTE: Please seat this juror.

15 MR. SWERLING: Please seat the juror.

16 THE CLERK: Juror number 147, Bryan Proctor.

17 MS. GATTE: Please seat this juror.

18 MR. SWERLING: Please swear the juror.

19 THE CLERK: Juror number 127, Michael Miller.

20 MS. GATTE: Please seat this juror.

21 MR. SWERLING: Please swear the juror.

22 THE CLERK: Juror number 163, Crystal
23 Schneider.

24 MS. GATTE: Please seat this juror.

25 MR. SWERLING: You say 153 or 63?

JURY TRIAL

1 THE CLERK: 163, Crystal Schneider.

2 MR. SWERLING: Please excuse the juror.

3 THE CLERK: Juror number 100, Haley Kelly.

4 MS. GATTE: Please seat this juror.

5 MR. SWERLING: Please swear the juror.

6 JUDGE NEWMAN: And we'll select one alternate.

7 THE CLERK: Juror number 121, Cassie Mcleod.

8 MS. GATTE: Beg the Court's indulgence.

9 Please seat the juror.

10 MR. SWERLING: Please swear the juror.

11 JUDGE NEWMAN: Any objections to jury

12 selection from the State?

13 MS. GATTE: No, ma'am, Your Honor.

14 JUDGE NEWMAN: From the Defense?

15 MR. SWERLING: No, we're fine.

16 JUDGE NEWMAN: Okay. All right, ladies and

17 gentlemen who were not selected for service on this

18 case, this is the only case we're going to try this

19 week so that means your jury service is complete.

20 Yay. So all those appointments that you told me

21 about and picking up kids and things, whatever, you

22 can do all of those things. Thank you for your

23 time, attention, your patience, and have a good

24 week. Ms. Poles, if you would hang back for a

25 second. We went to high school together and I've

JURY TRIAL

1 not seen her since then, so, that's what that was.
2 Didn't know she was in Kershaw County even. Folks
3 who were selected for service on this case. Y'all
4 are ready to start, right; pretty much? Yes?

5 MR. SWERLING: Yes.

6 JUDGE NEWMAN: Okay, we are going to start
7 this trial this afternoon. It should not go past
8 Wednesday, that's not a promise, that's just what we
9 anticipate. I just tell you that for your life, for
10 planning purposes. So, hopefully you'll be free on
11 Thursday and Friday. But, you know, unforeseen
12 circumstances happen, that's why I say it's not a
13 promise. Before we get started with the trial
14 though, I'm gonna chat with the attorneys just for a
15 minute. I'm going to excuse you from the courtroom
16 and the bailiff's going to show you where the jury
17 room is, that will be the place that you sit and
18 congregate and sort of wait for us any time I send
19 you out of the courtroom. Do not begin to discuss
20 the case amongst yourselves. Everything that you
21 learn about the case must come from within this
22 courtroom, and you're not permitted to begin your
23 deliberations or begin discussing the case until the
24 end of the case. So, I will tell you the same thing
25 every time you leave the courtroom, and that's do

1 not discuss the case. When you go back there, the
2 bailiff's going to take your cell phones from you.
3 You are not permitted to have them in the courtroom
4 or in the jury room. And I'm just -- it will only
5 be 15, 20 minutes, maybe, before I bring you back
6 out and we'll get started with the trial. So,
7 please, return to the jury room -- or go to the jury
8 room. Follow this bailiff. Thank you.

9 (The jury exits the courtroom.)

10 JUDGE NEWMAN: I know there were some --
11 sorry. I know there were some --

12 MS. GATTE: Stipulations, Your Honor.

13 JUDGE NEWMAN: -- stipulations, but I also
14 some objection -- or requests regarding jury
15 selection. There was a bench conference with a
16 mention of a motion to strike for cause that I said
17 I would deny from the Defense. But let me hear all
18 that stuff, we'll put that on the rec -- oh, I will
19 put on the record that jurors 31 -- wait a minute,
20 get the right numbers, 182 and 31 were removed from
21 the pool for cause without objection from either
22 party. Ms. --

23 MS. GATTE: Gatte now.

24 JUDGE NEWMAN: -- Gatte.

25 MS. GATTE: Happily divorced, Your Honor.

JURY TRIAL

1 JUDGE NEWMAN: Got it. So I will make it my
2 business to call you Gatte. Ms. Gatte, yes.

3 MS. GATTE: Yes, ma'am. Well, would you like
4 to put that objection to the jury on the record?

5 JUDGE NEWMAN: It doesn't matter.

6 MR. SWERLING: Yeah, it's up to you, whatever,
7 I mean --

8 JUDGE NEWMAN: Whatever, it doesn't matter.

9 MS. GATTE: Okay, I believe that Mr. Swerling
10 and the Defense are going to stipulate to chain in
11 this case. I would just like to put that on the
12 record. We also agreed that we will stipulate to
13 the authenticity of any phone records. They've all
14 come from phone companies directly, I believe that
15 is your understanding as well.

16 MR. SWERLING: That's correct.

17 MS. GATTE: Just want to put that on the
18 record.

19 JUDGE NEWMAN: And chain of custody is
20 correct?

21 MR. SWERLING: Yes, that is correct.

22 JUDGE NEWMAN: Okay. Wonderful. Anything
23 else from the State?

24 MS. GATTE: No, ma'am.

25 JUDGE NEWMAN: Mr. Swerling?

JURY TRIAL

1 MR. SWERLING: Judge, we ask that the members
2 of jury panel who had a relationship to the Kershaw
3 County Sheriff's Department, that they be excused
4 for cause, and I believe Your Honor overruled that.

5 JUDGE NEWMAN: Yes, sir. Does the State want
6 to put its position on the record?

7 MS. GATTE: Yes, ma'am. The State objected to
8 it because all of the jurors said that they could be
9 fair and impartial regardless of their family's
10 relationship with law enforcement.

11 JUDGE NEWMAN: And for that reason I declined
12 that request.

13 MR. SWERLING: And with respect to 31, Mr.
14 Hough and I have a disagreement. That was the one
15 that whistled, did you excuse him for cause or we
16 struck --

17 JUDGE NEWMAN: You struck him.

18 MR. SWERLING: Okay, but -- or so the
19 objection was that he be struck for cause.

20 JUDGE NEWMAN: Right.

21 MR. SWERLING: And I just -- we want to make
22 sure we got it right.

23 JUDGE NEWMAN: Right, that was juror 27 that
24 said he whistled.

25 MR. SWERLING: Yeah.

JURY TRIAL

1 JUDGE NEWMAN: I declined to strike him for
2 cause because that would require the Court to
3 interpret what he meant by the whistle, which I
4 cannot do, and he said he can be fair and impartial.
5 Anything else we need to put on the record? Okay.

6 MR. SWERLING: That's it, Judge.

7 JUDGE NEWMAN: Okay.

8 MS. GATTE: Nothing for the State.

9 JUDGE NEWMAN: Okay. Y'all ready to start?
10 Yes?

11 MR. SWERLING: Yeah.

12 MS. GATTE: Are we on the record?

13 MR. SWERLING: Judge, I -- I'm going to get --
14 If I could use the podium if I can.

15 JUDGE NEWMAN: Sure.

16 MR. SWERLING: So I'd want to move it.

17 JUDGE NEWMAN: I'm going to take -- I mean, I
18 just sent them out, so we'll take 10 minutes, and
19 then we'll come back and start. Okay? Thank you.

20 (BREAK)

21 JUDGE NEWMAN: All right, have a seat, please.

22 MR. SWERLING: Your Honor, just a couple
23 matters before the jury comes in.

24 JUDGE NEWMAN: Yes, sir.

25 MR. SWERLING: One, is I'd move to sequester

JURY TRIAL

1 the witnesses. I don't think there's that many, but
2 I would like them sequestered since they were all
3 involved with the investigation of this case; most
4 of them anyway. And would think it appropriate to
5 go ahead and have them sequestered.

6 JUDGE NEWMAN: What says the State?

7 MS. GATTE: Your Honor, we would be okay with
8 that except for Mr. Michael Sellers and Adam Hardin,
9 they were the lead agents on this case, and so we
10 would ask that they're able to be here throughout
11 the trial. The rest of law enforcement witnesses we
12 have no problem with being sequestered.

13 JUDGE NEWMAN: So, you, Mr. Swerling?

14 MR. SWERLING: Usually, I think you try to
15 keep at least the investigating officer, the chief
16 investigating officer in the case in the courtroom
17 so, usually I -- I mean, I don't have any objection
18 to that.

19 JUDGE NEWMAN: Oh, and I only ask -- you're
20 correct. And I only ask because she named two lead
21 investigators, but if they are both in fact lead
22 investigators, and you have no objection to that,
23 that's fine, we'll sequester all other witnesses.
24 Okay. Anything else?

25 MR. SWERLING: Judge, one other thing. I'm

JURY TRIAL

1 advised that Mr. Sellers is the first witness, and
2 the Attorney General told me this morning during the
3 lunch break we were having, that there was contact
4 by Mr. Goad to Mr. Sellers sometime -- at some point
5 in the past after he retired, where Mr. Goad wanted
6 to go ahead and see if he was interested in -- Mr.
7 Sellers being hired by him as an investigator in his
8 case. And I didn't know about that until today, and
9 I ask that the Court exclude that testimony, and I
10 move in limine to do that. I think that's highly
11 prejudicial -- first of all it's not relevant at
12 all. Second of all, under 403 I think the probative
13 value is far outweighed by the prejudicial effect or
14 vice versa. And I don't see any necessity for that
15 coming in during the course of the trial or the need
16 for it.

17 MS. GATTE: Your Honor, that is my
18 understanding as well, that Mr. Goad did contact Mr.
19 Sellers after he retired to ask him to be the
20 investigator on his case. Your Honor, we would
21 argue that it is not -- doesn't fall under hearsay,
22 there's a hearsay exception first party opponent,
23 he's a defendant in this case, and he will have the
24 opportunity to cross-examine Mr. Sellers about this
25 contact. We do think that it tends to show that he

JURY TRIAL

1 understood what he did, and that it is directly
2 relevant to this case. And again, we do believe
3 that it's a statement by a party opponent.

4 MR. SWERLING: But it has to be a admission of
5 a party opponent. There's no -- there's no
6 admission in there. He -- you know, he may have
7 legitimate reasons for contacting him and seeing if
8 he wanted to work on the case because he was the
9 chief investigating officer on the case. But there
10 was no improper thing said during that conversation
11 as far as I understand.

12 JUDGE NEWMAN: The case is this case, it's
13 always been this case, so he's --

14 MS. GATTE: Yes, ma'am.

15 JUDGE NEWMAN: -- then asking Mr. Sellers to
16 work on his behalf, the Defendant's behalf, in this
17 case.

18 MS. GATTE: Yes, ma'am.

19 JUDGE NEWMAN: That's so odd. And you believe
20 it tends to show what now? What's probative of
21 what?

22 MS. GATTE: Well, I think that it's probative
23 of, I guess, his guilt in this case. He understands
24 that the lead investigator working for him would
25 benefit him in this case. I think that it's

1 relevant.

2 JUDGE NEWMAN: It doesn't sound like it is. I
3 would sustain that objection, or rule that it be
4 excluded, not mentioned in the trial of this case.
5 Anything else?

6 MR. SWERLING: I think that's, as far as I
7 know, would be nothing else, maybe during the course
8 of the testimony.

9 JUDGE NEWMAN: Of course. Anything from the
10 State?

11 MS. GATTE: No, ma'am, Your Honor.

12 JUDGE NEWMAN: All right, let's bring the
13 jury, please.

14 MS. GATTE: Your Honor, can I approach?

15 (BENCH CONFERENCE)

16 (The jury enters the courtroom.)

17 JUDGE NEWMAN: All right, welcome back folks.
18 We are now going to begin the trial of the case of
19 the State of South Carolina versus Walter Wade Goad.
20 I'm going to give you some preliminary remarks
21 before you hear from the attorneys, just to sort of
22 explain what's happening and all of that. But
23 before I do that, I'm going to have the Clerk place
24 you under oath one more time.

25 THE CLERK: Will you please stand and raise

JURY TRIAL

1 your right hand? Do you solemnly swear or affirm
2 that you shall well and truly try in true
3 deliverance (inaudible) State of South Carolina and
4 the Defendant at bar, and you shall have (inaudible)
5 and a true verdict (inaudible) according to the law
6 and evidence, so help you God?

7 JURY POOL: I do.

8 THE CLERK: You may be seated.

9 JUDGE NEWMAN: All right, folks before we
10 begin this trial, I want to tell you that this trial
11 will probably be different from what you might
12 expect. Many people do not have the chance to
13 attend actual court sessions as you're doing now,
14 and may think from watching television or movies or
15 reading books that trials are always full of high
16 drama, intense action, and riveting circumstances.
17 While all of these things may be true at times, this
18 trial is not for entertainment. It is a fundamental
19 part of our democracy, an effort to make sure that
20 justice is done between the parties before the
21 Court. Making sure that justice is done is often
22 slow, deliberate, and repetitive; the opposite of
23 what you may have seen on television or in movies or
24 read in books. This courtroom is a place of honor,
25 dedicated to the protection and preservation of

JURY TRIAL

1 citizens rights through what many have called the
2 greatest justice system ever created. The attorneys
3 appearing before you are advocates for the parties
4 they represent, but first and foremost they are
5 officers of the Court, sworn to uphold the integrity
6 and fairness of our judicial system and to help you
7 in understanding the evidence. You should expect
8 them to be professional, competent, and ethical in
9 the representation of their client's interest.
10 Remember that you have taken an oath to try this
11 case and reach a fair and just verdict, so you are
12 also expected to be professional, reasonable, and
13 ethical. What I'll now say is intended to serve as
14 an introduction to the trial of this case. These
15 remarks are not a charge of the law in this case. I
16 will instruct you on the law applicable to this case
17 at the end of the trial before you retire to
18 consider your verdict. This is merely an
19 explanation of the procedure that we'll follow in
20 the trial, so that you can better understand what is
21 happening. The defendant is charged in an
22 indictment filed in the Court with the crime of
23 trafficking cocaine 200 grams or more, but less than
24 400 grams. I'll explain the elements of that crime
25 to you later. The indictment is simply the charge

1 by which the case is brought into Court. It is not
2 in any sense evidence of the allegations it
3 contains. The defendant has pled not guilty to this
4 indictment. The State, therefore, has the burden of
5 proving each of the elements of the charge beyond a
6 reasonable doubt, and it will be your duty ladies
7 and gentlemen, to determine whether the State has
8 met that burden of proof. Your purpose as jurors is
9 to determine the facts. You are the sole judges of
10 the facts. If at any time I make any comment
11 regarding the facts, you must disregard it. You are
12 to determine the facts from the testimony you hear
13 and any other evidence that is introduced in court.
14 It is up to you to determine the inferences which
15 you feel may properly be drawn from the evidence.
16 It is especially important that you perform your
17 duty of determining the facts diligently and
18 conscientiously, because ordinarily there is no way
19 to correct an erroneous determination of the facts
20 by a jury. On the other hand and with equal
21 emphasis, the same law that makes you the judges of
22 the facts makes me the judge of the law. The law as
23 given by the Court is the only law you may consider.
24 You must accept it and follow it, even though you
25 may disagree with it. I cannot tell you what the

1 facts are, and you cannot disagree with me as to
2 what the law is or what the law should be. Your job
3 is to take the law as I give it to you and apply it
4 to the facts as you find them from the testimony of
5 the witnesses and any other evidence that is
6 introduced. After doing that, you will render your
7 verdict under the solemn oath that you just took as
8 jurors. Until I advise you to begin your
9 deliberations you must not discuss the case with
10 anyone, including your fellow jurors, friends,
11 family members, and anyone involved in the case.
12 This includes discussions face-to-face, as well as
13 those by telephone, email, text, social media, or
14 any other method of communication. You may not use
15 a computer, cell phone, or other electronic device
16 with communication capabilities at any time while in
17 the courtroom or during deliberations. Now, of
18 course, during your breaks for meals and overnight
19 you may use those devices, however, you may not at
20 any time use those devices to get or send
21 information about the case. This includes
22 information about a party, a witness, an attorney,
23 or a court officer, news accounts about the case,
24 research on any topics raised, any topics you think
25 would be helpful in deciding the case, and any

1 testimony presented by any witness. During the
2 trial, do not read, listen to, or watch any news
3 reports about the case. This includes anything that
4 may be in the newspapers, or on the internet, radio,
5 or television. You must not consider anything you
6 may have read or heard about the case outside of the
7 courtroom, whether before or during the trial.
8 After the case is submitted to you, you must discuss
9 it only in the jury room with your fellow jurors.
10 The attorneys and parties in this case have been
11 advised that they are not to speak to you at all.
12 So, if you see anyone involved in the case, and they
13 don't even say hello to you, they're not being rude,
14 they're simply following my instructions. It is
15 important that you keep an open mind and not decide
16 any issue in the case until all of the evidence has
17 been presented, the parties have made their closing
18 arguments, and I have instructed you on the law. It
19 is your solemn responsibility to determine the guilt
20 or innocence of the defendant and your verdict must
21 be based solely on the evidence as it is presented
22 to you in this trial, and on the law as I instruct
23 you during and at the close of the trial. In just a
24 moment the Assistant Attorney General will make what
25 is called an opening statement, in which that person

1 will explain to you what the issues are in this case
2 or at least what the attorney thinks the issues are
3 in this case. The attorney for the defendant may
4 also make an opening statement, although they are
5 not required to do so. What the attorneys tell you
6 during their opening statements is not evidence in
7 this case, it's only their contention as to what the
8 issues are. The evidence in this case will be
9 presented to you by the testimony of sworn witnesses
10 from the -- this witness stand, and by exhibits that
11 maybe introduced into evidence. Now from time to
12 time during the trial you may hear one of the
13 attorneys say something like Your Honor, I believe
14 we have a question of law, or matter of law, or can
15 we approach the bench, or sometimes I myself might
16 find it necessary to excuse you from the courtroom
17 for a short while, so that I can have certain
18 discussions about matters of law with the attorneys.
19 The reason that I excuse you from the courtroom or
20 do things at the sidebar where you can't hear, is
21 because you are the finders of the facts in this
22 case, and sometimes when I'm making a ruling as to
23 whether a particular law applies or does not apply
24 it becomes necessary for me to make some comment
25 with regard to the facts. I'm not supposed to tell

1 you what I think the facts are, so I'll excuse you
2 from the courtroom for a short while, so that I can
3 have those discussions, so that you will not in any
4 way be influenced by anything that I might say or do
5 in connection with the facts. In determining what
6 the facts are, you must decide whether or not the
7 testimony of the witnesses is believable. It will
8 be my responsibility to determine whether certain
9 testimony is admissible or not, but once the
10 testimony is admitted, whether or not you believe it
11 is solely for you to determine. In deciding whether
12 to believe a witness, you have the right to consider
13 the interest of any witness, the bias of any
14 witness, the prejudice of the witness, the
15 opportunity for the witnesses to have seen the
16 matters and things about which the witness may
17 testify, and the way the witness acts on the witness
18 stand. You have a right to consider anything that
19 is in the record that will help you evaluate the
20 testimony of the witnesses. That means that it is
21 your duty to pay close attention to the witnesses,
22 to observe the witnesses, to listen to them, and pay
23 close attention to the attorneys and to the Court.
24 Do not let your thoughts wander, but give strict
25 attention to the testimony in this case, so that at

JURY TRIAL

1 the end of all of the testimony, after the arguments
2 of counsel, and my charge to you on the law, you
3 will then be in a position to determine what the
4 facts are, apply the law to those facts, and render
5 a true and just verdict. It will be the added duty
6 of the foreperson to be the jury spokesperson here
7 in Court and to guide the deliberations in the jury
8 room, but we will discuss that in greater detail
9 towards the end of the trial. So, before we begin,
10 before you hear from the attorneys, in order to
11 preserve everyone's rights, I will give the
12 attorneys an opportunity to object to anything that
13 I have just said to you. Any objection from the
14 State?

15 MS. GATTE: No, ma'am, Your Honor.

16 JUDGE NEWMAN: From the Defense?

17 MR. SWERLING: No.

18 JUDGE NEWMAN: We will now begin the trial of
19 the case. I ask you to give Ms. Gatte your
20 undivided attention for her opening statement.

21 MS. GATTE: Your Honor, the State calls Walter
22 Wade Goad --

23 JUDGE NEWMAN: No, opening statements.

24 MS. GATTE: Oh, I thought you wanted me to
25 call the case, Your Honor.

JURY TRIAL

1 JUDGE NEWMAN: Yeah, whatever.

2 MS. GATTE: Okay.

3 MS. MCKELLAR: And I'm actually going to do
4 the opening.

5 JUDGE NEWMAN: Opening statements, Ms.
6 McKeller is going to do the opening statement. I'm
7 sorry. I'm so accustomed to civil cases.

8 MS. MCKELLAR: Hello again. I want to start
9 by thanking you, sincerely. I'd like to say thank
10 you, but I'm sincere. First of all --

11 JUDGE NEWMAN: Oh, hold on.

12 MS. MCKELLAR: -- (inaudible) showing up.

13 JUDGE NEWMAN: Ms. McKellar, hang on.

14 THE CLERK: This is a digital courtroom, so
15 you have to be here.

16 MS. MCKELLAR: Can I carry it around?

17 THE CLERK: Yeah, if you want to (inaudible)
18 you can.

19 MS. MCKELLAR: I'm just kidding, I'm not going
20 to. I'll just --

21 JUDGE NEWMAN: Carry it or put it in front of
22 you or --

23 MS. MCKELLAR: I'm a walker, so now I'm just
24 gonna be tied to this podium, okay. Can you hear
25 me? So, as I was saying, I would like to thank you

1 for what you've already done, which is show up. I
2 know no one's super stoked to be here, but I
3 appreciate it. And I'd like to thank you in advance
4 for what you're going to do, which is actively
5 participate today and tomorrow. As you already
6 know, Jennifer McKellar, Christina Gatte, both
7 Assistant Attorney's General and we have a simple
8 one for you. Simple does not mean it's not serious.
9 It doesn't mean we're not -- we're not going to
10 treat it with the utmost importance, because to the
11 contrary, it is very important, and that's why us,
12 along with all the law enforcement officers, are
13 here today. We think it is very important;
14 important but simple. Mr. Goad sits before you
15 charged with trafficking cocaine 200 to 400 grams,
16 because on September 22nd, 2016, he possessed well
17 over 200 grams of cocaine. It's that simple. Now,
18 we could show you that he merely attempted to
19 possess this cocaine and he'd be guilty. We could
20 show you that he conspired to possess this cocaine
21 and he'd still be guilty. But I am certain that
22 when we are done, you will all know beyond a
23 reasonable doubt that Walter Goad not only possessed
24 the drugs, he also distributed them. So, the way
25 police investigations go is police often have to

1 collect information about events that have already
2 occurred, they're working backwards. But you're in
3 luck, because in this case officers collected
4 evidence live time, as the crime was occurring.
5 They had a front row seat and they're going to tell
6 you all about it. I told you we were going to keep
7 it simple. And if that's not enough, we're going to
8 have surveillance photos, we're going to have even
9 recorded phone calls, so that you are left convinced
10 that Mr. Goad is guilty. Speaking of convincing,
11 the Judge went over it and -- in her talks with you,
12 our burden is beyond a reasonable doubt. Proof
13 beyond a reasonable doubt, and that is a burden that
14 we welcome and it's one that I have no doubt we will
15 meet. So, I just have one request for you, and that
16 is that you stay focused on the evidence. Do not
17 get distracted by irrelevant information. Now I
18 know at the end my co-counsel, Ms. Gatte, she's
19 probably going to have another request for you, and
20 that's going to be to find Mr. Goad guilty. I'll
21 let her do that. But, if we've done our job
22 correctly, that decision will be a simple one.
23 Thank you.

24 JUDGE NEWMAN: Mr. Swerling?

25 MR. SWERLING: Good afternoon, ladies and

1 gentlemen, how are you? I'm going to kind of
2 balance myself against the podium here because I'm a
3 little unbalanced, some medication I guess I'm
4 taking. Thank you for being here as well, on behalf
5 of the community, sitting in judgment of this case.
6 You folks as you just saw during the jury selection
7 process, the Judge asked you a series of questions
8 and excused certain jurors for one reason or
9 another. And then the Defense, Prosecution and
10 Defense, had an opportunity to go ahead and excuse
11 several jurors during the course of the selection
12 process. What's the reason for all of that? The
13 reason for that is that the Judge, the Prosecution,
14 and the Defense want to make sure that we empanel a
15 jury that is very impartial, does not come into the
16 courtroom with any preconceived opinions about the
17 guilt or innocence of the case. Doesn't have any
18 reason why they can't be fair and impartial, and if
19 you remember the oath that you took and when you
20 were both selected as jurors, or before you're
21 selected as jurors, and now, is to truly try the
22 case that you have before you, to well and truly try
23 and render a fair and impartial verdict. And
24 verdict means -- in the Latin, simply means to speak
25 the truth, verum dico, means to speak the truth.

1 And we count on a jury when we empanel the jury to
2 go ahead and listen to the evidence, apply the law
3 that the judge gives you, as far as what the
4 evidence that you have to follow the law with
5 regards to that evidence. You hear, as she said,
6 arguments of counsel, what we say, what the State
7 says is not evidence in the case, but it's basically
8 setting forth for you our position about what the
9 evidence shows and does not show in the case. But,
10 we have a jury that all of us agree are fair and
11 impartial, the best people we could go ahead and
12 have decide the outcome of this case. I was
13 satisfied when y'all were taking -- when we finally
14 empaneled 12 of you, and then the 13th juror, who's
15 the alternate juror, and I still believe that, and I
16 will believe that until the end of the case that
17 everybody understands what their oath was,
18 understands that you gave true answers to the case
19 that was being propounded to you, or the questions
20 that were being propounded to you by the Court, and
21 that you are fair and impartial jurors, and you will
22 render a fair and impartial verdict to speak the
23 truth. A couple of things that I want to talk about
24 as far as the law is concerned, the judge kind of
25 gave you a preliminary -- some instructions about

1 that, but you'll hear a lot more detailed
2 instructions at the end of the case. And you'll
3 also have the opportunity, unfortunately for you,
4 that you'll be hearing the lawyers again talking to
5 you at the end of the case about what we contend
6 that the evidence shows or does not show. But, next
7 week we're all gonna vote in our national election,
8 and many state elections and also local. There's
9 always been a debate as to what is our most sacred
10 right as American citizens. There's a debate as to
11 whether or not it's our right to vote and elect our
12 officials, or replace our officials when we don't
13 agree with them. Or the right to a jury trial. And
14 those two are probably the fundamental foundation of
15 what our system of democracy is, and in the judicial
16 system the fundamentals of the judicial system. So,
17 now you're going to embark serving a jurors in the
18 case. And it really is a very sacred obligation and
19 we appreciate you being here. Two principles of law
20 and that are most important that I would like to
21 just -- again the judge explained it but I'd like to
22 go into it a little bit further. In your every day
23 important decisions that you make, whether it's
24 buying a house, buying a car, where to send your kid
25 to school, whatever it is, you weigh the pros and

1 the cons and, you know, you may have doubts about
2 whether or not you should do it or not do it, buy
3 the house or buy the car, and you can resolve that
4 doubt by doing it anyway, because you know you have
5 considered both the pros and the cons. The
6 difference between the outside world and coming into
7 the Court, is if you have a reasonable doubt as you
8 would your outside activities, but if you have a
9 reasonable doubt here, the law requires you to go
10 ahead and find the defendant not guilty. That is
11 the fundamental part of our system. That, for
12 example, if you think because of the evidence or the
13 lack of evidence, that the State has no proven guilt
14 beyond a reasonable doubt, to that kind of certainty
15 beyond a reasonable doubt, then the oath that you
16 took requires you to find that person not guilty.
17 There's also a very -- very other important
18 principle of law that you probably have all heard
19 during watching maybe TV or movies or anything like
20 that, is the presumption of innocence. Presumption
21 of innocence is fundamental and exclusive pretty
22 much to our system of justice. What that means is
23 this, when you look over there right now looking at
24 Walter Goad, you are to presume that he is innocent.
25 You're not allowed to look at him under the law that

1 he is guilty or may be guilty, or probably guilty,
2 or whatever it may be that you are thinking right
3 now. Under the law, he is presumed to be innocent.
4 And that is a presumption that not only is here
5 present now, it goes throughout the course of the
6 trial, and it goes with you into the jury room after
7 all the evidence is presented, after the lawyers
8 give their final statement, and after the judge
9 charges you with what we charging you and
10 instructing you on the law. So, when you go into
11 the jury room in a day or two, whenever it's going
12 to be, it's not going to be a very long trial, but
13 you are supposed to enter that jury room still
14 presuming, despite the fact that you heard the
15 evidence and the arguments of the law, you are still
16 presumed that person to be innocent. How does that
17 presumption of innocence disappear if at all? By
18 the Government's proof beyond a reasonable doubt.
19 When you go in there, and the 12 of you who will
20 eventually deliberate on this case, if you decide
21 that the State has not proven the case beyond a
22 reasonable doubt, then that presumption of innocence
23 is still there. But, if you believe that the State
24 has proven the case beyond a reasonable doubt, then
25 the presumption of innocence can be stripped away

1 from the citizen. And only then, only then, can a
2 jury return a verdict of guilty in the case.
3 Otherwise, with the burden of proof on the State,
4 proof beyond a reasonable doubt, and the presumption
5 of innocence, you are to go into that jury room
6 again presuming he's innocent until and unless you
7 all believe unanimously that the State has proven
8 guilt beyond a reasonable doubt. One other
9 principle I'd like to talk to you about. We don't
10 have instructions or classes or give you pamphlets
11 or books to read how you are to determine that
12 during the course of the trial. There's really no
13 educational background that a juror gets to go ahead
14 and decide -- how you decide these kind of things in
15 a courtroom. Well, you're going to hear witnesses,
16 and you're going to see evidence. And your purpose
17 is to evaluate that -- those witnesses and that
18 evidence. One of the things that we ask you to
19 consider is the credibility of the witnesses, or one
20 of the things we ask you to understand is if you
21 determine what the credibility of the witnesses are.
22 Only you. None of us can. We're not even allowed
23 to express an opinion about credibility, the judge
24 doesn't do that either. Only the jury makes that
25 decision about a witness and whether a witness is

1 credible or not. So, how do you go ahead and do
2 that? Well number one, you have to look at whether
3 or not that witness has a motive, an interest, a
4 bias, or some kind of prejudice, to go ahead and
5 taint their testimony or to not tell you the truth.
6 You can believe part of what a witness says, you can
7 believe all of what a witness says, or you can
8 believe none of it, none of it. So, that's your
9 providence, totally your providence. But, one of
10 the big things you'll see in this case, one of the
11 main witnesses in this case, is an individual who is
12 already serving time in prison for this exact
13 offense. And you will hear him, he's Joshua
14 Parnell, and he will take the witness stand. He'll
15 tell you what he says is the background of this
16 case, and what happened on September 22nd, 2016. It
17 is -- it's an eight-year-old case. So, I will tell
18 you that. You need to look, please, please,
19 evaluate his testimony and looking at his
20 credibility, as to whether he has a motive, an
21 interest, a bias, or a prejudice. Whether he's
22 received some reward or expects some kind of reward
23 to get him to testify against Mr. Goad in this case.
24 We suggest to you that he does. We suggest to you
25 that the very moment that he was arrested, and he

1 started cooperating with the law enforcement, that
2 he had a motive to go ahead and tell them about
3 Walter Goad, and implicate Walter Goad so that he
4 would benefit from it, so he would benefit. Not the
5 system, not the jury, or anything else, but he would
6 benefit. And so, during the course of that
7 testimony, please listen to what he says very
8 carefully. Look at what he says, whether it's being
9 consistent or inconsistent throughout, whether it's
10 consistent or inconsistent with the evidence that
11 might be presented in the case. Whether he has told
12 a consistent story throughout, whether it matches
13 and corr -- is corroborated by the evidence. And
14 again, evaluate his testimony in light of what he's
15 getting or what he's already gotten in the case.
16 Did he have a motive to lie? Was he really trying
17 to fend for himself by coming into -- or at that
18 time, cooperating with law enforcement, and coming
19 into court and satisfying some obligation that he
20 may have taken for some recommendation that the
21 State may have made. We'll get into that a little
22 bit more at the end of the case. You'll hear some
23 of that during the course of the case through direct
24 examination and the cross-examination. But that's
25 where we are at this point. We haven't started the

1 evidence yet; we just want to give you some brief
2 comments about what's expected over the next few
3 days or so. Appreciate you being here. I always --
4 my office and Mr. Hough's office is in Columbia.
5 We've been coming over here for years and I love
6 coming over here. I love the courthouse, the
7 people. I have a lot of friends here. I've tried a
8 number of cases here; we've had a lot of cases here.
9 Camden is a great community. I've always found
10 throughout my career that Camden people give a fair
11 and impartial trial and a -- are not prejudiced when
12 they come in, didn't have an opinion when they come
13 in and when they say they can sit on a jury fairly
14 and impartially they do. So, I believe at the end
15 of this case you will render a fair and impartial
16 verdict. That's what I believe. And at the end of
17 the case we will submit to you that we believe -- we
18 believe that he's entitled to a not guilty verdict
19 in this case. Thank you very much for being here.

20 JUDGE NEWMAN: Thank you. The State can call
21 its first witness.

22 MS. GATTE: The State calls Michael Sellers.

23 THE CLERK: Place your left hand on the Bible,
24 and raise your right hand. Do you swear or affirm
25 that the evidence you give in this (inaudible) will

1 be the truth, the whole truth, and nothing but the
2 truth, so help you God?

3 MR. SELLERS: I do.

4 THE CLERK: You can have a seat in the witness
5 chair, and state your full name for the record.

6 JUDGE NEWMAN: Do we need to move that
7 microphone?

8 THE CLERK: He's got one right there
9 (inaudible).

10 JUDGE NEWMAN: Yeah, does -- do we need that
11 one; is what I was asking.

12 MR. SELLERS: Michael -- it's not working.
13 It's not working.

14 JUDGE NEWMAN: It doesn't seem to be on.

15 MS. GATTE: His microphone is not on. His
16 microphone is not on.

17 JUDGE NEWMAN: Yours is working.

18 MR. SELLERS: Michael Sellers.

19 MS. GATTE: There we go

20 JUDGE NEWMAN: Okay.

21 MICHAEL SELLERS

22 was called as a witness, and having been first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. GATTE: Mr. Sellers, I'm going to move

JURY TRIAL

1 this, bear with me for one second. It's in my way.

2 MS. MCKELLAR: Do we need this microphone
3 here?

4 BY MS. GATTE:

5 Q. Can you please, start by introducing yourself to the
6 jury, tell them a little bit about yourself, where you're
7 from,, what you do now.

8 A. Yes, my name is Michael Sellers, born and raised in
9 Camden. 1995 went to work for Camden Fire Department,
10 worked there for about eight years, went over to the
11 Sheriff's Office in 2003. Stayed there until roughly --
12 I actually went into narcotics in 2011, worked narcotics
13 up until I left the Kershaw County Sheriff's Office, went
14 to the City of Camden to start a drug unit there on a
15 grant for my last three years. I retired from the police
16 retirement in October -- I think it was October 9th,
17 2021, so I've been retired just over three years.

18 Q. And what do you do now that you're retired?

19 A. Now I have fun. I work at the Carolina Motorsports
20 Park, which is a racetrack here in Kershaw County. I'm
21 one of the General Managers up there.

22 Q. Back --

23 MR. SWERLING: Can I move my chair up a little
24 closer?

25 JUDGE NEWMAN: Yes, sir.

1 MR. SWERLING: Would that be all right?

2 JUDGE NEWMAN: Yes, sir.

3 MR. SWERLING: I'm having -- might use it
4 today (inaudible). Thank you.

5 BY MS. GATTE:

6 Q. Mr. Sellers, back in the summer of 2016, what was
7 your role at the Kershaw County Sheriff's Office?

8 A. So, in 2015 I was selected from the Sheriff's Office
9 to be a task force officer at the Drug Enforcement
10 Administration out of Columbia. And I spent three years
11 there from 2015 to 2018, I was a task force officer with
12 the DEA.

13 Q. What does a task force officer with the DEA mean?

14 A. There's -- there's a group of us. I was in the it's
15 called the HIDTA group, which is the high intensity drug
16 trafficking area. Kershaw County fell into the -- I
17 believe it was Kershaw County, Lexington, Aiken, there's
18 multiple counties that fell into that HIDTA group. I was
19 selected and placed on that group, and I think we had 10
20 other officers from other agencies, local agencies,
21 across the state, along with some federal officers, we
22 were in that -- that task force.

23 Q. So, you were still a deputy with the Kershaw County
24 Sheriff's Office?

25 A. That is correct. But I reported to work over at the

1 federal building in Columbia.

2 Q. So, did you have federal jurisdiction as well?

3 A. I did.

4 Q. Okay. And so you were a DEA agent, as well as a
5 sheriff's deputy?

6 A. That is correct.

7 Q. All right. I am going to ask you now, with the DEA,
8 what kind of experience did you have with narcotics
9 investigations of large amounts of drugs?

10 A. We did multiple investigations with large drug
11 cases, trafficking in pharmaceutical control substances,
12 crystal methamphetamines, cocaine, crack, heroin,
13 marijuana, large scale drug cases throughout the state
14 and other states.

15 Q. And how long would you say that you investigated
16 these larger scale drug investigations, these cases?

17 A. Some of them were still going on when I left the DEA
18 in 2018. So, I mean, they -- they could go from, I don't
19 know, three or four months to a couple of years, it just
20 all depended on what -- what kind of case and how far we
21 moved with -- with the investigation.

22 Q. Why would a case warrant a DEA TFO or the DEA rather
23 than just a sheriff's office?

24 A. A lot of the smaller departments don't have the
25 funds to -- to do large scale drug buys. The DEA has

1 funds to do thousand and 2,000 and \$3,000 buys at a time
2 versus local departments. We just didn't have the money
3 to do those large-scale buys.

4 Q. Does that mean that because you have federal
5 jurisdiction you can cross county lines also?

6 A. That is correct.

7 Q. Okay. In this particular case, I'm going to take
8 your attention back to July of 2016. Can you tell the
9 jury a little bit about how this investigation started?

10 A. Yeah, so --

11 Q. And real quick, before you get started, what is it
12 that you have up there with you?

13 A. This is my federal search warrant.

14 Q. Okay. And would having that, your affidavit, that
15 lists all your case information, help you refresh your
16 memory during your testimony?

17 A. That is correct.

18 Q. Okay. Has it been altered or changed in any way?

19 A. No, ma'am, it has not.

20 Q. Okay. So, July of 2016, how did this case start?

21 A. I believe a confidential source contacted one of our
22 local agents here at the Sheriff's Office, and stated
23 that he knew the --

24 MR. SWERLING: I would object to the hearsay.

25 JUDGE NEWMAN: Overruled.

JURY TRIAL

1 THE WITNESS:

2 A. One of our CI's had contacted us and told us about
3 the -- the dealing of Joshua Parnell, that he was dealing
4 in large amounts of -- well, I think it was ounce --
5 ounces of cocaine, he was dealing ounces of cocaine
6 throughout Kershaw County.

7 Q. And when you're talking about a confidential source,
8 a confidential informant, who are those people? Not
9 their names, but generally how do you come by them?

10 A. A lot of times it's people that we arrest throughout
11 our investigation, and a lot of them will give us
12 information to help themselves out.

13 Q. And when someone is arrested for a drug offense and
14 they want to become a CI or help y'all out, do you make
15 any promises to them?

16 A. No, we do not.

17 Q. So why would they help you?

18 A. I guess just hoping that something would happen.

19 Q. And based on your training and experience in
20 narcotics investigation, is that typical? Is that
21 atypical?

22 A. It's very typical. I don't think we would have as
23 many arrests as narcotics agents do if we didn't have
24 informants. We rely on the public to give us
25 information.

1 Q. And when you get a tip from a confidential source or
2 a confidential informant, do you take that at face value?

3 A. To start with, yes. And then we have to investigate
4 it, just to make sure that they're telling us the truth.

5 Q. And if a confidential informant or a confidential
6 source gives you false information, is that beneficial to
7 them?

8 A. No, it's not.

9 Q. Okay. So back in 2016, the summer of 2016, y'all
10 get a tip; is that right?

11 A. That is correct.

12 Q. Okay. And because it was from a confidential
13 informant, what did you do at that point?

14 A. We looked into it, did some investigation, set up
15 surveillance, watched the house. And then we actually
16 did a recorded phone call to -- from the confidential
17 source to Joshua Parnell.

18 Q. Okay. I'm going to stop you right there for one
19 second.

20 A. Uh-huh (affirmative).

21 Q. How do you utilize the confidential sources and the
22 confidential informants, other than just getting
23 information from them? How do you use them in your
24 investigations?

25 A. Through -- we get them to con -- make contact with

JURY TRIAL

1 some of their suppliers who like to move up the chain
2 during our investigations.

3 Q. How do you use the CI's and the CS's, which is
4 confidential informant and confidential sources, how do
5 you use them to go up the chain?

6 A. We get them to do buys for us, controlled buys where
7 we actually meet with them, we search them, we make
8 recorded phone calls to the -- the person who is selling
9 the narcotics. Everything is monitored from the time we
10 start to the time we finish. They're searched again.
11 They give us the -- the drugs and then we actually place
12 them into evidence at the Sheriff's office.

13 Q. So during these controlled purchases, they're called
14 controlled, why?

15 A. Because we control all the moves. You know, we --
16 we -- we meet at an undisclosed location. We choose the
17 location to meet at. We search them to make sure they
18 have no narcotics on them. We actually give them the
19 money to go do the buys. After the buy -- and we watch
20 them the whole time they're under surveillance. When
21 they come back with the drug, we take the drugs in
22 possession, we search them again to make sure they have
23 no leftover money or drugs, then we debrief them to make
24 sure what we saw and what we heard is what they're going
25 to tell us. And then the drugs are placed into evidence.

JURY TRIAL

1 Q. And at that point are the drugs sent off to be
2 tested?

3 A. That is correct.

4 Q. Okay. And the money that law enforcement provides
5 to these CI's and CS's, is that documented somehow?

6 A. It is.

7 Q. Okay. And so there's some sort of record kept of
8 how much money and --

9 A. That's right. We -- I think -- each department does
10 it differently. At the DEA we actually write down all
11 the serial numbers and -- and then that money is handed
12 over, yes.

13 Q. Okay.

14 A. So we record all the serial numbers off the money.

15 Q. And in this case were there any controlled purchases
16 done?

17 A. Yes, there was.

18 Q. Okay. How many do you recall?

19 A. I believe it was three.

20 Q. Three total controlled purchases?

21 A. That's correct.

22 Q. And so why did you decide to do controlled purchases
23 in this particular case?

24 A. To build a case on Joshua Parnell, and to in the
25 future go above Joshua Parnell, kind of who his source of

JURY TRIAL

1 supply was.

2 Q. And just to be clear Joshua Parnell is not in this
3 courtroom right now, right?

4 A. No, he is not.

5 Q. Okay. And so at this point do you know of the
6 defendant, Mr. Walter Goad?

7 A. I do not.

8 Q. Okay. And so what is your investigation into at
9 this point?

10 A. My investigation is buying drugs from Joshua
11 Parnell, building a case on him.

12 Q. Okay. And then what's the goal there for you?

13 A. My goal is to go once -- once I build a case on
14 Joshua Parnell is to move up the ladder to the person
15 that's supplying him.

16 Q. And is that your goal in every narcotics
17 investigation or just this one?

18 A. Every one.

19 Q. So, the very first controlled purchase, do you
20 remember about when that took place?

21 A. Yeah, I believe it was on August 5th, 2016.

22 Q. Okay. And do you remember how much cocaine -- or
23 what drug was it? I apologize, what drug was it?

24 A. It was -- it was cocaine.

25 Q. And how much cocaine?

1 A. We bought one -- one ounce of cocaine, which is 28
2 grams.

3 Q. And how much money was exchanged for that?

4 A. On that buy, I believe, it was -- was it 950 or 900?
5 I'm -- I'm --

6 Q. So, just under \$1,000?

7 A. Just under \$1,000, yes.

8 Q. Okay. And was that controlled purchase done as you
9 explained the jury already?

10 A. That is correct.

11 Q. Okay. And after that controlled purchase concludes,
12 what's your next step in your investigation?

13 A. We -- we would, you know, of course keeps eyes on
14 Josh throughout the -- the days, and we would set up
15 another buy.

16 Q. And would you use the same confidential informant or
17 confidential source?

18 A. We would for -- for a short period. If we could try
19 to -- we would try to introduce other informants.
20 Sometimes we'd try to introduce undercover law
21 enforcement officers, it just depends on how sketchy the
22 person was selling the drugs.

23 Q. Okay. So, the second controlled purchase that was
24 conducted, do you remember about when that took place?

25 A. I think that was on August 24th, 2016.

JURY TRIAL

1 Q. Okay. And do you remember the quantities and money
2 exchanged for that one?

3 A. I think it was one ounce again, but I think the
4 price went up to \$1,000 at that time.

5 Q. And again, these are controlled purchases from
6 Joshua Parnell?

7 A. That is correct.

8 Q. Okay. The third controlled purchase, how did that
9 one play out?

10 A. Well, we had actually had a -- a confidential
11 informant that worked for the DEA, we actually introduced
12 him to Joshua Parnell. The -- so, I think the -- the --
13 on the 13th -- September 13th I think the purchase was to
14 purchase two ounces of -- of cocaine from Joshua Parnell.
15 I'm not sure of the -- the funds.

16 Q. Okay. And then you -- so that was the third
17 controlled purchase?

18 A. That is correct.

19 Q. Okay. And was there any other attempted controlled
20 purchases during this investigation?

21 A. Not that I'm aware of.

22 Q. Okay. If I -- okay. Was Joshua Parnell ever
23 stopped?

24 A. Oh, yes. So -- yeah, we did do a traffic stop on
25 Joshua Parnell. After we ordered up some drugs, we did a

1 stop just to see if we could, you know, not have to
2 introduce the CI, we would just stop him and -- and
3 search for the drugs, because he told the CI that he had
4 the drugs on him.

5 Q. And so when you say we just stop him, you mean --
6 what do you mean? How does that work?

7 A. The officers -- so what we do is we get a traffic
8 violation, pull him over, a lot times we run a dog around
9 the truck, if they got narcotics in it the dog will alert
10 and then we will search the vehicle for the drugs.

11 Q. Okay. So, Mr. Parnell was stopped while he was
12 driving a vehicle?

13 A. That is correct.

14 Q. Okay. And at that point officers searched his
15 vehicle?

16 A. That is correct. And we did not find anything. We
17 did have a dog alert on the vehicle and we did not find
18 anything.

19 Q. Okay.

20 A. It was a construction truck, had a lot of stuff in
21 it, but we did not find anything that day.

22 Q. Okay. So three total controlled purchases, start to
23 finish, drugs in hand?

24 A. That is correct.

25 Q. And the third one, can you tell me one more time the

JURY TRIAL

1 amount of the drugs purchased in that one?

2 A. That's the one on September 13th?

3 Q. Yes.

4 A. I believe it was for two -- two ounces.

5 Q. Okay. That third controlled purchase, where did
6 that take place?

7 A. The third one took place at Parnell's residence.

8 Q. Do you remember what the address was for that?

9 A. It is -- I believe it's 135 Ward Road in Lugoff,
10 South Carolina, Kershaw County.

11 Q. Okay. And was that Joshua Parnell's house?

12 A. That was his mother's house.

13 Q. Okay. And so during the controlled purchase did you
14 observe the CI go to this residence?

15 A. That is correct. We -- we watched the CI from --
16 from the time we send them out from where we meet, we
17 observe them pull into the residence, and then meet with
18 the -- with Josh Parnell.

19 Q. Okay. And after that controlled purchase what, if
20 anything, did you do next in your investigation?

21 A. After that controlled purchase I obtained a search
22 warrant for the residence of 135 Ward Road in Lugoff,
23 South Carolina, Kershaw County.

24 Q. And why did you obtain a search warrant for that
25 residence?

1 A. Because at that time we believed that's where Josh
2 Parnell was selling his drugs from.

3 Q. And Mr. Sellers, when you got the search warrant for
4 Mr. Parnell's mother's house, logistically what did you
5 do at that point?

6 A. Well we don't have to do the search warrant at the
7 time we get it. We have 72 hours after the -- after the
8 buy, we have 72 hours to get a search warrant, then after
9 we get a search warrant we have 10 days to execute it.
10 So we have a total of 13 days to actually execute a
11 search warrant.

12 Q. And do you remember when this search warrant was
13 going to be executed?

14 A. At the time I did not. But we were going to do
15 another buy at the residence to try -- sorry. I just got
16 (inaudible).

17 Q. That's okay.

18 A. We were going to do another buy at the residence to
19 make sure that there was drugs there before we hit the
20 house.

21 Q. Okay. And when -- how did you set that up?

22 A. We had a CI make a -- a recorded phone call to
23 Joshua Parnell and ordered up some drugs.

24 Q. Okay. How much did he order?

25 A. I think we ordered four ounces of cocaine at that

JURY TRIAL

1 time.

2 Q. Okay. And what was the indication from Joshua
3 Parnell?

4 A. At the time he said he did not have that -- he did
5 not have it; he'd have to contact his guy to get re-up.

6 Q. Okay. At that point did you know who he was
7 referring to?

8 A. I did not.

9 Q. And so when it comes time to actually execute this
10 search warrant, how does that play out?

11 A. So, we -- of course we monitor Josh's house through
12 -- between the 13th. We actually -- I think it was on
13 the 21st is when we actually called and ordered up the --
14 the four ounces at the time he said that he did not have
15 it, that he'd have to get in touch with his supplier.

16 The following day, September 22nd, 2016, Parnell
17 contacted our controlled -- our CS and informed them that
18 his source of supply was on the way to his residence.

19 Q. Okay. And how did you find out about that?

20 A. The -- the CI that was working for us told us. We -
21 - we actually -- I think we actually recorded the phone
22 call.

23 Q. Okay. And so what does law enforcement do at that
24 point?

25 A. So we went and set up surveillance around the

JURY TRIAL

1 residence to -- to watch to see who showed up to bring
2 the drugs.

3 Q. And when you say the residence, which residence are
4 you referring to?

5 A. 135 Ward Road in Lugoff, South Carolina, Kershaw
6 County.

7 Q. I'm going to hand you what has been pre-marked
8 State's Exhibit 1 through 10. Do you recognize those
9 photos?

10 A. Yes. Exhibit 1 is -- this is Joshua Parnell's
11 mother's house on Ward -- at 135 Ward Road and it has a
12 silver Saturn VUE sitting in the front yard.

13 Q. Okay. Are those pictures -- do you recognize the
14 pictures from the day of the search warrant?

15 A. I do.

16 Q. Are they a fair and accurate representation of the
17 home as it was on September 22nd?

18 A. Yes, they are.

19 Q. And were those pictures taken by law enforcement
20 officers during the execution of that search warrant?

21 A. Yes, ma'am, they were.

22 MS. GATTE: Your Honor, at this time I would
23 ask to offer State's Exhibits 1 through 10 into
24 evidence.

25 JUDGE NEWMAN: Any objection, Mr. Swerling?

JURY TRIAL

1 MR. SWERLING: No, Your Honor.

2 JUDGE NEWMAN: State's 1 through 10 are
3 admitted without objection.

4 MS. GATTE: Thank you.

5 (State's Exhibits 1 through 10
6 were introduced into evidence)

7 BY MS. GATTE:

8 Q. So, when narcotics agents set up surveillance, can
9 you please explain to the jury how that works?

10 A. So we -- we find -- of course we don't drive marked
11 police cars, we drive cars that -- that blend in with the
12 -- the normal everyday car that you see going down the
13 road. So, we would sit at different vacant lots. We
14 would keep riding by the house. We have multiple people,
15 so we constantly had somebody riding by the house. Or we
16 were sitting in a empty lot down the road with binoculars
17 able to watch the house.

18 Q. Okay. And so, during the surveillance portion of
19 this, when officers arrive at this house, what do they
20 find?

21 A. At the time there was nothing in the yard. I think
22 we saw Josh Parnell and his brother come out of the house
23 out into the yard for a little bit. They would go around
24 behind a house, but there was no vehicles in the yard,
25 other than theirs, they were parked in the back.

JURY TRIAL

1 Q. Okay. And then while law enforcement is sitting
2 there, what happens?

3 A. This silver Saturn VUE showed up, and we were able
4 to get the tag off of the car as it was pulling into the
5 driveway.

6 Q. And does law enforcement have the ability to run
7 these tags?

8 A. Yes, ma'am, we do. I could do it on my phone.

9 Q. Okay. And did you run the tag for this Saturn VUE?

10 A. Yes, we did.

11 Q. Were you able to figure out who the vehicle was
12 registered to?

13 A. The vehicle come back to Jennifer Goad.

14 Q. Okay.

15 A. From Lexington.

16 Q. Were agents able to observe who was driving this
17 vehicle at this point?

18 A. At -- at this point we could tell it was a white
19 male, but we weren't sure exactly who it was.

20 Q. Okay. And from this point forward what happens
21 next?

22 A. So, I believe this person, which ended up being Mr.
23 Goad, exit -- he exited the vehicle, made contact with
24 Joshua Parnell and his brother in the front yard. They
25 talked for a little bit and then Mr. Goad entered back

JURY TRIAL

1 into the Saturn VUE and -- and left the residence.

2 Q. Okay. And were you able -- or were agents at this
3 point able to determine if there was anyone else in the
4 vehicle?

5 A. So, when the -- the vehicle left and with us getting
6 ready to do a search warrant, we wanted to make sure this
7 person was not anywhere in the area before our SWAT team
8 came to hit the house. So, we actually had a couple of
9 officers follow this car away and made sure they got on
10 the interstate to head back towards Lexington, which it
11 did, and we were able to identify based off of doing some
12 quick searches on our phone through -- through DMV that
13 the car registered to Jennifer Goad, she was married to
14 Walter Goad, we were able to see his picture and ride
15 right beside him in the road and identify him as the sole
16 occupant of the Saturn VUE before it got on the
17 interstate.

18 Q. Why was law enforcement so concerned about who
19 showed up at Parnell's house?

20 A. Because we knew the drugs were being delivered that
21 we ordered; the four ounces that we ordered, we knew that
22 was being delivered, because Parnell told us that he had
23 called his supplier and he was on his way.

24 MR. SWERLING: Your Honor, I object to what
25 Parnell said.

JURY TRIAL

1 JUDGE NEWMAN: Overruled.

2 BY MS. GATTE:

3 Q. While agents are following this Saturn VUE, who's
4 watching the house?

5 A. We still have agents on the ground. We only cut a
6 couple loose to go follow this car to make sure it got
7 out of the way and that nothing else showed up before we
8 hit the house.

9 Q. So, during this surveillance period, prior to the
10 search warrant, was this home ever not under
11 surveillance?

12 A. No, it was not. It was under surveillance the whole
13 time from when we received that phone call.

14 Q. Okay. So then the Saturn VUE leaves, what happens
15 next?

16 A. We watch it get on the interstate, and we have radio
17 communication back and forth. We see that we have two
18 officers get on the interstate with him just to make sure
19 it was going to pass the Elgin exit, so it wouldn't have
20 a quick access to turn around and come back. As soon as
21 that happened we activated our SRT team to -- to do our
22 search warrant at this house.

23 Q. Okay.

24 A. At 135 Ward Road, I'm sorry.

25 Q. The recorded phone call that you referenced earlier,

1 can you talk a little bit about that recorded phone call?

2 A. Which one was --

3 Q. During the surveillance period.

4 A. Oh, yeah, so the recorded phone call where Parnell
5 called us, and I believe we have a copy of that, Parnell
6 said that my -- just before -- or shortly after the VUE
7 left -- the Saturn VUE left, Parnell called our CI --

8 MR. SWERLING: Objection, hearsay.

9 JUDGE NEWMAN: Overruled.

10 THE WITNESS:

11 A. Parnell called our CI and told us that, my guy just
12 arrived and left, I'm good, you can come on.

13 Q. And then at that point --

14 A. That's when we sent the SRT team to the house,
15 'cause at that time we knew that there was drugs in the
16 house.

17 Q. Okay. Mr. Sellers, I'm going to show you what's
18 been pre-marked as State's Exhibit 13. Do you recognize
19 this?

20 A. Yes, this is a CD with the recorded phone calls.

21 Q. And did you review the CD prior to court today?

22 A. I did.

23 Q. And is that your signature on it?

24 A. That is.

25 Q. Has it been altered or tampered with in any way?

1 A. No, ma'am, it hasn't.

2 Q. Okay. I am only showing that to you at this point
3 for identification purposes. So, a search warrant is
4 executed, can you take us from there?

5 A. So, we executed a search warrant. There was a large
6 amount of cocaine in plain view once we made entry into
7 the house. We were able to secure Josh Parnell and his
8 brother. They were at the residence. And I believe the
9 -- the cocaine and stuff ended up being approximately 10
10 ounces of cocaine inside the -- the residence and I
11 believe it come out to about 280 grams or something like
12 that.

13 Q. Okay. And so this picture that's up on the screen,
14 State's Exhibit 3, I believe, can you see that from where
15 you are?

16 A. Yes.

17 Q. Okay. Is this picture from the same day as the
18 other pictures in the exhibits?

19 A. Yes, ma'am, it is.

20 Q. Okay. And you have it on your screen also, I
21 apologize, I didn't know that. So, this is during the
22 execution of the search warrant?

23 A. Yes, ma'am.

24 Q. And can you explain to the jury what's going on
25 here?

JURY TRIAL

1 A. It looks like the SRT team had just got finished
2 clearing the house and I believe we're going in to do the
3 search inside the house.

4 Q. Okay.

5 A. As case agents we are not, even though we're on the
6 SRT team, a lot of times our case agents we don't allow
7 them -- if it's their case to go into the -- do the
8 actual securing of the house in case somebody gets
9 injured, then we want our case agent there. So, as you
10 can see I was in the front yard of the house. I was not
11 involved in the actual securing of the residence by the
12 SRT team.

13 Q. Okay. And so when you made entry into the house,
14 what did you find?

15 A. And you can see on this picture here, in the chair
16 was some digital scales, some baggies, and a large chunk
17 of cocaine sitting on the -- the chair there.

18 Q. Okay. And this would be State's Exhibit 4. In
19 State's Exhibit 5, can you please explain to the jury
20 what this picture shows?

21 A. So, it has the digital scale, which is the yellow
22 thing. There's a large bag of cocaine right here, next
23 to the digital scale.

24 Q. And --

25 A. I can't tell what's in the other bag.

JURY TRIAL

1 Q. Uh-huh (affirmative). And then State's Exhibit 6,
2 what does this picture show?

3 A. So, that's the camouflage bag, I believe that was
4 sitting on the couch. Yeah, you can see it actually
5 sitting on the couch right there. And inside that bag
6 was more cocaine.

7 Q. Okay. And so in this picture, do you see the
8 cocaine in this picture?

9 A. Well, I can see this bag here off to the side.

10 Q. Okay.

11 A. And along with some distribution baggies right
12 there, the sandwich bags, very common to have at a drug
13 house, that's what they actually package the smaller
14 amounts of cocaine in.

15 Q. So, I'm going to show you what's been pre-marked as
16 State's Exhibit 11. Do you recognize this?

17 A. Yes, ma'am, this is the cocaine that we recovered
18 from the house that day, and it's secured into a BEST kit
19 that was sent to SLED.

20 Q. Okay. And it's your signature on that packaging?

21 A. Yes, ma'am, it is.

22 Q. And is that a fair representation of the way the
23 cocaine was found in September of 2016?

24 A. Yes, ma'am. It was probably a little bit more a
25 brick versus some of it's done broke off a little bit,

JURY TRIAL

1 but, yes, close.

2 Q. Does it appear to be tampered, altered

3 A. No, ma'am, it does not.

4 Q. Okay, all right. Thank you. And so let's just very
5 quickly talk about you mentioned a BEST kit. What is a
6 BEST kit?

7 A. A BEST kit is a kit that SLED -- all of our drugs
8 are sent to SLED in Columbia to be analyzed. We don't
9 have a chemist here in Kershaw County, unlike some of the
10 bigger departments, Richland County, Lexington, they have
11 their own chemist. So, it's a -- a kit that is -- each
12 kit has its own number, so we list out what we're putting
13 in this bag. And there's a chain of custody, everything
14 has to be -- all the numbers have to match on the -- the
15 bags, the forms, and then it's sent to -- well, we fill
16 this out, seal it up and it is put into evidence at the
17 Sheriff's office and then eventually the evidence
18 custodian takes this over to SLED to be tested.

19 Q. And so this cocaine was the cocaine that you
20 recovered from the search warrant?

21 A. Yes, ma'am.

22 Q. In this home?

23 A. That is correct.

24 Q. And what county is this home located in?

25 A. Kershaw County.

1 Q. All right. And then that -- what did you do with
2 that BEST kit?

3 A. It was placed into evidence at the Sheriff's Office.
4 It was -- all the drugs stayed in my custody and control
5 until it was placed into evidence at the Sheriff's
6 Office.

7 Q. And also found during the search warrant that you
8 referred State's Exhibit 7 -- 8; 8. What is this picture
9 of?

10 A. So, that's a picture of some duct tape and
11 cellophane wrap, it's commonly used in the shipment or
12 concealment of kilos of cocaine, especially the duct
13 tape, they'll wrap it in cellophane and wrap it real hard
14 with duct tape.

15 Q. And I'm going to show you what's been pre-marked as
16 State's Exhibit 12. Do you recognize this?

17 A. Yes, so that's the -- that is the cellophane wrapper
18 and duct tape and aluminum foil. A lot of times they'll
19 use aluminum foil and some -- some like axel grease or
20 something to try to throw the dogs off.

21 Q. And did you recover this piece of evidence yourself?

22 A. Yes, ma'am. My name is on the bag as recovered by,
23 and the bag was sealed by me and placed into evidence at
24 the Sheriff's Office.

25 Q. Does it appear to be tampered with or altered in any

JURY TRIAL

1 way?

2 A. No, ma'am it does not.

3 Q. All right. Is it a fair and accurate representation
4 of how you found it that day?

5 A. That is correct.

6 MS. GATTE: Your Honor, at this point I would
7 offer State's Exhibit 11 --

8 MR. HOUGH: 12.

9 MS. GATTE: 12, into evidence.

10 MR. SWERLING: No objection.

11 JUDGE NEWMAN: Just the 12?

12 MS. GATTE: Just 12, yes, ma'am.

13 MR. SWERLING: No --

14 JUDGE NEWMAN: 12 is admitted.

15 (State's Exhibit 12

16 was introduced into evidence)

17 BY MS. GATTE:

18 Q. Mr. Sellers, based on your training and experience
19 in law enforcement, what does this sort of packaging
20 indicate to you?

21 A. Large scale drug dealers.

22 Q. Large scale meaning what? Can you quantify it?

23 A. Lots of like kilos. Some of the smaller scale stuff
24 is -- is sold in grams. Like I said it would be placed
25 in those -- those sandwich bags. When we see cellophane

1 wrappers and aluminum foil and duct tape, that's a large-
2 scale drug dealer; kilos, I mean, that -- that's -- back
3 when I was working a kilo was \$45,000. So, I mean, it's
4 large-scale drug dealers.

5 Q. Okay. And during the search warrant, did you
6 recover any sort of documents or anything else of note?

7 A. Yes, ma'am, I think we recovered a drug ledger.

8 Q. Okay. I'm going to show you what's been pre-marked
9 State's Exhibit 14. Do you recognize that?

10 A. Yes, ma'am, these are copies of a -- of some pages
11 out of a drug -- drug ledger that we found at this
12 residence.

13 Q. Okay. And were those photocopies taken by you?

14 A. Yes, ma'am.

15 Q. And is that a fair representation of how it looked
16 on that day, September 2016?

17 A. Yes, ma'am.

18 Q. Does it appear to be altered or tampered with in any
19 way?

20 A. No, ma'am.

21 Q. Okay. And can you explain to the jury sort of what
22 that shows?

23 A. So, it has a to-do list, and it's like he's pumping
24 himself up and -- do you want me to read this?

25 Q. No, I'm going to put it up for the jury, but if you

JURY TRIAL

1 --

2 A. Okay.

3 Q. -- can just sort of explain --

4 Q. So he has a to-do list on here and he actually has a
5 list of people's names that -- that owe him money, 'cause
6 a lot of times they will front people drugs and the
7 people will pay them back. So, these are people that owe
8 him money, it's what we call a drug ledger.

9 Q. And so that first place -- that page, that to-do
10 list, that doesn't indicate drugs, right?

11 A. It does. And you can see in here he's wanting to,
12 you know, turn this stuff around. I mean, he's wanting
13 to -- to -- he wants to get -- sell it, get his money
14 before it gets out of control. And he wants to make sure
15 he saves the money instead of spending it so he can pay
16 his drug debt. And it says, the number three, get
17 yourself out of debt, \$1,000 in the hole. Get yourself a
18 new bank account. Sales have fallen quickly. So, yes, I
19 -- I do say this is in reference to drugs.

20 Q. Okay. And then on the next page, when you're
21 talking about the actual figures, what does this show,
22 based on your training and experience?

23 A. This shows people that actually owe him money.

24 Q. And based on your training and experience what does
25 this sort of a ledger tell you?

JURY TRIAL

1 A. That Joshua Parnell was selling drugs from that
2 residence.

3 Q. Okay. And then the other pages in this notebook,
4 are they similar in nature?

5 A. Yes, ma'am. It's still the same thing, it has some
6 of the same names, the -- the money that's owed to him
7 gets a little more.

8 Q. And so with the amounts increasing, does that tell
9 you anything based on your training and experience?

10 A. Yeah, that he's not paying his drug debt.

11 Q. And in that top right-hand corner on that page, is -
12 -

13 A. That says Joshua E. Parnell.

14 Q. All right. So, after you execute the search warrant
15 do you -- and okay, we're going to refer to State's
16 Exhibit 9, what does this picture show?

17 A. It shows the large amount of cocaine that was found
18 inside the bag. Well, I think the -- the piece that
19 looks a brick that's shown in the back, I think this is
20 the bag that was sitting on the chair, that little
21 smaller bag.

22 Q. Okay.

23 A. Of course the digital scale and the cellophane
24 wrapper and duct tape and aluminum foil.

25 Q. All right. And that was recovered from the search

JURY TRIAL

1 warrant?

2 A. That is correct.

3 Q. And then State's Exhibit 10, what does this show?

4 A. That just shows -- and I like to use the drug
5 dealer's scales 'cause they're always correct. So, I
6 used their scales and just got an approximate weight of
7 the drugs that we found at that residence, and that's
8 281.7 grams, which comes out to close to 10 kilos.

9 Q. And did you speak with Mr. Parnell?

10 A. I mean, correction, 10 ounces, not kilos.

11 Q. Thank you. Did you speak with Mr. Parnell after the
12 search warrant was executed?

13 A. Yes, ma'am. We -- once we -- once we make entry to
14 the residence we get everybody secured, we read them
15 their Miranda rights, and we actually read them the
16 search warrant before we even get started searching, just
17 so they know the reason why we're there.

18 Q. And did he indicate to you where those drugs came
19 from?

20 A. He did.

21 MR. SWERLING: Your Honor, at this point I'd
22 have to object because the -- he's already in
23 custody, he's been arrested, so it would be hearsay
24 coming from Mr. Parnell to testify -- that this
25 individual would testify about what Mr. Parn -- Mr.

JURY TRIAL

1 Parnell told him after he had been arrested and
2 placed in custody.

3 JUDGE NEWMAN: Overruled.

4 BY MS. GATTE:

5 Q. You can go ahead and answer.

6 A. Yeah, he said Ethan brought the drugs to him.

7 Q. Did he elaborate on that?

8 A. To start with, no. He -- he just said Ethan and
9 then eventually he ended up telling us --

10 MR. SWERLING: Could I -- I'd like to object
11 to all -- any testimony that he gives concerning
12 what Mr. Parnell told him, because he's (inaudible)
13 co-conspirator testimony or admission against Mr.
14 Parnell and it would be hearsay and would you allow
15 my objection to run throughout as far as that's
16 concerned?

17 JUDGE NEWMAN: Yes, sir.

18 MR. SWERLING: Thank you.

19 BY MS. GATTE:

20 Q. You can answer.

21 A. Say the question one more time.

22 Q. Did he elaborate on who Ethan was?

23 A. Yeah, he told us that -- Walter Goad.

24 Q. Okay. So, this cocaine, he indicated where that
25 cocaine came from?

JURY TRIAL

1 A. That is correct.

2 Q. Okay.

3 A. He said Walter Goad.

4 Q. All right. And so that name at that point did that
5 ring a bell for law enforcement?

6 A. Yes, ma'am, because that's who had just left the
7 residence prior to us doing our search warrant.

8 Q. And the -- did Mr. Parnell indicate any sort of
9 history with this man? Did he give details?

10 A. Yeah, he --

11 MR. SWERLING: Judge I got two -- can we
12 approach?

13 JUDGE NEWMAN: Yes.

14 (BENCH CONFERENCE)

15 JUDGE NEWMAN: That objection was sustained.

16 BY MS. GATTE:

17 Q. At this point, did you talk to Mr. Parnell about
18 what he was facing?

19 A. Yeah, that he was being arrested for trafficking
20 cocaine, 200 to 400 grams.

21 Q. Did you place Mr. Parnell under arrest on this day?

22 A. I'm not sure of the exact day. It was either that
23 day or the following day, I'm not sure.

24 Q. Okay. Did Mr. Parnell have a cell phone?

25 A. Yes, he did.

JURY TRIAL

1 Q. Was that taken by law enforcement during the search
2 warrant?

3 A. Josh actually gave us consent to look at his cell
4 phones.

5 Q. Okay.

6 A. He had multiple cell phones.

7 Q. And did you look through his cell phone?

8 A. Yes, I did.

9 Q. While you looked through it, were you able to
10 corroborate anything from your investigation?

11 A. Yeah, that the -- the text messages from Goad, and
12 you could see the phone calls from where Parnell had
13 talked to Goad previous -- prior to us doing the search
14 warrant at the residence.

15 Q. Okay. At this point what happens with Mr. Parnell?

16 A. Mr. Parnell is arrested for -- well, we actually
17 take him to the Sheriff's office and debriefed him, which
18 he was read his Miranda rights and he wanted to talk to
19 us.

20 Q. And we're not going to get into his testimony --

21 A. No.

22 Q. -- right now, but he did give law enforcement a
23 statement?

24 A. That is correct.

25 Q. And then what happened at that point?

JURY TRIAL

1 A. He was arrested and charged with trafficking
2 cocaine.

3 Q. And then what happened from there with Mr. Parnell?

4 A. Mr. Parnell, I guess, he bonded out and actually
5 came to the -- to the office wanting to help himself out.

6 Q. Okay. And when you say help himself out, what do
7 you mean?

8 A. He wanted to give us information of where -- you
9 know, who his source of supply was. And he wanted to --
10 to help us. He wanted to work and actually do some buys.

11 Q. Did he indicate why he would want to do that?

12 A. No, he just -- I guess, you know, the --

13 MR. SWERLING: Your Honor, I object to him
14 guessing, unless he has first-hand knowledge.

15 JUDGE NEWMAN: Sustained.

16 MR. SWERLING: And any hearsay too.

17 JUDGE NEWMAN: Yes, sir.

18 MS. GATTE: That was sustained, Your Honor?

19 JUDGE NEWMAN: Yes.

20 MS. GATTE: Okay.

21 BY MS. GATTE:

22 Q. So at that point does he help himself out?

23 A. Other than telling us, you know, he has actually
24 made -- made some phone calls for us.

25 Q. So when you say helping himself out, can you explain

JURY TRIAL

1 what that means?

2 A. Most drug dealers that -- that we arrest they --
3 they give us information hoping that it's going to make
4 them look good in Court to where they get a lesser
5 sentence or -- or get some lesser charges. I mean,
6 that's -- that's common in -- in -- in narcotics.

7 Q. And so, in this particular case, was Mr. Parnell
8 promised anything by law enforcement?

9 A. We never promise anybody anything.

10 Q. And did anyone indicate to him that his charges
11 would go away?

12 A. No, ma'am.

13 Q. Was any assistance hinted out by law enforcement?

14 A. No, ma'am.

15 Q. Okay. So, I think you indicated some -- using Mr.
16 Parnell at this point, right?

17 A. That is correct.

18 Q. So what was Mr. Parnell's role in this investigation
19 at this point?

20 A. To get to his source of supply which was Mr. Goad.

21 Q. And how did he do that?

22 A. He made some phone calls for us.

23 Q. Okay. And so let's talk about these phone calls.

24 What sort of phone call did Mr. Parnell make?

25 A. It was a -- a phone call to -- a recorded phone call

JURY TRIAL

1 to talk about the money that he owed.

2 Q. Okay. And that phone call was recorded by you?

3 A. That is correct.

4 Q. So it was witnessed by you the entire time?

5 A. Yes, ma'am.

6 Q. And recorded by you on your DEA issued recording
7 device?

8 A. That's correct.

9 Q. Just as the first one was?

10 A. Yes, ma'am.

11 Q. And is that phone call also on the disc I handed you
12 earlier, State's 13?

13 A. Yes, ma'am.

14 Q. Okay. And so the phone call that is recorded
15 between Mr. Parnell and Mr. Goad, what is generally --
16 what is this phone call about generally, not specifics,
17 not what they said?

18 MR. SWERLING: I'd have to object.

19 JUDGE NEWMAN: Sustained.

20 MR. SWERLING: Judge, also I'd -- can we take
21 up a matter of law concerning the --

22 JUDGE NEWMAN: Yes.

23 MR. SWERLING: -- she just said the -- that
24 other phone call is on that disc too. I thought it
25 only was the phone call from Mr. Parnell and whoever

1 was -- came to buy -- was going to buy. So I do
2 have an issue I'd like to bring up.

3 JUDGE NEWMAN: Sure. Ladies and gentlemen,
4 please return to your jury room, and do not discuss
5 the case. I'll bring you back shortly.

6 (JURY EXITS)

7 JUDGE NEWMAN: Mr. Swerling?

8 MR. SWERLING: Judge, prior to -- when the
9 exhibit was entered, it was my understanding that
10 was the recorded phone call between Mr. Parnell and
11 who was going to come and purchase -- the person who
12 was going to purchase some drugs from Mr. Parnell.
13 Now, I'm finding out that this also has the recorded
14 conversation between Mr. Goad and Mr. Parnell. And
15 prior to that coming in I think she needs to lay a
16 foundation for that particular phone call. 'Cause
17 what I'm concerned about there is that Mr. Sellers
18 is speaking at the beginning of that conversation,
19 and it was my understanding he was not there, and I
20 was wondering how that tape was made where Mr.
21 Sellers made an introduction on that recording and
22 then there's a conversation with Mr. Parnell and Mr.
23 Goad. So, I think unless that's cleared up, I'd
24 have an objection to the conversation.

25 MS. GATTE: Your Honor, I haven't offered that

1 as evidence, it was identified, the disc. I'm going
2 to authenticate it through Mr. Parnell who's voice
3 is on both.

4 MR. SWERLING: Okay, well I'm --

5 MS. GATTE: But also Mr. Sellers was present
6 for both of those recorded phone calls, and so the
7 testimony that he's giving is his first-hand account
8 of witnessing this conversation. It's not anything
9 else, so he's physically a witness to both of these
10 phone calls.

11 MR. SWERLING: Except this, the only way that
12 Mr. Parnell's testimony comes in if it's a statement
13 in furtherance of the conspiracy, and there is --
14 once he's arrested and cooperating with law
15 enforcement, he's no longer a member of the
16 conspiracy and it's not furthering the conspiracy,
17 so it's objectionable and my -- my position would be
18 inadmissible coming from this witness.

19 JUDGE NEWMAN: Ms. Gatte?

20 MS. GATTE: Your Honor, Mr. Parnell at this
21 point is a witness to the case. We're not trying to
22 prove a conspiracy here. We're trying to prove Mr.
23 Goad is guilty of trafficking drugs. And so, Mr.
24 Parnell's testimony is he's going to be testifying
25 as a witness to this case and he's available for

1 cross-examination by the defense. I don't think
2 that his testimony is inadmissible.

3 MR. SWERLING: His testimony as to what Mr.
4 Parnell said, what Mr. Parnell meant, would be
5 objectionable.

6 JUDGE NEWMAN: Right, what was the question
7 immediately before this break?

8 MS. GATTE: I asked Mr. Sellers what the phone
9 call was generally about. This phone call that he
10 himself witnessed between these two individuals.

11 MR. SWERLING: I still -- my position still
12 would be that the only way it would ever -- Mr.
13 Parnell said in that conversation, this only comes
14 in as a member -- a co-conspirator, even though they
15 haven't charged him being a co-conspirator, it's
16 still the theory under which that testimony would
17 come in about what Mr. Parnell said, otherwise it
18 would be hearsay.

19 JUDGE NEWMAN: Right. I didn't understand
20 that it called for hearsay just a summary of what --

21 MR. SWERLING: Pardon?

22 JUDGE NEWMAN: Just a summary of what the
23 conversation was about and not quoting anyone or
24 repeating anything that was said on the
25 conversation, is my understanding of the question.

1 MS. GATTE: Yes, ma'am.

2 MR. SWERLING: But the only way that would --
3 where he could evaluate that is by what Mr. Parnell
4 said in the conversation.

5 JUDGE NEWMAN: What was the conversation about?

6 WITNESS: Money being owed to Goad.

7 MR. SWERLING: But Mr. Sellers in the -- the
8 302 -- I mean, in the DEA-6 that he did says that
9 that was about the cocaine, although cocaine's never
10 mentioned. So, it would be -- my objection would be
11 to his conclusions of what the conversation was
12 about. Parnell can testify, but not Mr. Sellers.

13 JUDGE NEWMAN: Right, but he -- and that's why
14 I asked him to answer the question just now, he
15 didn't mention cocaine or -- he talked about some
16 money that was --

17 MR. SWERLING: It was money for the cocaine.

18 WITNESS: Yes. I mean, that's what we're here
19 -- I mean --

20 JUDGE NEWMAN: Of course. I'm trying to
21 sanitize it so it's not objectionable.

22 WITNESS: Right, I understand.

23 JUDGE NEWMAN: But let's just move on. How
24 about I sustain the objection, and we will let Mr.
25 Parnell testify about whatever Parnell testifies

1 about?

2 MS. GATTE: Yes, ma'am.

3 JUDGE NEWMAN: Rather than have another
4 witness interpret what someone said.

5 MR. SWERLING: And that's my objection.

6 JUDGE NEWMAN: Yes, sir.

7 MR. HOUGH: Your Honor?

8 JUDGE NEWMAN: Yes, sir.

9 MR. HOUGH: Well, I didn't want to -- it's not
10 about any subsequent legal issue. I'm sorry, I
11 didn't mean to interrupt.

12 JUDGE NEWMAN: Go ahead.

13 MR. HOUGH: I was hoping to take a break.

14 JUDGE NEWMAN: Yeah, we will. Did we address
15 the matter -- the recorded call on the disc? Are
16 you -- I mean, it's not in evidence, it hasn't been
17 offered yet, are you satisfied there?

18 MR. SWERLING: Yeah, as long as it doesn't
19 come in later on or be extracted from that disc,
20 that's all. But -- but you're not offering it at
21 this time --

22 JUDGE NEWMAN: Correct.

23 MR. SWERLING: -- is my understand.

24 JUDGE NEWMAN: Right.

25 MS. GATTE: No, ma'am, not at this time.

1 JUDGE NEWMAN: Not at this time.

2 MR. SWERLING: That was what the objection had
3 been 'cause I --

4 JUDGE NEWMAN: Understood.

5 MR. SWERLING: -- wouldn't want that to go to
6 the jury unless Your Honor agrees that that
7 particular conversation was admissible.

8 JUDGE NEWMAN: Right. Understood. I think
9 we'll get there eventually. Okay, let's take just
10 five or 10 minutes before the jury comes back in.
11 You can -- Mr. -- don't tell me, Sellers, you can
12 step down from the witness stand if you choose. Do
13 not discuss your testimony with anyone. All right?
14 Five, 10 minutes, we'll take just a short break.
15 How much longer do you have you think?

16 MS. GATTE: Not long, Your Honor.

17 JUDGE NEWMAN: And is your cross lengthy?

18 MR. SWERLING: It would be, I mean,
19 unfortunately.

20 JUDGE NEWMAN: I guess we'll finish direct and
21 then do the cross tomorrow.

22 MR. SWERLING: That's fine. I just got -- be
23 honest with the Court.

24 JUDGE NEWMAN: Yeah, I appreciate it.
25 Absolutely. Okay, we'll take a short break.

JURY TRIAL

1 MR. HOUGH: Thank you, Your Honor.

2 (Off the record)

3 (Recess)

4 (On the record)

5 (The jury enters the courtroom.)

6 JUDGE NEWMAN: All right, you may proceed, Ms.
7 Gatte.

8 MS. GATTE: Thank you, Your Honor.

9 BY MS. GATTE:

10 Q. Mr. Sellers, after the recorded phone call between
11 Mr. Parnell and Mr. Goad, did you have any other
12 involvement with Mr. Parnell?

13 A. Yes, I did.

14 Q. Okay, what was that involvement?

15 A. He let me know when Mr. Goad was coming to get --

16 MR. SWERLING: I -- I -- yeah.

17 THE WITNESS:

18 A. I'm sorry, I moved it awhile ago. Yes, I did and he
19 let me know when Goad was coming to pick up some money
20 from him.

21 Q. Okay. And did law enforcement do anything with that
22 information?

23 A. Yes, ma'am, at the time I was -- we were at the
24 office in downtown Columbia. We received that phone
25 call. I made phone calls to the local guys to go do

JURY TRIAL

1 surveillance at this house, and I believe it was on
2 Kennedy Road in the Lugoff area of Kershaw County where
3 Mr. Parnell was working, he was doing a -- a roofing job
4 at that house. So, the guys that were in Kershaw County
5 went up, set up surveillance over there, we left the
6 office downtown Columbia on the way to Lugoff to do
7 surveillance also, and actually as we were merging onto
8 I-20 off of 277 we merged right on top of Mr. Goad in his
9 silver Saturn VUE on the way to Lugoff.

10 Q. And so same Saturn as --

11 A. Same.

12 Q. -- from the --

13 A. That is --

14 Q. -- search warrants?

15 A. That is correct.

16 Q. And were y'all able to identify who was driving the
17 Saturn?

18 A. Mr. Goad was the sole occupant of that vehicle.

19 Q. And what did you do at that point?

20 A. We followed him, unbroken surveillance all the way
21 to the residence at -- it was on Kennedy Drive or Kennedy
22 Road. I think it was Kennedy Road in the Lugoff area of
23 Kershaw County, just off of -- not far off the 87 mile
24 marker.

25 Q. And what did you witness during that surveillance?

JURY TRIAL

1 A. We witnessed Mr. Goad go there and meet with Mr. --

2 MR. SWERLING: Only if he's the one that
3 actually did -- witnessed it, not some other agent.

4 BY MS. GATTE:

5 Q. Did you yourself witness this surveillance?

6 A. Yeah, all of us -- all of us witnessed a part of it.
7 I did witness him at the road with Mr. Parnell at his
8 car.

9 Q. And then what happened from that point forward?

10 A. We witnessed Mr. Goad leave. We followed him
11 unbroken surveillance all the way back to his residence
12 at -- what was it, 248 Winterberry Loop in Lexington
13 County.

14 Q. Okay. And at that point what did law enforcement
15 do?

16 A. I obtained arrest warrant for Mr. Goad at that time.

17 Q. Okay. And were you able to discern who lived at
18 that 248 Winterberry address?

19 A. Yeah, we did some -- requested customer information
20 from SCE&G, at -- for 248 Winterberry Loop and it came
21 back to the residence of Jennifer and Walter Goad.

22 Q. Okay. What did you do at that point?

23 A. At that point is when I obtained the arrest warrant
24 for Mr. Goad for trafficking cocaine.

25 Q. And what about that 248 address?

JURY TRIAL

1 A. And I did obtain a federal search warrant for 248
2 Winterberry Loop.

3 Q. Okay.

4 A. In Lexington.

5 Q. All right. I am going to show you what has been
6 pre-marked as State's Exhibit 15 through 18. Do you
7 recognize these photos?

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

9 Q. Okay. What are those photos from?

10 A. These photos were taken of Walter Goad's house at
11 248 Winterberry Loop.

12 Q. Do those photos fairly and accurately represent the
13 way that this looked as you remember it?

14 A. Yes, ma'am, it does.

15 Q. Okay. Have they been altered, tampered with in any
16 way?

17 A. No, ma'am.

18 Q. Okay.

19 MS. GATTE: Your Honor, at this time I would
20 offer State's 15 through 18 into evidence.

21 MR. SWERLING: No objection.

22 JUDGE NEWMAN: State's 15 through 18 are
23 admitted without objection.

24 MS. GATTE: Thank you, Your Honor.

25 (State's Exhibits 15 through 18

JURY TRIAL

1 were introduced into evidence)

2 BY MS. GATTE:

3 Q. Mr. Sellers, I'm going to show you State's 15 first.

4 Can you please tell the jury what this picture shows?

5 A. It shows the front of 248 Winterberry Loop in
6 Lexington County with the silver Saturn VUE sitting in
7 the driveway.

8 Q. And who lived here?

9 A. Walter and Jennifer Goad.

10 Q. Do you know who Jennifer Goad was?

11 A. His --

12 Q. Did you know at that point?

13 A. I didn't. It was -- we figured out it was his wife
14 at the time, yeah.

15 Q. And then this State's 16, what does this picture
16 show?

17 A. That is the silver Saturn VUE sitting in the
18 driveway at 248 Winterberry Loop.

19 Q. And is that the same silver Saturn VUE from the
20 search warrant that was executed at Mr. Parnell's house?

21 A. That is correct.

22 Q. Okay. And is that the same silver Saturn VUE that
23 law enforcement witnessed on two different occasions
24 driving?

25 A. That is correct.

JURY TRIAL

1 Q. Okay. All right, and State's 17, is this -- law
2 enforcement executes the search warrant?

3 A. That is correct.

4 Q. And so while the search warrant is being executed
5 can you sort of explain what law enforcement found?

6 A. All right, so once we knock and announce with the
7 federal search warrants, we knocked for a long time, no
8 one came to the door. We were prepared to force -- force
9 the door open but the door was unlocked, so we didn't
10 have to force it open. We opened the door and we
11 immediately met Walter Goad and his wife Jennifer Goad in
12 the front part of the residence. They were both secured,
13 read their Miranda rights, and the search warrant. Once
14 we secured the residence we brought in a -- a K9 to do a
15 initial search of the residence.

16 MR. SWERLING: I object to anything about the
17 K9, any results of anything from the K9.

18 JUDGE NEWMAN: Overruled.

19 THE WITNESS:

20 A. All right, the -- the K9 alerted on this black box
21 in the carport area of the residence. Showed -- the dog
22 showed an alert on this -- in this area to this box. He
23 -- he goes outside and puts his dog up, came back and
24 told us where the dog alerted, and during the search we
25 opened it up, there was --

JURY TRIAL

1 Q. And where in the home is this located?

2 A. This is in the garage.

3 Q. Okay. And so, after the K9 alerts, what does law
4 enforcement do?

5 A. We open the box and inside the box was a large
6 digital scale and a industrial roll of cellophane.

7 Q. Okay. And based on your training and experience
8 does that indicate anything to you?

9 A. Yeah, cellophane --

10 MR. SWERLING: I'm going to have to object to
11 him making a conclusion without laying a foundation.

12 BY MS. GATTE:

13 Q. Based on your training and experience and years of
14 narcotics investigations into large scale drug
15 trafficking, did finding this after a K9 alerted indicate
16 anything to you?

17 A. Yes, ma'am, that there was --

18 MR. SWERLING: I'd still object to him making
19 a conclusion. He's not an ex -- Judge, he's not an
20 expert.

21 JUDGE NEWMAN: Sustained.

22 MR. SWERLING: And that's -- that's what I
23 object to.

24 JUDGE NEWMAN: Sustained.

25 BY MS. GATTE:

JURY TRIAL

1 Q. Was this taken into evidence by law enforcement?

2 A. Yes, ma'am, it was.

3 Q. All right. Was anything else taken into evidence by
4 law enforcement during the execution of the search
5 warrant?

6 A. I believe a drug ledger from that residence also.

7 MR. SWERLING: A what?

8 THE WITNESS:

9 A. A drug ledger.

10 Q. Okay, I'm going to --

11 MR. SWERLING: Can we approach for a moment?

12 JUDGE NEWMAN: Bring that with you, please.

13 MR. SWERLING: Yes.

14 (BENCH CONFERENCE)

15 JUDGE NEWMAN: All right, the objection is
16 sustained. Ladies and gentlemen, if you will
17 disregard the last answer given by the witness to
18 that most recent question.

19 BY MS. GATTE:

20 Q. Mr. Sellers, I'm going to show you what's been
21 marked as State's Exhibit 19. Do you recognize this?

22 A. Yes, it's a phone --

23 MR. SWERLING: Objection.

24 BY THE WITNESS

25 A. Yes, I do.

JURY TRIAL

1 Q. Okay. And was this document recovered from this
2 search warrant?

3 A. Yes, it was.

4 Q. Did you take it into evidence yourself?

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

6 Q. Is it a fair and accurate representation of how it
7 was on the day it was taken into evidence?

8 A. Yes.

9 Q. Does it appear to be altered, tampered with in any
10 way?

11 A. No, ma'am.

12 Q. Okay. And what does this show, specifically? Is it
13 a list?

14 MR. SWERLING: I object to him drawing
15 conclusions from it 'cause --

16 JUDGE NEWMAN: Well I think that's why she's
17 trying to guide him, so that objection is sustained
18 but you may proceed.

19 MS. GATTE: Thank you.

20 BY MS. GATTE:

21 Q. Mr. Sellers, what does it specifically show?

22 A. Phone numbers.

23 Q. Okay. How many phone numbers if you had -- if you
24 could look? Is it more than one phone number?

25 A. Yes, ma'am, probably I'd say, it's a guess, 30,

JURY TRIAL

1 maybe; maybe a little more.

2 Q. When you took this into evidence, did you review it
3 at that time?

4 A. Yes, ma'am.

5 Q. Based on your training and experience working in
6 narcotics cases in this area, did you recognize anything
7 about --

8 MR. SWERLING: I -- I have to object. I think
9 that's what we just went through and talked about.

10 JUDGE NEWMAN: That objection is overruled.
11 But -- yeah.

12 MS. GATTE: Yes, ma'am.

13 BY MS. GATTE:

14 Q. Did you recognize any names?

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

16 Q. Or phone numbers?

17 A. Yes, ma'am.

18 Q. Okay. All right. Who specifically?

19 MR. SWERLING: Your Honor, would you allow my
20 objection to run throughout this line of
21 questioning?

22 JUDGE NEWMAN: Same objection?

23 MR. SWERLING: No, about him testifying about
24 conclusions about the -- what's on that list?

25 MS. GATTE: It's his first-hand knowledge.

1 JUDGE NEWMAN: Well, right. That objection is
2 overruled. I haven't heard him conclude yet.

3 THE WITNESS:

4 A. Yes, there's names on there that I -- that I know.

5 Q. Okay. Is anyone in your investigation, is their
6 name on there?

7 A. Yes.

8 Q. Who's name?

9 A. Hailey.

10 Q. Okay. Who is that person?

11 A. Josh Parnell's girlfriend.

12 Q. Okay. Are there any other names of people involved
13 in this case that you recognized on that list?

14 A. Yeah, I think Josh -- Josh's name is on here too.

15 Q. Okay. And in your investigation were you able to
16 confirm that that was the same Josh?

17 A. That is correct.

18 MS. GATTE: Okay. Your Honor, at this point
19 the State would ask that we would move for State's
20 19 to be admitted into evidence.

21 JUDGE NEWMAN: Any objection?

22 MR. SWERLING: No, ma'am.

23 JUDGE NEWMAN: State's 19 is admitted.

24 (State's Exhibit 19

25 was introduced into evidence)

JURY TRIAL

1 BY MS. GATTE:

2 Q. During your investigation, did you compare this list
3 of phone numbers with the drug ledger that you had found
4 during the search warrant at Mr. Parnell's house?

5 A. Yes.

6 Q. I believe that that was State's 14. Did you see --
7 did you, in your investigation, see any crossover between
8 the lists?

9 A. Yeah, there were a couple of names on there, and on
10 that list also.

11 MS. GATTE: Okay. And Your Honor, I don't
12 believe that I moved to offer State's 14 into
13 evidence prior, but I would move now to offer that
14 into evidence.

15 JUDGE NEWMAN: Any objection, Mr. Swerling?

16 MR. SWERLING: State's 14 is the --

17 MS. GATTE: Josh Parnell's ledger.

18 MR. SWERLING: Okay, no objection.

19 JUDGE NEWMAN: State's 14 is admitted.

20 (State's Exhibit 14

21 was introduced into evidence)

22 BY MS. GATTE:

23 Q. After the search warrant that was conducted at 248
24 Winterberry Lane, at the Goad residence, what did law
25 enforcement do at that point?

JURY TRIAL

1 A. We obtained a search -- I mean, a arrest warrant for
2 Walter Goad.

3 Q. In this case, did you charge Joshua Parnell?

4 A. Yes, I did.

5 Q. Why did you charge him?

6 A. Because he was in possession of the drugs when we
7 did the search warrant at the house on -- at 135 Ward
8 Road in Lugoff, South Carolina, Kershaw County.

9 Q. Okay. And in this case did you also charge Walter
10 Goad?

11 A. Yes, I did.

12 Q. Why did you charge him?

13 A. Because we witnessed him deliver the drugs to Josh
14 Parnell's house.

15 Q. And Walter Goad, the individual that you witnessed
16 deliver the drugs, is he present in the courtroom?

17 A. Yes, ma'am, he is.

18 Q. Can you please point him out for the jury?

19 A. He is right over there.

20 MS. GATTE: Your Honor, beg the Court's
21 indulgence. Your Honor, I just want the record to
22 reflect that Mr. Sellers pointed to the Defendant
23 for identification purposes, but the State has no
24 further questions at this point.

25 JUDGE NEWMAN: Okay. So, ladies and

JURY TRIAL

1 gentlemen, I think now is a good time to just break
2 for the evening. It is -- yeah 5:19, so I'm going
3 to send you home for the night. We will start
4 tomorrow morning at 9:30. Don't discuss the case
5 amongst yourselves or with anyone else. Don't do
6 any research about the case. We'll see you tomorrow
7 at 9:30. Have a good night.

8 (JURY EXITS)

9 JUDGE NEWMAN: Anything we need to discuss
10 before we break for the evening? Wonderful. No?
11 Okay, 9:30 tomorrow.

12 MR. SWERLING: Did you ask if we wanted to
13 discuss? No, I don't.

14 JUDGE NEWMAN: Anything.

15 MR. SWERLING: No.

16 JUDGE NEWMAN: Okay.

17 MR. SWERLING: Bye.

18 JUDGE NEWMAN: See you at 9:30 tomorrow
19 morning.

20 MS. GATTE: Thank you.

21 (The proceedings were adjourned
22 until 9:30 a.m., October 29, 2024)

23 **October 29, 2024**

24 JUDGE NEWMAN: All right, please be seated.
25 Good morning. So, first things first, Juror Number

1 62, Landon Goff, I have excused this morning. His
2 wife is 36 weeks pregnant; she was having back pain,
3 she called her doctor who told her to come in, who
4 knows whether she's in labor or not, but in any
5 event she's going to the doctor with some serious
6 pains and, you know, it's their first child. I
7 actually allowed the juror who didn't bring his
8 phone in, he just knew on the way in that she was
9 having back pain and he said do what you got to do,
10 did not know the status, so I sent him out to his
11 car to get his phone, come back in and make a phone
12 call to get an update. He looked like he was about
13 to pass out; it's his first child. I don't know how
14 old he is but he -- he just looked super nervous,
15 and so I told him to go be where he needed to be, go
16 be with your wife. So, he has been excused and will
17 be replaced with the alternate. The other juror
18 issue that we have had this morning is -- goodness,
19 what is her juror number, Juror Number 126, Ms.
20 Middleton, said she has a child care issue. She has
21 a three-year-old son, who is normally kept by his
22 father, and is with his father now, the father has
23 gotten a job that he started yesterday, I believe,
24 and has to be at work at 2:00. The juror's mother
25 is unable to get the child. I think the dad's

1 mother is unable to -- for whatever reason, I
2 forget, you know, all the details of it, but she has
3 nobody to watch her child from 2:00 until 4:00 when
4 her mother gets off of work. She's -- and I asked
5 what would happen if I just told her she had to
6 stay. She said the child's father would probably
7 take the child to his grandmother, who she says is
8 "crazy," and she does not leave her child with that
9 person, with that woman, for more than 20, 30
10 minutes. I said, well it's only two hours, she said
11 if you knew, you would know. This woman does not
12 need to care for a child for any length of time. So
13 - and I asked her about tomorrow, you know, if this
14 -- I don't know the guy's work schedule, but she
15 said tomorrow she can make arrangements, this was
16 just sprung on her this morning. She didn't even
17 know that the dad had gotten a job, whatever. So, I
18 don't know what to do with that. The only thing,
19 because we only had one alternate, the alternate's
20 now a juror, we have no backups, and we want to
21 finish this case. The only thing I could think to
22 do is to work up until 1:30 today, and then resume
23 the trial tomorrow morning to accommodate that
24 juror. I don't know, does anybody have any thoughts
25 on this matter?

1 MR. SWERLING: Judge, can I just come up a
2 little closer?

3 JUDGE NEWMAN: Sure.

4 MR. SWERLING: I apologize, I'm just --

5 JUDGE NEWMAN: Yes, sir.

6 MR. SWERLING: -- having some issues. So you
7 said -- what was the suggestion, maybe that you
8 said?

9 JUDGE NEWMAN: That we just stop Court around
10 1:30 today, so that she can go get her child and
11 then resume tomorrow morning. Because we don't have
12 any alternate jurors, the only -- I mean, it's that
13 or put her in the situation where the -- the child
14 is not in a safe place, or it's a mistrial because
15 we don't have enough jurors. I don't know what else
16 to do. I'm open to suggestions. But, I don't know
17 what else to do.

18 MR. HOUGH: I'll go take care of the child.

19 MS. GATTE: Your Honor, the only issue that we
20 have is that Mr. Sellers had a death in his family.

21 MS. MCKELLAR: His step-father.

22 MS. GATTE: His step-father passed away and
23 the funeral's tomorrow morning, and so we have that
24 conflict. If Your Honor would be okay with
25 releasing him from his subpoena so that he can

JURY TRIAL

1 attend the funeral tomorrow morning.

2 JUDGE NEWMAN: Of course.

3 MS. GATTE: We, obviously, would like him to
4 be here for, you know, the trial, but if we have to
5 go into tomorrow morning I would just ask that he be
6 released from his subpoena, so that he can go to
7 that.

8 JUDGE NEWMAN: Oh, of course. Of course, of
9 course. We're gonna hobble along. Yeah, I think we
10 just quit at 1:30 today.

11 MR. SWERLING: And that's fine.

12 JUDGE NEWMAN: Start again tomorrow and, you
13 know, and maybe the -- the trial lasts a little
14 longer than we anticipated, I don't know. Maybe we
15 can get it to a -- the jury tomorrow. I -- I don't
16 know. But --

17 MR. SWERLING: Looks like it might be Thursday
18 then.

19 JUDGE NEWMAN: Yeah. And it might be. But
20 that's all I know to do.

21 MR. SWERLING: I'm supposed to go to Dallas on
22 Friday for a Bat Mitzvah, my niece, so --

23 JUDGE NEWMAN: Okay.

24 MR. SWERLING: -- but I'm sure we'll be able
25 to (inaudible).

1 JUDGE NEWMAN: Let's hope so. Okay. that
2 work for everybody? Okay.

3 MS. GATTE: Yes, ma'am, Your Honor.

4 MR. SWERLING: My sister would kill me if I'm
5 not --

6 JUDGE NEWMAN: I'm sure. Okey-dokey. That's
7 how we'll have to do it then.

8 MS. GATTE: Agent Hardin did offer to babysit,
9 so I just want to put that on the record too.

10 MR. SWERLING: I wouldn't put my child
11 (inaudible).

12 JUDGE NEWMAN: Thanks though. Okay, anything
13 else from Counsel before we bring the jury back in?

14 MR. SWERLING: I don't have anything.

15 MS. GATTE: Not from the State, Your Honor.

16 JUDGE NEWMAN: Okay. All righty. Let's bring
17 the jury then.

18 MR. SWERLING: I hope the jury understands
19 that it's not anything the lawyers that are causing,
20 it's --

21 JUDGE NEWMAN: Oh, absolutely.

22 MR. SWERLING: Yeah. If you could --

23 JUDGE NEWMAN: Yeah, I'll explain that.

24 MS. MCKELLAR: Is there any way, Your Honor,
25 that we could also allow them to know why the lead

1 agent is having to leave the trial? Like we don't
2 want them to think that him being absent is because
3 he doesn't care about --

4 JUDGE NEWMAN: Sure.

5 MS. MCKELLAR: -- the trial obviously.

6 JUDGE NEWMAN: Absolutely.

7 MS. MCKELLAR: Okay, thank you.

8 JUDGE NEWMAN: I'm happy to be transparent
9 with them about everything that's occurred, why the
10 alternate is being seated, why -- you know, they
11 probably already know 'cause they chit-chat back
12 there. They can't talk about the case so they talk
13 about life and stuff, and I'm sure some of this has
14 already come up. But I'll -- I'll tell them.

15 MS. GATTE: Thank you.

16 (JURY ENTERS)

17 JUDGE NEWMAN: All right, good morning folks.
18 First things first, is the alternate, juror number
19 121, has been promoted to juror. And that is
20 because I have excused one of your fellow jurors,
21 I'm not sure -- and you can have a seat there on the
22 end there. Yes. I'm not sure whether he mentioned
23 it or not, but juror number 62 has been excused
24 because he has a 36-week pregnant wife who is in
25 distress this morning, and has had to go to the

1 doctor. He's -- they don't know if she's in labor,
2 but at 36 weeks and -- and having an emergency
3 medical situation I felt it best for him to -- and
4 he did too, for him to leave and be with his wife.
5 So, while this is very important, it's not import --
6 as important as his wife and child. So, I've
7 excused him for that reason. I also had another
8 juror come to me this morning with a child care
9 issue. And so, to address that, what we're going to
10 do is we are going to work up until about 1:30
11 today, and just break for the day and resume the
12 trial tomorrow morning. What that means for all of
13 the rest of you is that one, you'll be free after
14 1:30 today, approximately, but also that, you know,
15 I told you we're trying to get this trial done by
16 tomorrow afternoon. We might be able to do that.
17 But, there is a possibility that you will have to
18 come back Thursday morning to finish the trial.
19 I've asked as many questions as I can and try to
20 figure out as many options as I can to address, you
21 know, everyone's issues, but that's all I can think
22 to do is, you know, to break around 1:30 today.
23 It's a three-year-old child who can't be by himself,
24 obviously, so something has to be done, and that's
25 the way we're going to address that. What that also

1 means is with this trial definitely going into
2 tomorrow morning, and potentially Thursday morning,
3 is that the lead agent on this case, Mr. Sellers,
4 who is going to come up and resume his testimony in
5 a minute, he will not be here tomorrow morning. I
6 just don't want you to infer anything from that,
7 like the case isn't important or he -- whatever,
8 he's got a funeral to go to of a close family member
9 and so, of course, we would always hope to work
10 around that the way we're working around the child
11 care issue, but I don't know that we can reasonably
12 just -- you know, I don't want to stop court this
13 afternoon and not have court tomorrow morning,
14 'cause then that puts y'all here all week and we
15 need to get this trial done, and I have some other
16 court matters to handle after this trial is done
17 this week. So -- so I'm just telling you that so
18 that you're not wondering where he is tomorrow
19 morning and why he's not sitting there as he has
20 been. So, I think I've covered everything. With
21 all that said we're gonna bring Mr. Sellers back up
22 to the witness stand. He is still under oath. And
23 Mr. Swerling is going to begin his cross-
24 examination.
25

JURY TRIAL

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CERTIFICATE OF TRANSCRIBER

I, Jessica Antonucci, a court-approved transcriber, do hereby certify that I transcribed the electronic recording of the foregoing proceedings in Docket No. 2016-GS-28-1123 held on: October 28, 2024 before the Honorable Jocelyn Newman, and that said transcript is true and correct, all to the best of my knowledge and ability.

I further certify that I am not related to nor the employe of any of the parties or witnesses hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

December 12, 2024

Jessica N. Antonucci

Transcriber

JURY TRIAL

1 CONTINUATION OF PROCEEDINGS - OCTOBER 29, 2024

2 MR. SWERLING: Yes, Your Honor. Good morning, ladies
3 and gentlemen.

4 CROSS-EXAMINATION

5 BY MR. SWERLING:

6 Q. Good morning, Mr. Sellers, how are you?

7 A. I'm great, sir, how are you?

8 Q. Some questions that would follow-up your direct
9 examination from yesterday. You were like the real chief
10 case agent on this case?

11 A. Just the lead agent, yes.

12 Q. Lead agent, okay. And you're affiliated with
13 Kershaw County and then worked on the task force, Federal
14 Task Force?

15 A. That's right, I was employed by Kershaw County and
16 was assigned to the DEA task force in Columbia.

17 Q. And from your -- from the DEA-6's, or the -- you
18 know, I've gotten those -- which are the reports that
19 were generated by you and other members of the task
20 force, it appears that y'all knew about Josh Parnell well
21 before his first controlled buy?

22 A. Yes, sir.

23 Q. So and what I mean by you knew about him, you knew
24 that he was selling cocaine?

25 A. We knew that he was selling drugs, yes, I didn't --

JURY TRIAL

1 Q. Yeah.

2 A. -- specifically I didn't know what -- what he was
3 selling.

4 Q. But he was known to Kershaw County law enforcement
5 prior to the fact that he started making controlled buys?
6 That's I guess what I'm trying to bring out.

7 A. That is correct.

8 Q. So, we had a controlled buy that y'all did, let's
9 see, would be -- let me make sure -- I just want to make
10 sure I have the right dates. The first controlled buy
11 was on August 5th, 2016?

12 A. That is correct.

13 Q. And controlled buy means that it's under supervision
14 of law enforcement, correct?

15 A. That is correct.

16 Q. And when you do that it's my understanding that
17 there's contact made by the confidential source, who is
18 not identified, correct? There's contact made between
19 the confidential source, law enforcement, and then he
20 makes contact with Mr. Parnell, correct?

21 A. That is correct.

22 Q. Okay. And those identities are not revealed to --
23 and I'm not asking you to reveal it, but that person was
24 a confidential source who was doing something on behalf
25 of the task force, correct?

JURY TRIAL

1 A. That is correct.

2 Q. And let me just ask you, did that confidential
3 source have charges against him or her?

4 A. No, sir, he did not.

5 Q. Okay. Was that a paid informant?

6 A. Yes, sir, it was.

7 Q. And who was paying the informant?

8 A. The US Government.

9 Q. So he was a paid informant for the US Government?

10 A. That is correct.

11 Q. Not Kershaw County, okay. So, on August 5th, y'all
12 arrange a controlled buy, and as I understand it you meet
13 the confidential source and search him, and just make
14 sure he has no other -- no contraband on him or no money
15 on him, correct?

16 A. That's correct, on his person and in his vehicle.

17 Q. Pardon?

18 A. We searched the person and the vehicle.

19 Q. Right. And at that point you give him an amount of
20 money that has been agreed to between him and Josh
21 Parnell to pay Josh Parnell, correct?

22 A. That is --

23 Q. For the drugs?

24 A. That is correct.

25 Q. And those numbers -- serial numbers on those bills

JURY TRIAL

1 are recorded, correct?

2 A. That is correct.

3 Q. And then he goes and -- and he's by himself when he
4 sees Mr. Parnell, correct?

5 A. He's by himself, but we're monitoring him.

6 Q. Right.

7 A. Yes.

8 Q. Now, when you say monitoring, I think I'd like the
9 jury to understand a little bit more about that. You
10 have a surveillance team that's out there?

11 A. Yes, sir, we do.

12 Q. Okay. How many agents are usually involved in
13 something like that?

14 A. There were 10 -- 10 to 12 agents in my unit over at
15 the DEA.

16 Q. Okay, so there was good --

17 A. So -- so there was -- and we actually had the
18 Sheriff's Office involved, and some of the Fairfield
19 County narcs were here helping us out too, so there was -
20 -

21 Q. Now, Mr. Parnell did a lot of dealing of drugs out
22 of his mother's home, correct?

23 A. That is correct.

24 Q. That was not his home, but it was his mother's home?

25 A. That is correct.

JURY TRIAL

1 Q. And I believe his grandmother lived there too?

2 A. Yes, I -- I believe she did too, yeah.

3 Q. And his brother, Luther, correct?

4 A. Right, correct.

5 Q. So, you have a dope dealer who is dealing not at his
6 residence, but from his mother's home, correct?

7 A. Correct.

8 Q. So, the first controlled buy, did you provide him
9 any kind of audio/video equipment to record that
10 controlled buy?

11 A. I think yes, we did on the -- the one on August 5th
12 we did have audio/video.

13 Q. Okay, and what does that involve; if you'd tell the
14 jury?

15 A. It's just a -- it's just a recording device that we
16 use to -- to capture video and audio.

17 Q. It has video and audio?

18 A. Yes, sir.

19 Q. So, he's got that on him?

20 A. That is correct.

21 Q. Okay. And that way you can monitor, or are you able
22 to listen to what the conversation is?

23 A. Yes, we can listen, we can't monitor.

24 Q. Okay. And --

25 A. Or see it.

JURY TRIAL

1 Q. I'm sorry.

2 A. We can listen, we just can't see it.

3 Q. I'm not --

4 A. We can hear the audio.

5 Q. Yeah.

6 A. We just can't watch the video live.

7 Q. Oh, okay. All right. And that's preserved,
8 correct, that recorded conversation?

9 A. That is correct.

10 Q. He's got marked bills, and he's got audio/video
11 equipment, so you're -- you're seeing what he's doing
12 with Mr. Parnell?

13 A. Visually we're seeing from a distance.

14 Q. Right, okay.

15 A. Yes.

16 Q. You mean the surveillance team?

17 A. Right, right.

18 Q. What about the video that he's got?

19 A. We can -- we cannot see that live at the time.

20 Q. Oh, I got it.

21 A. We can hear it; we can't see the video.

22 Q. I got you, okay. So you can't see it, but you can
23 hear it?

24 A. That is correct.

25 Q. And that's all preserved, correct?

JURY TRIAL

1 A. Yes, sir, it is.

2 Q. And on that particular occasion, I believe there was
3 like \$1,000 for one ounce of cocaine?

4 A. I think that, the first one was around \$900.

5 Q. 900?

6 A. Yeah.

7 Q. All right. And that transaction did take place?

8 A. Yes, sir, it did.

9 Q. And I believe that he said that he buys cocaine, or
10 he's reported later that he bought the cocaine for \$850,
11 and tried to sell it for 1250; do you recall that?

12 A. I don't recall that, but it's been eight years ago
13 so.

14 Q. And so, on that particular occasion he was paid
15 \$950? Do you have your notes in front of you?

16 A. Well, it doesn't have the prices on there.

17 Q. All right.

18 A. I --

19 Q. You don't disagree --

20 A. -- I believe -- yeah, I do not disagree with you.
21 It'd be between 900 and \$1,000, yes.

22 Q. I'm reading it out of your report.

23 A. Okay.

24 Q. And you did a report on it?

25 A. Yeah, I don't have my report in front me, sir.

JURY TRIAL

1 Q. Now, if I understand his girlfriend, Hailey, was in
2 the vehicle as well, Parnell's girlfriend?

3 A. Yeah, I think she -- I think she was there at that
4 time, yes.

5 Q. Okay. And she was initially listed on your report
6 as a subject or a person who participated in that buy
7 because she was actually there, correct?

8 A. That is correct.

9 Q. And do you remember her name, her last name?

10 A. Hailey Hopkins.

11 Q. Hailey Hopkins, okay. And I believe that they had a
12 child in the car when this transaction took place as
13 well, correct?

14 A. I'm sure they did, 'cause they did have some small
15 children at the time.

16 Q. So he's dealing from his mother's house, and he's
17 dealing in front of his child, or her child, whatever it
18 is, correct?

19 A. That's correct.

20 Q. And on that -- so that occasion it went down -- let
21 me ask you something, was he ever charged with that
22 offense, distribution of cocaine?

23 A. I don't -- I'm not 100 percent sure if we charged
24 him with that or not, because of what we charged him with
25 at the end.

JURY TRIAL

1 Q. As far as you know, I mean, he was not charged with
2 that offense?

3 A. No, 'cause we don't -- we don't charge people
4 immediately after we do a buy, we continue the case.

5 Q. I'm talking about at any time.

6 A. No.

7 Q. You've never charged him?

8 A. I don't think so, no

9 Q. And obviously, that was a criminal offense as well?

10 A. That is correct.

11 Q. Then the next transaction was -- and by the way,
12 after you -- after this controlled buy you go ahead and
13 debrief the confidential source while he's --

14 A. That is --

15 Q. -- interviewed by you?

16 A. That is correct.

17 Q. And then any other agent, okay. As I understand it,
18 also, during that transaction he had actually had in his
19 car a digital scale, he weighed out the amount of cocaine
20 that he was selling to the confidential source?

21 A. Yes, sir, I believe he did.

22 Q. And he's the one -- or who actually activates the
23 recording device?

24 A. We do before -- we are the ones that control the
25 activation and cutting off of the -- the equipment.

1 Q. Does he have any control over that at all?

2 A. No, he does not.

3 Q. What about on the -- on the phone calls, when you're
4 recording the phone calls, does he have a device that you
5 give him to go ahead -- the confidential source we're
6 talking about, does he have a device that you use, or he
7 has access to that records those phone calls?

8 A. He doesn't have access to it, we do, and all the
9 calls are done in front of us.

10 Q. Pardon?

11 A. All the calls are done in -- with us present.

12 Q. Okay. So, it's recorded at the time simultaneously
13 with those phone calls from the Sheriff's Department or
14 at some other place?

15 A. Just wherever we decide to meet. That -- that's --
16 we usually pick the location to meet.

17 Q. And who's recording the calls?

18 A. Law enforcement.

19 Q. Okay. The next -- as I understand it, the next sale
20 was on August 24th, 2016 by Mr. Parnell, is that correct?

21 A. That is correct.

22 Q. And that was another purchase for about one ounce of
23 cocaine?

24 A. Yes, sir, for I believe around \$1,000.

25 Q. And I think there was a meeting, they met at a

1 parking lot, the confidential source and Parnell, in that
2 situation?

3 A. Met at the parking lot of Dollar General in Lugoff,
4 yes.

5 Q. And on that particular occasion he drove himself,
6 Hailey was not with him?

7 A. That is correct.

8 Q. By the way, let me ask you something, as part of
9 this investigation, Hailey was never arrested, was she?

10 A. She was not.

11 Q. Even though she participated in the sale according -
12 -

13 A. That is --

14 Q. -- to your report?

15 A. That is correct. She was there, yes.

16 Q. Was that part of the consideration that Mr. Parnell
17 earned as a result of cooperation?

18 A. I don't make decisions on stuff like that, sir.

19 Q. Okay, but obviously she was not charged.

20 A. She was not charged.

21 Q. Okay. And neither was he. And on that occasion he
22 also had a scale in the car and weighed out -- and we
23 talk about a scale, it's a small digital scale, correct?

24 A. That is correct, yeah.

25 Q. In fact, when you did the search of his residence he

JURY TRIAL

1 had several of those?

2 A. That is correct.

3 Q. Now, on that date, the source had another source
4 with him or her, it was either -- maybe it was a
5 confidential informant, correct?

6 A. Yes.

7 Q. I think there were two people in the car.

8 A. I believe so, yes.

9 Q. What's the difference between a confidential
10 informant and a confidential source?

11 A. They're pretty much the same thing, it's just, I
12 guess, some -- I know at the DEA we do use confidential
13 source, at the Sheriff's office we always listed it as
14 informant, it's pretty much the same -- same type of
15 person.

16 Q. Pretty much the same thing, it's different -- one
17 gets paid, one does not get paid?

18 A. Not --

19 Q. Or one's working off the charges and the other one -
20 -

21 A. Not exactly. We -- we have -- we have informants
22 that don't get paid. We have informants that got paid,
23 it just --

24 Q. You have informants who are actually working off
25 charges and trying to benefit themselves, correct?

JURY TRIAL

1 A. That is correct, we do.

2 Q. And that's -- happens in the business?

3 A. Yes, sir, it does.

4 Q. And so we have another sale on August 24th, 2016,
5 and let me ask you something, he was never charged with
6 that either, Mr. Parnell, correct?

7 A. No, he was not.

8 Q. And let me -- rather than go through everything,
9 basically it's the same operation that day as it was on
10 August 5th, as far as the recording and the search of him
11 before and after, and the debriefing?

12 A. That is correct.

13 Q. And the audio/video equipment?

14 A. That is correct.

15 Q. All of which was preserved?

16 A. Yes, sir.

17 Q. Okay. The next -- he participated in another, I
18 guess, it was maybe an attempt on September 7th, 2016?

19 A. Yes, sir, I -- was it the 13th or the 7th?

20 Q. Well, there was one on the 7th and I -- I was
21 confused yesterday when you were talking about that.
22 This was -- September 7th from your report it indicates
23 that that's the occasion when the sale did not take
24 place, for one reason or another Mr. Parnell had some
25 issues about getting it and bringing it --

JURY TRIAL

1 A. Oh, yeah, I think -- yes, yes.

2 Q. But at that point the sale was called -- between the
3 confidential source and Mr. Parnell was called off.

4 A. That is correct.

5 Q. Okay. But, Mr. Parnell was stopped at your
6 instructions or somebody else's instructions to search
7 his vehicle, correct?

8 A. I believe that was on --

9 Q. That was the 7th.

10 A. That was the 7th? Okay, yes.

11 Q. Yeah, so I mean, you had the dates a little bit
12 mixed up.

13 A. Yeah.

14 Q. That's all right.

15 A. Eight years ago.

16 Q. Okay. But, that was supposed to be a four-ounce
17 sale on that day?

18 A. That is correct.

19 Q. All right. And so he was stopped at DEA or your
20 instructions to have a search of his vehicle done,
21 correct?

22 A. That is correct.

23 Q. And you did not -- nobody found any cocaine in his
24 truck or on his person, correct?

25 A. No, we did not.

JURY TRIAL

1 Q. All right. And you found out later that the cocaine
2 was in the truck, it was, in a --

3 A. It was in a bucket --

4 Q. -- bucket of nails or something like --

5 A. Yeah, bottom of a bucket of open nails.

6 Q. Okay.

7 A. Yes.

8 Q. So he kind of got away with that, correct?

9 A. He got us that day, yes.

10 Q. And so no cocaine was -- no cocaine was transferred
11 that day by him to a confidential source?

12 A. That is correct.

13 Q. And again, as I understand it, when the law
14 enforcement searched the truck they did find a digital
15 scale?

16 A. Yes, sir.

17 Q. And they found residue or white powder but it was
18 not enough I guess to go ahead and send for testing?

19 A. No, it was not.

20 Q. Or for seizure?

21 A. No, it was not.

22 Q. But no question he had the powder in the -- some
23 powder there, residue I guess we call it, and the digital
24 scale, so obviously there was going to be a sale taking
25 place, correct?

1 A. Yes, sir.

2 Q. So, do you know why they didn't find the four ounces
3 in the truck after they stopped the vehicle?

4 A. I guess they saw a bucket of nails and they just
5 didn't think that there would be a -- cocaine in the
6 bottom of a bucket.

7 Q. Okay, you weren't there though, right?

8 A. I -- I was in the area, but I was not actually on
9 the scene while they were searching this.

10 Q. Okay, all right. But there was -- he was not
11 charged with that attempt to go ahead and distribute
12 cocaine either, was he?

13 A. No, he was not.

14 Q. So, the next one, is the one you were talking about,
15 the September 13th, so this is the fourth basically
16 planned controlled sale, right?

17 A. Correct.

18 Q. And rather -- I'm not going to go through every
19 detail but basically is there any difference between this
20 one as far as your involvement, and the one we discussed
21 before about searching before and after and video/audio,
22 video equipment?

23 A. No difference.

24 Q. Basically the same?

25 A. Yes, sir.

JURY TRIAL

1 Q. Did this take place at his mother's house as well?

2 A. Yes, it did.

3 Q. Was his mother around when this was all going on?

4 A. No, sir, she was not.

5 Q. His brother -- was his brother around?

6 A. I believe his brother was there, yes.

7 Q. Okay, good. And on that day it was supposed to be,
8 I believe, two ounces?

9 A. Correct.

10 Q. Yesterday I think you had the four ounces --

11 A. Yes, I think I had them mixed up.

12 Q. -- on September 13th, but it really was September
13 7th? And that's fine, people make mistakes, correct?

14 A. Everybody does.

15 Q. Okay. And everything was done the same way with the
16 audio/video device?

17 A. Correct.

18 Q. Everything is preserved, correct?

19 A. That is correct.

20 Q. And you're in touch with the confidential source
21 throughout these transactions, correct?

22 A. Yes, we do have ways to get in touch with them in
23 case something goes bad.

24 Q. By phone, by text?

25 A. Yes.

JURY TRIAL

1 Q. How do you do it?

2 A. If we have to, we can call them by phone.

3 Q. Okay. But there's -- there's contact between you or
4 one -- an agent and the confidential --

5 A. There's not constant contact. We -- we can hear --
6 hear what he's saying from our recording device, but it's
7 not a cell phone. So, if we wanted to make contact with
8 them we would have to call them.

9 Q. Right, but I mean you do that before and after as
10 well, the phone call or text messages?

11 A. Yes, sir.

12 Q. But you're in communication with --

13 A. Yes.

14 Q. -- these folks?

15 A. Oh, yes. Yes, sir.

16 Q. They're not out on their own?

17 A. No, sir.

18 Q. All right. So, that's four different situations,
19 three actual sales, one attempted sale, and he's not
20 charged with any of that?

21 A. No, sir, he's not.

22 Q. Okay. So, let me go to September 22nd, 2016. I
23 believe you told the Solicitor yesterday, Attorney
24 General, that Goad was -- you didn't know about Goad at
25 all until that day, correct? Or his name.

JURY TRIAL

1 A. Actually I knew about Goad prior to --

2 Q. I thought you said you didn't.

3 A. No, I'm talking about -- you just asked me if I knew
4 about Goad prior to this whole event or?

5 Q. My understanding of what your testimony yesterday
6 Goad was not a name that was familiar to you at that
7 point?

8 A. No, he was not familiar with me during this buy,
9 during -- at -- we didn't know that Goad was his
10 supplier. That's what I was testifying to yesterday.

11 Q. Maybe I misunderstood.

12 A. Okay.

13 Q. But that's what you said yesterday?

14 A. Yeah, I did not know Goad was Josh's supplier until
15 we identified him.

16 Q. Okay. All right. The jury will remember what was
17 said.

18 A. Okay.

19 Q. So, on September 22nd, there is a -- is surveillance
20 being done of the Parnell residence?

21 A. That is correct.

22 Q. And when I say his residence, it's actually his
23 mother's home?

24 A. 135 Ward Road, yes, sir.

25 Q. Where he lives with his grandmother -- or he doesn't

JURY TRIAL

1 live there, but his grandmother lives there, his mother
2 and his brother.

3 A. Brother, yes.

4 Q. Okay. And he has a separate residence?

5 A. Correct.

6 Q. But he goes to his mother's to sell dope. And one
7 of the surveillance agents were -- was Damon Robertson?

8 A. That is correct.

9 Q. And let me ask you something, you testified
10 yesterday, when -- were you -- did you see Mr. Goad drive
11 up to the house?

12 A. I was not the one that was in the -- doing
13 surveillance that day. I was with the -- the -- the CS
14 at our meeting location, waiting to send the SRT team in.

15 Q. So when you indicated yesterday that you actually
16 saw the transaction, or the -- some kind of transaction
17 between Goad and -- and Mr. Parnell, you never saw
18 anything?

19 A. I didn't say I saw a transaction between the two.

20 Q. Okay, maybe again I misinterpreted what you said.

21 A. Uh-huh (affirmative).

22 Q. You witnessed him or somebody witnessed him coming
23 up with -- and delivering the drugs? That's what was
24 said.

25 A. Our team, part of our team did, yes.

JURY TRIAL

1 Q. Who on your team actually saw him delivering drugs?

2 A. Damon Robertson saw him arrive at the residence.

3 Q. I didn't ask you that.

4 A. We didn't --

5 Q. I asked you who on your team --

6 A. We did not see --

7 Q. -- actually saw him --

8 A. -- we --

9 Q. -- transact?

10 A. -- we did not see a transaction take place.

11 Q. So you don't know that, you have no firsthand
12 knowledge as to whether or not that was the occasion when
13 he delivered drugs, correct?

14 A. Nobody else showed up.

15 Q. Pardon?

16 A. Nobody else --

17 Q. I didn't ask you that.

18 A. -- showed up at the house.

19 Q. I didn't ask you that, with all due respect. You --
20 nobody on your team, neither you or anybody on your team,
21 saw Mr. Goad transfer anything to Mr. Parnell even though
22 they were outside of the residence, correct?

23 A. That's correct.

24 Q. And when -- as far as I understand, you said that
25 Mr. Goad drove up by himself?

JURY TRIAL

1 A. Yes.

2 Q. Okay. Is that what Mr. Parnell told you as well?

3 A. Yes.

4 Q. All right. So Parnell never told you that he may
5 have driven up there, been in the car with Mr. Goad, and
6 Mr. Goad gave him a ride to that house?

7 A. No, sir.

8 Q. Nobody, okay. Well, we'll see. So, Goad drives up
9 -- does Goad ever go in the residence?

10 A. He got out of the house -- I mean, out of the car.
11 I don't think he went into the residence.

12 Q. Okay.

13 A. Like I said, I was not the one there physically
14 watching the house at that time, there was other agents
15 there.

16 Q. So, there are agents -- how many agents were
17 involved in that particular transaction?

18 A. I believe there was three agents doing surveillance
19 on the residence at the time.

20 Q. Okay. And they have cameras, correct?

21 A. Yes, sir.

22 Q. They have video cameras, they have station -- 35
23 millimeter, whatever kind --

24 A. Probably like 35 millimeter type cameras.

25 Q. Did they have telephoto lenses?

JURY TRIAL

1 A. Yes, sir.

2 Q. Okay. Does the DEA or you have any pictures of Mr.
3 Goad giving anything to Mr. Parnell since they're outside
4 the whole time?

5 A. No, I think they walked around behind a house.

6 Q. You think?

7 A. Yeah, I -- I wasn't --

8 Q. Did you see -- that's not in your report.

9 A. I was not -- I was not there.

10 Q. That's not in your report?

11 A. I wasn't there actually watching.

12 Q. So why would you say that if it's not in your
13 report?

14 A. I read some reports where --

15 Q. It's not in any report that they went behind the
16 house.

17 A. Nobody came from behind the house.

18 Q. There's no report -- if you can point me to a report
19 that says that, I'd -- I'd conceded that.

20 A. Okay.

21 Q. Correct?

22 A. Yes.

23 Q. But you don't know of a report that says that?

24 A. I'm not 100 percent sure, no.

25 Q. Okay. So, supposedly, as I understand from the

JURY TRIAL

1 reports, they stayed outside, the front of the house?

2 A. Okay.

3 Q. Okay. And I think Luther was there and his brother,
4 Parnell, Joshua Parnell, and Mr. Goad?

5 A. Yes, I do know there were three there, yes.

6 Q. And is any photographs at all that was taken by any
7 surveillance team showing Mr. Goad transferring any
8 narcotics or cocaine to Mr. Parnell?

9 A. Not that I'm aware of.

10 Q. So no video, no photographs, even though there were
11 photographs taken that day, correct?

12 A. Yes.

13 Q. I mean, we took -- we saw photographs of the vehicle
14 that Mr. Goad was driving?

15 A. That's correct.

16 Q. You see photographs of the house, correct?

17 A. That's correct.

18 Q. See photographs inside the house.

19 A. That is correct.

20 Q. So certainly everybody was -- had the ability to go
21 ahead and photograph whatever they saw take place outside
22 the house?

23 A. The photographs inside the house was after the
24 search warrant. We did not do that during the
25 surveillance.

JURY TRIAL

1 Q. I understand. But you did have the capability of
2 taking the photographs?

3 A. We could take pictures; they were from a distance.
4 The ones we showed were when the agents were riding by
5 the house.

6 Q. Yeah, okay. The bottom line -- I mean, the question
7 is, nobody took a photograph or a video of any
8 transaction that took place outside that house?

9 A. No, sir.

10 Q. Correct?

11 A. Correct.

12 Q. And they had the ability to do that if there was
13 such a thing, correct?

14 A. Correct, if it was timed -- if the timing was right,
15 yes.

16 Q. Well timing in surveillance means that they were
17 there observing the thing the whole time.

18 A. From a distance away.

19 Q. I understand that.

20 A. So --

21 Q. But the vehicles was -- seems pretty clear, must
22 have been a telephoto lens.

23 A. That's when someone was riding by the residence and
24 took that picture.

25 Q. And you said they had telephoto lenses, so, the

JURY TRIAL

1 answer to my question is, there are no photographs, no
2 video, even though the capability existed, of showing Mr.
3 Goad transferring anything to Mr. Parnell in front of the
4 house?

5 A. There is not.

6 Q. Now, with respect to the search warrant, after --
7 the search warrant was not based upon things that
8 happened September 22nd, it was based upon the prior sale
9 on the 13th of September, correct?

10 A. That is correct.

11 Q. So there was -- he was -- actually he was arrested
12 for that particular offense? Or let me -- let me clarify
13 that. That was the basis of getting the search warrant?

14 A. That is correct.

15 Q. About that sale on September 13th, correct?

16 A. That's right.

17 Q. You didn't have what -- it didn't relate to what
18 happened on June 22nd, I guess is what I'm saying? It
19 had to do -- the probable cause was the transaction on --

20 A. The buy, yes.

21 Q. -- September 13th?

22 A. Correct.

23 Q. And in that -- in the statement or the affidavit for
24 probable cause, it was represented Mr. Parnell's various
25 transactions with confidential sources, and it took place

JURY TRIAL

1 in his mother's house, and that was the basis of why you
2 wanted to go ahead and search his mother's house?

3 A. That is correct.

4 Q. So, when the agents got there, the -- and you
5 executed the search warrant, how long after Mr. Goad left
6 did that take place?

7 A. Like I said, we -- we did surveillance on him to
8 make sure he was getting on I-20 to get away from the
9 residence before we hit it. I think we actually kept
10 surveillance on him 'till the 87 mile marker where there
11 was no more turnoff points in Kershaw County.

12 Q. Right. And basically it was just following his
13 vehicle?

14 A. That is correct.

15 Q. Nothing happened?

16 A. No, sir.

17 Q. Okay. So, on that day, on -- so we're talking about
18 September 22nd, that's what I'm focusing on right now,
19 the -- when -- so how long -- I think my question was,
20 how long after Mr. Goad left did they go ahead and
21 execute the search warrant?

22 A. We had our team ready.

23 Q. How long was it?

24 A. Gosh, maybe five, 10 minutes.

25 Q. Okay.

JURY TRIAL

1 A. Long enough for him to drive from Lugoff to the
2 Elgin exit.

3 Q. Okay, all right. And how many agents were present
4 during the execution of the search warrant?

5 A. I don't have the number with me. I guess it was
6 most of everybody that was there. I think Fairfield
7 County Sheriff's office was there, their narcotic unit,
8 and then of course Kershaw County, and then my TFO unit
9 or Task Force Unit from the DEA.

10 Q. So there were a number of agents?

11 A. That is correct.

12 Q. Okay. And when you went in, was Mr. Parnell and his
13 brother handcuffed during the search?

14 A. We usually detain everybody in the house.

15 Q. Yeah, so the -- the answer is --

16 A. Yes.

17 Q. Okay, all right. And when you went in the house,
18 we've seen the pictures, I'm not going to go back through
19 that one, there's no question there was cocaine in the
20 house?

21 A. That is correct.

22 Q. Correct? And I believe you said yesterday it was
23 208 grams?

24 A. 281 grams.

25 Q. 81, okay.

JURY TRIAL

1 A. Yes.

2 Q. That's my -- my stuffed ears probably; 281 grams.

3 A. That is correct.

4 Q. Okay, which is approximately 10 ounces.

5 A. Correct.

6 Q. But that was there, and I think that was on the
7 chair, and then in the camouflage bag, or whatever it is.

8 A. Yes.

9 Q. You call it a camo bag, but that was the -- that's
10 where most of the cocaine was, correct?

11 A. Yeah, there was a smaller bag on the chair and the -
12 - the majority of it was inside that bag.

13 Q. Right. Now you even said -- what I saw in the
14 picture was -- or one of the pictures, it was a large
15 bag, plastic bag, full of cocaine, one of the big --
16 bigger bags than baggies that you would normally see
17 cocaine (inaudible).

18 A. Right, yes.

19 Q. So, it -- I think there's a picture, but I may --
20 may try and get that, but you agree with me that the bag
21 that was inside the camo bag, or camouflage bag, was a
22 fairly large plastic bag?

23 A. It's maybe a gallon size bag.

24 Q. Yeah. But it was bigger than baggies?

25 A. I mean, it's not a sandwich bag, no.

JURY TRIAL

1 Q. And if that bag had been traced for it outside the
2 house it would've been visible, correct?

3 A. Depending on what kind of angle you had to see, yes.

4 Q. Right. It's your surveillance team, you know, I
5 know they're pros.

6 A. I don't know where everybody is gonna be standing,
7 sir.

8 Q. Okay. And I am going to get the picture -- but
9 right -- I'm not gonna get it right now. So -- well,
10 maybe it's in evidence, I apologize, for one second.

11 MR. SWERLING: Your Honor, indulge me.

12 JUDGE NEWMAN: Yes, sir.

13 BY MR. SWERLING:

14 Q. This is State's Exhibit Number 6. Is that the
15 camouflage bag, or camo bag?

16 A. Yes, sir.

17 Q. Okay. And that's got a fairly large plastic bag
18 there, correct?

19 A. That is correct.

20 Q. Okay. And that is where -- nobody saw this camo bag
21 outside the residence, or this plastic bag? There's no
22 report made of that, that they saw Mr. Goad giving him
23 this?

24 A. No, sir.

25 Q. Okay.

JURY TRIAL

1 A. I believe that --

2 MR. SWERLING: Your Honor, may I just pass
3 this around to the jury?

4 JUDGE NEWMAN: That's in evidence?

5 MR. SWERLING: It's in evidence.

6 JUDGE NEWMAN: Yes, sir.

7 MR. SWERLING: State's Exhibit Number 6.

8 JUDGE NEWMAN: Yes, sir.

9 (Exhibit Number 6 is passed around to the jurors.)

10 BY MR. SWERLING:

11 Q. Now, besides what was in the bag, and on the chair,
12 the 281 ounces there was --

13 A. Grams.

14 Q. There was other cocaine in the house, correct?

15 A. I --

16 Q. In various places.

17 A. Yeah, I believe so, yes.

18 Q. Okay. And do you know what the measurable amount
19 was of the other cocaine?

20 A. I don't right off, no, sir.

21 Q. But that -- the other cocaine was seized as well?

22 A. Yes, sir, we don't -- we don't leave cocaine at
23 houses if we find it.

24 Q. Right. I would not think so. So, in looking at the
25 pictures it seems to be that there's -- and in fact in

JURY TRIAL

1 your report there's cocaine in various places in the
2 house; either quantity of cocaine or residue of cocaine,
3 correct?

4 A. Right.

5 Q. Okay. And y'all took pictures of all that?

6 A. I'm sure we did, yes.

7 Q. And I believe there were, let's see, the return on
8 the search warrant says there was one clear plastic bag
9 containing an unknown amount of white powder, there was a
10 clear plastic baggie with white powder, there was a clear
11 plastic bag -- these are separate items, clear plastic
12 bag containing an unknown amount of white powder. There
13 was a white digital scale, small digital scale. There
14 was a clear plastic wrapping containing duct tape and
15 aluminum foil. There was a clear plastic container
16 containing a spoon with white powder on it. Spoon is
17 used to go ahead and mix the -- or weigh the cocaine?

18 A. It depends on --

19 Q. Or snort it?

20 A. They could snort it. It depends on the purity of
21 the cocaine; he may cut it there to -- to make more.

22 Q. Did you ever at all determine what the purity of
23 this cocaine was?

24 A. I don't think so. I'm -- I'm not the chemist, so.

25 Q. And then there was another small bag containing

JURY TRIAL

1 plastic baggies, small plastic baggies.

2 A. Yes.

3 Q. Which is what usually is used to go ahead and

4 distribute it --

5 A. Right.

6 Q. -- small quantities of cocaine, correct?

7 A. That is correct.

8 Q. Okay. Then there's another item, plastic baggies
9 containing white powder. Then there's a large digital
10 scale. Then there's two more small digital scales. They
11 have quite an operation going on there.

12 A. Yes, sir, it is.

13 Q. In his mother's home.

14 A. He was a drug dealer, yes, sir.

15 Q. Okay. All right. Now, the item that was put into
16 evidence, which with all those dollar amounts in it, the
17 --

18 A. Oh, yeah, yes.

19 Q. -- what -- hat you testified to yesterday.

20 A. Yes.

21 Q. Looks like people owed him that?

22 A. Yes.

23 Q. That particular item is not on the return, when did
24 you get that?

25 A. I think that may have come from his residence, not

JURY TRIAL

1 at that -- that -- that search warrant.

2 Q. Yeah.

3 A. It gave us consent to search his residence on Hilton
4 Lane.

5 Q. And y'all did search his residence?

6 A. Sir?

7 Q. You did search his residence?

8 A. Yes. Yes.

9 Q. And that was a trailer that he had somewhere?

10 A. Yes, sir. It was on Hilton Lane in Kershaw County.

11 Q. Okay, so you think that that list of money owed to
12 him by various people was at his residence?

13 A. Yes.

14 Q. Was there any cocaine found in his residence?

15 A. Not that I'm aware of.

16 Q. Any money found at his residence?

17 A. No, sir.

18 Q. He did everything through his mother, correct.

19 A. Right.

20 Q. Mother's home. He did everything through his
21 mother's home?

22 A. That is correct. It was a good location.

23 Q. Pardon?

24 A. It was a good location.

25 Q. It was a good location?

JURY TRIAL

1 A. For his business, yes.

2 Q. All right, okay.

3 A. His mother's home.

4 Q. I didn't -- I -- sometimes I have to ask you to
5 repeat because I -- my ears are clogged up for some
6 reason. Okay. So, let me ask you, Mr. -- you didn't see
7 anything in that residence that indicated on that list,
8 or any other writing, where Mr. Goad's name was, correct?

9 A. Not that I'm aware of.

10 Q. All the other names on that list are people that
11 owed him money, where he was business with, or doing
12 transactions with, and he kept a ledger of that, correct?

13 A. That is correct.

14 Q. Now, so we know what was in his residence and
15 there's again more cocaine than what was ever supposedly
16 delivered to him, correct?

17 A. Yes, sir. So I -- I --

18 Q. But we don't know how much more cocaine, 'cause the
19 only thing that was weighed was the 281 ounces.

20 A. Correct.

21 Q. Why was the other stuff not weighed?

22 A. It may have been just residue. It --

23 Q. You don't remember? You're the lead agent in the
24 case.

25 A. Any cocaine would've been weighed as a -- a charge.

JURY TRIAL

1 So, if -- if there was bags of cocaine it would've been
2 there. So it's -- my guess is, looking at --

3 Q. Your guess?

4 A. Well I have -- I mean --

5 Q. Pretty serious business.

6 A. Yeah, I mean, if I look at my pictures, I could tell
7 you that if there was cocaine found at that house it was
8 weighed and added into that.

9 Q. Okay, but in your report there's various locations,
10 and we just went through various locations --

11 A. With --

12 Q. -- of plastic baggies with powder in it, spoons with
13 powder, digital scales with powder --

14 A. It says plastic bags containing powder. That could
15 be a residue.

16 Q. Okay. What's the difference between residue and
17 cocaine?

18 A. Residue is not a weighable amount.

19 Q. It's not a weighable amount, okay.

20 A. Right.

21 Q. Fair enough, okay. All right. Now, you said that I
22 -- and I -- correct me if I'm wrong, but Mr. Parnell did
23 speak with you that day?

24 A. Yes, sir, he did.

25 Q. And you had kind of indicated yesterday it was after

JURY TRIAL

1 at some time later he decided he wanted to cooperate or
2 was that just an error?

3 A. He spoke with us that day, but at the time we
4 secured them, read their Miranda rights, read the search
5 warrant, and then we have business to take care of that
6 day -- or at that moment. We have to do a search.

7 Q. Right.

8 A. We have to do a return. So, usually after we're
9 done there is when we actually debrief these people.

10 Q. And he was taken down to the Sheriff's department
11 and he -- he didn't decide to cooperate later, he decided
12 to cooperate that day?

13 A. That is correct.

14 Q. On the same day, the 22nd, that's when you debriefed
15 him?

16 A. That's correct.

17 Q. So, he was wanting to cooperate back then? You told
18 him what the penalties were, the 25 years minimum,
19 correct?

20 A. That's correct.

21 Q. That's what he was charged with is 200 to 400 grams
22 of cocaine, minimum sentence 25 years, and you told him
23 that?

24 MS. GATTE: Your Honor, can we approach
25 please?

JURY TRIAL

1 JUDGE NEWMAN: Yes, please.

2 (BENCH CONFERENCE)

3 BY MR. SWERLING:

4 Q. So, you told him all that before he started
5 cooperating, correct?

6 A. Can you repeat what I told him?

7 Q. What he was looking at.

8 A. Yes.

9 Q. And so he decided to cooperate that day. Did you
10 tell him -- and let me just ask you this, did you tell
11 him that if he cooperated with you, that you would pass
12 that on to the Solicitor, or there might be some benefit
13 to him later on?

14 A. We never promise anybody anything.

15 Q. I didn't say that. I didn't say you promised him
16 anything. My question is, did you indicate that that
17 might benefit him later on?

18 A. Anything -- any help with the government can -- can
19 benefit.

20 Q. I didn't ask you that either. Did you tell him that
21 it might benefit him later on if he cooperated?

22 A. Yes, I probably did. Yes, sir.

23 Q. Okay. So, let me ask you -- so he -- the person he
24 told you at first who was involved in delivering him the
25 cocaine was a guy named Ethan.

JURY TRIAL

1 A. That is correct.

2 Q. And then he said after that Walter Goad, correct?

3 A. That is correct.

4 Q. But he first said Ethan?

5 A. That is correct.

6 Q. Who's Ethan?

7 A. Walter Goad.

8 Q. All right, that's what he says, but he's known him
9 for years, correct?

10 A. Yeah, I guess it -- at the beginning he didn't want
11 to be truthful with us.

12 Q. That's my point. He did not -- he was not being
13 truthful at the beginning, correct?

14 A. Correct.

15 Q. So he identified somebody as the source as being
16 Ethan?

17 A. That is correct.

18 Q. Okay. And let's see, I'm just trying to get -- just
19 passing through some of my notes, if you would indulge me
20 one minute. So, during that debriefing, who else was
21 present?

22 A. I believe Adam Hardin.

23 Q. And was that debriefing videotaped?

24 A. We usually didn't videotape our debriefings with the
25 -- if -- I know it's different at different departments,

JURY TRIAL

1 but with the DEA we didn't videotape them. We handwrite
2 notes and --

3 Q. Did you audio tape it?

4 A. Not that I'm aware of, no, sir.

5 Q. So it's all based upon -- it's based upon your
6 recollection of what he said in the notes in DEA-6, that
7 report that was filed?

8 A. Yes, it's based off of what he said, yes.

9 Q. Okay. All right. And he told you at that time that
10 he started dealing in July of 2016, correct?

11 A. He did not say he started dealing in --

12 Q. Well, I -- I wrote down I thought from the report he
13 started in July of 2016, up through September 22nd, 2016.

14 A. This was the initiation of our case. This case was
15 done in July of 2016.

16 Q. So your case was initiated in 2000 -- July --

17 A. That is correct.

18 Q. Okay, fine. Okay, fair enough. And so on -- we
19 have the one -- the first one is nine ounces, the second
20 one is 12 ounces, the third one is 20 ounces, and then
21 you have also 10 ounces in September, correct? So you
22 noted there in that report that there was a 12 ounces in
23 July, but we don't have that report, correct?

24 A. What -- what are -- what are you talking about?

25 Q. This is out of your -- the -- the debriefing notes,

JURY TRIAL

1 you have them there, you ought to take a look at them.

2 A. Those were -- that was him telling us the amount of
3 drugs that he had dealt prior to us -- that was -- he
4 told us how much drugs he had sold prior to us starting
5 this investigation.

6 Q. That's all I'm saying, yeah. In other words --

7 A. Okay.

8 Q. -- he -- he was saying he sold nine ounces in -- 12
9 ounces in July, 20 ounces in August, and 10 ounces in
10 September, that was before you ever got out?

11 A. That -- that's correct, that's before --

12 Q. Okay.

13 A. -- that's before we started this --

14 Q. Yeah.

15 A. -- case.

16 Q. I mean that's all I'm trying to show.

17 A. Right.

18 Q. So, there was another 82 ounces, correct?

19 A. That is correct.

20 Q. And so in -- so he -- and I thought about -- you say
21 in your notes from the DEA-6 report, indicates that he
22 reluctantly agreed to go ahead and sell the cocaine?
23 Reluctant, those were -- the words that were used in your
24 report.

25 A. That is what he told, yes.

JURY TRIAL

1 Q. Yeah. Okay. And he fessed up to all these
2 different sales that you were talking about and sales
3 prior to those?

4 A. Yes, he told us what he was --

5 Q. Told you what he wanted to tell you too.

6 A. Yes.

7 Q. Correct?

8 A. That's correct.

9 Q. Okay. He ever tell you why he was dealing out of
10 his mother's house?

11 A. It's location.

12 Q. Location. Location, location, location.

13 A. That's it.

14 Q. On September 27th he signed a consent to have you
15 search his phones.

16 A. Yes.

17 Q. And so that was five days after the execution of the
18 search warrant.

19 A. That's correct.

20 Q. Okay. How many phones did he give you?

21 A. I believe he had three phones.

22 Q. Okay. And I think the Attorney General was asking
23 you yesterday about did you look through the phones?

24 A. We did, after consent, yes.

25 Q. Huh?

JURY TRIAL

1 A. After the consent we did. But I'm pretty sure we
2 had the phones in possession from the search warrant, it
3 just took us that long to get the paperwork ready to --
4 the consent for him to sign for us to --

5 Q. Well there's --

6 A. -- to look in the --

7 Q. -- there's a part of the search warrant authorizing
8 you to get the phones too.

9 A. That is correct.

10 Q. So, I mean, you had legal --

11 A. Yes, yeah.

12 Q. So, were the phones taken into possession on
13 September 22nd?

14 A. Yes.

15 Q. Pardon?

16 A. Yes.

17 Q. Okay. Not on the return though, they're not listed
18 on the return.

19 A. Okay.

20 Q. And so you had three phones, and the search warrant
21 and the consent authorize you to go ahead and extract
22 data out of those phones.

23 A. That is correct.

24 Q. Now my understanding of your testimony was that you
25 just looked through the phones.

JURY TRIAL

1 A. So what -- which phones are you talking about the
2 search warrant?

3 Q. His phones.

4 A. My search warrant -- my state search warrant does
5 not give me authorization to download the phones.

6 Q. It did not?

7 A. The state search warrant does not give me
8 authorization --

9 Q. Okay.

10 A. -- to --

11 Q. All right --

12 A. -- search phones.

13 Q. -- so you needed consent to search, which he gave
14 you permission to look through his phones.

15 A. That is correct.

16 Q. And extract the information.

17 A. That is correct.

18 Q. Correct?

19 A. Yes.

20 Q. All right. Where's the extraction from his phones?

21 A. I don't think we extracted his phones. We were able
22 to look at them.

23 Q. Okay. Did you try to extract the information from
24 his phone?

25 A. Some of these Tracfone's you cannot extract

JURY TRIAL

1 information.

2 Q. I didn't ask you that. Did you try to go ahead and
3 extract the information from his phone or not?

4 A. I -- I think we did try on one of the Tracfone's and
5 it was -- we were unable to get any of the information
6 off of it.

7 Q. Do you know that -- you have your own firsthand
8 knowledge of that?

9 A. I'm sure I would've tried, yes, sir.

10 Q. Pardon?

11 A. It's been eight years ago, but I'm sure I would've
12 tried to extract the information out of it.

13 Q. And -- with three phone, and when we talk about an
14 extraction, we're talking about all the information on a
15 phone that's loaded into a program, Cellubrite or
16 something like that, and it prints out everything that's
17 on your phone, photographs, texts, phone numbers, all of
18 that is printed out in that extraction, correct?

19 A. Not all information, some deleted information will
20 not come back. Based on the stuff that we have, no, it
21 does not get everything off of that phone.

22 Q. Okay. Sometimes you see that kind of stack --

23 A. I have --

24 Q. -- coming out of the phone?

25 A. -- I have seen some and I have seen some that come

JURY TRIAL

1 back with zero information.

2 Q. Right. It's not unusual to see a stack of
3 information come out of just a simple cell phone,
4 correct?

5 A. Correct.

6 Q. All right. So I -- I'm not understanding whether
7 you actually tried to extract the information from all
8 three phones, or you didn't.

9 A. If there's no disc I didn't.

10 Q. Pardon?

11 A. If there's no disc I didn't extract it.

12 Q. And you can't say whether you tried or didn't try?

13 A. I cannot at -- at this time I cannot.

14 Q. Normally -- and the consent to search said that you
15 could search the phone, correct?

16 A. Yes, and we did search the phone.

17 Q. So he gave permission to do that?

18 A. Yes, sir.

19 Q. But you -- apparently there is no extraction done
20 from the phone, haven't seen it?

21 A. Correct.

22 Q. But in other cases that's what you do?

23 A. In some cases, not all cases.

24 Q. But if you were able to get some sellers phone or
25 dealers phone you do extract the information?

JURY TRIAL

1 A. Sometimes, sometimes we don't, yes.

2 Q. What situation did you not extract?

3 A. If they're still using their phone for business
4 while they're working for us, we will not extract their
5 phone, they'll still have their phone.

6 Q. Okay. You extracted Mr. Goad's phone, correct? But
7 not Mr. Parnell's phone?

8 A. I didn't extract Mr. Goad's phone.

9 Q. Pardon?

10 A. I did not extract Mr. Goad's phone.

11 Q. Show me.

12 A. There is no information. I -- I mean, it's -- well,
13 yes, we did, I'm sorry. I'm -- I'm -- I'm confused. We
14 did extract his -- his phone and his wife's phone.

15 Q. Right.

16 A. That was based off the federal search warrant, not -
17 -

18 Q. But you had consent to search and extract?

19 A. Yeah, right.

20 Q. From Mr. Parnell?

21 A. Right.

22 Q. So, if Parnell gets a pass on what the text messages
23 were, and his is downloaded in that program, correct?

24 A. Parnell -- Parnell let me look at his phone.

25 Q. I know, but he also authorized you to go ahead and

JURY TRIAL

1 search his phone. That's what the consent to search that
2 --

3 A. I know. I know -- I know it's -- but he let me look
4 at his phone. I could get information off of his phone
5 right there. I didn't have to extract.

6 Q. But that's not an extraction? An extraction is
7 everything that's on the phone. I mean, this is a very
8 simple question, you did not extract his phone, but you
9 extracted Mr. Goad's.

10 A. I told you -- I told you awhile ago I did not
11 extract his phone, yes.

12 Q. Do you know where those phones are now?

13 A. I do not.

14 Q. By the way, we served a subpoena on you on Friday.

15 A. Friday at 3:00, yes.

16 Q. Fo you to produce all the text messages between you
17 and Mr. Parnell after September 22nd. Did you bring
18 those with you?

19 A. No, sir, I was served Friday at 3:00 p.m.

20 Q. Yeah.

21 A. And I do not have that phone no more; that was a
22 Sheriff's office phone. I've been retired -- I've been
23 away from the Sheriff's office for almost seven years.

24 MS. GATTE: Objection, Your Honor, if we're
25 going to address this part, I would like to do it

JURY TRIAL

1 outside the presence of the jury.

2 JUDGE NEWMAN: Ladies and gentlemen, please
3 return to your jury room. Do not discuss the case.

4 (JURY EXITS)

5 JUDGE NEWMAN: Yes, ma'am?

6 MS. GATTE: Your Honor, Mr. Swerling never
7 provided the State with a copy of the subpoena that
8 he served on Mr. Sellers. Mr. Sellers let us know
9 that he received a subpoena for this information.
10 He's no longer in possession of it, and I wanted to
11 address it outside the presence of the jury because
12 Kershaw County Sheriff's Office when deputies leave
13 they're allowed to keep their cell phone number, but
14 that can cause all sorts of issues if people know
15 that. And so, Mr. Sellers has the same phone number
16 still that he did during this case, he took it with
17 him, I believe when he went to the City of Camden to
18 work, and then now he's retired, still has the same
19 phone number. So, the Sheriff's Office doesn't have
20 these text messages that he sent to Mr. Parnell,
21 that Mr. Swerling has requested. It's been eight
22 years and he has since changed departments and
23 phones. And so, this is no longer in, you know --

24 MR. SWERLING: I mean, Your Honor, that's all
25 he has to say is he doesn't have those messages

JURY TRIAL

1 anymore. I mean, I --

2 MS. GATTE: Well, I'm also just confused about
3 why he wants Mr. Sellers to comply with a subpoena
4 without addressing it pre-trial if he was going to
5 in front of the jury, it just makes him look --

6 MR. SWERLING: First of all, I don't have to
7 give them a copy of the subpoena under the rules.
8 But second of all, my question was just did you
9 produce the messages from the phone, that's --

10 JUDGE NEWMAN: Yeah, but the purpose of your
11 questioning in front of the jury is to make them
12 believe that he has done something wrong, that he's
13 hiding something, and -- and if it was a situation
14 where he can't comply -- first it's an 11th hour
15 subpoena, it's a 2016 case, and you want some text
16 messages from eight years ago or -- or I guess in
17 the intervening eight years, whatever it is, and he
18 cannot comply. This is something that absolutely
19 should have been addressed outside of the presence
20 of the jury, rather than hurling sort of an
21 allegation against this gentleman, without him
22 having the ability to give any context really. It
23 paints him in a bad light intentionally, because
24 that's sort of your job is to question everything he
25 has done, I get that. But, they have to be

JURY TRIAL

1 legitimate questions as to what he has or has not
2 done, and I don't know how legitimate that inquiry
3 is when it was a Friday afternoon subpoena for
4 messages contained on a device that he doesn't have,
5 and hasn't had in at least three years, and
6 something that we never talked about, and no one
7 knew existed, except maybe the two of you, I don't
8 know.

9 MR. SWERLING: Well, I'm sorry, Your Honor.
10 With all due respect, I just don't know what was
11 wrong with the question. I've asked him whether or
12 not he produced the messages, if he didn't and he
13 doesn't have them, that's all he has to say. I mean
14 I -- they don't have -- but he's -- he's the chief
15 investigator in the case, there were numerous
16 messages back and forth between him and Parnell.
17 The State doesn't have them. I think I'm entitled
18 to pursue the fact that he never turned those text
19 messages over to the State as part of a chief
20 investigator.

21 MS. GATTE: In Joshua Parnell's case. Joshua
22 Parnell is not on trial; he's been convicted
23 already.

24 JUDGE NEWMAN: Right. So, why are we -- why
25 are we going down that road, the investigation of

JURY TRIAL

1 Parnell's case?

2 MR. SWERLING: Pardon, Your Honor?

3 JUDGE NEWMAN: Why are we talking about the
4 investigation of Parnell's case? I mean, I get that
5 there's some -- they're tied together, obviously.

6 MR. SWERLING: Yes.

7 JUDGE NEWMAN: They don't get to him until
8 they get to Parnell, but the integrity of that
9 investigation, what's your point?

10 MR. SWERLING: It goes to Parnell's brought up
11 in just bias, prejudice, cross-examination
12 eventually of him. I mean, he's the chief
13 investigating officer in the case. So, he's the one
14 that put the case together.

15 JUDGE NEWMAN: Sure, Parnell's case. I mean,
16 he put this case together too, but I guess I'm
17 missing something.

18 MR. SWERLING: Well, I -- I -- I would've
19 loved to have seen the text messages that he sent to
20 Parnell, the phone calls that he made to Parnell. I
21 just think that that is -- with all due respect, I
22 think that's a legitimate question, where is it.
23 And if he wants to say I don't have it anymore, I
24 mean, that's basic, I mean, that doesn't even
25 insinuate he did anything wrong, he just doesn't

JURY TRIAL

1 have them. But, I think I -- I mean --

2 JUDGE NEWMAN: It does, and that's why you
3 asked in front of the jury rather than just asking
4 hey, where are those text messages. But I -- I hear
5 you. I mean, the point of asking in front of the
6 jury -- yeah, to lead --

7 MR. SWERLING: Right, I just don't think I did
8 anything wrong.

9 JUDGE NEWMAN: -- them to a conclusion that he
10 -- oh, but it is. I mean, that is what it is. But
11 I mean, frankly, I think you might have to clear
12 that up on redirect or he can more fully answer the
13 question when the jury comes back in. But, yeah,
14 typically you would just cure it on redirect.

15 MS. GATTE: Yes, ma'am, Your Honor.

16 JUDGE NEWMAN: By giving him the leeway to
17 explain. Okay, anything else at this moment?

18 MS. GATTE: No, ma'am, Your Honor.

19 JUDGE NEWMAN: Let's take just five or 10
20 minutes while the jury is out.

21 MR. SWERLING: Yes, ma'am.

22 JUDGE NEWMAN: Okay, we'll take a short break.

23 (BREAK)

24 JUDGE NEWMAN: You can bring the jury in.

25 MR. SWERLING: Judge --

JURY TRIAL

1 JUDGE NEWMAN: Oh, I'm sorry.

2 MR. SWERLING: I just wanted to say --

3 JUDGE NEWMAN: Wait -- yes.

4 MR. SWERLING: -- that the -- there was --
5 after September 22nd, the investigation was about
6 Mr. Goad, so that was part of why I was covering
7 that. I think somebody said, you know, it had
8 nothing to do with this investigation. I just
9 wanted the Court to know that after the 22nd of
10 September, after the search, it was about Goad, the
11 conversations that he was having with Sellers and
12 Parnell.

13 JUDGE NEWMAN: Understood. Okay. Bring the
14 jury.

15 MR. SWERLING: Okay.

16 (JURY ENTERS)

17 JUDGE NEWMAN: All right, you may resume, Mr.
18 Swerling.

19 MR. SWERLING: Thank you.

20 BY MR. SWERLING:

21 Q. All right, Mr. Sellers, apparently at some point a
22 decision was made to try and record a conversation
23 between Mr. Parnell and Mr. Goad, correct?

24 A. That is correct.

25 Q. Okay. And that was October 3rd, 2016, correct?

JURY TRIAL

1 A. Yes, sir, I believe so, yes.

2 Q. Now, a couple questions about that. Number one,
3 where was Mr. Parnell when that conversation was taking
4 place?

5 A. Mr. Parnell was in -- with us.

6 Q. He was with you at the --

7 A. Yes.

8 Q. Where?

9 A. Sir?

10 Q. Where?

11 A. It was at a location that we had chose, and I
12 believe it was at the Sheriff's office.

13 Q. Okay. So, were you present during that
14 conversation?

15 A. Yes, sir, I -- I was present during any recorded
16 phone calls.

17 Q. And he was, I think, as I read in the DEA-6, the
18 report, OR summary, he was provided -- it says he was
19 provided an audio recording equipment?

20 A. Yes, that's -- that's what we normally do when we
21 record phone calls.

22 Q. Okay. And is -- who is the -- has the ability to
23 turn that on and off?

24 A. The officers -- law enforcement.

25 Q. Okay. But the piece of equipment is -- can you

JURY TRIAL

1 describe what that equipment looks like or what it is?

2 MS. GATTE: Objection, Your Honor.

3 JUDGE NEWMAN: What's the basis of your
4 objection?

5 MS. GATTE: Law Enforcement's investigative
6 tools in this instance, narcotics investigations,
7 are proprietary to each agency. And so typically
8 describing --

9 JUDGE NEWMAN: Over -- no, I'd overrule the
10 objection.

11 MS. GATTE: Okay.

12 JUDGE NEWMAN: Yeah, you don't have to give
13 like a make and model number, but you can describe
14 it.

15 BY MR. SWERLING:

16 Q. Just -- I mean, describe the device. Is it a tape
17 recorder? Is it plugged into a phone? I mean, how does
18 it work?

19 A. It is. So, it's -- it's -- you can buy it off of
20 Amazon. It's just a little recorder, two-way recorder
21 with a ear piece. They put the ear piece in, you -- I
22 usually say a little saying before we make the phone
23 call, what number we're calling, who we're calling, and
24 when they put the phone up to the ear it records going in
25 -- or coming out the ear piece and records what they're

JURY TRIAL

1 talking.

2 Q. So, when this is done on October 3rd, that's the
3 kind of device he had, just a simple recorder?

4 A. Yes, sir.

5 Q. But he could turn it on and off, correct?

6 A. I turn it on and off.

7 Q. You turn it on. On that occasion did you turn it on
8 and off?

9 A. I always do, yes.

10 Q. Pardon?

11 A. I don't let the -- my informants turn my equipment
12 on and off.

13 Q. My question is, there is no DEA-6 summary report of
14 you being present during that recorded conversation, or
15 anybody being present.

16 A. Okay, my voice is on the -- on the audio prior to
17 the phone call being made.

18 Q. That -- I -- that is true, and I was just wondering
19 how it got on there.

20 A. Because I hold the earpiece. I do a little briefing
21 of what we're about to do. I hand him the earpiece and
22 he dials the number.

23 Q. So, you're sitting right there, and can you hear the
24 conversation?

25 A. Most of the time you cannot, no.

JURY TRIAL

1 Q. Not during the --

2 A. No.

3 Q. -- conversation? Okay.

4 A. No.

5 Q. But Mr. Parnell stayed there with you for some
6 period of time when this is being recorded at this
7 unknown location?

8 A. That's correct.

9 Q. And who else was present during that?

10 A. I believe Special Agent Adam Hardin.

11 Q. Okay. Why was a report not generated that you all
12 were present? That's my question; investi -- from an
13 investigator standpoint.

14 A. Sir, I can't -- I can't answer that. I mean, I
15 don't know why we wouldn't have done a report.

16 Q. But you -- you agree that you -- you're not aware of
17 a report that was made about the fact that you and Mr.
18 Hardin were there during that recorded conversation?

19 A. I'm -- I don't know. I -- I don't know if there's a
20 report generate -- that's -- was generated for that or
21 not. I'm not -- I'm not sure.

22 Q. Do you have a copy of a report that said -- or goes
23 into that?

24 A. All I have is my federal search warrant here.

25 Q. Let me ask you this, there are phone records, there

JURY TRIAL

1 are some text messages between you and Mr. Parnell,
2 within minutes of that recorded conversation, can you
3 explain how that would -- why there would be text
4 messages between you and him when you're actually there
5 in the room with him?

6 A. I haven't seen that and I can't explain that. But I
7 was there. My voice is on the recording.

8 Q. I know. That's not what I'm asking. There are --
9 there are --

10 A. If you -- if you say so.

11 Q. -- text messages -- or not -- actually we don't have
12 the messages, but there are text calls and phone calls
13 between you and him within minutes of that recorded
14 conversation, and if you're in the room how is that
15 possible?

16 A. I don't know. I have not seen that, sir.

17 Q. Okay, I'm not asking you if you saw it or not. I
18 can -- I can read them off to you.

19 A. Maybe the times aren't accurate. I -- I don't know.

20 Q. Pardon?

21 A. I said maybe the times aren't accurate, I don't
22 know. I was there when that phone call was made.

23 Q. And do you agree that there were text messages and
24 contact between you and Mr. Parnell at the same time that
25 you say you were in the room with him?

JURY TRIAL

1 A. Sir, I -- I have not seen that. I don't know.

2 Q. Sorry, Your Honor. Well, let me -- let me put it
3 this way, 'cause I don't want to waste time, would you
4 disagree that there are messages between you and Mr.
5 Parnell on October 3rd within minutes of --

6 MS. GATTE: Your Honor, objection. This has
7 been asked and answered. Mr. Sellers already said
8 he doesn't remember.

9 MR. SWERLING: I'm asking it another way.

10 JUDGE NEWMAN: Overruled.

11 BY MR. SWERLING:

12 Q. Would you disagree that there are messages between
13 you and Mr. Parnell within minutes of those -- that
14 recorded conversation?

15 A. I can't agree or disagree. I don't know.

16 Q. Okay. Well the records speak for themselves when
17 they come in. And you have no explanation as to why that
18 would happen or how that happened if you were in the same
19 room?

20 A. I don't know.

21 Q. Do you have recollect -- let me ask it another way,
22 do you have recollection of being in communication with
23 Mr. Parnell on that day on October 3rd?

24 A. I'm sure I was in contact with him on that day.

25 Q. And around -- surrounding the time of the --

JURY TRIAL

1 A. Surrounding the whole event I would have been in
2 contact with him, yes.

3 Q. Okay. But at the time your testimony is you were in
4 the room?

5 A. I was in the room when the phone call was made. I
6 was the one that cut on the device, and turned the device
7 off.

8 Q. Okay. There was a second phone call minutes later.

9 A. That is correct.

10 Q. Okay. You're in the room?

11 A. That is correct.

12 Q. Okay. Why wasn't the audio recorder turned on for
13 that?

14 A. It was immediately after we hung up, the phone rang,
15 I was unable to get the -- the device set up for another
16 phone call, and the phone was answered right there in
17 front of myself and Special Agent Hardy.

18 Q. And there were two -- I mean, as far as that's
19 concerned there were two calls by Mr. Goad to Mr.
20 Parnell, so you say that that was -- you didn't expect
21 those phone calls but then Mr. Parnell called you back,
22 so there is a several minute period where you would've
23 had the opportunity to go ahead and set it up. You knew
24 Mr. Par -- you knew Mr. Goad was calling?

25 A. So, the phone -- when we called the first time and I

JURY TRIAL

1 did the recording, we set the recording device up, made
2 the phone call. We hung up. I was still in the process
3 of setting -- or clearing the -- the recording device, he
4 immediately calls back. I did not have time to get the
5 recording device hooked back up, the phone was answered
6 on speaker phone, myself and Special Agent Hardy listened
7 to the conversation.

8 Q. Okay. What I was asking you about is prior to the
9 call where they actually spoke, there were two attempted
10 calls by Mr. Goad to speak with Mr. Parnell, so you did
11 have some extra time? You knew he was calling.

12 A. I didn't know he was calling right back when we hung
13 up.

14 Q. No, you knew that he had tried to call. I mean, he
15 was sitting right there.

16 A. Yes, and -- and we talked to him. The phone hung up
17 and it immediately rang again, he was calling back. We
18 did not have -- those other times that we made those
19 phone calls, yes, I was able to set up the recording
20 equipment. I had it ready. I did not have it ready when
21 he immediately called back. We were not expecting that.

22 Q. What was your phone number at that time?

23 MS. GATTE: Objection, Your Honor.

24 JUDGE NEWMAN: Overruled.

25 THE WITNESS:

JURY TRIAL

1 A. 803-729-6702.

2 Q. 729?

3 A. Yes, sir.

4 Q. 6702?

5 A. That is correct.

6 Q. Mr. Parnell's was 669-2317?

7 A. I --

8 Q. You don't remember, that's fine.

9 A. I don't know.

10 Q. Do you know who's number is 803-414-5606?

11 A. Not right off I don't.

12 Q. 'Cause that shows up as -- on the phone records, it
13 appears that maybe that number was called first or
14 something.

15 A. I don't know. I don't know.

16 Q. Are you saying then therefore you don't remember
17 that Mr. Parnell -- I mean, Mr. Goad called twice and it
18 was unanswered in between the time that the recorded
19 conversation and the conversation where Mr. Parnell calls
20 him back? That there were two conversations -- or two
21 attempts by Mr. Goad to speak to Mr. Parnell, in that
22 interim period.

23 A. I don't disagree with you, no, it -- it could have
24 been.

25 Q. But now on the stand you said there was -- you

JURY TRIAL

1 didn't have -- have enough time to go ahead and set up
2 the recording.

3 A. I didn't have time to set up the recording after the
4 phone call when we hung up with him and the phone
5 immediately ran -- rang right after we hung up. I did
6 not have time to set the recording device up.

7 Q. I thought it was just a simple thing to turn it on,
8 with an earplug.

9 A. It's not as simple as --

10 Q. Oh, I'm sorry.

11 A. -- on and off.

12 Q. I thought it was.

13 A. No.

14 Q. So it's a little bit more complicated than that?
15 How do you turn it on, press a button?

16 A. It's not -- they're -- they're -- we did not want --
17 these calls are separate. So, when I -- I -- when I
18 record a phone call, I do a briefing before the phone
19 call, and then time and date, and then it's recorded into
20 a little block. So, I don't know, maybe I had the thing
21 unhooked, you know. I -- it was too quick to get the
22 recording device back up and going when he immediately
23 called back.

24 Q. I -- I understand. What I'm -- I'm just trying to
25 understand. I thought this was a situation where you

JURY TRIAL

1 just pressed the button and record it. You said it was a
2 simple kind of thing.

3 A. It is, you can buy it at Amazon, but it's not as
4 simple as just pressing the button. There's -- there's
5 you know, steps you have to do.

6 Q. Or turn -- or push the thing up and record it. On
7 the side.

8 A. Might be a little different -- little bit difficult
9 than that.

10 Q. What is this?

11 A. What's that?

12 Q. I said, I asked you, what the piece of equipment
13 was.

14 A. There are steps we have to do to -- we cannot just
15 answer a phone call. So, if I -- if I answer a phone
16 call with no kind of anything -- or a heading or anything
17 like that on this phone call, it'll be just like me
18 throwing a phone call out there with no time and date or
19 anything. So there -- there's steps we have to do when
20 we get these recorded phone calls or when these phone
21 calls are coming in, we can't just record a phone call
22 and then write on a disc that it happened at this time
23 and date.

24 Q. But the phone call that -- the second phone call was
25 Parnell to Goad.

JURY TRIAL

1 A. Correct.

2 Q. So, before Mr. Parnell called Mr. Goad on that
3 occasion, on the second phone call, why wasn't -- why
4 wasn't there a delay or a period of time to go ahead and
5 let you set up that recording device?

6 A. Sir, I cannot -- I can't answer that.

7 Q. Okay. Fine. Just took us a long time to get that.

8 A. Yeah.

9 Q. All right, on October 4th, you -- there was
10 surveillance about Mr. Goad leaving Mr. Parnell, correct?
11 Somewhere where Mr. Parnell was working?

12 A. That is correct.

13 Q. And the (inaudible) you testified to Mr. Parnell
14 gave Mr. Goad a sum of money, correct?

15 A. That's what the meeting was for, yes.

16 Q. Pardon?

17 A. I guess that's what the meeting was for, yes.

18 Q. Mr. Parnell was already working for you at that
19 point?

20 A. Yes.

21 Q. Can you explain why he was not wired for that
22 conversation? That he was not set up as a controlled
23 situation.

24 A. We weren't expecting this that day. I -- I -- as
25 far as I know Mr. Goad called him and wanted to come see

JURY TRIAL

1 him that day and we were in Columbia. So, that's when we
2 left Columbia and I sent people over to do surveillance
3 at the house.

4 Q. So, there was surveillance though?

5 A. Yes.

6 Q. Okay. But no attempt to go ahead and -- I'm sure
7 Mr. -- Mr. Parnell called you and told you they were
8 going to meet at these parts?

9 A. Yeah, he told -- he told me he was on the way there.

10 Q. Did you -- was that any money that was money that
11 was provided to Mr. Parnell by the government?

12 A. That is not.

13 Q. Okay. But there -- was any surveillance done of
14 that? You said there was surveillance.

15 A. Yes, yes.

16 Q. But -- but he was not wired at all or had no
17 audio/video or recording?

18 A. No, he was not.

19 Q. And that would've been on October 4th, correct?

20 A. Yes.

21 Q. Okay. Now you said yesterday Mr. Parnell was
22 arrested and then started cooperating, actually it was
23 reverse. He didn't get arrested until October 29th.

24 A. Okay.

25 Q. Okay. And he started cooperating on September 22nd.

JURY TRIAL

1 A. Yes.

2 Q. So he was cooperating at least a month, five weeks
3 prior to his arrest, correct?

4 A. Yes.

5 Q. And he was arrested for the trafficking 200 to 400
6 grams?

7 A. Correct.

8 Q. Okay. And he also got a bond of 25,000.

9 A. I guess, yes, sir.

10 Q. Did you assist in getting that bond --

11 A. I do --

12 Q. -- or recommend that bond?

13 A. I do -- I do not go to bond --

14 Q. Were you there at the bond hearing?

15 A. I'm not 100 percent sure if I was or not.

16 Q. Of course a condition of the bond is that you're not
17 supposed to engage in any kind of criminal activity,
18 correct?

19 A. That's what they say, yes.

20 Q. What? As -- as a member --

21 A. It's not --

22 Q. -- of the Kershaw County --

23 A. It's --

24 Q. -- Sheriff's Department and the City, I mean, you
25 know that, don't you?

JURY TRIAL

1 A. Oh, yeah.

2 Q. Okay. All right, so as a result you went ahead and
3 get a federal search warrant for Mr. Goad's house?

4 A. That is correct.

5 Q. And wanted to just add, you handcuffed Mr. Goad and
6 his wife, correct?

7 A. Yes, we always --

8 Q. During the search warrant?

9 A. We always secure them, yeah.

10 Q. Okay. And didn't find any drugs, correct?

11 A. No, sir.

12 Q. Okay. Didn't find any -- anything but a couple
13 hundred dollars of cash, correct?

14 A. Found some scales.

15 Q. Pardon?

16 A. We found scales and some wrapping.

17 Q. You found that big scale that we have?

18 A. Yes, sir.

19 Q. Okay. Do you know what the minimum quantity to be
20 weighed on that scale?

21 A. I'm sure kilos.

22 Q. It's not one of the small scales?

23 A. Oh, I understand. I understand.

24 Q. Pardon?

25 A. I understand. I know -- I know what goes on those

JURY TRIAL

1 scales, yes, sir.

2 Q. What I'm asking you, it's not those little small
3 digital scales that Mr. Parnell had where you take --
4 where you're doing the buys or controlled buy and weigh
5 an ounce out, correct?

6 A. That is correct.

7 Q. Okay. So, no money, no drugs, and the -- you
8 recovered a list of phone numbers.

9 A. That's correct.

10 Q. Now, the phone numbers, there's no monetary amounts
11 written there, correct?

12 A. There is not.

13 Q. Okay. It appears to be a list of phone numbers,
14 right?

15 A. That is correct.

16 Q. And Mr. Parnell's number is on there as you
17 testified to and Ms. -- and Hailey, his girlfriend,
18 correct?

19 A. That is correct.

20 Q. But you said something yesterday there were other
21 names on there and it matched what was -- came out of Mr.
22 Parnell's house, which one is it?

23 A. No, I said there's names on there of known drug
24 traffickers in Kershaw County.

25 Q. Okay. And do you have any -- any reports that

JURY TRIAL

1 indicate that?

2 A. I don't --

3 Q. 'Cause I haven't seen any.

4 A. No.

5 Q. And -- so what happened to those people? You said
6 known people, drug --

7 A. Well, I -- I know one of them is dead now, I do know
8 that. One of the names that I recognized he was killed
9 in a car accident, but he was a known drug trafficker in
10 Kershaw County.

11 Q. And that's based on hearsay at this point, correct?

12 A. It's based on my knowledge.

13 Q. Yeah, your knowledge, but you don't have any
14 documentary corroborative evidence about that do you?

15 A. I do not here, no.

16 Q. None of those names on Mr. Goad's, the list of
17 telephone numbers, including his mother and his
18 grandmother and everybody else, none of those names match
19 what happened -- or was on Mr. Parnell's list, correct?

20 A. I'm not 100 percent sure, if there was maybe -- I
21 don't know if Luke was on there.

22 Q. Luke being?

23 A. Luther.

24 Q. Yes, brother?

25 A. Yeah.

JURY TRIAL

1 Q. Or he lives there, correct?

2 A. Right, but on --

3 Q. It's on there, but he lives there?

4 A. It's on Goad's list?

5 Q. With Mr. Parn -- I mean, he lives in -- in his
6 mother's house, Mr. Parnell visits there often and
7 trafficks drugs there.

8 A. Yes, I'm -- okay.

9 Q. So, my question is, none of the names on that list
10 if you saw phone numbers matches anything that Mr.
11 Parnell had, that list that he had, the names of -- list
12 of names?

13 A. No, because the two people on that list were Parnell
14 and his girlfriend.

15 Q. Yeah. No -- nobody's doubting that.

16 A. Okay.

17 Q. But none of the other people?

18 A. Not on his list.

19 Q. Huh?

20 A. Not on that list, no.

21 Q. What other list?

22 A. I just told you that I know that one of those is a
23 known drug trafficker in Kershaw County.

24 Q. One is a known drug trafficker?

25 A. Yes.

JURY TRIAL

1 Q. Okay. All right.

2 A. Three of them if you count -- well, two of them if
3 you count Josh and the guy that -- that's dead, that's
4 deceased now.

5 Q. Okay. All right. Again, you didn't find any small
6 scale -- digital scales at his house, did you?

7 A. No, sir.

8 Q. Okay. And you didn't find any baggies in the house
9 did you, that are commonly used to go ahead and package
10 cocaine, correct?

11 A. I found saran wrap that's commonly used to wrap
12 cocaine.

13 Q. And it's also commonly used in anybody's home too?

14 A. I don't have it at my house.

15 Q. You don't have saran wrap?

16 A. Not that big a roll, no, sir.

17 Q. But you would not say that anybody who has saran
18 wrap in their home, I hope, is guilty of drug trafficking
19 would you?

20 A. The dog alerted on that box.

21 Q. Pardon?

22 A. The dog alerted where that box was.

23 Q. The dog alerted, but you have no idea what the dog
24 alerted to?

25 A. Yeah, there's certain drugs a dog alerts to.

JURY TRIAL

1 Q. You don't have any test that was done to identify
2 what that was?

3 A. No, sir, I don't.

4 Q. And the fact of the matter is that we all know that
5 you could be carrying in your pocket bills that have
6 residue on it too, it would smell of drugs, commonly
7 known, correct?

8 A. Large -- large scale --

9 Q. You're a DEA agent, you know that.

10 A. Oh, yeah, large scale drug seizures we do run dogs
11 around.

12 Q. Pardon?

13 A. Large scale money -- I'm sorry, I think I said drug
14 seizures, large scale money seizures, large scale, we do
15 run dogs around. Not -- we wouldn't run a dog around a -
16 -

17 Q. That's not what I'm asking.

18 A. -- a two-dollar bill.

19 Q. It's -- it was -- it's common knowledge that you
20 could be holding money in your pocket that has residue on
21 it because of exchange of money, correct?

22 A. I will agree with you.

23 Q. You would agree?

24 A. Money is nasty, yes.

25 Q. So I could be -- my pocket could have some money in

JURY TRIAL

1 it that has residue on it and the dog smelled it,
2 correct?

3 A. I don't think so, unless -- unless there's been a
4 good bit of residue.

5 Q. I'm not trying to argue with you. You know as a DEA
6 agent that there is throughout the country there's money
7 that's contaminated by drugs because of the exchange of
8 money throughout the population.

9 A. Yes, sir, we just answered that. I -- I --

10 Q. And not drug dealers.

11 A. Say that again.

12 Q. And not drug dealers.

13 A. No, some of it does end up in other places.

14 Q. Yeah.

15 A. Yes. I agree with you.

16 Q. Okay.

17 A. I'm not denying that.

18 Q. That's what I was trying to see if you were agreeing
19 or disagreeing.

20 A. I thought I said that awhile ago, I'm sorry.

21 Q. All right. So, your answer to my question was you
22 didn't find any baggies, correct?

23 A. No baggies, no.

24 Q. Let me move on to, this -- this was the last -- when
25 was the last contact you had with Mr. Sellers?

JURY TRIAL

1 A. With myself?

2 Q. Prior -- prior to his plea. Plea took place on
3 August 31st --

4 A. You said contact with Mr. Sellers?

5 Q. I'm sorry, Mr. Parnell.

6 A. Oh.

7 Q. My apology.

8 A. I have not -- this is the first time -- yesterday is
9 the first time I've seen Mr. Parnell since he went to
10 prison.

11 Q. Were you present when he was -- the sentencing?

12 A. I -- I was not.

13 Q. Okay. If you would take my word for it, the
14 sentencing and plea was on August 31st, 2018, okay?

15 A. Okay.

16 Q. All right. And you understand that his -- he
17 appeared in front of Judge Manning and the charges were
18 reduced by the State of 200 to 400 grams to 28 to 100
19 grams of cocaine, correct. You're aware of that?

20 A. I'm aware -- I'm aware of that, yes.

21 Q. Okay. And so, the penalty instead of a minimum of
22 25 years is seven to 25 years. So, it's a reduction in a
23 sense?

24 A. That is correct.

25 Q. And was that the benefit that he received as a

JURY TRIAL

1 result of cooperating?

2 A. I never kept -- told him -- I --

3 Q. I didn't ask you.

4 A. I don't -- I don't know that. I don't know that.

5 I'm sure there was a -- a deal worked out with the
6 prosecutor and him for a plea.

7 Q. My question, are you aware of that?

8 A. Am I aware of --

9 Q. Aware of the fact that he pled to a lesser charge?

10 A. Yes, because he's not in -- he didn't -- yes, I am.

11 Q. All right. And are you aware of the fact that he
12 got a 10-year sentence?

13 A. I am, yes.

14 Q. And are you aware of the fact that subsequent to his
15 working for you and getting involved with you as an
16 undercover or a CI or CS, whatever it was, he got
17 arrested for possession of drugs subsequent to that in
18 2017 -- 2018, I believe.

19 A. Okay, I wasn't aware but --

20 Q. You were not aware of the fact that he got re-
21 arrested for drugs?

22 A. I was not, but I was not working at the -- at --

23 Q. Pardon?

24 A. I believe I had already left --

25 Q. Okay.

JURY TRIAL

1 A. -- the Sheriff's Office.

2 Q. All right, my question was, were you aware and if
3 you're not --

4 A. I'm not.

5 Q. -- aware it's fine, I'll move on from that. And are
6 you aware of the fact that he got a 10-year sentence?

7 A. I am, yes.

8 MR. SWERLING: If the Court would indulge me
9 one moment.

10 JUDGE NEWMAN: Yes, sir.

11 MR. SWERLING: No further questions.

12 JUDGE NEWMAN: Re-direct?

13 REDIRECT EXAMINATION

14 BY MS. GATTE:

15 Q. Mr. Sellers, Ms. Hopkins, Mr. Parnell's girlfriend
16 at the time, was there any indication to you that she was
17 involved in the trafficking of cocaine?

18 A. No, she was not.

19 Q. Was there any indication to you that his brother
20 Luther Parnell was involved in the trafficking cocaine?

21 A. No, he was not.

22 Q. Can you charge somebody for being present?

23 A. No, you cannot.

24 Q. And so why did you not charge those people?

25 MR. SWERLING: Let me (inaudible).

JURY TRIAL

1 THE WITNESS:

2 A. Because --

3 MR. SWERLING: (Inaudible) get my folder, I
4 apologize.

5 MS. GATTE: Oh, sure. There you go.

6 THE WITNESS:

7 A. Because they were not involved in my case.

8 Q. Okay, thank you. When it comes to confidential
9 informants, confidential sources who are doing buys for
10 you, do you charge every single one?

11 A. No, I do not.

12 Q. Every single controlled purchase that's done is it
13 charged by law enforcement?

14 A. No, they are not.

15 Q. Why?

16 A. Especially, you know, if you -- we try to do --
17 we'll do buys to get search warrants, get PC to get into
18 a house, then we'll order up a bunch of drugs, and when
19 the drugs arrive at the house we usually hit the house
20 based off of our search warrant, and we try to charge the
21 people with the drugs that are found in the house, so we
22 do not have to give up our confidential source. That is
23 why we don't charge a lot of times with our buys because
24 we don't want the person that is -- that is telling us or
25 that's -- that's doing this stuff, that's doing the buys,

JURY TRIAL

1 we want -- don't want them to have to come to court. We
2 don't want their names to come out to possibly get them
3 injured. So, a lot of times we try to get drugs inside
4 the house where we do not have to charge with the buys.

5 Q. And why don't you want their names out? Why don't
6 you want them on the stand testifying in Court?

7 A. A lot of them aren't truthful. And --

8 Q. Is there any sort of safety concern?

9 A. Yeah, we -- we don't -- we don't want them to get
10 killed. I mean, it happens, you see it on TV all the
11 time.

12 Q. Mr. Swerling asked you about your familiarity with
13 the defendant as it related to this investigation, can
14 you please clarify for the jury, were you familiar with
15 Mr. Goad in general --

16 A. Yes, I was.

17 Q. -- prior to this investigation?

18 A. Yes, I was.

19 Q. Okay. What was your familiarity with him prior to
20 this investigation?

21 A. He was --

22 MR. SWERLING: Objection, hearsay.

23 JUDGE NEWMAN: Overruled.

24 MR. SWERLING: I'm just going to move this up
25 here.

JURY TRIAL

1 JUDGE NEWMAN: Yes, sir.

2 THE WITNESS:

3 A. He was a -- a large-scale marijuana dealer in this
4 area.

5 Q. So law enforcement was familiar with the name Walter
6 Goad?

7 A. That is correct.

8 MR. SWERLING: Your Honor, I'm going to have
9 to (inaudible) right back about any testimony from
10 him, you already ruled that he could not go into it
11 himself, and so I -- at this point I have objected
12 to it, I move that it be struck.

13 MS. GATTE: He just testified to it.

14 MR. SWERLING: He testified to what?

15 JUDGE NEWMAN: Overruled.

16 MR. SWERLING: Judge, may I please put on the
17 record later what my objection is?

18 JUDGE NEWMAN: Yes, sir.

19 MR. SWERLING: About what he's going into?

20 JUDGE NEWMAN: Yes, sir.

21 BY MS GATTE:

22 Q. So as it related to this investigation, which was
23 initiated in July of 2016, were you familiar with Walter
24 Goad being involved in this investigation?

25 A. Not until the day the drugs were delivered to the

JURY TRIAL

1 house.

2 Q. Okay, thank you.

3 MR. SWERLING: Move to be struck

4 JUDGE NEWMAN: Overruled.

5 MR. SWERLING: (Inaudible) stand up, I'm
6 sorry.

7 BY MS. GATTE:

8 Q. Did you physically see the Defendant hand over a
9 brick of cocaine?

10 A. No, I did not.

11 Q. Okay. Is that unusual in a drug deal?

12 A. No, it is not.

13 Q. Based on your training and experience, do drug
14 dealers want to be seen handing over bricks of cocaine?

15 A. No, they do not.

16 Q. So the fact that law enforcement did not physically
17 witness him hand-to-hand transaction --

18 MR. SWERLING: Object to leading.

19 JUDGE NEWMAN: I'm sorry?

20 MR. SWERLING: Object to leading with
21 (inaudible).

22 MS. GATTE: I'll move on, Your Honor.

23 JUDGE NEWMAN: Okay.

24 BY MS. GATTE:

25 Q. As the lead agent in a case, do you review every

JURY TRIAL

1 report in the case?

2 A. I do not.

3 Q. You do not review every report?

4 A. I review most of them, yes, but there is a lot of
5 reports in these cases, yes.

6 Q. So how many agents would you say are involved in a
7 large-scale drug trafficking investigation?

8 A. God, I know this one -- I mean, we have 10 at our
9 office and, you know, each person is doing their own
10 reports and then --

11 Q. Is that the DEA office?

12 A. That is at just the DEA office.

13 Q. And that's not including the Sheriff's Office here?

14 A. Not including the Sheriff's Office or whatever
15 Fairfield County is doing so.

16 Q. Okay. Are there occasionally other federal agents
17 involved too?

18 A. That is correct. And they all do their own reports.

19 Q. And so every agent that is involved in an
20 investigation, there is a report that is done typically?

21 A. Typically, yes.

22 Q. Okay. Mr. Swerling asked you about your report, why
23 there was no report about a recorded phone call. I'm
24 going to show you what's been marked State's Exhibit 27.
25 Do you recognize that report?

JURY TRIAL

1 A. Yes, this is a DEA report for a telephone
2 conversation between Joshua Parnell and Walter Goad on
3 October 3rd, 2016.

4 Q. And who wrote that report?

5 A. SA Adam Hardin.

6 Q. In the top left, whose name is the reporting
7 officer?

8 A. Oh, I'm sorry, it's -- it's -- I wrote the report.
9 He was a -- one of the ones that approved it, I'm sorry.

10 Q. Okay. And in that first paragraph, would you mind
11 refreshing your memory about whether or not you were
12 present for that phone call?

13 A. Yes, I was present.

14 Q. Okay. And you wrote a report about it?

15 A. I did.

16 Q. And that report was in discovery?

17 A. Yes, ma'am.

18 Q. All right, thank you. I apologize, does this report
19 also mention anything about the subsequent phone call
20 that Mr. Swerling mentioned?

21 A. Yes, it does.

22 Q. So, the second phone call that was not recorded on
23 the recording device, were you present for that one as
24 well?

25 A. Yes, I was.

JURY TRIAL

1 Q. Did you document that in a report?

2 A. Yes, I did. It's right here.

3 Q. And did you mention who else was present during that
4 phone call?

5 A. I'm trying to see where it's at, hold on one second.
6 I believe it says SA Hardin.

7 Q. Okay. Is it typical for you to document things in
8 your reports immediately after they happened?

9 A. Maybe shortly after, but yes, we do.

10 Q. Is it fair to say that a report that was written
11 shortly after an incident would have a -- you have a
12 better recollection reading this than you would today
13 eight years later?

14 A. Yes.

15 Q. I would like to talk about Ward Road, 135 Ward Road.
16 Who's address is that?

17 A. That is Joshua Parnell's mother and grandmother's
18 house.

19 Q. What kind of a location is that? Is it rural?

20 A. It is, but it's not in a neighborhood.

21 Q. Okay.

22 A. It's on a two-lane road and there's nowhere to
23 really -- I don't know, there's no really pull-offs there
24 in front of the house, it's just a two-lane road and the
25 road is fairly busy.

JURY TRIAL

1 Q. So how does surveillance work on a road like that?

2 A. We try to find areas as close as we can get without
3 being spotted. And I know there was railroad tracks down
4 the road where we sat some agents up at. You can see the
5 cars and stuff with binoculars and lenses on a camera.

6 And then we would ride by periodically. There was -- I
7 mean, 10 to 12 people out there, so every once in a while
8 a car would ride by, but we had constant surveillance on
9 the driveway and the house.

10 Q. And so when you were explaining why Mr. Parnell
11 dealt drugs from that house and you said the location,
12 what did you mean by that?

13 A. It's not easy to -- to set -- you can't sit in front
14 of his house and watch it. And then of course all the
15 traffic that's up and down the road.

16 Q. Okay. Beg the Court's indulgence.

17 JUDGE NEWMAN: Yes, ma'am.

18 BY MS. GATTE:

19 Q. I'm going to show you what's been marked State's
20 Exhibit 28. Do you recognize this?

21 A. Yes, this is the -- the camouflage bag that was
22 found inside of Joshua Parnell's momma's -- mother's
23 house with the cocaine inside.

24 Q. And did you take that from the home that day?

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

JURY TRIAL

1 Q. Okay, and that's been in evidence ever since then?

2 A. Yes, ma'am, it has.

3 Q. Does it fairly accurately represent the way that it
4 looked that day?

5 A. Other than contents inside, yes.

6 Q. It hasn't been altered, tampered with in any way?

7 A. No, ma'am.

8 MS. GATTE: Your Honor, I would ask that we
9 enter State's Exhibit 28 into evidence.

10 MR. SWERLING: I don't have any objection.

11 JUDGE NEWMAN: State's 28 is admitted without
12 objection.

13 (State's Exhibit 28
14 was introduced into evidence)

15 BY MS. GATTE:

16 Q. Did law enforcement watch Walter Goad carry that
17 camo bag into the house?

18 A. No, they did not.

19 Q. Did -- is there any name written on that bag?

20 A. No, there is not.

21 Q. Inside the bag in one of the pictures that you saw
22 yesterday, there were sandwich baggies, correct?

23 A. That is correct.

24 Q. Okay, I'm going to show you again State's Exhibit 7,
25 and I'm going to show you State's Exhibit 8. Can you

JURY TRIAL

1 explain the difference in the packaging in these two
2 photos, the sandwich baggies versus the packaging that's
3 on the floor?

4 A. Yes, so the packaging on the floor is typical of
5 what we see on bricks of cocaine, kilos of cocaine. It's
6 not small amounts. So, you see a -- a piece of cocaine
7 that is -- a kilo is about the size of a Bible is what I
8 say. I hate to reference a kilo to a Bible, but that
9 gives you -- so about the same thickness and about the
10 same size. Kilos usually come wrapped in cellophane with
11 aluminum foil and duct tape wrapped around it. Inside
12 the bag is sandwich bags which is commonly used for
13 smaller amounts, a gram, 3.5 grams, just smaller amounts
14 of cocaine.

15 Q. And so seeing both of these in Joshua Parnell's
16 house, based on your training and experience in law
17 enforcement, and again, how many years were you a
18 narcotics agent?

19 A. 2011 -- 11 years, 11, 12 years.

20 Q. Okay, based on your 11, 12 years of experience as a
21 narcotics agent working large scale drug trafficking
22 cases, does having both sandwich baggies and wrapping
23 like this in Joshua Parnell's house, does that indicate
24 anything to you?

25 A. Looks to me like a kilo or a half a kilo was brought

JURY TRIAL

1 to the house and was packaged in -- started being
2 packaged in sandwich bags.

3 Q. And let's talk about the difference in scales as
4 well. Beg the Court's indulgence. I'm going to show you
5 what's been marked State's Exhibit 29, do you recognize
6 that?

7 A. Yes, this is a digital scale.

8 Q. And was that taken from 135 Ward Road on September
9 22nd?

10 A. That is correct.

11 Q. Did you take that into evidence?

12 A. I did.

13 Q. And has it been tampered with, altered in any way?

14 A. Not that I'm aware of, no.

15 Q. Does it appear as it was that day?

16 A. It does.

17 MS. GATTE: Your Honor, at this time the State
18 would move to offer State's 29 into evidence.

19 MR. SWERLING: No objection.

20 JUDGE NEWMAN: State's 29 is admitted without
21 objection.

22 (State's Exhibit 29
23 was introduced into evidence)

24 BY MS. GATTE:

25 Q. This scale, what do drug traffickers typically use a

JURY TRIAL

1 scale like that to weigh?

2 A. Smaller amounts of cocaine, I would say ounces.

3 Q. The difference between a scale like this and an
4 industrial sized scale, based on your training and
5 experience, what does that indicate?

6 A. Larger scale cocaine.

7 MR. SWERLING: Objection, Your Honor. You got
8 to lay a foundation for that.

9 JUDGE NEWMAN: Sustained. Yeah, go --

10 BY MS. GATTE:

11 Q. Based on your 11 years of experience in narcotics
12 investigating, investigating both drug dealers and drug
13 suppliers, the difference in the size of scales, as a law
14 enforcement officer and narcotics agent, what does that
15 indicate to you?

16 MR. SWERLING: I'd still have to object.

17 JUDGE NEWMAN: Sustained.

18 THE WITNESS:

19 A. A larger --

20 JUDGE NEWMAN: Oh, wait, don't answer.

21 WITNESS: I'm sorry.

22 MS. GATTE: That's okay.

23 WITNESS: I thought we were waiting.

24 BY MS. GATTE:

25 Q. The fact that there was cocaine throughout Joshua

JURY TRIAL

1 Parnell's house, did that surprise you?

2 A. No, it did not.

3 Q. Why?

4 A. Drug -- drug traffickers, drug dealers, they're --
5 they're not clean people. They throw bags down inside
6 the house, and I mean it's -- it's obvious you can find
7 residue on stuff just about anywhere, especially even on
8 top of a scale you can find residue.

9 Q. Was Joshua Parnell a drug dealer?

10 A. Yes, he was.

11 Q. I'm going to show you what was marked State's
12 Exhibit 19. This is the list that came out of Mr. Goad's
13 house. Do you remember what the Defendant's wife's name
14 is?

15 A. Jennifer.

16 Q. Is the name Jennifer on that list?

17 A. I don't see it.

18 Q. Okay, thank you. How many cell phones did Mr.
19 Parnell have?

20 A. I believe he had three phones.

21 Q. Is that unusual for a drug dealer?

22 MR. SWERLING: Objection, Your Honor.

23 JUDGE NEWMAN: Sustained.

24 BY MS. GATTE:

25 Q. I think you mentioned one of the phones was a

JURY TRIAL

1 Tracfone, what's a Tracfone?

2 A. It's like a pre-paid flip phone, pay as you go type
3 phone, flip phone.

4 Q. And so --

5 MR. SWERLING: This is -- Your Honor, this is
6 not in response to anything on cross-examination.
7 Redirect is limited to that.

8 MS. GATTE: Mr. Swerling asked about the three
9 cell phones and that came in during his cross-
10 examination.

11 JUDGE NEWMAN: Absolutely. Overruled.

12 BY MS. GATTE:

13 Q. How does one get a Tracfone?

14 A. Go to Walmart, they sell them in electronics.

15 Q. Are they less expensive than an iPhone?

16 A. They're very cheap, yes.

17 Q. Are they harder to download for law enforcement?

18 A. They are because of the ports on the phones.

19 Q. How many times in your career as a narcotics agent
20 have you arrested a drug dealer with more than one cell
21 phone?

22 MR. SWERLING: Your Honor, I have to object to
23 that. That's -- that's just an improper question.

24 JUDGE NEWMAN: Yeah, sustained.

25 BY MS. GATTE:

JURY TRIAL

1 Q. Mr. Parnell agreed to cooperate with you; is that
2 right?

3 A. That is correct.

4 Q. Did you promise him anything?

5 A. We never do.

6 Q. When a charge is made, who's discretion is it to
7 charge someone?

8 A. It's my discretion to charge someone.

9 Q. Law enforcement?

10 A. That is correct.

11 Q. When it comes to prosecuting, is it in your
12 discretion to prosecute?

13 A. No, it is not.

14 Q. Do you as a law enforcement officer make plea deals?

15 A. No, I do not.

16 Q. Do you as a law enforcement officer go to court and
17 ask the judge for a sentence?

18 A. No, I do not.

19 Q. Okay. Did you go to Joshua Parnell's sentencing and
20 ask for a sentence for him?

21 A. I didn't go to his sentencing.

22 Q. And I believe Mr. Swerling and you talked about the
23 82 ounces that Parnell fessed up to. Do you know where
24 those 82 ounces came from?

25 A. Yes, I do.

JURY TRIAL

1 Q. Okay. Thank you. Can you record phone calls
2 without a cell phone? If you're going to use a CI to
3 record a phone call, can you do it without a cell phone?

4 A. No.

5 Q. Okay. If you use a CI to place a recorded call to a
6 drug dealer, and it's a number they don't recognize, does
7 that impact your investigation?

8 A. Say that one more time? It's a --

9 Q. If you call a drug dealer, if you have a CI call a
10 drug dealer from a phone number they do not recognize,
11 does that have any impact on your investigation?

12 A. Yeah, because they won't answer the phone.

13 Q. Your investigative tactics as a narcotics agent, do
14 they include utilizing confidential informants after a
15 crime has been committed for a short period?

16 A. Yes.

17 Q. Okay.

18 A. Yes.

19 Q. And again, who's discretion is it for charging?

20 A. Law enforcement.

21 Q. Do you record every single phone call that is made
22 between a CI and a target?

23 A. If I'm present, yes.

24 Q. So, logistically if you can?

25 A. Right.

JURY TRIAL

1 Q. Is that fair to say?

2 A. Yes.

3 Q. But is every single --

4 MR. SWERLING: Objection, leading.

5 JUDGE NEWMAN: Sustained.

6 BY MS. GATTE:

7 Q. When you execute a search warrant, what is the
8 standard procedure when you're entering a home?

9 A. First thing is first, you secure everybody in the
10 residence, no matter who they are. Secure everybody,
11 make sure the house is clear.

12 Q. And what does secure mean?

13 A. Place people in handcuffs.

14 Q. Okay. At that point are they under arrest?

15 A. No, they are not.

16 Q. Why are they placed in handcuffs?

17 A. For officer safety.

18 Q. When you arrived at that house to execute the search
19 warrant, did law enforcement announce themselves?

20 A. We always do, yes.

21 Q. And in this case did anyone open the door?

22 A. No, they did not.

23 Q. Okay. Beg the Court's indulgence. Mr. Swerling
24 mentioned a subpoena that his office gave to you. Were
25 you subpoenaed by his office?

JURY TRIAL

1 A. I was subpoenaed at 3:00 p.m. this past Friday.

2 Q. Okay. And what did that subpoena ask for?

3 A. It asked for my -- for -- 118 text messages between
4 myself and Joshua Parnell. He wanted me to bring all
5 those text messages to court Monday morning.

6 Q. What did you do when you got that subpoena?

7 A. I immediately called you.

8 Q. Did you have those text messages?

9 A. I do not have those text messages.

10 Q. Were you able to bring them?

11 A. No, I was not.

12 Q. Do they still exist as far as you know?

13 A. Not that I'm aware of.

14 Q. Thank you.

15 MR. SWERLING: Just briefly.

16 JUDGE NEWMAN: Yes, sir.

17 RE-CROSS EXAMINATION

18 BY MR. SWERLING:

19 Q. Let me ask you this, during the investigation, and
20 before you retired, did you give those text messages to
21 the Attorney General's office?

22 A. No, I did not.

23 Q. Okay. And you have no reason to doubt there are 118
24 messages, correct?

25 A. That's the number you said. I have no idea where

JURY TRIAL

1 that came from, sir.

2 Q. And the -- did you even attempt to go ahead and get
3 them, to comply with the subpoena?

4 A. I was at work at 3:00 Friday, so --

5 Q. I'm just asking you --

6 A. -- no, I did not.

7 Q. That's fine. The Attorney General was asking you
8 about in this report from October 3rd, it says that you
9 were present at -- can I just show you this? Can you
10 tell me where it says you were present? Maybe I'm
11 missing it.

12 A. It says agents directed him to place a phone call.

13 Q. Right, but it doesn't say you were present. I mean,
14 I just wanted to know, maybe I missed something.

15 A. There's no way we could've recorded it if we weren't
16 present.

17 Q. I didn't say that. I -- what I'm asking you, does
18 it say you were present? That was what your testimony
19 was, that it was in your report.

20 A. It doesn't say that I was present.

21 Q. Okay, well I wouldn't know reading that report
22 whether you were present or not. So, that was my
23 question.

24 A. Okay.

25 Q. Was it? That was my question before. That in the

JURY TRIAL

1 report it doesn't say you were present, that's the
2 question I asked you, and that was based upon this. It
3 doesn't say you were present. That's all I asked you
4 before, correct?

5 A. I understand, sir.

6 Q. Okay. Is that true? What I asked.

7 A. What you asked is the report might not say that I
8 was there, but I was there.

9 Q. That's not what I'm --

10 A. Okay.

11 Q. -- I said something -- is it in a report and now
12 you're saying it's in the report, but it actually is not
13 in the report that you were there. It talks about the
14 fact that you directed him to do it, but that could've
15 been done from another location. I don't want the jury
16 to think I've misrepresented something.

17 A. Okay.

18 Q. Thank you.

19 MR. SWERLING: That's all I have, Your Honor.

20 JUDGE NEWMAN: Thank you, you may step down,
21 sir.

22 WITNESS: Thank you, Your Honor.

23 JUDGE NEWMAN: Call your next witness, please.

24 MS. MCKELLAR: I beg the Court's indulgence.

25 MS. GATTE: Your Honor, can -- may we approach

JURY TRIAL

1 just briefly?

2 JUDGE NEWMAN: Sure.

3 (BENCH CONFERENCE)

4 MS. GATTE: The State calls Damon Robertson.

5 Beg the Court's indulgence, Agent Hardin is grabbing
6 him.

7 THE CLERK: Will you place your left hand on
8 the Bible and raise your right hand? Do you swear
9 or affirm that the evidence (inaudible) the truth,
10 the whole truth, and nothing but the truth, so help
11 you God?

12 MR. ROBERTSON: I do.

13 THE CLERK: Have a seat in the witness chair
14 and state your full name for the record.

15 MR. ROBERTSON: Damon Robertson.

16 DAMON ROBERTSON

17 was called as a witness, and having been first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. MCKELLAR:

21 Q. Good afternoon. I want to briefly ask you about
22 your career, and I say briefly, I know you've had a very
23 long career, but just tell me where you started, how you
24 ended up.

25 A. I started at the Richland County Sheriff's

JURY TRIAL

1 Department and I got on the DEA task force and finished
2 my career, my last 10 years was solely with the DEA task
3 force in Columbia, South Carolina.

4 Q. And you retired?

5 A. I did.

6 Q. And what do you do now?

7 A. I work at the Federal Courthouse.

8 Q. Doing security?

9 A. Yes.

10 Q. So, much of your career was spent in narcotics
11 investigation, correct?

12 A. Yeah, the majority of it, yes.

13 Q. But in this case were you more of an assist?

14 A. Yes.

15 Q. So, what capacity were you working of the experience
16 you just told me between August and October of 2016?

17 A. Assisting Mickey Sellers with an investigation he
18 had on an individual named Joshua Parnell and also Mr.
19 Goad.

20 Q. And that was in your capacity as a DEA task force
21 officer?

22 A. Correct.

23 Q. So you were working with other agents a lot on this
24 case, but I really want to focus just on a specific task
25 that you were given and that was a lot of surveillance;

JURY TRIAL

1 isn't that correct?

2 A. That's correct.

3 Q. So, I'm going to approach with what's been marked
4 State's Exhibits 1, 20, 21, and 22 to ask if you
5 recognize these photos. First, I just want to ask you, I
6 don't know who took this photo, but photo number 1, can
7 you tell me -- can you identify -- recognize that photo?

8 A. I do.

9 Q. What does that --

10 A. That's the -- that's Joshua Parnell's house at 135
11 Ward Road.

12 Q. And who's car is that in the front yard?

13 A. That's a vehicle that's registered to Walter Goad's
14 wife. I believe her name was Jennifer.

15 Q. Thank you so much. So, this is how you remember it
16 looking when you were doing surveillance?

17 A. Correct.

18 Q. Now, I'm going to ask you to identify what's been
19 marked as State's Exhibit 20, 21, and 22. Tell me, what
20 are those photos of and how do you recognize those
21 photos?

22 A. First photo is the Saturn VUE that Mr. Goad was
23 driving. It has a license plate HPS501.

24 Q. Did you take that photo?

25 A. I believe that I did, yes. I took a lot of photos.

JURY TRIAL

1 And there's another one that this is actually at his
2 residence where the vehicle is registered to.

3 Q. Did you take that photo?

4 A. Yes. And this is Mr. Goad with his trashcan. I'm
5 not sure which day of the week this was, but that's the
6 same outfit it looked like he was wearing on the day of
7 our operation.

8 Q. So this is the same Saturn in these photos that you
9 saw at Mr. Parnell's house, correct?

10 A. Correct.

11 Q. Is it the same Saturn that you followed behind and
12 took a photo of?

13 A. Yes.

14 Q. And that's the same Saturn parked in front of this
15 house where Mr. Goad lives?

16 A. Yes.

17 Q. And that's the same Saturn in the photo with Mr.
18 Goad taking out the trash?

19 A. That's correct.

20 Q. Or putting his trash out. So, as I said your job
21 was a lot of surveillance in this case. I want to draw
22 your attention to specifically September 22nd, 2016. Do
23 you know what happened that day at Mr. Parnell's
24 residence?

25 A. Yes.

JURY TRIAL

1 Q. Tell me what happened that day.

2 A. Myself and some other agents set up, it was Kelly
3 Morgan and another agent named Janelle McMillan had set
4 up surveillance on that area of that home. They were
5 about to -- I don't know what point they were going to do
6 a search warrant, but we were doing pre-surveillance on
7 the location.

8 Q. Is that standard in your experience to see the
9 comings and goings before the execution of a search
10 warrant?

11 A. Yes.

12 Q. Is that for safety reasons, but also evidentiary
13 reasons?

14 A. Both, yes.

15 Q. Tell me why it might be a safety reason to watch
16 who's coming and going.

17 A. A good -- just basically gives the agents an idea, I
18 mean, if you see somebody walking around with a firearm
19 or, you know, there's maybe a dangerous dog on the
20 property or just, I mean other -- other things to factor
21 in. There's also maybe kids in the area, you don't want
22 to come rolling up when there's a bunch of children in
23 the yard or something.

24 Q. But there's also evidentiary concerns, correct?

25 A. Yes.

JURY TRIAL

1 Q. And is that that you want to -- what are you trying
2 to make sure is there or not there for example?

3 A. You want to make sure the target of your
4 investigation is there.

5 Q. So, you talked about doing surveillance and kind of
6 setting up. I'm going to approach with what's now been
7 marked State's Exhibit 30, 31, and 32, and ask you to
8 identify these for me, please.

9 A. Yes. We have an overview of 135 Ward and --

10 Q. And by overview, you mean like a Google overview?

11 A. I'm sorry, yes, a Google overview of the home and
12 then there's a -- a street picture that's also a Google
13 image, and there's a -- another view that's showing down
14 the street towards the railroad tracks.

15 Q. So, when you say a street image, State's Exhibit 31,
16 is that the front of the house?

17 A. That's correct.

18 Q. And does the house sit pretty far back?

19 A. It does sit quite a bit off the roadway, yes.

20 Q. And in looking down the road, are there any houses
21 in that picture of looking down the road?

22 A. Beyond the trees I think there are, beyond the --

23 Q. But in this particular --

24 A. -- road tracks.

25 Q. -- photo?

JURY TRIAL

1 A. No, ma'am. There's --

2 Q. So, across the street from 135 Ward Road, is there a
3 house?

4 A. I don't believe so, I think it's -- it's just trees.

5 Q. So no structures where you could set up behind or
6 anything?

7 A. No.

8 Q. So when y'all were set up doing the stationary
9 surveillance were you pretty far off?

10 A. Yeah, we had to be 'cause it's a rural area.

11 MS. MCKELLAR: Your Honor, I would move to
12 admit State's 30, 31, 32, and 20, 21, and 22 into
13 evidence.

14 MR. SWERLING: Your Honor, I have no
15 objection.

16 JUDGE NEWMAN: Okay, so that's State's 20, 21,
17 22, 30, 31, and 32 that are admitted without
18 objection.

19 MS. MCKELLAR: Thank you, Your Honor.

20 (State's Exhibits 20, 21, 22, 30, 31, and 32
21 were introduced into evidence)

22 BY MS. MCKELLAR:

23 Q. I'm going to put these up on the screen and kind of
24 have you identify what I was asking you about. If you
25 could start with 20 -- or actually, start with 30, please

JURY TRIAL

1 ma'am.

2 MR. SWERLING: Which one?

3 MS. MCKELLAR: 30.

4 BY MS. MCKELLAR:

5 Q. This is State's Exhibit 30, this is the Google map
6 overview. Can you see where exactly 135 Ward Road is? I
7 think Christina can point on the screen or you can
8 indicate for the jury.

9 A. Is that -- am I allowed to do that? I believe this
10 is his house right here.

11 Q. Okay, so it's where you're pointing with your hand
12 on the screen, and where Ms. Gatte has indicated with her
13 fingernail that you just pointed, so --

14 A. Yes.

15 Q. By looking at that what is across the street from
16 that?

17 A. Just trees and maybe a road of some sort.

18 Q. And what is to the left of the house?

19 A. That's another road -- there's a set of trees and
20 then there's a home.

21 Q. And to the right of it? What is to the right of it?

22 A. Not much of anything.

23 Q. So it's basically surrounded by trees?

24 A. Right.

25 Q. And with it being kind of out in the country, did

JURY TRIAL

1 you and the surveillance team feel that you could
2 continuously drive by in the same car?

3 A. We don't typically do that because when there's
4 something -- where we don't want to alert anyone that --
5 of our presence so we would try to minimalize the time
6 that we would go by there, so.

7 Q. So would you take turns going by, maybe you drive by
8 once?

9 A. It was mainly me and we had two stationary people
10 that did not move at all. We had two people that sat
11 completely on their -- both sides of the road. I guess
12 we had one down -- further down. I don't know exactly
13 where. And then I know Ms. -- Ms. Morgan, she was much
14 closer near the railroad tracks.

15 Q. So you got as close as y'all felt safe --

16 A. Correct.

17 Q. -- without being burned?

18 A. That's correct.

19 Q. If you could show me State's 31, please, ma'am.

20 This -- I'm sorry, 32. This is what's been admitted as
21 State's 32, it's a little out of focus for us up here.
22 But this is a view looking down the road from the house,
23 correct?

24 A. That's correct. You can see the railroad track sign
25 and there's a set of railroad tracks right there and then

JURY TRIAL

1 there's a -- the trees on both sides.

2 Q. So was an agent stationed down there beyond the
3 railroad tracks?

4 A. Yes. I believe there was some type of railroad like
5 station but once the cars from there left she had move so
6 she wasn't sitting all by herself, if I recall from
7 memory.

8 Q. And is that the mailbox to 135 Ward Road?

9 A. It is.

10 Q. Okay. So --

11 A. The numbers are on the other side of it.

12 Q. So you couldn't get very close because of this
13 clearing obviously?

14 A. Correct.

15 Q. If you could show me State's 31, please. And then
16 this is a view of the front of the house, correct?

17 A. Yes.

18 Q. And as I mentioned earlier, that's pretty far back
19 from the road, right?

20 A. Right.

21 Q. So, if you were even just maybe 20, 30 feet down the
22 road the trees would block your view?

23 A. That's correct.

24 Q. But you could see all the traffic coming and going
25 from either way because you had agents on both sides?

JURY TRIAL

1 A. And there's not a lot of cars that travel that road,
2 so it was easier to maintain surveillance.

3 Q. Now, if we could go back to State's Exhibit 20.

4 This is a photo of Mr. Goad's Saturn, correct?

5 A. Yes.

6 Q. And do you know what day this photo was taken?

7 A. I don't know. I can't say. It's been quite some
8 time. I don't know the date that it could've been taken,
9 but I'm not 100 percent.

10 Q. But where were you -- where was it headed and where
11 were you following it?

12 A. When I followed it that day he turned right on Ward
13 Road and then there's a road that I don't know if I'm
14 pronouncing it right, Larshet, or Lockshalot or.

15 UNIDENTIFIED PERSON: Latchesot.

16 THE WITNESS:

17 A. Latchalot. And then -- then from there to 601 to I-
18 20.

19 Q. Well, you butchered that road and I'm not going to
20 attempt to salvage it. But you watched this car leaving
21 Mr. Parnell's house?

22 A. Correct.

23 Q. And what was your purpose in following it that day?

24 A. Basically to identify who the occupant was.

25 Q. And were you able to do that?

JURY TRIAL

1 A. Yes.

2 Q. And how were you able to not just identify the tag
3 but also identify who was driving?

4 A. As Mr. Goad -- I was behind him for a little bit,
5 I'm sure I was bringing some attention to myself. as he
6 was getting onto the highway I decided to go past him and
7 continue straight and stay on 601, and that's when I was
8 able to look at him and he was the sole occupant of the
9 vehicle.

10 Q. So you saw him with your own two eyes?

11 A. Correct.

12 Q. And do you see that same gentleman here in the
13 courtroom today?

14 A. Yes.

15 Q. Is he seated at that table?

16 A. Yes, with the glasses on. Is it a gray -- is it a
17 gray suit, it appears.

18 Q. You might want to get more glasses. For the record,
19 could you please notate that the witness has identified
20 the defendant as Mr. Walter Goad, and the one he saw in
21 the car that day. So, then you continued surveillance on
22 a separate day at his home, is that correct? And that
23 would be State's Exhibit 21.

24 A. Yes.

25 Q. And what was the purpose of surveilling Mr. Goad's

JURY TRIAL

1 home with the Saturn?

2 A. Basically what I would do is I was assisting Mickey
3 Seller -- Investigator Sellers with this case, so I live
4 closer to this area, so I would spot check it in the
5 mornings and maybe in the evenings to -- to basically
6 give him any additional vehicles or any other additional
7 information that he might be able to use.

8 Q. Does that also serve to corroborate that that house
9 is associated with that car and the people that live
10 inside?

11 A. Yes.

12 Q. And were you able to do that?

13 A. Yes.

14 Q. And the last photo for you would be State's Exhibit
15 22. And I believe you said that's Walter Goad in that
16 photo, correct?

17 A. Yes.

18 Q. And that's the same man that you saw driving that
19 Saturn that's parked in the driveway, right?

20 A. That's correct.

21 MS. MCKELLAR: I have no further questions for
22 the witness at this time, Your Honor.

23 JUDGE NEWMAN: Cross-examination?

24 MR. SWERLING: No, Your Honor, no questions.

25 JUDGE NEWMAN: Okay, thank you. You may step

JURY TRIAL

1 down.

2 MS. MCKELLAR: We can do another one.

3 JUDGE NEWMAN: Okay. Call your next witness.

4 MS. MCKELLAR: The State calls Kelly Morgan.

5 And Your Honor, can Mr. Robertson stay if he'd like
6 now that he's done testifying?

7 JUDGE NEWMAN: Mr. Swerling?

8 MR. SWERLING: I don't have any problem with
9 it.

10 JUDGE NEWMAN: Yeah, he may stay in the
11 courtroom.

12 MS. GATTE: Beg the Court's indulgence while
13 Agent Hardin gets --

14 THE CLERK: Can you place your left hand on
15 the Bible and raise your right hand? Do you swear
16 or affirm that the evidence you will give in this
17 case will be the truth, the whole truth, and nothing
18 but the truth, so help you God?

19 MS. MORGAN: Yes, ma'am.

20 THE CLERK: You can have a seat in the witness
21 chair and state your full name for the record.

22 MS. MORGAN: Kelly Morgan.

23 KELLY MORGAN

24 was called as a witness, and having been first duly
25 sworn, testified as follows:

JURY TRIAL

1 DIRECT EXAMINATION

2 BY MS. MCKELLAR:

3 Q. Thank you. How would you like me to address you
4 today? Agent?

5 A. You can just call me Kelly Morgan.

6 Q. Okay, Ms. Morgan. Where are you employed currently?

7 A. I work at Francis Marion University, campus police.

8 Q. And prior to that, what is your experience in law
9 enforcement?

10 A. I've been in law enforcement 30 years. Most of my
11 career was in narcotics. Worked for Florence County
12 Sheriff's Office 10 years in narcotics. Then I went to
13 the Richland County Solicitor's Office, where I was
14 assigned to the DEA task force for about eight years.

15 Q. Okay. And so you were a Richland County Sheriff's
16 Deputy?

17 A. I was at the -- I was an investigator at the
18 Solicitor's Office.

19 Q. Oh, I apologize.

20 A. Yes.

21 Q. Okay. And a DEA TFO?

22 A. Yes, that's correct.

23 Q. All right. And can you explain what your role was
24 as a DEA TFO?

25 A. We investigated high-level drug cases.

JURY TRIAL

1 Q. Large scale drug trafficking?

2 A. Yes.

3 Q. All right. I am going to draw your attention back
4 to September and October of 2016.

5 A. Okay.

6 Q. There was on September 22nd, 2016, do you remember
7 participating in the execution of a search warrant?

8 A. Yes, I do

9 Q. All right. Do you remember the events leading up to
10 the execution of the search warrant on that day?

11 A. We had -- our team, along with Kershaw County
12 Sheriff's Office, had done some pre-surveillance of that
13 location prior to the search warrant that was executed at
14 that location.

15 Q. And what does pre-surveillance entail?

16 A. We set up around the location that we're trying to
17 surveille, numerous of us, so we can observe any coming
18 and going of traffic, persons, whatever the activity is
19 at that location, and we can share that with each other
20 as we're doing our investigation.

21 Q. And why do you set up surveillance?

22 A. Why? To -- it's part of the investigation to
23 confirm and verify activities that are going on at that
24 location.

25 Q. Is there some sort of a briefing prior to the

JURY TRIAL

1 surveillance starting?

2 A. Yes. We -- we always have a briefing; everybody
3 knows their job during the surveillance and what is
4 needed in the investigation. And we communicate that
5 with each other doing -- during the investigation and
6 surveillance.

7 Q. And on this day, September 22nd of 2016, do you
8 remember what the briefing entailed prior to what your
9 role was going to be?

10 A. Mine was just to observe the activities, as far --
11 at that location on Ward Road. As far as traffic,
12 vehicles coming and going towards that residence, and to
13 call that -- those descriptions out to the rest of the
14 team.

15 Q. I'm going to show you -- I'm sorry.

16 A. I'm sorry, I was clearing my throat.

17 Q. No, that's okay. I'm going to show you what has
18 been marked and admitted as State's Exhibit 30.

19 A. Okay.

20 Q. It'll come up on your screen. Do you recognize
21 this?

22 A. Yes, I do.

23 Q. What is this?

24 A. This is a Google map of the perimeter and area that
25 we were doing surveillance that day.

JURY TRIAL

1 Q. And where were you physically when you conducted
2 your surveillance?

3 A. I was stationary right here at this location, which
4 was the CSX building, I believe it might've been 131 Ward
5 Road.

6 MS. MCKELLAR: Can you -- if you don't mind,
7 Your Honor, can the witness step up and point --

8 JUDGE NEWMAN: Yes.

9 THE WITNESS:

10 A. Thank you.

11 Q. If you don't mind sort of pointing out to the jury.

12 A. Right here where the white circle dot is, I was
13 stationary at this location with surveillance from here
14 and our target location. Yes, that's correct, that's it
15 right here. And our target location was just down at
16 this next location, that residence there, that's --
17 that's it.

18 Q. And so when you're -- you can have a seat, thank
19 you. When law enforcement is setting up surveillance in
20 an area like this, are there any hindrances?

21 A. Yeah, as you can see, this is a very rural area. A
22 lot of coverage as far as trees and -- and that nature,
23 so it's hard to really get a good visual of that target
24 location because it is so rural. So, that's why I was
25 stationary. At one point we had agents set up all around

JURY TRIAL

1 this area. And we also had agents doing what we call
2 rolling surveillance and doing drive-bys, because you
3 just couldn't park somewhere and -- and just sit right
4 there and watch the residence.

5 Q. From where you were stationary, could you see the
6 residence 135 Ward Road?

7 A. I could not see the residence because of the trees
8 and the coverage. But I what I could monitor was the
9 roadway and these things that was called out, left that
10 area I could -- I could give that description out to the
11 rolling agents that were in the area.

12 Q. Okay.

13 A. So they could pick up that particular vehicle or
14 whatever it was.

15 Q. Okay. From where you were stationary, would you
16 have been able to see a hand-to-hand drug transaction at
17 135 Ward Road?

18 A. No, ma'am, I would not.

19 Q. Where you were stationary, were you able to see a
20 silver Saturn VUE?

21 A. I could not see a silver Saturn VUE at that location
22 from where I was sitting.

23 Q. Okay. Were you able to see anything of note prior
24 to the execution of the search warrant at 135 Ward Road?

25 A. No.

JURY TRIAL

1 Q. Do you remember any other vehicle traffic coming or
2 going past your location?

3 A. Not past my location. I mean, of course there were
4 cars traveling on that particular day, but none of
5 interest in our investigation.

6 Q. Okay. I am going to show you what has been marked
7 State's Exhibit 31. Do you recognize this?

8 A. Yes, that's 135 Ward Road.

9 Q. And is that looking at it from the street?

10 A. Yes. Ward Road is in front of this location, yes.

11 Q. And from this front view, where were you stationed,
12 to the left or right?

13 A. I -- front view, if you go back to the right, I was
14 down at the CSX railroad station right there.

15 Q. About how far from the house to your location?

16 A. Golly, I guess it was maybe -- I don't think it was
17 even a tenth of a mile.

18 Q. Okay.

19 A. Yeah.

20 MS. MCKELLAR: All right. Beg the Court's
21 indulgence. That's all for this witness, Your
22 Honor.

23 JUDGE NEWMAN: Any cross-examination?

24 MR. SWERLING: No questions.

25 JUDGE NEWMAN: Okay. Thank you, you may step

JURY TRIAL

1 down.

2 WITNESS: Thank you, Your Honor.

3 MS. MCKELLAR: And may this witness be
4 excused, Your Honor?

5 JUDGE NEWMAN: Any objection?

6 MR. SWERLING: No, Your Honor.

7 JUDGE NEWMAN: You're free to go. Thank you.

8 WITNESS: Oh, thank you, I'm sorry.

9 JUDGE NEWMAN: Call your next witness.

10 MS. GATTE: The State calls Ashley Lyles.

11 THE CLERK: Ms. Lyles, can you place your left
12 hand on the Bible and raise your right hand? Do you
13 swear or affirm that the evidence you will give in
14 this case will be the truth, the whole truth, and
15 nothing but the truth, so help you God?

16 MS. LYLES: I do.

17 THE CLERK: You can have a seat in the witness
18 chair, and state your full name for the record.

19 MR. SWERLING: Judge, could you just indulge
20 me one moment? I'm looking for the reports, 'cause
21 I didn't have it -- I didn't expect to be where we
22 are this quickly.

23 JUDGE NEWMAN: Right.

24 MR. SWERLING: I just need a minute.

25 JUDGE NEWMAN: Yes, sir. And folks, just to

JURY TRIAL

1 explain the sort of shuffling around, the quitting
2 at 1:30 for the day has thrown the attorneys a curve
3 ball, they did not know that was coming, and so
4 they're sort of reshuffling the order of the
5 presentation so that we can get out of here in a
6 timely fashion. That's all that's going on.

7 MR. SWERLING: I got it.

8 JUDGE NEWMAN: Okay. All right.

9 MR. SWERLING: Thank you.

10 JUDGE NEWMAN: Yes, sir.

11 MS. LYLES: My name is Ashley Lyles.

12 ASHLEY LYLES

13 was called as a witness, and having been first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. GATTE:

17 Q. Ms. Lyles, where are you employed?

18 A. The South Carolina Law Enforcement Division, more
19 commonly referred to as SLED.

20 Q. And what's your position there?

21 A. I am a forensic scientist in the drug analysis
22 department.

23 Q. How long have you been employed as a chemist for
24 SLED?

25 A. Approximately nine and a half years.

JURY TRIAL

1 Q. What are your duties as a chemist at SLED?

2 A. I am responsible for analyzing and examining items
3 of evidence to determine the presence or absence of any
4 controlled substances.

5 Q. Do you have to undergo any sort of special training,
6 education, in order to become a chemist?

7 A. Yes, ma'am.

8 Q. And what kind of education and training?

9 A. I have a bachelor of science degree in biochemistry
10 from Washington and Lee University. And I have undergone
11 extensive in-house training at SLED under a court
12 qualified expert in forensic drug analysis.

13 Q. And is there any sort of continuing education or
14 continuing training?

15 A. Yes.

16 Q. What sort of continuing training do you undergo?

17 A. I have taken and successfully completed online
18 course work with West Virginia University in forensic
19 drug analysis and forensic mass spectrometry.

20 Q. Have you ever been qualified as an expert before in
21 South Carolina?

22 A. Yes, I have.

23 Q. How many times?

24 A. Eleven times.

25 MR. SWERLING: I stipulate the qualifications.

1 MS. GATTE: Your Honor, at this point we would
2 ask to qualify Ms. Lyles as a witness -- or as an
3 expert witness in chemical analysis.

4 JUDGE NEWMAN: Chemical analysis, okay, sorry.
5 Ladies and gentlemen of the jury, typically a
6 witness must testify as to their first-hand
7 experience, things that they saw, heard, touched,
8 tasted, etcetera, and they usually do not give
9 opinion testimony. However, when a person by virtue
10 of their education, training, and experience,
11 becomes an expert in some art, science, or other
12 field, they are permitted to give opinion testimony
13 within their field of expertise. This witness is
14 qualified as an expert in the area of chemical
15 analysis, and will give you her opinion, testimony,
16 within the field of her expertise, and the reasons
17 for those opinions. However, like any other witness
18 you evaluate this witness's credibility, and give it
19 the weight and cred -- give her testimony the weight
20 and credibility you think it deserves. You may
21 proceed, Ms. Gatte.

22 MS. GATTE: Thank you, Your Honor.

23 BY MS. GATTE:

24 Q. Were you asked to analyze a substance in this case?

25 A. Yes, I was.

JURY TRIAL

1 Q. Where did you retrieve that substance from in order
2 to test it?

3 A. Our evidence control department at SLED.

4 Q. And can you please explain the process for
5 retrieving that substance, how SLED does that?

6 A. Uh-huh (affirmative). Our evidence control
7 department is responsible for gathering and storing
8 evidence items. A submitting agency will bring in
9 whatever items of evidence they have. Our evidence
10 control department, the technicians that work there, will
11 assign a SLED lab number to those items that belong to
12 that case. And when it is time for me to retrieve that
13 case I put in a request, those evidence control
14 technicians will retrieve the evidence from their intake
15 shelf, and I will do an electronic and physical transfer
16 with them. And then I have the case in my custody and I
17 take it back to our drug department, where the case is
18 stored in our secured drug vault within our department.

19 Q. I'm going to show you what has already been marked
20 as State's Exhibit 11. Do you recognize this?

21 A. Yes, I do.

22 Q. How do you recognize that?

23 A. I have the word seal intact here on the bag, along
24 with my initials and the date. Also, my initials, lab
25 number, and item number appear on the repack bag that is

JURY TRIAL

1 holding the evidence on the other side.

2 Q. Are there --

3 A. And I also recognize unique SLED lab sticker and
4 number that's on the evidence.

5 Q. Is State's 11 the substance that you analyzed in
6 this case?

7 A. Yes, it is.

8 Q. And what is that substance?

9 A. May I refer to my notes, please?

10 Q. Yes.

11 A. There were two items submitted. The first was item
12 1.1, it was an evidence bag containing a Ziploc bag,
13 containing compressed powder substance. The result was
14 cocaine. And then item 1.2 was an evidence bag
15 containing a plastic sandwich bag, containing compressed
16 powder substance, and the result was cocaine found.

17 Q. And how do you analyze cocaine?

18 A. So, when a case is submitted we do what is called a
19 presumptive or preliminary test. In this particular case
20 we have a two-part chemical test that is used to poss --
21 possibly indicate what controlled substance may possibly
22 be present. I then follow-up that preliminary test with
23 a confirmatory test using our gas chromatograph mass
24 spectrometer instrumentation -- instrumentation. And so
25 that is the process for how we confirm what we are

JURY TRIAL

1 analyzing.

2 Q. And after analyzing the substance what do you do?

3 A. I will document the results of my findings and
4 generate a report, and in cases like this I testify to
5 those reports.

6 Q. What was the weight of the cocaine in this case?

7 A. Item 1.1 in which cocaine was found, the net weight
8 was 221 grams. And for item 1.2 the net weight was 55
9 grams -- was 55 grams, excuse me.

10 Q. Thank you. Your Honor, at this time the State would
11 offer State's Exhibit 11 into evidence.

12 JUDGE NEWMAN: Any objection?

13 MR. SWERLING: That is what the -- it's a
14 report? The report itself?

15 MS. GATTE: No, the drugs.

16 MR. SWERLING: Oh, no objection.

17 JUDGE NEWMAN: Okay. State's 11 is admitted
18 without objection.

19 MS. GATTE: Thank you.

20 (State's Exhibit 11
21 was introduced into evidence)

22 BY MS. GATTE:

23 Q. I'm also going to show you what has been pre-marked
24 State's Exhibit 24, do you recognize that?

25 A. Yes, it appears to be a copy of my report.

JURY TRIAL

1 Q. Okay. And that's a report that you generated in
2 this case?

3 A. It appears to be a copy of that report, yes.

4 Q. Does it appear to be altered or tampered with in any
5 way?

6 A. Not from what I can see, no.

7 MS. GATTE: Your Honor, at this time the State
8 would offer State's Exhibit 24 into evidence.

9 JUDGE NEWMAN: Any objection?

10 MR. SWERLING: No objection.

11 JUDGE NEWMAN: State's 24 is admitted.

12 (State's Exhibit 24
13 was introduced into evidence).

14 MS. GATTE: Your Honor, may I publish this to
15 the jury?

16 JUDGE NEWMAN: Yes, ma'am.

17 MS. GATTE: Thank you.

18 BY MS. GATTE:

19 Q. If you don't mind, I just want to have you explain
20 your report to the jury. So, the weights that you were
21 talking about, can you please explain this item 1.1 and
22 item 1.2?

23 A. So, the original evidence that was submitted to SLED
24 was a BEST kit, and that is seen in the submission number
25 one line. That -- the number that you see B264594, is

JURY TRIAL

1 the BEST kit that contained the evidence items. Once I
2 open up that BEST -- BEST kit, I work with one item at a
3 time, one case at a time, one item at a time. Since
4 there were two items within that BEST kit, those two
5 items were broken down into two sub-items. So, if you
6 will, the BEST kit is the parent, and then item 1.1 and
7 item 1.2 are the kids, if you will. And so, each
8 evidence item is -- undergoes a preliminary test. I then
9 take a small sample for the instrumentation to confirm
10 what it is. I would pack item 1.1 back up into a secure
11 bag to make sure nothing can get lose, and then I would
12 move onto the second item and repeat the process, take a
13 weight, do a preliminary test, take a small sample for
14 analysis.

15 Q. And again, can you please repeat what the weight was
16 for item 1.1?

17 A. For item 1.1, the weight was 221 grams.

18 Q. And the weight for item 1.2?

19 A. It was 55 grams.

20 Q. Thank you. As a SLED chemist, do you have any
21 information about a case or an investigation when you
22 analyze a substance?

23 A. No, ma'am. We just have whatever associated
24 paperwork is contained within the BEST kit.

25 Q. And what kind of paperwork is typically in the BEST

JURY TRIAL

1 kit?

2 A. A BEST request form, which the seizing officer fills
3 in with information, and it also outlines what is
4 contained -- or should be contained within the BEST kit.

5 MS. GATTE: Thank you. No other questions
6 from the State at this time.

7 JUDGE NEWMAN: Cross-examination?

8 MR. SWERLING: Just a couple questions.

9 JUDGE NEWMAN: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. SWERLING:

12 Q. Hey, how are you?

13 A. Hi.

14 Q. The BEST kit is the kit that law enforcement
15 provides, correct?

16 A. The BEST kit is provided, I believe, by the SLED
17 agency. It is -- it is --

18 Q. To the law enforcement.

19 A. -- the kit that is manu -- to law enforcement, yes,
20 sir.

21 Q. And so what you found was in -- contained in the
22 BEST kit; is that right? Or is it a separate -- separate
23 from the BEST kit?

24 A. The sub-items that I showed were contained within
25 the BEST kit.

JURY TRIAL

1 Q. Okay.

2 A. Yes, sir.

3 Q. And does that include the field testing that may
4 have been done in that BEST kit?

5 A. Whatever was on the report is what was contained
6 within the BEST kit.

7 Q. Do you do a quantitative test, or is it just a
8 weight? As far as the purity of a drug?

9 A. We do qualitative only analysis, which tells us what
10 is present. We do not do quantitative analysis, which
11 tells us how much -- or the purity of the substance.

12 Q. Right. okay. Thank you. And one other question,
13 looking at the cocaine itself, the qual -- I mean, the
14 color of the cocaine, or the way it's mixed, is there any
15 way to tell whether or not that's a good -- good cocaine
16 or bad cocaine, or high-level cocaine or low-level
17 cocaine?

18 A. We only do qualitative analysis, so I can only say
19 what is present. I cannot tell you the purity of the
20 substance.

21 Q. Okay. And not even from appearance; is that
22 correct?

23 A. I can only tell you what is present.

24 Q. Okay.

25 A. I can't tell you anything else.

JURY TRIAL

1 Q. All right, I just wanted -- self-education, okay.
2 Thank you.

3 A. Uh-huh (affirmative).

4 JUDGE NEWMAN: Any re-direct?

5 MS. GATTE: No, ma'am, Your Honor.

6 JUDGE NEWMAN: Okay, thank you. You may step
7 down.

8 MS. GATTE: May we approach one more time,
9 Your Honor?

10 (BENCH CONFERENCE)

11 JUDGE NEWMAN: All right, folks, we're going
12 to go ahead and break for the day. I think the next
13 witness is -- is going to be a bit lengthy and may
14 take us beyond the break time. So, I'm going to
15 excuse you for the day and have you be back tomorrow
16 morning at 9:30. Don't discuss the case amongst
17 yourselves or with anyone else. Don't do any
18 research about the case. Just have a good night,
19 we'll see you tomorrow morning at 9:30.

20 (JURY EXITS)

21 JUDGE NEWMAN: Before we adjourn, Mr.
22 Swerling, did you want to put on the record your
23 objection to that testimony regarding marijuana that
24 you opened the door to?

25 MR. SWERLING: Yeah. Your Honor, you had

1 ruled that that would not be admissible to this
2 witness, and so I jumped up as soon as I could and
3 objected to it and moved that it be struck because I
4 think it goes into another matter and it -- some --
5 other evidence that I would submit at this point is
6 not admissible in the case.

7 JUDGE NEWMAN: Yes, sir. As I just -- go
8 ahead, Ms. Gatte.

9 MS. GATTE: Well, just if you want a response
10 from the State.

11 JUDGE NEWMAN: Sure.

12 MS. GATTE: We believe that Mr. Swerling
13 opened the door to that when he asked about it, and
14 it came out on cross-examination, so we did think
15 that it was fair game.

16 JUDGE NEWMAN: Absolutely. And as I
17 understand from the bench conference, Ms. Gatte
18 didn't anticipate that the witness would answer the
19 question the way he did. However, on cross-
20 examination, I believe the defense opened the door
21 by going on and on and on, and sort of hammering
22 home the point -- or trying to make the distinction
23 between, did you know him and did you not know him,
24 how did you know him, or maybe I'm confused,
25 etcetera, etcetera, about the witness's familiarity

JURY TRIAL

1 with the defendant. And that's the reason that I
2 overruled the objection.

3 MR. SWERLING: Judge, if I could just respond.
4 I think I only asked one question about how long
5 have you known him. As far as his knowledge of who
6 he was.

7 JUDGE NEWMAN: Oh, the record will speak for
8 itself but --

9 MR. SWERLING: Okay.

10 JUDGE NEWMAN: -- my recollection is that it
11 was --

12 MR. SWERLING: I understand, whatever your
13 ruled.

14 JUDGE NEWMAN: -- far more detailed than that,
15 and that was, you know, in part -- the basis for my
16 ruling. So, anything else we need to discuss before
17 we adjourn for the day?

18 MS. GATTE: Your Honor, I would just ask that
19 Mr. Sellers be released from his subpoena.

20 JUDGE NEWMAN: No objection to that, right?

21 MR. SWERLING: No, sir -- no, ma'am.

22 JUDGE NEWMAN: Okay. All righty, we will see
23 you all tomorrow morning at 9:30.

24 MS. GATTE: Thank you, Your Honor.

25 JUDGE NEWMAN: Thank you.

JURY TRIAL

1 (The proceedings were adjourned
2 until 9:30 a.m., October 30, 2024)

3 October 30, 2024

4 MS. GATTE: I don't know how Your Honor wants
5 to handle this.

6 MR. SWERLING: Well let me just put on -- I'll
7 put it on the record, I guess we can -- Judge, based
8 on testimony yesterday of Mr. Sellers, that they
9 were all present, he and Hardin and Parnell, were
10 present at the time of the record on October 3rd,
11 which is not clear from the DEA-6 when it says it
12 was monitored. The issue be -- the issue became
13 yesterday afternoon when we broke as to how that's
14 possible knowing what we know from the phone
15 records, because the phone records reflect that
16 there were text and email -- I have text and phone
17 calls going back and forth between Mr. Sellers and
18 Mr. Parnell at the same time that the recording was
19 made. So, the question becomes how is that possible
20 if they were in the same room. And which, to me,
21 questions the reliability of the recording and --
22 and there are other reasons we have a question about
23 the reliability of the recording as well. And so, I
24 thought that that needed to be explored, and
25 obviously we would try to exclude that tape

1 recording based on that. In addition to that, the -
2 - Mr. Sellers testified, and it is on the recording,
3 which we'd ask Your Honor to hear, that there's an
4 introduction made by him on the recording about
5 going ahead and making a monitored phone call. And
6 the -- at one point, before we knew they were all
7 together, it didn't appear to us that the -- it
8 looked like you -- you had the original recording
9 but -- and on top of the recording this introduction
10 was made by Mr. Sellers, and so it would not have
11 been with the original, it would've been something
12 that was joined together, his introduction and the
13 actual recording itself. So, we had a question
14 about that because there's -- there is kind of a gap
15 between his introductions, there's no ring on the
16 phone, so we -- we have serious questions about
17 that. So, a lot of it became more apparent
18 yesterday after his testimony and when we went back
19 to the office we discussed that and really need to
20 get to the bottom of what -- how that was all
21 possible, basically. So, we're asking, Your Honor,
22 to consider excluding the recording for those
23 reasons. But in order to do that I think we need to
24 take obviously Mr. Sellers' testimony, what's
25 already written in the DEA-6, and Your Honor listen

JURY TRIAL

1 to the recording, and then we would submit that the
2 Court should exclude that recording because of the
3 manner in which it was recorded, and the
4 contradictions between the recording and the
5 testimony of Mr. Sellers and the phone records,
6 which have been stipulated to as authentic. So, I -
7 - that's where we want to go with it. I think the
8 recording would be first, and then I could point out
9 to, Your Honor, the different reasons why in the
10 phone records it doesn't make a lot of sense, so.

11 JUDGE NEWMAN: Yes, sir. Ms. Gatte?

12 MS. GATTE: Your Honor, you heard Mr.
13 Sellers' testimony yesterday that he was present.
14 He indicated to Mr. Swerling that he contacted Mr.
15 Parnell before, after, immediately before,
16 immediately after. If there are text messages
17 during I can't speak to that. Mr. Sellers could
18 have if he was questioned yesterday on cross, but
19 when he was questioned he did not remember because
20 this case is eight years old. These -- the content
21 of these text messages was not given to the defense
22 or to the prosecution by the phone companies. And,
23 Your Honor, in this case there are three different
24 sets of phone records. There are phone records from
25 Verizon. There are phone records from AT&T. And

1 then there are phone records from the defendant's
2 cell phone extraction. Some of these times differ
3 slightly. We are not talking about hours. We're
4 talking about minutes to seconds. In this case,
5 Your Honor, we have begun to lay the foundation for
6 the calls through Mr. Sellers testimony. We will
7 continue to lay the foundation through Mr. Parnell,
8 who can identify himself in both of the recordings,
9 and also can identify the confidential informant who
10 he knew personally, and Mr. Goad, who he knew
11 personally, who's voice he knows because he has
12 known the defendant for his entire life, years and
13 years. And so, Your Honor, we would ask that you
14 not exclude either of these calls until you hear the
15 foundation that is laid and also hear the calls.
16 Also, if you would like to hear from Agent Hardin,
17 we can call him to the stand and Mr. Swerling can
18 ask him questions. However, I don't know how Mr.
19 Hardin is going to answer logistical questions about
20 phone records, times, whether calls connected or
21 not. That is a question -- those are questions that
22 have to be asked to someone who works for the phone
23 company, who is not present. And so, if Mr.
24 Swerling is going to try to offer phone records into
25 the record, I would ask that all phone records be

1 entered into evidence by Mr. Swerling, because then
2 we can see whether each time for each call in each
3 set of phone records is corroborated, and also the
4 defendant's cell download, because we have different
5 times throughout this entire case. And I don't know
6 how Agent Hardin or Mr. Sellers is able to testify
7 to that. Their testimony is we were present. We
8 recorded the call. I am the agent. I hit record;
9 this has not been altered. That's the testimony
10 that has been given in Court. And I don't
11 understand how now after Mr. Sellers testimony it
12 can be questioned, when he's not available this
13 morning to be recalled because Your Honor has
14 released him from his subpoena, which Mr. Swerling
15 agreed to. And so I'm just confused about how we're
16 going to go about this. We can call Agent Hardin;
17 he can give as much information as he can because he
18 was present. He's familiar with the recording
19 device and how it went down. But other than that,
20 he can't comment on these phone records that came
21 from AT&T or Verizon. And there's no key. We don't
22 have a key; we don't know what these things mean.
23 One, what does that mean? Three, what does that
24 mean? F, four -- I mean, we don't have any sort of
25 ledger, we don't have sort of key here, and so I'm

JURY TRIAL

1 just confused about how we're supposed to deal with
2 this this morning, in the middle of trial.

3 JUDGE NEWMAN: Can I see the documents that
4 we're talking about?

5 MR. SWERLING: Yes, ma'am.

6 JUDGE NEWMAN: The whatever page of phone
7 records and the DEA-6?

8 MR. SWERLING: Yes, we can give you that.

9 MS. GATTE: Your Honor, may I approach?

10 JUDGE NEWMAN: Yes.

11 MS. GATTE: This is the DEA-6 that was marked
12 for identification purposes yesterday as State's 27.
13 And in the first paragraph you can see where it says
14 that it was a consensual monitored and recorded
15 phone call.

16 MR. SWERLING: Judge, we have no problem with
17 putting in all the records, but the most accurate
18 record as far as time are these Verizon records,
19 because they were exactly matched with the -- what
20 was said in the DEA-6. These are texts. I'd just
21 like to note what they are. These are Mr. --

22 MS. GATTE: And, Your Honor,

23 MR. SWERLING: -- Parnell's records.

24 MS. GATTE: The time in the DEA-6 is an
25 approximate time. When you listen to the phone

1 recording, Agent Sellers prefaces it by saying it is
2 approximately 5:48 p.m. And that's gonna depend on
3 what watch he's looking at, what his clock in the
4 room he's in says, whether he used a cell phone to
5 look at the time.

6 MR. SWERLING: Here's -- this is a key from
7 Verizon as far as the texts are concerned
8 (inaudible).

9 MS. GATTE: I don't think I've seen that.

10 MR. SWERLING: Pardon?

11 MS. GATTE: I don't think I've seen a copy of
12 that.

13 MR. HOUGH: I'll get you a copy.

14 MR. SWERLING: We just -- he just gave it to
15 me. He's going to give you a copy.

16 MS. GATTE: Thank you.

17 MR. SWERLING: Your Honor, whenever you're
18 ready I can explain a little bit more.

19 JUDGE NEWMAN: Give me one minute.

20 MR. SWERLING: Yeah.

21 MS. GATTE: If Your Honor would like to see
22 the rest of the phone records in this case I can
23 hand them up to you as well.

24 JUDGE NEWMAN: No, thank you; not at this
25 point.

1 MS. MCKELLAR: I think what she's saying is
2 the same calls are listed, but they all have
3 different times on them. It's like that record that
4 you have will say a call happened at a certain time
5 but these records say they happened at a different
6 time.

7 MS. GATTE: And then --

8 MR. SWERLING: Right, but then --

9 MS. GATTE: -- the phone extraction says a
10 different time.

11 MR. SWERLING: Right. I -- I didn't want to
12 disturb Your Honor, but I can explain them.

13 JUDGE NEWMAN: Go ahead, Mr. Swerling.

14 MR. SWERLING: Judge, the DEA-6 says 5:48 when
15 the recording was made; 5:48 and that is military
16 time, 17:48 would be 5:48. The other records that
17 Ms. Gatte's referring to refer to military time --
18 no, I'm sorry, Greenwich time, which you have to go
19 ahead and subtract a certain amount of hours from
20 that to get the accurate local time. But the -- the
21 reason I am concentrating on the Verizon records,
22 which I handed up to Your Honor, is that they match
23 exactly what's in the DEA-6, 5:48. So, I mean,
24 what's more reliable than what Mr. Sellers and Mr.
25 Hardin have in the DEA-6 5:48 and these records from

JURY TRIAL

1 Verizon would show exactly 5:48. So, there's no
2 question that I submit from the Verizon records is
3 for you -- that these are the accurate records
4 dealing with October 3rd. And we can get into -- we
5 can hand all of it up, but I think that the only
6 ones that are actually are -- make sense without
7 going into an explanation about Greenwich time and
8 all that, is the records that show the actual time
9 that's in the DEA-6.

10 JUDGE NEWMAN: And your concern is that the
11 call should not be admitted because of the
12 contradictions in the -- in what? What
13 contradictions specifically?

14 MR. SWERLING: The contradictions are that Mr.
15 Sellers testified yesterday that -- which again, is
16 not reflected in the DEA-6, that they were all in
17 the same room together, versus the phone records
18 would show that there were phone calls back and
19 forth between Mr. Parnell and Mr. Sellers supposedly
20 when they're in the same room. And also text
21 messages that were sent during the same period of
22 time. And so, how is it possible for them to be in
23 the same room and calling each other -- or why would
24 they be calling each other during the same period of
25 time that we're talking about, but like over a

JURY TRIAL

1 period of 15 or 20 minutes, where they're supposedly
2 all in the same room making this recording,
3 monitoring this recording, but the phone records
4 contradict the fact that they're in the same room
5 because they're calling each other. It just doesn't
6 make sense. And I think in order for -- in order
7 for something to be admissible it has to be
8 reliable. And at this point with the contradictions
9 with the phone records versus the testimony and
10 what's in the DEA-6, it's really not a reliable
11 situation that can justify the introduction of the
12 phone recording. Something is amiss and it doesn't
13 -- just doesn't make sense and I'm trying to find
14 out by playing the recording, Mr. Sellers testimony
15 he didn't recall anything about the times and the
16 phone calls, possibly Mr. Hardin trying to explain
17 how this is all going on at the same time. It just
18 really does not make sense. So, something in order
19 to be admissible as evidence has to have some
20 reliability to it. And I -- I think that there's
21 contradictions here that are of great concern.

22 JUDGE NEWMAN: Ms. Gatte?

23 MS. GATTE: Your Honor, if you would like to
24 see a copy of the Defendant's phone download, you'll
25 see that the difference that I'm talking about is

JURY TRIAL

1 not Greenwich Mountain Time, it's a minute or two
2 differentiation between the calls and the text
3 messages between the records.

4 MR. SWERLING: And that's fine. I don't have
5 any problem with it. A minute or two doesn't make
6 any difference really.

7 MS. GATTE: Your Honor, we don't know what
8 device Mr. Sellers looked at in order to say
9 approximately what time they recorded the phone
10 call. So, we don't know if they were -- if Mr.
11 Sellers was using an AT&T cell phone to record the
12 time. A minute differentiation does not matter in
13 this case. And, Your Honor, I would submit to you
14 that even if somehow law enforcement was not present
15 for this phone call, it was still monitored and
16 recorded by law enforcement as is written in the
17 DEA-6, as is said on the phone call, and as was
18 testified to in Court on the record yesterday under
19 oath. So, therefore the State has already
20 technically authenticated the phone call, whether or
21 not law enforcement was present. This hearing makes
22 no sense, Your Honor, respectfully.

23 MR. SWERLING: Well, Judge, I think --

24 MS. GATTE: Your Honor it's gonna be --

25 MR. SWERLING: -- the reason that I'm

JURY TRIAL

1 concerned about it is if there is a difference
2 between whether or not they were present or they
3 were not. It goes to credibility, reliability, and
4 admissibility.

5 MS. GATTE: Sure, but not the authenticity of
6 the phone call. The phone call has already been
7 authenticated. It's going to be authenticated again
8 but Joshua Parnell, whose voice can be identified by
9 him on both, and who can identify the voices of the
10 other individuals on both calls.

11 JUDGE NEWMAN: Let me hear the call --

12 MS. GATTE: Sure.

13 JUDGE NEWMAN: -- just so that I know what
14 we're talking about.

15 MS. GATTE: Ginger, could you turn the
16 (inaudible) computer. Thank you.

17 (Phone call playing)

18 MS. GATTE: Can you turn the volume up a
19 little bit, please?

20 (Phone call playing)

21 MS. GATTE: I'm going to start the phone call
22 over.

23 (Phone call playing)

24 JUDGE NEWMAN: Ms. Gatte?

25 MS. GATTE: Your Honor, the two -- there are

JURY TRIAL

1 two voices on the phone call in the actual body of
2 the phone call. Mr. Sellers voice is at the
3 beginning, as he testified to, he gives the
4 approximate time, approximately 5:48 p.m., and then
5 the phone call begins. If you hear the other phone
6 call, which I can play for Your Honor, there is a
7 similar introduction and it goes straight into the
8 phone call. Mr. Sellers testified that he clicks
9 the button himself in order to start recording the
10 phone call, and then he clicks the button after the
11 phone call ends. That's the testimony that's in the
12 record, Your Honor.

13 MR. SWERLING: Well, again, I -- my point is
14 this, the phone records contradict the fact that
15 they were all in the same room. The phone records
16 also would contradict about the inability to record
17 the second phone call, which he testified to
18 yesterday, in which they report that they are what
19 Mr. Parnell told them was in the second phone call,
20 because there was more than adequate time based on
21 the phone records to go ahead and record that second
22 phone call. So, that's a big concern as well. So,
23 the combination of those things, the phone records
24 and the actual tape that Your Honor just heard --
25 the CD that Your Honor just heard, give me pause and

1 concern about the reliability of the recording, how
2 it was made, and whether or not it should be
3 admitted into evidence, because I think evidence has
4 to be reliable to come into evidence. The -- and
5 Ms. Gatte said, you know, maybe there's a minute or
6 two difference between what's on these records and
7 the other records. The thing of why these records
8 are the most important that I've handed up from
9 Verizon, it's exactly the same time that Mr. Sellers
10 was talking about, 17:48, so I don't know what could
11 be more accurate than that. But in addition to
12 that, a minute or two on a different record is not
13 going to change the nature of the fact that they
14 were talking to each other by phone and texting each
15 other by phone at the same time they're supposedly
16 all together. So, that defies any kind of sense as
17 to how that all happened if they're in the same room
18 together. So, I -- I submit that there's something
19 amiss for the admissibility of this phone call to be
20 put into evidence. And I don't care what records
21 come in, to me the most accurate record is the one
22 that exactly matches the DEA-6. So, for the purpose
23 of this hearing I would offer the page out of --
24 text records that I submitted to you from Verizon
25 and the page out of the phone records, which I

1 submitted to you out of the -- out of Verizon. And
2 I would just point this out Judge, also, and these
3 match exactly. They're -- at -- I'm sorry. At
4 17:46, which is 17 -- 5:46, 17:46, that's military,
5 Your Honor. There's a phone call from Parnell to
6 Sellers, they're in the same room, according to
7 Sellers. At 17:48 is the recorded phone call, and
8 that is the one that is reflected that you just
9 heard. At 17:53 there's a phone call from Parnell
10 to Sellers, just a couple of minutes afterwards -- I
11 mean, a few seconds after. At 17:53, Sellers calls
12 Parnell. At 17:53, there's three different calls
13 there, I cannot explain that, but those are from
14 Sellers to Parnell, a phone call. At 17:56 a few
15 seconds later the -- Mr. Goad apparently calls Mr.
16 Parnell and (inaudible) there's an F there, and I
17 think that's -- means, I submit, forwarding to
18 voicemail. At 17:56 there is a Sellers to Parnell
19 call again. And at 18:00 is a call from Mr. Goad to
20 Mr. Parnell which has an F there, and I submit that
21 that means forward. 18:07 Parnell calls Mr. Goad
22 back, and that's the second phone that was not
23 recorded. And 18:15 there's a Parnell to Sellers
24 call. So, how -- how does that all happen if
25 they're all in the same room together and they're --

1 and of course the text messages are a match exactly
2 to that in that same time period. So, for purposes
3 of this hearing I would offer in those pages of the
4 text -- that page of the text records and the page
5 of the text records that -- and also the DEA-6, I
6 think Your Honor has that. I think Ms. Gatte handed
7 that up to you. And for purpose of showing that
8 it's exactly the same time. And so I -- being the
9 question the reliability of what -- and also, Your
10 Honor, also you heard the phone call, there seems to
11 be, that it could be, and I don't know because we
12 don't know really what happened, that there's an
13 introduction by Mr. Sellers, there's no greeting
14 which you -- you would expect to be recorded on the
15 phone when it's being made -- that the phone call
16 was being made and it just -- it just starts off in
17 the middle of a thought or a sentence. So, all of
18 that taken together brings into question the
19 reliability of that phone call, and how it was
20 monitored, and how it was done. And we talked about
21 evidence that's going to go to the jury, and under
22 the circumstances that I've pointed out here I ask
23 Your Honor to exclude it because it is not reliable
24 as to how it all happened. And whether Mr. Sellers
25 is here or not, he already testified. And when I

JURY TRIAL

1 asked him the questions about phone calls he said, I
2 -- I don't know. So, he wouldn't -- he can't add
3 anything to it, said he just didn't know. Or
4 couldn't remember which is understandable after
5 eight years.

6 MS. GATTE: Your Honor, this sounds like a
7 very excellent argument for Mr. Swerling to make in
8 his case, and then submit to the jury in his closing
9 argument. This has nothing to do with the
10 authenticity, the reliability of the phone call for
11 evidentiary purposes. The foundation has been laid
12 by the State. Mr. Sellers has testified to it. The
13 foundation will continue to be laid by Mr. Parnell
14 and that the State has met its burden to
15 authenticate these phone calls. If Mr. Swerling
16 wants to argue that the credibility of these calls
17 and the credibility of these witnesses is in
18 question, that's an argument that he can make to the
19 jury after he makes his case and puts the phone
20 records into evidence to then reference.

21 JUDGE NEWMAN: I agree --

22 MR. GOAD: Your Honor, may I speak, please?

23 JUDGE NEWMAN: No, sir.

24 MR. GOAD: I'm sorry, I understand
25 (inaudible).

JURY TRIAL

1 JUDGE NEWMAN: No, sir. When you're
2 represented by counsel, counsel speaks for you.

3 MR. GOAD: Yes, ma'am.

4 MR. SWERLING: Your Honor, can I confer with
5 him on (inaudible).

6 JUDGE NEWMAN: Absolutely.

7 MR. SWERLING: That's all I have.

8 JUDGE NEWMAN: At this point I'm -- the
9 defense motion to exclude the recording is denied.
10 Frankly, I don't see the inconsistency that you're
11 pointing out or at least not on the level that you
12 would argue that it exists. I would point out that,
13 you know, there are these different call times and
14 text message times, but there -- I think you
15 described them as seconds later when actually
16 they're minutes later, not seconds, if we're talking
17 about 17:46 versus 17:53, that's not seven seconds
18 later, that's seven minutes later. And I point that
19 out only because that goes to the lack of
20 inconsistency or to the consistency, I guess, maybe.
21 You know, to the extent that someone was in the same
22 room calling or texting, I don't know whether that
23 happened. I mean, I -- you can certainly argue to
24 the jury that that does not make sense, but when I
25 see a call at 17:46 and I -- I know that that's not

1 one of the calls that we're talking about, I don't -
2 - I don't believe, but for example, if I take this
3 17:46 call and then this recorded call starts at
4 17:48, in my mind that's not necessarily
5 inconsistent. Or the fact that this recorded call
6 happened at 17:48 and then at 17:53 they're calling
7 each other, the recorded call was less than five
8 minutes, and for all I know one of them stepped out
9 of the room to go to the restroom, and the other
10 called them to come back in. I don't know. In
11 other words, I can't find that there's no reasonable
12 explanation for that. I don't know what the
13 explanation is, but I -- I think that goes to the
14 weight, not the admissibility of the evidence, and
15 as Ms. Gatte said, you can make the argument to the
16 jury all day long, but I can't find at this point
17 that this could not have happened in the way that it
18 shows in the records or that the evidence itself is
19 not reliable. I wish Mr. Sellers had recalled, but
20 again, eight years ago, you know, that is what it
21 is. He also testified about the call itself that he
22 was present, that it has not been altered, etcetera,
23 etcetera. I've never made a recorded call. I -- I
24 can't tell you whether that sounds like it's been
25 altered or not, and certainly that's an argument you

JURY TRIAL

1 can make. But I -- I can't exclude it based on
2 that. Now, it's not admitted yet, and they've not
3 finished laying their foundation for it, assuming
4 that they do, then you know we'll deal with that
5 then, but at this point I will not exclude the
6 recorded call.

7 MR. SWERLING: Your Honor, I -- and I
8 understand. I apologize, I don't know why I said
9 seconds. You're right, it's minutes, and so I -- I
10 misstated that inadvertently. I don't know why when
11 I was looking at it it's -- just -- seconds came
12 into my head. But you're right, it's minutes.

13 JUDGE NEWMAN: Yeah, I knew what you meant, I
14 just wanted the record to be clear and particularly
15 because that goes to the issue of consistency or
16 lack thereof. It'd be one thing if a phone call is
17 supposed to be happening and seven seconds later
18 another call is happening. It's a different story
19 if it's seven minutes later.

20 MR. SWERLING: Yeah.

21 JUDGE NEWMAN: So, I thought the record needed
22 to be clear on that.

23 MR. SWERLING: I understand and I just, again,
24 I apologize for inadvertently misstating that.
25 Judge, the only thing I would ask is that when Mr.

1 Parnell testifies, which will be probably I think in
2 the next couple witnesses, that that -- that he
3 testify in camera about how -- how this recording is
4 made before you admit it, to see if he has a
5 different version of what happened, 'cause he's
6 supposed to be sequestered. I don't know what he's
7 going to testify to. There is no report of that, so
8 I'll just ask Your Honor, to take that portion of
9 his testimony in camera prior to introducing the
10 recording.

11 MS. GATTE: Your Honor -- if Your Honor wants
12 to do that, we can. I don't think that it's
13 necessary. He can authenticate the phone calls from
14 the stand. He can explain his testimony. If it's
15 contradictory to everyone being in the room, I
16 actually feel like that would help Mr. Swerling's
17 case but --

18 JUDGE NEWMAN: I'll not take that testimony in
19 camera. I don't think it's necessary. Once he has
20 testified about, you know, those -- the conversation
21 or how it occurred, and the call has been offered
22 into evidence, if there is some objection based on
23 what he has testified to that you need to put on the
24 record, we can excuse the jury at that point if
25 necessary, so that I can fully hear the objection.

1 But, we're going to let his testimony be what it is
2 in the presence of the jury.

3 MR. SWERLING: Yes, Your Honor. And I --
4 that's fine. And I'll make an appropriate objection
5 at the time. I'll -- just when I -- when I object
6 to the introduction of it if Your Honor could
7 incorporate the arguments I'm making right now at
8 that time, and I know I have to -- motions in limine
9 have to be renewed, so I will just object at that
10 time without fully stating what I'm saying now.

11 JUDGE NEWMAN: Yes, sir.

12 MR. SWERLING: If the record can reflect that.

13 JUDGE NEWMAN: Absolutely. And I will
14 probably ask you if there's any additional
15 objections since I've heard this part of it. If
16 there's something new that I haven't heard then, you
17 know, you'll let me know at that point but it --

18 MR. SWERLING: Your Honor, we could put those
19 in for purposes of this hearing into the record
20 (inaudible) evidence for this hearing.

21 JUDGE NEWMAN: Do you -- I mean, it's -- Ms.
22 Gatte, it's your copy of the DEA form 6.

23 MS. GATTE: Your Honor can have that. We can
24 -- you can use that one if you'd like.

25 JUDGE NEWMAN: Okay. And do you want this

JURY TRIAL

1 key?

2 MR. SWERLING: This is one, two, and three for
3 purpose of the hearing.

4 JUDGE NEWMAN: Sure. And what about this key
5 to --

6 MR. SWERLING: Oh, and the key, right.

7 JUDGE NEWMAN: Okay. I'll include that with
8 the --

9 MR. SWERLING: So, 4.

10 JUDGE NEWMAN: Okay. Well, actually the --
11 the DEA-6, you know what, is already marked as
12 State's 27 --

13 MS. GATTE: For identification.

14 JUDGE NEWMAN: -- for identification, so we'll
15 incorporate that for this hearing; we've been
16 referring to State's 27, and then we'll mark these
17 others, Defense 1, 2, and 3 for purposes of this
18 hearing only.

19 MR. SWERLING: Your Honor, the other matter
20 that we discussed with you is that, I believe, that
21 the State is going to try and get Mr. Parnell to
22 talk about the history of these two people as it
23 relates to marijuana trafficking or dealing. And
24 there are a couple of periods that are reflected in
25 Mr. Parnell's debriefing, talking about during those

1 -- some years that they went ahead and were dealing
2 in marijuana, he was selling it for Mr. Goad. We
3 would object to that coming in at this time. Under
4 404, I do not think it meets the clear and reliable
5 -- clear and convincing evidence standard of Rule
6 404(b), nor does it show any of the issues that come
7 under Rule 404(b) as a motive and common scheme or
8 plan, absence of the State, and everything else
9 involved with 404(b). It certainly would be
10 prejudicial, it's a whole different crime. And
11 under Rule 403 as well as 404(b) I think that should
12 be excluded. There's no way to cure that. And even
13 if -- and -- I would like to say to the Court,
14 there's no issue about the fact that they've known
15 each other for a long period of time. I don't know
16 that the marijuana necessarily has to be connected,
17 'cause I'm not -- I'm not arguing against that. I'm
18 not cross-examining him about that. They've known
19 each other for many, many years. In fact, Mr.
20 Parnell worked for Mr. Goad's family in the
21 business. So, that connection could be established
22 by the State without going into the marijuana
23 dealing. And so I think that that is not clear and
24 convincing, also it is prejudicial under Rule 403
25 and outweighs the probative value.

JURY TRIAL

1 JUDGE NEWMAN: Ms. Gatte?

2 MS. GATTE: Your Honor, Mr. Parnell's
3 testimony as to his relationship with Defendant is
4 his first-hand account. He can be cross-examined on
5 whatever Mr. Swerling would like cross-examine him
6 on. He's available for cross-examination. And
7 everything that he's going to testify to tends to
8 show his credibility as a witness. And Mr. Swerling
9 has continually brought up his credibility
10 throughout this entire trial. And so, in order to
11 show that he is a credible witness and knows what
12 he's talking about, he's not only going to be able
13 to testify as to his relationship with the
14 defendant, but also his business relationship with
15 the defendant. It is exactly what a common scheme
16 and plan exception is for. They have been working
17 together and dealing drugs for years. And because
18 it was marijuana, because it's now cocaine, it
19 doesn't matter, the common scheme and plan remains.
20 And so the State would submit to Your Honor that his
21 testimony is valid; Mr. Swerling can cross-examine
22 him. He's available for cross-examination. The
23 State has produced him to testify, and we've met our
24 burden there, Your Honor. So, we would ask Your
25 Honor to allow whatever testimony as to their

JURY TRIAL

1 history, as to their business relationship, as to
2 their relationship, we would ask Your Honor to allow
3 that testimony.

4 JUDGE NEWMAN: All right. I find that the
5 testimony is admissible. It -- it's -- I understand
6 it is not being offered to prove the defendant's
7 character or to show action in conformity therewith,
8 which is what is prohibited by 404(b). And the
9 probative value outweighs the danger of unfair
10 prejudice, in that it is being offered to really
11 explain the relationship and the closeness of the
12 relationship between the defendant and the witness,
13 and explain their course of dealing, and when I
14 don't know, some -- I can't think of the words right
15 now, but enhances credibility or proof in
16 credibility, touch on his credibility as a witness.
17 So, for all those reasons it'll be admitted over the
18 Defendant's objection.

19 MS. GATTE: Thank you, Your Honor.

20 MR. SWERLING: Yes, Judge.

21 JUDGE NEWMAN: Anything else?

22 MR. SWERLING: Judge, I would just again, be
23 this a motion in limine. I would -- at the time, I
24 would object to preserve the record and ask the
25 Court to consider the arguments I've made now as

JURY TRIAL

1 incorporated at that time, just for the record.

2 JUDGE NEWMAN: Yes, sir, absolutely. All
3 right, at this point I need a short break. Just
4 five or seven minutes, and then we'll come back and
5 bring the jury in. Madam Court Reporter, this is --
6 I'm going to give you -- these three pieces on top
7 are 1, 2 -- Defendant's 1, 2, and 3. That one on
8 the bottom is already marked, and Ms. Gatte these
9 other phone extractions are yours that you can have
10 back.

11 MS. GATTE: Thank you, Your Honor.

12 JUDGE NEWMAN: All right, we'll take a --

13 MR. SWERLING: Just so that the record
14 reflects the stipulation was to the authenticity of
15 the records so that's not an issue.

16 JUDGE NEWMAN: Yes, sir. All right, we'll
17 take a five, 10-minute break.

18 (BREAK)

19 JUDGE NEWMAN: Yes, sir?

20 MR. SWERLING: Judge, could I just put on the
21 record, we weren't talking about minutes, but the
22 only thing I would ask the Court, and I'm not trying
23 to argue against what you've already ruled, but I --
24 for your further consideration, in some of these
25 phone calls there are (inaudible) of the duration of

1 the phone call and there's some these situa -- in
2 this situation on that piece of paper that I gave
3 you, which really are seconds between phone calls;
4 in some of those situations. So, I -- that's
5 something I would ask the Court to also consider as
6 well. I know you've ruled, but I just wanted that
7 on the record, if I can. It's not only minutes,
8 it's -- which I understand on what Your Honor's
9 ruling was, but in some of these situations it was
10 seconds between those.

11 JUDGE NEWMAN: Between the conclusion of one
12 call and the commencement of the next?

13 MR. SWERLING: Correct.

14 JUDGE NEWMAN: Which, in my mind, again I --
15 you know, even knowing that, I can't find that
16 that's impossible. It might have been -- with all
17 due respect like 30 years ago when you had to dial
18 the number, but on a cell phone you hit end and you
19 -- the number of times that I have tried to hit end
20 on a call and accidentally called somebody else
21 because the person I was talking to ended the call
22 first, I mean, it happens in seconds, right, even
23 unintentionally sometimes. But, so I -- again, I
24 can't find that that's impossible and so --

25 MR. SWERLING: And again, I'm not arguing --

JURY TRIAL

1 JUDGE NEWMAN: Sure.

2 MR. SWERLING: -- (inaudible) put that on the
3 record.

4 JUDGE NEWMAN: Sure.

5 (JURY ENTERS)

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JURY TRIAL

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CERTIFICATE OF TRANSCRIBER

I, Jessica Antonucci, a court-approved transcriber, do hereby certify that I transcribed the electronic recording of the foregoing proceedings in Docket No. 2016-GS-28-1123 held on: October 29, 2024 before the Honorable Jocelyn Newman, and that said transcript is true and correct, all to the best of my knowledge and ability.

I further certify that I am not related to nor the employe of any of the parties or witnesses hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

December 12, 2024

Jessica N. Antonucci

Transcriber

JURY TRIAL

1 CONTINUATION OF PROCEEDINGS - OCTOBER 30, 2024

2 JUDGE NEWMAN: All right, welcome back, folks,
3 good morning. I am so sorry that I've had you
4 waiting for so long. I do my best to estimate what
5 time we can get started. But as I told you at the
6 beginning of the trial there are sometimes matters
7 of law that I need to discuss with the attorneys
8 outside of your presence and sometimes that takes
9 longer than I anticipate. So, that's my fault and
10 not the fault of anyone else. So, I apologize for
11 that, but we are going to continue on with the
12 State's case. They are going to call their next
13 witness.

14 MS. GATTE: Your Honor, the State calls Adam
15 Clayton.

16 MR. CLAYTON: Good morning, ma'am.

17 THE CLERK: Good morning. Mr. Clayton, can
18 you place your left hand on the Bible, raise your
19 right hand. Do you swear or affirm that the
20 evidence you will give in this case will be the
21 truth, the whole truth, and nothing but the truth,
22 so help you God?

23 MR. CLAYTON: Yes, ma'am, I do.

24 THE CLERK: Okay. You can have a seat in the
25 witness chair and state your full name for the

JURY TRIAL

1 record.

2 MR. CLAYTON: My name's Adam Clayton.

3 ADAM CLAYTON

4 was called as a witness, and having been first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. GATTE:

8 Q. And, sir, how should I refer to you? What's your
9 rank?

10 A. Currently a Lieutenant with the Calhoun County
11 Sheriff's office.

12 Q. So Lieutenant Clayton?

13 A. Yes, ma'am.

14 Q. Okay. Lieutenant, can you please explain to the
15 jury a little bit about your career history and where you
16 are right now?

17 A. Well, I've been in law enforcement for approximately
18 23 and a half years, all of that, excluding maybe a
19 couple years, I've been in K9 as a K9 handler and K9
20 trainer, a master trainer, for the Calhoun County
21 Sheriff's Office as well as Lexington County Sheriff's
22 Office.

23 Q. What does a master trainer mean?

24 A. A master trainer is someone who trains a -- a police
25 dog candidate to be a police dog in law enforcement, as

JURY TRIAL

1 well as trains the handler who is the person who actually
2 works the dog in a law enforcement capacity.

3 Q. And where did you start your career as a K9 officer?

4 A. I started my career in 2001 at the Calhoun County
5 Sheriff's Office.

6 Q. And after that where did you go?

7 A. I stayed there until 2004 and went to Lexington
8 County Sheriff's Office.

9 Q. And how long were you at Lexington County?

10 A. Until 2014 and a half.

11 Q. Okay. And where are you now?

12 A. And current -- I'm currently back at the Calhoun
13 County Sheriff's Office. I went back in 2018 -- did I
14 say 2014? I was there in 2018. I was there 14 and a
15 half years with Lexington County, and went back in 2018
16 where I'm currently at.

17 Q. And are you yourself, have you been continuously
18 certified to handle a K9?

19 A. Yes.

20 Q. The entirety of your time?

21 A. Ma'am?

22 Q. The entirety of your time?

23 A. Yes, I -- I've had six police dogs throughout my
24 career with Calhoun, as well as Lexington County, and now
25 back at Calhoun County.

JURY TRIAL

1 Q. And so, being a master trainer, that means that you
2 not only receive training yourself, but also train
3 others?

4 A. Yes. The master -- the master trainer program that
5 I went through consisted of approximately 240 hours, and
6 I was trained by someone who had been in the business as
7 a trainer/police officer for approximately 30 years at
8 that time.

9 Q. Okay. In October of 2016, do you remember where you
10 were and who your K9 was?

11 A. Yes, I do.

12 Q. And were you certified at that time?

13 A. I was.

14 Q. Have you provided that certification to the State?

15 A. Yes.

16 Q. Okay. And to your knowledge that has been provided
17 to the Defense?

18 A. Yes.

19 Q. Who was your K9 in October of 2016?

20 A. K9's name was Baty, B-A-T-Y.

21 Q. Okay. And how old was he at that point?

22 A. At that point in time he was approximately four or
23 five years old.

24 Q. How long had you been working with him?

25 A. That -- that -- that time we got him at two years

JURY TRIAL

1 old, so from two to four, four/five.

2 Q. And what breed was he?

3 A. He's a German Shepherd.

4 Q. What were Baty's functions as a K9; 'cause K9's have
5 different functions, right?

6 A. Right. Well, Baty's what we consider a multi-
7 purpose dog or a patrol dog, which means that he can --
8 he can track people, he can apprehend people, which is
9 bite people if necessary, and he can find the drugs that
10 he's trained to detect.

11 Q. And K9 teams, how are they certified? Is the dog
12 certified? Are you certified together?

13 A. We are certified as a team. At that point in time
14 during -- in my career we were certified through the
15 South Carolina Police K9 Association, which is recognized
16 by the South Carolina Criminal Justice Academy.

17 Q. And so being a multi-use dog, what things was Baty
18 able to detect? What did you use him for?

19 A. Well, we main -- as you know, we mainly use police
20 K9's for their sense of smell. Whether you're smelling
21 for a person, whether you're tracking a bad guy or a
22 missing person, or whether you're -- in his case he was
23 narcotics trained, in non-explosive trained, he was used
24 in that capacity as well to look for illegal drugs that
25 he was trained on.

JURY TRIAL

1 Q. And the certification process, can you explain to
2 the jury what that entails for you and the K9?

3 A. Right. At that point in time we would attend a
4 seminar and usually it was either in Charleston or
5 Lexington, we switched -- we alternated years. And
6 during that week of -- of training you were certifying
7 throughout the whole week. Whether you -- you train --
8 you certified on tracking, which is where you can follow
9 a human scent from point A to the end; or building
10 searches, which is where the bad guy is inside of a
11 building, he had just broken in, and he can -- he follows
12 the human scent in there to try to find the person.
13 Also, the drugs, the -- the drug part of as he's trained
14 on marijuana, cocaine, crack cocaine, methamphetamines,
15 heroin, and ecstasy, and those are the drugs that he was
16 trained on that he could -- that he learned to find and -
17 - and give a response to tell me that he's found them.

18 Q. And then --

19 A. One more thing.

20 Q. Sure.

21 A. He was also trained to apprehend, which --

22 MR. SWERLING: I'm sorry, what was --

23 THE WITNESS:

24 A. He was trained to apprehend. An apprehension common
25 term for it, just trained to bite if necessary.

JURY TRIAL

1 Q. Okay. And in between certifications, how often did
2 you train with Baty?

3 A. We regularly trained every Tuesday.

4 Q. Okay. And that would have been for two years up to
5 October of 2016??

6 A. The whole time that I was in the K9 unit at
7 Lexington County we trained every Tuesday.

8 Q. There's different types of training for K9's, right?
9 Can you explain those to the jury, please.

10 A. Specifically?

11 Q. Yes, like the -- is there a single blind testing and
12 a double-blind testing?

13 A. Oh, of course. Most -- well, most of the time as a
14 handler, when you're in a handler role, you generally
15 don't know where the drugs are, unless you're working on
16 a specific problem or working on handler identifying what
17 we call changes in behaviors. Basically the dog is
18 showing -- showing that he's in odor, and that he's found
19 drugs or something like that. But they -- you don't --
20 you like a lot of times when we lay tracks, what we call
21 lay a tracks, is where one of us would pretend like we're
22 a bad guy and run off and hide from the dog. So, you
23 generally don't know where the track is, unless of course
24 you're working on something specific. And so, that's,
25 you know, double blind. Well, the -- the person that

JURY TRIAL

1 would run with you would know where the person is, that
2 way you know you're on the right track but, that kind of
3 thing.

4 Q. And how did Baty perform during both of those types
5 of training?

6 A. Baty was excel -- like I said, I've had six police
7 dogs, and Baty was an excellent police dog throughout his
8 entire career.

9 Q. Okay. Based on your training and experience as a K9
10 officer for 20 plus years, and also as a master trainer.

11 A. Yes, ma'am.

12 Q. Can we talk a little bit about the K9's olfactory
13 senses?

14 A. Sure.

15 Q. Can you explain those to the jury, please?

16 A. I can. As we know we -- we use dogs for their --
17 mainly their keen sense of smell. And the best way to
18 describe it, other than giving you statistics, which I
19 can give you that too, a dog can smell 44 time --
20 approximately 44 times better than we can. So, they have
21 approximately 300 million olfactory receptors in their --
22 in their snout. A human has approximately six -- six
23 million. So, the best way to describe that to where we
24 can understand that, if you think of a postage stamp
25 about the size of your thumb, remember when we used to

JURY TRIAL

1 mail letters a long time ago, the human's olfactory
2 receptors will fit on that postage stamp. But then a
3 dog's olfactory receptors, the size of a piece of
4 notebook paper. So that's how much more they have than a
5 human, which makes them -- which is why we use them to
6 detect drugs, bombs, people.

7 Q. Okay. And the K9 when they are going to alert on
8 something, what are they alerting on? Are they alerting
9 on an actual tangible substance?

10 A. No, not always. They can also alert on what we
11 refer to as residual odor, which is lingering odor, and I
12 can explain that as well.

13 Q. Yes, please.

14 A. And a good example for that is, if you bake a cake
15 at your house, we all know what that smells like, so say
16 you bake a birthday cake, you take it to a party, all
17 right, and then everybody eats cake, you come back home,
18 your house still smells like you baked a cake. It still
19 smells like a birthday cake in your house. That odor is
20 resid -- it's still residing there, but the cake is no
21 longer there.

22 Q. Okay. And a K9's nose, since their olfactory senses
23 are so much better than a human's, if they then walked
24 into the house and that residual odor remained, how would
25 their nose process that?

JURY TRIAL

1 A. It's -- they -- it's simple, we can't see odor. No
2 one can see odor; a dog can't see odor. So, they show
3 you by how they react to it. It's just like -- so I used
4 that example because we all know what a cake smells like,
5 well once the dogs are trained to detect certain odors,
6 then they know what that odor smells like, like you know
7 what the cake smells like. They know what in my -- in
8 his -- in Baty's senses, they know what -- he knows what
9 cocaine smells like, he knows what marijuana smells like,
10 and so forth.

11 Q. And so when he detected that odor, what was his
12 signal to you?

13 A. In the -- in the beginning they -- they show what we
14 call changes in behavior. And the best way to explain
15 the change in behavior to you is it's something that they
16 do that's kind of out of the ordinary. So, I'll give you
17 a for instance. If a dog is -- is smelling a car that we
18 suspect may be involved in illegal drug activity, if like
19 Baty, 'cause he was 85, 90-pound German Shepherd, if he
20 tried to crawl up underneath the car, you know, sideways
21 and trying to get underneath the car he's doing that for
22 a reason, that's what we call a change in behavior. So
23 once you recognize something like that, or just
24 concentrating his sniffing in a specific area, and they
25 breathe more through their nose and you can hear it, it

JURY TRIAL

1 makes a popping noise. And so once you see that, he's
2 concentrating on that area, so that's a change in
3 behavior as well. And so you recognize those kinds of
4 behaviors.

5 Q. Okay. Can you explain for the jury, please, the
6 difference between the detection, the K9's indication,
7 and then an alert?

8 A. Sure. So, the detection part of it, again, is that
9 change in behavior that you're looking for. I'll give
10 you one more example, so most of us have been bird
11 hunting and you send the dog out to find the downed bird,
12 and he may run past it, and he'll slam on brakes, stop,
13 they'll be a head -- a snapback and then he starts
14 working the scent. I think most of us have either seen
15 it on YouTube or have hunted before, same kind of thing
16 happens with a police K9. He starts showing you those
17 changes in behaviors, those slight breathing changes or
18 heavy breathing changes, and you recognize that as a
19 handler through your training and experience. Well, once
20 you see that then comes to -- you come to a part where
21 it's trained, you've trained the dog to do certain things
22 to give a final indication that now he is at the source.
23 So, he smelled the odor over here because of the wind
24 currents, he worked the wind currents some kind of way,
25 it gets to where he can get as close as possible to the

JURY TRIAL

1 drug -- or the odor of the drug that may be there and
2 then once he gets as close as he can, that's what we call
3 its source, and then the dog will do his trained
4 response. Baty's trained response was to scratch or to
5 bite at, okay, and then once he did that they -- you know
6 everybody knows they get a reward for finding what you've
7 trained them to find. So, then he would look back like
8 where's my toy, you know, I found it, Dad; it's here,
9 where's my toy.

10 Q. And so, when he alerted, was he always rewarded just
11 because he alerted?

12 A. No, again, going back to your single blind and your
13 double blind. So, on the street you -- you don't -- you
14 don't want to reward your dog if you're not sure that
15 it's there, and you're not sure until you're sure, okay.
16 He's shown you that he -- that he picked up on the odor
17 of an illegal drug and -- and then he's indicated through
18 his trained response, which is -- Baty's was a bite or
19 scratch, he would scratch with both feet, and then once
20 that has happened then you have to -- if it's in real
21 life you wouldn't reward, because you don't want to
22 reward him if you don't necessarily find anything. So,
23 you reward in training is the way we've done it.

24 Q. Okay. I'm going to bring your attention back to
25 October of 2016. Do you remember helping to execute a

JURY TRIAL

1 search warrant, or being present during the execution of
2 a search warrant?

3 A. I remember, yes.

4 Q. Okay, on October 12th of 2016?

5 A. Yes.

6 Q. And --

7 MR. SWERLING: Are you offering him as an
8 expert, I'm just curious.

9 MS. GATTE: No, sir.

10 MR. SWERLING: Oh, okay. All right. Okay.

11 BY MS. SWERLING:

12 Q. I'm going to show you what has been entered into
13 evidence as State's 15, 17, and 18. Do you recognize
14 that home?

15 A. Yes.

16 Q. And what county was that home in?

17 A. This county -- or this house, this resident was
18 located in the Lexington area of Lexington County.

19 Q. And why were you called to assist with that search
20 warrant?

21 A. I was notified by a narcotics agent that they were
22 going to perform a search warrant for illegal drugs at
23 this residence, and so I was on the K9 unit for Lexington
24 County Sheriff's office and responded at their request to
25 do a search with the dog for illegal drugs.

JURY TRIAL

1 Q. When you were called out to help when a search
2 warrant was executed, did you get information about where
3 in the home drugs would be ahead of time?

4 A. No.

5 Q. Did you get any sort of information about what the
6 dog was looking for specifically?

7 A. No.

8 Q. Okay. So, on this day do you remember taking Baty
9 through the residence?

10 A. I do.

11 Q. Okay. If you'll look at State's 17 and 18, make
12 sure that's -- yes, 17 and 18, do you recognize what is
13 in those two photos?

14 A. I do.

15 Q. Okay. During the search warrant at Ward Road -- I'm
16 sorry, Winterberry Loop --

17 A. Uh-huh (affirmative).

18 Q. -- did Baty alert on anything?

19 MR. SWERLING: Your Honor, I just -- the
20 reason I'm objecting at this point is I think the
21 witness has to be qualified as an expert to give an
22 opinion. I mean, that's what it sounds like we're
23 going in this thing, and I just think that the
24 foundation has to be laid for Your Honor to go ahead
25 and declare him as an expert witness. I don't know

JURY TRIAL

1 why he's not being offered for that. I think I only
2 have one question.

3 JUDGE NEWMAN: Your objection is overruled.

4 MR. SWERLING: Okay. That's fine.

5 THE WITNESS:

6 A. I -- I do recognize this -- this container. I
7 referred to it in my report as a tub, like something you
8 would buy from Walmart, like a plastic tub. And it -- it
9 is the tub that -- that K9 Baty did alert on.

10 Q. Okay. And just for the record, have you been
11 qualified as an expert before in South Carolina?

12 A. No, ma'am.

13 Q. Okay. But based on your training and experience of
14 23 years in law enforcement, and your certified as a
15 master trainer, are you familiar with the ins and outs of
16 K90 detection?

17 A. Yes, ma'am.

18 Q. Okay, Your Honor I would at this time offer
19 Lieutenant Clayton as an expert in K9 handling.

20 JUDGE NEWMAN: Any objection? Or voir dire?

21 MR. SWERLING: Just -- you know, that was the
22 question I had whether or not he had been qualified
23 before. So, the lack of qualification on prior
24 occasion I would object to him being an expert,
25 declared an expert by the Court. That's the only

JURY TRIAL

1 thing.

2 JUDGE NEWMAN: The Court does find him to be
3 an expert to have sufficient education, training,
4 and experience. And there has to be a first time,
5 so this is it.

6 WITNESS: Thank you, ma'am.

7 JUDGE NEWMAN: You may proceed.

8 MS. GATTE: Thank you, Your Honor.

9 BY MS. GATTE:

10 Q. I am going to go ahead and have these images put up,
11 but in the meantime, can you please explain to the jury
12 how you help execute a search warrant, what the process
13 is from start to finish and enter a home?

14 A. In this specific instance we -- we were looking -- I
15 was told we were looking for drugs. So, the -- the
16 narcotics agents, the DEA agents, they -- they secured
17 the house. They took care of all of the people who may
18 have been in the house, and made sure that there was no
19 one else in the house, and that there were no dangers for
20 myself or for the police K9 prior to deployment. So,
21 once that happens, we call that securing the house. Once
22 the house is secure from any kind of dangers, for the K9
23 to do his job, then they ask me to go in and Baty just
24 conducts a search, we call it a sniff in my business,
25 he's sniffing everything in the house to try to locate

JURY TRIAL

1 the drugs that he's been trained to find.

2 Q. And the picture that the jury is seeing, State's 17
3 and then State's 18, is this the bin that Baty alerted
4 on?

5 A. Yes.

6 Q. Once Baty alerts on something, what do you do at
7 that point?

8 A. At that point I make a mental note that he has shown
9 that -- remember the changes in behaviors, again, in this
10 one he concentrating his sniffing on this box, which was
11 located in the garage. And once he did that then he
12 began to scratch, and then he did what he -- what he
13 usually did which was look back at me, Dad, where's my
14 toy, I found something.

15 Q. Did you yourself open this bin?

16 A. I did not.

17 Q. Did you conduct any physical search yourself?

18 A. No.

19 Q. Okay. Once Baty alerted to this bin, did you inform
20 the other agents that --

21 A. Yes.

22 Q. -- he had alerted?

23 A. Yes.

24 Q. Okay. To your knowledge were drugs found in this
25 bin?

JURY TRIAL

1 A. To my knowledge were drugs found in the bin? Yes, I
2 was informed that they did find drugs -- later I was
3 informed they had found drugs in the bin.

4 Q. Okay. Did you yourself see any drugs around the
5 area of the bin?

6 A. In -- in -- in my report, if I can refer to my
7 report.

8 Q. Sure.

9 A. I -- I did write in there --

10 MR. SWERLING: Your Honor, I would object to
11 that he hasn't been qualified as to whether or not
12 he saw anything. In fact, it contradicts other
13 evidence that they said there was nothing.

14 JUDGE NEWMAN: Overruled.

15 THE WITNESS:

16 A. Okay, if I may explain.

17 Q. Sure.

18 A. It is a 2016 case, so --

19 Q. Sure.

20 A. -- if -- I do remember, of course, the dog
21 indicating on that tub, that bin. But in my report I
22 also wrote that the drugs were found next to it in a box.

23 Q. Okay.

24 A. And I think that's what he was referring to.

25 Q. Okay. And so after you say to the other agents that

JURY TRIAL

1 your K9 alerted on this bin, what do you do at that point
2 after the search -- Baty's search is over?

3 A. Baty gets put back in the car, and then I'm on --
4 I'm just present at that point in time in case they have
5 any questions for me, specifically where Baty may have
6 indicated.

7 Q. Okay. And again, can you explain the K9 alert on
8 the odor of narcotics --

9 A. Right.

10 Q. -- to the jury?

11 A. Residual odor --

12 Q. Sure.

13 A. -- possible? So, residual odor in -- in our
14 business is something -- 'cause odor that's transferred,
15 okay, or it can be odor that is present. If the dog is
16 indicating, telling me through his changes in behaviors,
17 through his actions, that there is odor there. So, there
18 -- we can't see odor, and we have to -- we have to watch
19 the dog's behavior in order to understand the odor is
20 there; through his rigorous training every Tuesday he
21 understands what he's looking for, okay. And so, the
22 odor was there, and so that's what he's indicating on.
23 He's not, you know, he's not clairvoyant, he's not saying
24 all right well I know there's drugs in there. He's
25 telling me the odor of one of those drugs that I had

JURY TRIAL

1 mentioned, marijuana, cocaine, crack cocaine,
2 methamphetamines, heroin, ecstasy, one of those -- those
3 drugs, the odor of one of those drugs is present.

4 Q. And if drugs were not present would that surprise
5 you?

6 A. No.

7 Q. Even though he alerted?

8 A. No. Again, he's alerting to the odor.

9 Q. Okay.

10 A. The odor of the drugs.

11 Q. And so if he alerted to the odor of the drugs here,
12 based on your expert opinion, what would that tell you?

13 A. That they were there at some point in time. Or you
14 mean after we opened the box or -- okay. So either we
15 see the drugs are there or we just -- we know they were
16 there based on what he has told me, how he showed me that
17 -- that there was odor there by reading the dog.

18 MS. GATTE: Beg the Court's indulgence.

19 JUDGE NEWMAN: Yes, ma'am.

20 MS. GATTE: We have no other questions for
21 this witness at this time. Thank you, Your Honor.

22 JUDGE NEWMAN: Cross-examination?

23 MR. SWERLING: Just a couple, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. SWERLING:

JURY TRIAL

1 Q. Lieutenant Clayton.

2 A. Yes, sir.

3 Q. I'm Jack Swerling, how are you today?

4 A. Yes, sir, nice to meet you.

5 Q. Good. Let me ask you this. So, somebody told you
6 that there were drugs found in that trunk?

7 A. Yes, sir.

8 Q. Okay. And do you know what happened to those?

9 A. Let -- let me rephrase. I was told that there was a
10 scale and cellophane wrap that was found inside of that -
11 - that tub, not specific drugs.

12 Q. I'm sorry, maybe I'm -- you said that there were --
13 you were told that they found drugs in the trunk? That's
14 what your testimony --

15 A. Did I say that specifically?

16 Q. Yeah.

17 A. Okay.

18 Q. You said there were drugs found, somebody told you
19 there were drugs found.

20 A. Okay, well if I said that specifically, then what I
21 was told was that there was a large scale and cellophane
22 wrapping paper that would be consistent with packaging
23 drugs in that -- in that black gray tub.

24 Q. So you're retracting what you testified to?

25 A. I don't think I said it specific --

JURY TRIAL

1 Q. You don't -- you're not aware whether there were
2 drugs found in the trunk or not? You were never told
3 that?

4 A. Repeat that for me?

5 Q. You were never told that there were drugs found in
6 the trunk?

7 A. Correct.

8 Q. Somehow or another you thought that that's what you
9 were told?

10 A. No, I don't think I said drugs. If I did, I -- I
11 retract it. There was drug paraphernalia, what we
12 believe to be drug paraphernalia.

13 Q. Let me ask you, the certification, I just want to
14 ask you, who does this? For my education.

15 A. Yes, sir.

16 Q. Who does the certification?

17 A. In this?

18 Q. Yeah, in any situation, I mean, with you and the
19 dog.

20 A. Well, he -- like current -- well, let's just go with
21 this case, so this the South Carolina Police K9
22 Association, like I said, it's recognized by the South
23 Carolina Criminal Justice Academy, as a certified entity,
24 that certifies your dog -- your dog, you and your dog as
25 a team to, for lack of better words, be a police K9 unit

JURY TRIAL

1 for a year. It's every year you do that. It's an annual
2 certification.

3 Q. Okay. And that -- so, again, that was for my own
4 education.

5 A. Yes, sir.

6 Q. I just didn't know about the certification. Let me
7 ask you something, other than searching the trunk, you
8 don't know where in the trunk it was a -- where the odor
9 was coming from?

10 A. No, sir.

11 Q. Okay. You didn't have -- y'all didn't alert to
12 specific something in the drug, whether or not it was on
13 the scale or the cellophane or the trunk itself, correct?

14 A. No. All I know is that Baty indicated on that --
15 that tub, that trunk.

16 Q. The container.

17 A. That container, yes, sir.

18 Q. Okay. And does Baty know -- is there any duration
19 or period of time that a dog is limited in knowing and in
20 making that identification or --

21 A. Go ahead.

22 Q. I mean, just how long can it be that something
23 would've been -- an odor would've been left for something
24 that the dog would have alerted on?

25 A. I'll use my example that I used earlier, just to

JURY TRIAL

1 help better understand, with the cake. You know, that --
2 that odor stays a long time in the house. It just
3 depends on all kinds of factors, how long it's there, the
4 wind current, you know, inside your house is a controlled
5 environment; if your air conditioner is going, it just --
6 the humidity, the barometric pressure, everything affects
7 how long the odor stays there.

8 Q. So if you're in a compartment like that, a trunk or
9 something of that nature, it could be how long, years?

10 A. Well, if it's inside, you're referring to the odor -
11 -

12 Q. Yes.

13 A. -- inside of the trunk, it's a closed compartment.

14 Q. Yes.

15 A. Okay, so it can be there a while. And when I say a
16 while, it wouldn't surprise me if it's there for, and
17 this is just based on my educated --

18 Q. Yeah.

19 A. -- opinion, a week or more.

20 Q. Okay. All right. And the -- Baty cannot identify
21 or doesn't give you the type of drug that might've been
22 in it? It could've been marijuana, 'cause I think you
23 said he was trained for that as well.

24 A. Right.

25 Q. Could be prescription drugs?

JURY TRIAL

1 A. No, sir.

2 Q. The dog would -- no? I -- you explain, I just don't
3 know. I don't know.

4 A. The ones that's marijuana, cocaine, crack cocaine,
5 methamphetamines, heroin, and ecstasy.

6 Q. That's what the dog is trained on?

7 A. Yes.

8 Q. Okay. So, the -- it would be illicit drugs?

9 A. Yes, sir.

10 Q. Okay. And Baty cannot determine who may have put
11 any kind of drugs or -- that would've been around that
12 trunk that there would be that odor, correct?

13 A. Yes, sir.

14 Q. Okay. So we don't -- the dog does not know what
15 drug it is, does not tell you what drug --

16 A. Yeah.

17 Q. -- it is by any kind of reaction?

18 A. No, sir.

19 Q. And duration could be quite a while?

20 A. Yeah, in that kind of container, yes, sir.

21 Q. Okay. Can Baty -- if somebody had drugs on them,
22 would that odor or that drug be picked up by the dog, as
23 far as their person or their clothes?

24 A. Yes.

25 Q. All right, and did the dog react to anybody in the

JURY TRIAL

1 residence?

2 A. No. No, sir. But I just want to tell you, we don't
3 -- we don't search people, because he's trained to
4 apprehend, to bite as well, it's just not a good
5 practice.

6 Q. But the dog never reacted around Mr. Goad?

7 A. No. The dog never reacted, there was not anyone
8 present inside the residence while we were searching.

9 Q. Right, okay. And did you go throughout the
10 residence?

11 A. Yes, sir.

12 Q. And did it react on any clothes, any sofa, chair or
13 anything like that?

14 A. No, sir.

15 Q. Did the dog -- did you take the dog to the vehicles
16 that were present at the location?

17 A. Yes, sir.

18 Q. And did it react on the vehicles?

19 A. No, sir.

20 Q. So we -- so no clothes, no -- nothing -- nothing in
21 the house, no -- we don't know who, we don't know the
22 time, and we don't know the drug. What is the usual
23 reaction, is it the scratching that Baty --

24 A. For Baty it was.

25 Q. Okay, that's consistent with his experience --

JURY TRIAL

1 A. Yes.

2 Q. -- or the dog's experience. I assume it's a male.

3 A. It was.

4 Q. Was it male or female, Baty?

5 A. Yeah, he was. Yes.

6 Q. But scratching was the alert --

7 A. That's --

8 Q. -- that he's trained --

9 A. -- that's what we call his trained final response.

10 Q. Okay. Let me ask you this, I mean, you're aware as
11 a trainer and also law enforcement, there can be
12 transference.

13 A. Yes, sir.

14 Q. Of the odor of drugs from another source, correct?

15 A. Yes, sir.

16 Q. And we know that different periods of time some --
17 even the banks have money in the bank can be alerted by a
18 dog, a trained dog?

19 A. Yes, sir.

20 Q. And it would be just having come in contact with
21 somebody who may have had some kind of drug, the dog is
22 going to alert on, and we had -- there was a big problem
23 down in Florida, and other places around the country,
24 where dogs were alerting on bank money, the notes that
25 people had, bank notes and things of that nature,

JURY TRIAL

1 correct?

2 A. Yes, sir.

3 Q. So transference is not a surprise to you that
4 something can be transferred through the notes?

5 A. No, that's that residual odor, yes.

6 Q. The residual -- as long as it has the odor --
7 something had the odor, and it is somewhere near that
8 trunk, and the dog is going to alert on it.

9 A. The odor can be transferred, yes, sir.

10 Q. Yeah. So that does not necessarily mean that the
11 person who lives in that house put these substance in
12 that trunk to go ahead and have the dog alert?

13 A. I -- I can't speak to that.

14 Q. Right. But it doesn't mean that? That's what I'm
15 saying.

16 A. Presence of the odor was there.

17 Q. Okay. That's all I need. Thank you.

18 JUDGE NEWMAN: Any redirect?

19 MS. GATTE: Just very briefly, Your Honor.

20 RE-DIRECT EXAMINATION

21 BY MS. GATTE:

22 Q. Based on your expert opinion, were there drugs in
23 and around that bin?

24 A. Yes.

25 Q. Okay. And does that mean that they were that day?

JURY TRIAL

1 A. No.

2 Q. Does that mean that they were there two days prior?

3 A. No.

4 Q. And so, if an odor could linger in that bin for up
5 to a week, does that mean that in your expert opinion
6 within a week or two there were drugs in that container?

7 A. Could you repeat the last part again?

8 Q. Based on your expert opinion, if the odor remained
9 in that bin, does that mean that there were drugs in that
10 bin or around that bin within one to two weeks?

11 A. Well, yes. Yes, there had -- there had -- for the
12 odor to be there, there had to be drugs there at some
13 point in time.

14 Q. Okay, thank you.

15 MR. SWERLING: Your Honor, just one.

16 JUDGE NEWMAN: Yes, sir.

17 RECROSS-EXAMINATION

18 BY MR. SWERLING:

19 Q. If there were an odor coming from the trunk, and
20 that person was -- the owner of the house was driving
21 that car, I mean, you would expect there would be other
22 places where an odor to come out, correct?

23 A. If I may expound on that.

24 Q. Yeah.

25 A. When you search a vehicle, a vehicle -- most

JURY TRIAL

1 vehicles are airtight. It just -- it depends on a lot
2 more. Could there be odor inside the vehicle that a dog
3 can't pick up? Of course there could be. They don't --
4 they don't always find drugs when they're there, because
5 of how the -- the air currents, whether the vehicle is
6 running, and the air conditioner is going and pushing the
7 air out. There's just a whole lot of factors involved in
8 that.

9 Q. And again it could be also on clothes.

10 A. Say again?

11 Q. It could be on clothes as well.

12 A. Unclosed?

13 Q. If somebody was handling the drugs.

14 A. I don't understand.

15 JUDGE NEWMAN: Clothing.

16 BY MR. SWERLING:

17 Q. The odor would be --

18 A. Oh, clothing, yes, ma'am.

19 Q. Yeah, clothing, I'm sorry.

20 A. Yes, of course.

21 Q. Okay. And can the -- Baty smell an odor through
22 plastic bags, baggies?

23 A. Yes, sir.

24 Q. Okay. So that would not stop him from alerting
25 through a plastic bag?

JURY TRIAL

1 A. Again, it depends on the bag. If it's vacuumed
2 sealed, and that goes back to the transference that
3 you're referring to earlier, it's how it was packaged.
4 If rubber gloves were used, they can leave odor on the
5 external part of the package, but yes, there are packages
6 that can be completely sealed if they're done correct --
7 correctly in the drug world. But most of the time
8 they're not and there's residual odor on the packaging
9 that -- that the dog would alert to.

10 Q. Can the -- I guess my question, can the dog alert to
11 what was in the package?

12 A. Yes.

13 Q. Yes.

14 A. Just depends on if it's coming out or not or if
15 there's residual odor on the package.

16 Q. Okay, thank you.

17 A. Yes, sir.

18 Q. I appreciate it.

19 JUDGE NEWMAN: Thank you, sir, you may step
20 down.

21 WITNESS: Yes, ma'am.

22 MS. GATTE: Your Honor, Lieutenant Clayton,
23 may he be released from his subpoena so he can
24 remain in the courtroom?

25 MR. SWERLING: No objection.

JURY TRIAL

1 JUDGE NEWMAN: Okay, you're free to go.

2 MS. GATTE: Thank you.

3 JUDGE NEWMAN: Thank you. Call your next
4 witness.

5 MS. MCKELLAR: Your Honor, the State calls
6 Joshua Parnell.

7 (BENCH CONFERENCE)

8 JUDGE NEWMAN: Ladies and gentlemen, as you
9 just heard the next witness is Joshua Parnell, who
10 you've heard a great deal about during this trial,
11 and I'm told that it's going to be a somewhat
12 lengthy witness. And so as not to have to interrupt
13 that questioning, we're going to go ahead and take a
14 lunch break before we hear from Mr. Parnell. Please
15 be back in your jury room at 1:15. Do not discuss
16 the case amongst yourselves or with anyone else.
17 Don't do any research about the case. We will just
18 see you at 1:15. Enjoy your lunch.

19 (JURY EXITS)

20 JUDGE NEWMAN: Okay, see you at 1:15.

21 MS. MCKELLAR: Thank you, Your Honor.

22 MS. GATTE: Thank you, Your Honor.

23 (BREAK)

24 (JURY ENTERS)

25 JUDGE NEWMAN: Welcome back folks. We're

JURY TRIAL

1 going to resume the trial. If the State will recall
2 its next witness.

3 MS. MCKELLAR: Yes, Your Honor. The State
4 calls Josh Parnell.

5 JUDGE NEWMAN: Mr. Parnell?

6 THE CLERK: Mr. Parnell, can you place your
7 left hand on the Bible and raise your right hand?
8 Do you swear or affirm that the evidence you will
9 give in this case will be the truth, the whole
10 truth, and nothing but the truth, so help you God?

11 MR. PARNELL: Yes, ma'am.

12 THE CLERK: Okay. You can have a seat in the
13 chair. Please state your full name for the record.

14 JUDGE NEWMAN: Yeah, and gentlemen, if you
15 need chairs, those in the corner -- you can use
16 those chairs. I don't know your policy, but if you
17 want to sit, those chairs are available. Okay. Ms.
18 McKellar?

19 MS. MCKELLAR: Thank you. I believe she asked
20 him to state his name for the record and didn't get
21 a chance to do that.

22 MR. PARNELL: Joshua Ellis Parnell.

23 JOSHUA ELLIS PARNELL
24 was called as a witness, and having been first duly
25 sworn, testified as follows:

JURY TRIAL

1 DIRECT EXAMINATION

2 BY MS. MCKELLAR:

3 Q. Now, Mr. Parnell, I want to start by asking, do you
4 want to be here today?

5 A. Absolutely not.

6 Q. And are you here because you're under subpoena?

7 A. Yes, ma'am.

8 Q. Is there a particular reason you don't want to be
9 here today?

10 A. I don't want to do this really. But I got
11 subpoenas, it's the only reason I'm here.

12 Q. So you're not here because you were promised
13 anything?

14 A. Absolutely not.

15 JUDGE NEWMAN: Hold on one second. We can't
16 hear you.

17 BY MS. MCKELLAR:

18 Q. I know you don't want to be here, as you just said,
19 but I will say, if you talk a little louder, we won't --
20 this will go a lot faster, okay?

21 A. Yes, ma'am.

22 Q. So, you're not here because you were promised
23 anything?

24 A. Absolutely not.

25 Q. So nobody at this Prosecution table promised you

JURY TRIAL

1 anything for coming to testify today?

2 MR. SWERLING: Objection, leading.

3 THE WITNESS:

4 A. No, ma'am.

5 JUDGE NEWMAN: Overruled. Keep going, Ms.

6 McKellar.

7 BY MS. MCKELLAR:

8 Q. So, regardless of whether you want to be here or
9 not, are you going to tell the truth?

10 A. Yes, ma'am.

11 Q. Before we get into the details of the case, why are
12 you in prison currently?

13 A. Trafficking cocaine.

14 Q. Is that related the charges here today?

15 A. Yes, ma'am.

16 Q. How long have you been in?

17 A. Going on seven years.

18 Q. How old are you right now?

19 A. I'm 38.

20 Q. So you've been in since you were almost 30?

21 A. 31.

22 Q. Tell me where you grew up.

23 A. Lugoff, South Carolina.

24 Q. And when did you start using drugs?

25 A. Around 14, 15.

JURY TRIAL

1 Q. And at some point did you meet a man named Walter
2 Goad?

3 A. Yes, ma'am.

4 Q. Can you identify him in the courtroom for me?

5 A. Yes, ma'am. Walter Goad.

6 MS. MCKELLAR: If you'd let the record reflect
7 that the witness did point to the Defendant, Mr.
8 Goad at the Defense table.

9 BY MS. MCKELLAR:

10 Q. So at some point how did you -- how did you meet
11 him?

12 A. Through a mutual friend.

13 Q. And did you start working with him at all?

14 A. Yes, ma'am.

15 Q. In what -- what business?

16 A. Selling drugs.

17 MR. SWERLING: Judge, object to based on all
18 the reasons stated before.

19 JUDGE NEWMAN: Yes, sir, overruled.

20 BY MS. MCKELLAR:

21 Q. Before you started selling drugs with him, did you
22 work with the family business at all?

23 A. Maybe -- no, I started selling drugs before I worked
24 with his family business.

25 Q. So, when you say started selling drugs with him,

JURY TRIAL

1 what was the nature of that relationship? Would y'all
2 buy it together and split it up, or what?

3 A. Mainly he just -- he was doing -- I was just getting
4 it from him.

5 Q. So, did he approach you about that or you approach
6 him?

7 A. It was kind of a mutual -- I can't really -- it's
8 been so long, I just know we was around each other, we
9 both knew what each other did, and it led to us hooking
10 up.

11 Q. So would he front you drugs?

12 A. Yes, ma'am.

13 Q. So, what's the nature of that relationship? Tell
14 me, he would give you drugs and then what?

15 A. I would distribute it and pay him back.

16 Q. So, were you selling these drugs for profit?

17 A. Yes, ma'am.

18 MR. SWERLING: Judge, just so the record
19 reflects, my objection would run throughout this
20 testimony; is that all right?

21 JUDGE NEWMAN: Yes, sir.

22 MR. SWERLING: Thank you.

23 BY MS. MCKELLAR:

24 Q. So, the nature of your relationship was that he
25 would give you drugs, you would sell them, then pay him

JURY TRIAL

1 back, and keep your profit, correct?

2 A. Yes, ma'am.

3 Q. And how long did this go on? What timeframe was
4 this? What -- like what kind of years was this do you
5 think?

6 A. Maybe from -- it started when I was probably around
7 16, 17 and it was off and on, all the way up to when I
8 got these charges.

9 Q. So were you selling marijuana that whole time or did
10 it some -- at some point transition from marijuana to
11 something else?

12 A. It was mainly marijuana; we started off selling
13 marijuana and it transpired into cocaine.

14 Q. And that was around 2015 or 2016, do you remember?

15 A. '15, '16.

16 Q. And did you know why you transitioned from selling
17 marijuana to cocaine?

18 A. It -- I mean, he just said that there wasn't going
19 to be no more marijuana for a while. He said it's going
20 to be cocaine. I didn't really want to get into that
21 business, but my money was drying up. I just felt like I
22 had no other option, so I took on with it.

23 Q. So did you tell him no first?

24 A. Kinda, I -- I told him -- I said -- I really was
25 like I didn't want to take on as much as he was trying to

JURY TRIAL

1 push on me.

2 Q. As far as like the amount of drugs?

3 A. Yes, ma'am.

4 Q. But you did ultimately start selling cocaine, right?

5 A. I eventually took the offer.

6 Q. And so not even at this point but even before this
7 point, you consider yourself a drug dealer, right?

8 A. Yes, ma'am.

9 Q. So, you weren't somebody with a habit just selling
10 to afford your habit, right?

11 A. No, ma'am.

12 Q. This was a way a living?

13 A. Yes, ma'am.

14 Q. So, as a drug dealer working with and for Mr. Goad,
15 did he ever buy you a phone?

16 A. Yes, ma'am.

17 Q. So did you have your own phone?

18 A. Yes, ma'am.

19 Q. You had a phone?

20 A. Yes, ma'am.

21 Q. But he bought you a phone anyway?

22 A. We went through a lot of phones.

23 Q. You want to tell me why he bought you a phone?

24 MR. SWERLING: Could he get closer to the mic,
25 I'm sorry.

JURY TRIAL

1 THE WITNESS:

2 A. We went through a lot of phones.

3 Q. And why did he buy you a phone if you already had
4 one?

5 A. What we would call them burner phones, it was --
6 couldn't be tracked, basically.

7 Q. So it's your impression that these were --

8 MR. SWERLING: Objection, leading.

9 JUDGE NEWMAN: Sustained.

10 BY MS. MCKELLAR:

11 Q. So, they're called burner phones; why are they
12 called burner phones?

13 A. Untraceable.

14 Q. Untraceable to who?

15 A. The police.

16 Q. The police, correct. Did he ever switch phones?

17 A. He went -- yes, ma'am, he go through them.

18 Q. So he didn't just have one phone he had multiples
19 phones?

20 A. Absolutely not, he would switch up about every
21 month.

22 Q. Did he tell you why he did that?

23 A. Basically to keep -- keep -- keep from people, you
24 know, tracking the phone, phone number.

25 Q. At this time I'm going to ask you about a couple of

1 phone numbers. I know it's been eight years; I just want
2 to see if you recognize any of these. Does the phone
3 number 803-414-5606, do you recognize that number?

4 A. Yes, ma'am.

5 Q. Who's phone number was that?

6 A. That's Walter's.

7 Q. And do you recognize the number 803-272-5009, 5009?

8 A. I'm sorry, I don't recall that one.

9 Q. That's okay. And then 803-669-2316.

10 A. I believe that was one of his.

11 Q. So he had -- you had two phone numbers for him?

12 A. Yes, ma'am, I -- I -- I had way more than two, I
13 just can't really recall. Like I said, we had a new
14 number every month.

15 Q. But at least two at a time?

16 A. Yeah, he -- yes, ma'am.

17 Q. Would you call one for drug use only?

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

19 Q. And did you normally communicate just on that phone?

20 A. I mean, when we -- if it dealt with -- if it had
21 anything to do with drugs or operation, yes, ma'am. But
22 any other time I contact him on his regular number.

23 Q. Like a personal number?

24 A. Yes, ma'am.

25 Q. Almost like a personal and business number?

JURY TRIAL

1 A. Yes, ma'am.

2 Q. And the phone that he bought you, were you supposed
3 to use that as your personal phone?

4 A. No, ma'am.

5 Q. What was that phone for?

6 A. It was for selling drugs and to commun -- and to
7 communicate back with him.

8 Q. So that was a special phone to communicate with him
9 about drugs?

10 A. Yes, ma'am.

11 Q. At this point I'm going to ask you to identify
12 something.

13 MS. MCKELLAR: See Jack?

14 MR. SWERLING: Yeah.

15 BY MS. MCKELLAR:

16 Q. This is what's been marked as State's Exhibit 19.
17 Can you tell me what that is? What is that?

18 A. It's pretty much everybody's number that was in the
19 little ring.

20 Q. What kind of ring would that be?

21 A. Drugs.

22 Q. So did you make this list?

23 A. No, ma'am. I can see my number on there though.

24 Q. You know whose handwriting this is? You don't --
25 you don't have to.

JURY TRIAL

1 A. I don't to be honest with you.

2 Q. So do you recognize names on this list?

3 A. Yes, ma'am.

4 Q. So you said they're from a drug ring?

5 A. Well, as far as them names on there are people that
6 we dealt with.

7 Q. These are people that --

8 A. I don't know all them names. I'm not -- I can't say
9 I know all of them, but the ones I know -- I see my -- I
10 see my baby's momma -- my baby's mother's name's on
11 there, my brother's name. But other than that everybody
12 else is pretty much.

13 Q. So they were kind of doing the same thing that you
14 were doing?

15 A. No, I take that back not everyone on it, but the
16 majority of them, yes, ma'am.

17 MS. MCKELLAR: Beg the Court's indulgence,
18 please.

19 JUDGE NEWMAN: Yes, ma'am.

20 BY MS. MCKELLAR:

21 Q. I'd like to show you what's now been marked State's
22 Exhibit 14. You might recognize this one a little
23 better. Can you tell me what that is?

24 A. That's my -- my handwriting.

25 Q. And --

JURY TRIAL

1 A. It's a to-do list.

2 Q. Can I direct you to page two of that? What is that
3 a list of?

4 A. Some people that owed me money.

5 Q. So would you call this your drug ledger?

6 A. Yes, ma'am, that's how I kept tabs on who owed me.

7 Q. So it's a list of names and numbers?

8 A. Yes, ma'am.

9 Q. And the third page is the same thing?

10 A. Yes, ma'am.

11 Q. And that's like you say, how you kept up. So those
12 people on that list is who you sold cocaine to?

13 A. Yes, ma'am.

14 Q. So a few weeks before you were arrested, you had an
15 interaction with someone you were selling drugs with, and
16 you were pulled over after; is that correct?

17 A. Yes, ma'am.

18 Q. Did that make you suspicious in any way?

19 A. Yes, ma'am.

20 Q. Tell me why that is.

21 A. Just the way it all played out. I had talked with
22 him and I told him I was going to go back to my house and
23 pick up the stuff and meet him, and on the way back I got
24 pulled over and they searched, and they didn't find --
25 they did not find the coke or the money.

JURY TRIAL

1 Q. But you say the coke, 'cause it was -- was it there?

2 A. Yes, ma'am, it was in the nail bucket.

3 Q. So, in a bucket of nails?

4 A. Yes, ma'am. I used to roof and it was a work truck,
5 a bucket full of nails and tacks and I had put the coke
6 at the bottom and dumped the nails on top of it, so when
7 they searched the vehicle they took all the stuff off the
8 back of the truck, put the dog in the back of the truck,
9 and then when they took the dog off they put the bucket
10 back in the truck so they missed it.

11 Q. So you got lucky that time?

12 A. I would say so.

13 Q. I'm just curious, how were you going to get the
14 cocaine out of a whole bucket of nails? That sounds like
15 a horror movie.

16 A. You dump the nails out of the bucket.

17 Q. Okay, that makes sense. So, at some point after
18 that, did you learn that the individual you were
19 attempting to sell to that day was working for the
20 police?

21 A. I had my -- I had my suspicions.

22 Q. Speaking of that individual, I would like for you to
23 first identify what's been marked State's Exhibit 13. If
24 you'll see -- who's signature is that? That signature
25 there.

JURY TRIAL

1 A. That's mine.

2 Q. And did you sign that after listening to this?

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

4 Q. And you identified it as your voice on these phone
5 call?

6 A. Yes, ma'am.

7 MS. MCKELLAR: Your Honor, I would like to
8 play these at this point, publish them.

9 JUDGE NEWMAN: It's not in evidence yet.

10 MS. MCKELLER: Oh, after Mr. Sellers has
11 identified them and now Mr. Parnell has identified
12 them, I'd like to move them into evidence as State's
13 Exhibit 13.

14 JUDGE NEWMAN: Any additional objection?

15 MR. SWERLING: Nothing additional.

16 JUDGE NEWMAN: Okay. State's 13 is admitted
17 over the Defendant's objections.

18 (State's Exhibit 13
19 was introduced into evidence)

20 MS. MCKELLAR: And now may I publish it to the
21 jury, Your Honor?

22 JUDGE NEWMAN: Yes, ma'am.

23 BY MS. MCKELLAR:

24 Q. I'm just going to play you one phone call at this
25 time and I'm going to ask you to identify who is speaking

JURY TRIAL

1 and the nature of the conversation. We may have to play
2 it twice, may have to pause it, 'cause I just want to
3 make sure we're understanding what's being said, okay?

4 MR. SWERLING: What exhibit number?

5 MS. MCKELLAR: Thirteen.

6 MR. SWERLING: Thank you.

7 (PLAYS PHONE CALL)

8 BY MS. MCKELLAR:

9 Q. So whose voice is that on the phone?

10 A. That's my voice.

11 Q. And you were talking to somebody, who?

12 A. He said his name was Jose.

13 Q. And if I'm not mistaken, you said, I just got my
14 hands on it. What was that in reference to?

15 A. The cocaine.

16 Q. So had you spoken with Jose earlier about buying
17 cocaine?

18 A. Yes, ma'am, I dealt with him a couple times before.

19 Q. And when he asked you about buying it, did you have
20 it at that time?

21 A. I did and then he -- he and -- I dealt with him two
22 or three times and he said that they -- they wanted
23 something a little better. So, I told him when I got
24 something a little better, put my hands on it, I would
25 contact him. And then when I got what was supposed to

JURY TRIAL

1 have been better, that's when I contacted him.

2 Q. And who did you get the stuff that was supposed to
3 be better from?

4 A. Walter.

5 Q. Now on the phone call you also said you were on the
6 way to your mother's house, right?

7 A. Yes, ma'am.

8 Q. Was that a lie? Were you already at your mother's
9 house?

10 A. Yeah, it was to throw him off about, you know --
11 yes, ma'am, it was a lie. Yes, ma'am.

12 Q. And why did you tell him you were not there yet?

13 A. 'Cause I was still dealing with Walt, and I was
14 trying to get him out the way, because I didn't want -- I
15 was receiving that from him, so I wanted to take care of
16 that before I had him pull up to pick up something.

17 Q. So you're just kind of biding some time for
18 yourself?

19 A. I just -- yeah. He had just dropped it off with me,
20 and I was buying enough time to break out what Jose
21 wanted.

22 Q. So you didn't want Walter Goad there at the same
23 time as Jose?

24 A. Absolutely not.

25 Q. And you said you needed more time to set up?

JURY TRIAL

1 A. So I told him I -- I was 10 minutes out to buy me
2 the extra 10 minutes.

3 Q. Because after Mr. Goad delivered these drugs to you,
4 did you have other stuff you had to do to it before you
5 could further distribute it?

6 A. Yeah, I had to break it -- break it down and weigh
7 it out.

8 Q. I'd like to show you what's been marked as Exhibit
9 3. Can you identify the house in this photo?

10 A. That's my mother's house.

11 Q. And then I would like to show you what's been marked
12 State's Exhibit 1. Who's car is that parked in front of
13 your mother's house?

14 A. That's Walt's.

15 Q. Would he often come to your house to deliver the
16 drugs?

17 A. Most of the time.

18 Q. I'm now going to show you what's been marked State's
19 Exhibit 11. Does this look familiar to you?

20 A. Yes, ma'am, that's the cocaine.

21 Q. Now I'm going to show you what's been marked State's
22 Exhibit 5. Does that look familiar to you?

23 A. Yes, ma'am, that's the scales and that's the two
24 ounces Jose was supposed to be picking up.

25 Q. So, did the two ounces --

JURY TRIAL

1 MR. SWERLING: Your Honor, can I -- he speak
2 into the mic or sit up or pull the mic closer to
3 him?

4 THE WITNESS:

5 A. I said this is the scales and that's the cocaine
6 that Jose was picking up.

7 MR. SWERLING: Thank you, I appreciate it.

8 BY MS. MCKELLAR:

9 Q. So did the two ounces in that photo on the chair
10 come off of the larger piece of cocaine?

11 A. Yes, ma'am, it did.

12 Q. And lastly, I'd like you to identify what's been
13 marked State's Exhibit 6. Can you see what is in that
14 photo?

15 A. It's cocaine.

16 Q. What is the cocaine in?

17 A. It's in a fanny pack. It's a camouflage fanny pack.

18 Q. Is this State's Exhibit 28, is that the fanny pack
19 in question?

20 A. Yes, ma'am, that's it.

21 Q. You want to explain the fanny pack to me? Was this
22 kind of your like toolkit or what?

23 A. It's camouflage and I used to throw it up in the
24 tree.

25 Q. And that was common practice for you to keep your

JURY TRIAL

1 cocaine in this camo bag?

2 A. Well it -- it served a purpose, but when I needed to
3 get rid of it fast I just stashed it, throw it, and then
4 it be camouflaged.

5 Q. That makes sense.

6 A. And it'd be hard to identify.

7 Q. So just to be clear, this cocaine is the cocaine
8 Walter Goad brought you on September 22nd, 2016, right
9 before you were arrested?

10 A. Yes, ma'am.

11 Q. I'm also going to ask you to identify State's
12 Exhibit 12. To a lot of people this might not look like
13 much, do you recognize that at all?

14 A. Yes, ma'am. That's -- that's the package that the
15 cocaine came in.

16 Q. And specifically what is inside of it?

17 A. That's plastic wrap, aluminum foil, and Gorilla
18 tape.

19 Q. It's Gorilla tape?

20 A. Well, black duct tape.

21 Q. So is that how it was always packaged when you
22 received cocaine?

23 A. Yes, ma'am, far as I can remember, yes.

24 Q. Is there a reason that you would wrap drugs in saran
25 wrap, aluminum foil, and black tape?

JURY TRIAL

1 A. Keep the scent down.

2 Q. So, after Walter Goad left your house after
3 delivering the cocaine, before Jose got there, we touched
4 on it a second ago, what were you doing to prepare for
5 Jose's arrival?

6 A. Excuse me?

7 Q. After you got the cocaine, before Jose got there,
8 you said you had to do some stuff, what exactly were you
9 doing to be ready for him to get there?

10 A. I was breaking it down, weighing what he needed. I
11 was breaking the cocaine down.

12 Q. Did anybody else come to the house during this time?

13 A. You talking about after I received the cocaine?

14 Q. Yes, sir.

15 A. No, ma'am, just him. And then after he pulled out
16 is when the police pulled up.

17 Q. So the police did pull up, and they executed a
18 search warrant on your home, correct?

19 A. That's right. He -- he never did pull up, they
20 pulled up, and he was supposed to be pulling up, I
21 believe.

22 Q. So when you say he never pulled up, Jose never
23 showed?

24 A. He showed up at my momma's house -- it's hard for me
25 to remember it's been so long ago.

JURY TRIAL

1 Q. Of course.

2 A. But that's what my meeting spot that Jose would meet
3 was at my mother's, 'cause it was in between where he
4 said he was from and from my house. So it was a middle -
5 - it's a mutual, middle point, of meeting. So therefore,
6 when I meet -- when I used to meet Jose -- not just him,
7 a lot of other people, I would meet them out there 'cause
8 it was right in the middle of town.

9 Q. Did you also feel safe at that spot from law
10 enforcement eyes, maybe?

11 A. I don't know if I'd say that. It was just more
12 convenient.

13 Q. Okay. So that particular day that you were
14 arrested, or they execute a search warrant at your home,
15 Jose never showed up to pick up the drugs?

16 MR. SWERLING: Objection, leading.

17 THE WITNESS:

18 A. As far as I remember, no, ma'am.

19 MR. SWERLING: Leading the witness.

20 JUDGE NEWMAN: Overruled.

21 BY MS. MCKELLAR:

22 Q. But law enforcement showed up quickly thereafter?

23 A. Almost immediately after I got off the phone with
24 him.

25 Q. So after law enforcement recovered the drugs, did

JURY TRIAL

1 they attempt to speak to you at all?

2 A. Yes, ma'am.

3 Q. And do you remember telling them that someone had
4 brought you the drugs?

5 A. Yes, ma'am.

6 Q. Who did you tell them that was?

7 A. Walter Goad.

8 Q. Did you use any other names at that time?

9 A. Ethan.

10 Q. Why did you say Ethan?

11 A. That's what he would like to go by.

12 Q. Was that in real life, that was just his nickname,
13 or was his drug name?

14 A. When he was asked -- that's what he was asked to go
15 by, that's why I told him Ethan.

16 Q. But did you then almost immediately tell them that
17 that's not his real name?

18 MR. SWERLING: Objection. Forget it.

19 THE WITNESS:

20 A. They eventually got it out of me.

21 Q. Yes, and of course, I'm not saying that you
22 necessarily, you know, came off all this, but in their
23 questioning they were able to get the information from
24 you?

25 A. Yes, ma'am, I do believe at first I tried throwing

JURY TRIAL

1 them off with that name.

2 Q. But ultimately you admitted that it was -- Walter
3 Goad's his real name?

4 A. Yes, ma'am.

5 Q. After that, did you at the request of police, place
6 any calls to the defendant, Mr. Walter Goad?

7 A. Yes, ma'am.

8 Q. You've already identified what's been marked as
9 State's Exhibit 13. There's a second call on that disc
10 that I'd like to play for you now. I'm going to ask you
11 some of the same questions, okay.

12 MR. SWERLING: Your Honor, the same -- the
13 same objection.

14 (PLAYS AUDIO)

15 BY MS. MCKELLAR:

16 Q. I had her pause it, what two voices are on the
17 recording right there?

18 A. Mine and Walter's.

19 Q. So you called him. So the first voice we heard was
20 that Goad, and the second voice is yours?

21 A. Yes, ma'am.

22 (PLAYS AUDIO)

23 BY MS. MCKELLAR:

24 Q. What were you explaining to him? And we paused it
25 at this point. What were you explaining to him just

JURY TRIAL

1 then?

2 A. Money issues, basically, money I owed.

3 MR. SWERLING: I'm sorry, he needs to get
4 closer to the mic.

5 THE WITNESS:

6 A. Money that I owed.

7 Q. So, you owed him money for what?

8 A. Drugs.

9 Q. And were you saying why you couldn't collect money,
10 if I heard correctly?

11 A. Yes, ma'am.

12 Q. What was the excuse you gave him?

13 A. I gave him a couple. One was because I told him
14 that the police kept coming by my mother's for my sister
15 running from probation. And people that owed me that
16 they done fronted it out and they was having problems
17 getting their money so I was waiting on them to get
18 Social Security checks, it was a couple different things.

19 Q. Were these excuses your idea that you came up with,
20 or did law enforcement help you come up with those ideas?

21 A. It's half and half really.

22 Q. When you --

23 A. A lot of it was -- a lot of it was true. And then
24 they helped, you know, they -- I didn't have nothing make
25 the money back off of.

JURY TRIAL

1 Q. Okay. We can finish the call now.

2 (PLAYS AUDIO)

3 BY MS. MCKELLAR:

4 Q. So, when Mr. Goad is saying, I've already waited a
5 week, and in two weeks, and it's about going on three
6 weeks, is that him getting impatient with his payment?

7 MR. SWERLING: Objection, Your Honor, leading.

8 JUDGE NEWMAN: Sustained. Rephrase your
9 question.

10 MR. HOUGH: Your Honor, could he also -- the
11 witness be asked to move that screen. We are unable
12 to see him.

13 MS. MCKELLAR: I think it's good.

14 MR. HOUGH: It has me leaning into this
15 prosecutor, I think she can testify.

16 JUDGE NEWMAN: Is that better?

17 MR. HOUGH: Thank you very much, Your Honor.

18 BY MS. MCKELLAR:

19 Q. So the impression that you got was that he wanted
20 his money from you, correct?

21 A. Yes, ma'am.

22 Q. At one point you were talking about getting somebody
23 the dope, correct?

24 A. Yes, ma'am.

25 Q. That's what you said? And that she was going to

JURY TRIAL

1 have to get Social Security money to pay you back?

2 A. Yes, ma'am.

3 Q. And then at one point Mr. Goad says to you, "We got
4 that good," and in response, if I'm hearing correctly, I
5 want you to tell me, he says -- or you say, "It's gonna
6 fly?"

7 A. Yes, ma'am.

8 Q. What did you mean?

9 A. It's gonna sell fast.

10 Q. It's because it's the good stuff that you referred
11 to?

12 A. Because it was better, that's what Jose was asking
13 for.

14 Q. Beg the Court's indulgence. The day the search
15 warrant was executed at your house, did Walter Goad ever
16 enter your house?

17 A. Yes, ma'am.

18 Q. He did? How long did he stay, a minute, two
19 minutes, five minutes?

20 A. Maybe five minutes, long enough to drop it off.

21 Q. And did you try to set him up that day? Did you
22 call him over there so he'd be arrested?

23 A. Absolutely not. I didn't even know I was getting
24 set up that day.

25 Q. So you weren't working with the police that day?

JURY TRIAL

1 A. Not the day. That's the day I got busted was the
2 day he dropped that off, and I'll be honest with you at
3 first I thought -- I really thought he had something to
4 do with it.

5 Q. Was it your first --

6 A. 'Cause the time he pulled out the yard, the police
7 pulled in and busted me.

8 Q. So the first thought you thought Walter Goad set you
9 up?

10 A. At first.

11 Q. So, I asked you to begin with, you pled guilty to
12 these charges, right?

13 A. Yes, ma'am.

14 Q. You pled guilty to trafficking cocaine?

15 A. Yes, ma'am.

16 Q. And why did you do that?

17 A. 'Cause I was guilt -- I got caught red handed with
18 the cocaine and I was set up and that -- there was no way
19 out of it, I was guilty.

20 Q. Have you been promised anything?

21 A. Absolutely not.

22 Q. So then why are you here testifying?

23 A. Be honest with you, I done a lot of wrong in my life
24 and I've lost a lot of good friends for drugs. I just
25 lost my sister last week because of drugs. And this is

JURY TRIAL

1 more for me, for my conscience, to clear my conscience,
2 and get right with the Lord. Because if I was to die
3 today and it be the end of it, and they put me in the
4 ground, so be it. But let's say that it's not the end of
5 it and there's a heaven and a hell, I'd rather hear from
6 my Lord that I've done well then to hear (inaudible) I
7 have not known and I've -- I've dealt with this over the
8 years, I've battled with this and it's -- it's the only -
9 - I done lost too many 'cause of drugs and it -- this
10 don't -- it's -- it's the only right thing to do. And it
11 helps clears my conscience. If there's anything I can
12 do, if I can get back to all the people I sold drugs to
13 that got their life messed up and died, if this is -- if
14 this is all I can do for them, then this -- let this be
15 it. At least I -- at least my conscience will be clear
16 when I leave here.

17 Q. So I have one last question for you, could you have
18 trafficked drugs without Walter Goad first giving you
19 those drugs?

20 A. No, ma'am.

21 MS. MCKELLAR: There are no further questions
22 for the witness at this time, Your Honor.

23 JUDGE NEWMAN: Cross-examination, Mr.
24 Swerling?

25 MR. SWERLING: Yes, Your Honor. If the Court

JURY TRIAL

1 will indulge me one moment.

2 JUDGE NEWMAN: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. SWERLING:

5 Q. Mr. Parnell, my name is Jack Swerling. How are you
6 today?

7 A. Fine, how are you doing?

8 Q. Good. And, of course, I've got some questions for
9 you. So, this is all about you clearing your conscience
10 and getting right with the Lord, right?

11 A. A lot to do with that, yes, sir. It's been eating
12 me for a long time and I've been losing -- every time I
13 call home somebody else is dead. Like I said, my sister
14 just died last week. And it -- it --

15 Q. I'm sorry, I heard -- I heard about that she passed
16 away. I want to go back a little bit with you and -- so
17 you've been in how long? How long have you been in?

18 A. Going on seven years.

19 Q. Pardon?

20 A. Going on seven years.

21 Q. Seven years. And your sentence was 10 years,
22 correct?

23 A. Yes, sir.

24 Q. And so you've got a little bit more time to do,
25 correct?

JURY TRIAL

1 A. Until '27.

2 Q. Yeah. And Solicitor -- or the Attorney General
3 asked you whether or not you were promised anything, but
4 everything -- most of what you've been promised was up
5 front, in the reduction of charges?

6 A. Sir, I've not been promised nothing.

7 Q. Pardon?

8 A. I have not been promised nothing.

9 Q. But you did get a reduction in charge?

10 A. No, I took a plea deal.

11 Q. You got a reduction in charge?

12 A. It was either go to trial or take this deal.

13 Q. Mr. Parnell, you were charged originally with
14 trafficking cocaine 200 to 400 grams, correct?

15 A. Yes, sir.

16 Q. All right, and you were looking at 25 years
17 mandatory minimum service of that sentence, correct?

18 A. Yes, sir.

19 Q. All right. And as a result of your cooperation with
20 law enforcement, you were allowed to plead guilty to
21 trafficking cocaine 28 to 100 grams, correct?

22 A. Sir, it did not work out like that what you're
23 saying.

24 Q. That's what happened?

25 A. No, it's not. I -- they -- I turned down my first

JURY TRIAL

1 two deals. I didn't have -- didn't get no bargain, it
2 was either take this or you go to trial.

3 Q. I -- I don't even understand what you just said.

4 A. Sorry for you, sir.

5 Q. Could you repeat what you just said?

6 A. I said I turned down my first two plea deals, and I
7 took -- it was either that or go to trial, so I had no
8 choice but to take that rather than go to trial.

9 Q. So, bottom line is the State agreed to let you plead
10 guilty to trafficking in cocaine from 10 to 100 grams --
11 or 28 to 100 grams, correct?

12 A. That is --

13 Q. Isn't that what you pled guilty to?

14 A. That's what I pled guilty to.

15 Q. Okay. So you agree -- you have to agree that was a
16 reduction in your charge? 'Cause you were charged with
17 200 to 400 grams.

18 A. I took the plea deal or it goes to trial.

19 Q. I understand that. But you were charged originally
20 with trafficking 200 to 400 grams, you were looking at a
21 mandatory minimum of 25 years, that's not what you pled
22 guilty to, correct?

23 A. No, sir.

24 Q. You pled guilty to 28 to 100 grams, correct?

25 A. Yes, sir.

JURY TRIAL

1 Q. And that range was seven to 25 years, a lot less
2 than what you were originally charged with, correct?

3 A. Yes, sir.

4 Q. Okay. And you -- they recommended for you a
5 negotiated sentence of 10 years.

6 MS. GATTE: Objection, those are facts not in
7 the record.

8 MR. SWERLING: Pardon?

9 JUDGE NEWMAN: Right.

10 MR. SWERLING: Pardon?

11 JUDGE NEWMAN: Overruled though. He can ask
12 him.

13 BY MR. SWERLING:

14 Q. Didn't you get 10 years?

15 A. Yes, sir.

16 Q. Okay. And the range was seven to 28, correct?

17 A. I have no idea.

18 Q. I'm sorry, seven to 25, correct?

19 A. I don't know, sir.

20 Q. You don't know that?

21 A. No.

22 Q. You don't know if that was the range you were
23 looking at when you pled guilty?

24 A. Yeah -- I mean, I thought it was 10 to 15 or
25 something like that, and I took the 10.

JURY TRIAL

1 Q. Well, seven to 25 and you got 10 years, correct?

2 A. Yes, sir, I got -- I got sentenced to 10 years.

3 Q. Okay. And so someone reduced the charges for you
4 and that would've been the State of South Carolina,
5 correct?

6 A. I don't know.

7 Q. So you don't know how that took place?

8 A. I don't --

9 Q. You had a lawyer, didn't you?

10 A. -- have a degree in law, sir. I really honestly I
11 don't know. I don't know.

12 Q. Well, it's obvious that you were charged with
13 something that carried a minimum of 25 years, and then
14 you pled guilty to something where you got 10 years, and
15 it's a lower level of trafficking in cocaine, you would
16 agree with that, wouldn't you, just to move this thing
17 along?

18 A. I don't know, sir.

19 Q. You don't know what?

20 A. I don't know -- I can't answer the question 'cause I
21 really don't understand what you're trying to say.

22 Q. Did you plead to 28 to 100 grams?

23 A. Sir, I told you I took the 10-year sentence. I
24 don't know what else you're asking. I took a -- I took
25 the plea deal for 10 years. Now, I don't know what else

JURY TRIAL

1 --

2 Q. How many years?

3 A. -- you're trying to ask me. Ten years.

4 Q. Ten years. All right, but under what you --

5 A. It's for trafficking cocaine.

6 Q. -- were originally charged with, the minimum was 25
7 years.

8 A. I thought that what I'm charged with is what I'm
9 doing. I'm doing --

10 Q. So, you're telling the jury that you were charged
11 with 200 to 400 grams, looking at 25 years mandatory
12 minimum, and you took 10 years --

13 A. As far as I know I was charged --

14 Q. Wait a minute.

15 JUDGE NEWMAN: Let him finish his question.

16 BY MR. SWERLING:

17 Q. And you don't know what happened?

18 A. Sir, as far as I know I was -- I was charged with
19 trafficking cocaine and the grams and all that, I have no
20 idea.

21 Q. You never had an idea about that? Your lawyer
22 didn't explain it to you?

23 A. He said it was trafficking second.

24 MS. GATTE: This has been asked and answered.

25 JUDGE NEWMAN: Yeah, please move on.

JURY TRIAL

1 Sustained. Move on Mr. Swerling.

2 MR. SWERLING: Yes, ma'am.

3 BY MR. SWERLING:

4 Q. Well, let's talk about when you started this thing
5 with the cocaine. When did you actually start? 'Cause I
6 was a little confused about what the -- your answers were
7 to that, or maybe I just didn't hear it. When did you
8 start dealing in cocaine?

9 A. I didn't deal with the cocaine probably for about a
10 year to six months before I got busted; we dealt
11 marijuana all the previous years. Like I said, the
12 marijuana left and I picked up the cocaine, 'cause the
13 money was drying up. And that didn't last long.

14 Q. Well, we'll talk about the marijuana for one second.
15 I believe you told the -- you were debriefed that day by
16 the -- by law enforcement, correct?

17 A. Yes, sir.

18 Q. You gave a statement -- you started cooperating back
19 then?

20 A. Yes, sir.

21 Q. The 22nd, the day your house was raided, correct?

22 A. Yes, sir.

23 Q. And you knew at that time you were in a lot of
24 trouble, correct?

25 A. Yes, sir.

JURY TRIAL

1 Q. I believe you told the police that you were dealing
2 in marijuana with Mr. Goad and that over the period of
3 time, the five or seven years, whatever it was, you sold
4 -- were given 2600 pounds to 5200 pounds of marijuana,
5 correct?

6 A. Is that over the time period?

7 Q. Yeah.

8 A. Yeah, yeah, yeah, yeah. I would guess. I -- I
9 can't -- I can't -- if I would tell you a certain -- a
10 specific number it would -- I -- I can't tell you. I
11 don't know. That's a lot of years you're talking about
12 selling --

13 Q. Yes.

14 A. -- marijuana.

15 Q. You were talking -- you told them it was between 10
16 to 20 pounds a week.

17 A. If that's what I told them, then that's probably how
18 much it was. 'Cause I would've had time to sit there and
19 figure it all up, but right now I don't have time to sit
20 here --

21 Q. I didn't -- I didn't ask you to do that. But 10 to
22 20 pounds a week, during that period of time, so it would
23 be somewhere between 2600 pounds and 5200 pounds of
24 marijuana is what you said.

25 A. There -- there was times --

JURY TRIAL

1 Q. Is that what you said?

2 A. There was times when we did -- we go six -- six
3 months without selling marijuana.

4 Q. Is that what you said?

5 A. If the paper says I said it, then that's what I
6 said.

7 Q. Okay. And you also said that you are making 500
8 pounds -- I mean, \$500 per pound, correct? That's what
9 you said.

10 A. Yeah, it -- it would differ, depends on who was
11 buying that pound. I sold -- I sold it different prices
12 to different people.

13 Q. You told law enforcement you were making 500 a pound
14 --

15 A. Okay.

16 Q. -- correct?

17 A. If the paper says that then that's what I said.

18 Q. So, either at the low end 10 pounds over the period
19 of time that you were doing it, would be 1.3 million
20 dollars that you made, and as high as 2.6 million
21 dollars, these are not my figures --

22 A. Listen --

23 Q. -- this is what you told law enforcement, correct?

24 A. You're -- you're going off of if I sold it straight
25 all the time. There was times when we took six months

JURY TRIAL

1 off at a time. It wasn't straight through the whole year
2 -- all year, every day of selling marijuana.

3 Q. Mr. Parnell, that's not what I asked you.

4 A. What did you ask me?

5 Q. That you told law enforcement that you were getting
6 10 to 20 pounds a week, that was the range you gave them,
7 correct?

8 A. Yeah.

9 Q. All right. So that means it's either 2600 pounds,
10 up to 5200 pounds, you would agree with that, correct?

11 A. I don't have a calculator to do the figuring, sir.

12 Q. And at \$500 a pound that you told police you were
13 getting, that would be somewhere between 1.3 million to
14 2.6 million. I'm not asking you for an exact figure, but
15 that would be the range.

16 A. If you say so, sir.

17 Q. Well, I'm taking your numbers from your debriefing.

18 A. If that's what the paper says.

19 Q. So where's the money?

20 A. I don't know. It's not much you make, it's how much
21 you save, sir.

22 Q. Pardon?

23 A. It's not how much you make it's how much you save.

24 Q. I -- I'm sorry, I cannot understand what you said.

25 A. It's not how much money you make, it's how much

JURY TRIAL

1 money you save.

2 Q. Yeah, so --

3 A. You can make a million dollars, but you're spending
4 a million dollars you ain't gonna have nothing to show
5 for it.

6 Q. Well I agree with that. So where is the money?

7 A. A lot of money has been spent.

8 Q. Went to what?

9 A. Cars, motorcycles, boats, partying.

10 Q. Okay. So you spent somewhere between 1.3 million
11 and 2.6 million, according to what you told law
12 enforcement, and what you're telling the jury?

13 A. That sounds absurd, sir. But if that's what you're
14 trying to -- I mean, listen --

15 Q. I'm taking your --

16 A. -- I didn't know the numbers was that high, but if
17 they're that high, then I guess that's what it is.

18 Q. I'm taking your figures.

19 A. Are you figuring up -- making that much money every
20 -- every week for 15 years, is that what you're trying to
21 --

22 Q. Sir, you told law enforcement --

23 A. I think you're -- I think -- I think that somebody
24 here is getting confused, maybe it's me. I'm not
25 understanding what you're saying.

JURY TRIAL

1 Q. You told law enforcement that you were getting 10 to
2 20 pounds a week --

3 A. Okay, for --

4 Q. -- at different periods of time.

5 A. Are you -- are you -- are you figuring that up for a
6 straight period of time?

7 Q. No, I'm telling you -- taking the words --

8 A. I'm asking you are you figuring --

9 Q. I'm taking the words you told the police.

10 A. Okay. Are you figuring it for all the years? You
11 ain't -- that -- that every day or every week that's what
12 I made for 15 years is --

13 Q. No, that's not what I'm saying.

14 A. Okay. So how do you come up with that number?

15 Q. Because -- you came up with it.

16 MS. GATTE: Your Honor, can Mr. Swerling ask a
17 question and stop arguing?

18 MR. SWERLING: I'm not arguing with him. I'm
19 trying to get an answer.

20 JUDGE NEWMAN: Well, you kind of are. Would
21 you ask a question, please?

22 MR. SWERLING: Yes.

23 BY MR. SWERLING:

24 Q. Based upon what you told the police, those are the
25 figures that it comes out to, correct?

JURY TRIAL

1 A. I'm not going to agree with that, sir.

2 Q. You're not going to what?

3 A. I think that you're twisting the number -- I -- I
4 don't think that you're understanding how it was said to
5 the police. I think that you're -- you're not
6 understanding that.

7 Q. Well --

8 A. You're trying to say that I made this much money
9 every week for 15 years, and that's -- that's not true.
10 I didn't tell the police that I made that much money for
11 every week for 15 years.

12 Q. I didn't say that, sir.

13 A. I might've told them that's what I made when I was -
14 - when we was selling, yeah, it is. But like I said
15 there was a time we might've took seven, eight months
16 off, so nobody made nothing. And you're figuring that in
17 right now.

18 Q. I'm just asking you questions based upon your
19 statement.

20 A. Well I'm gonna sit here and tell the jury that y'all
21 --

22 Q. (Inaudible) excuse me, Mr. Parnell, (inaudible)
23 quiet (inaudible). Well back to the beginning, you told
24 the police -- you started cooperating on September 22nd,
25 the day of your bust, correct?

JURY TRIAL

1 A. I don't know.

2 Q. You don't even know that?

3 A. No, sir.

4 Q. Huh?

5 A. No, sir, I don't.

6 Q. You didn't give the police a statement on September
7 22nd?

8 A. I can't remember certain dates, sir. That's been --
9 that's been --

10 Q. The day you got arrested.

11 A. That's been almost a decade ago.

12 Q. Not the day you got -- the day your house was
13 raided.

14 A. I can't remember that date, that's been almost a
15 decade ago.

16 Q. But -- how about September 22nd?

17 A. I can't tell you what happened on that day.

18 Q. Did you get arrested -- or forget that. On the day
19 you got -- the house was searched, they busted you, did
20 you not give a statement to the police that afternoon?

21 A. Yes, sir.

22 Q. Okay. And in that statement it says this, he
23 estimated during this period when you were selling
24 marijuana, that you got somewhere between -- or you're
25 getting 10 to 20 pounds a week, which is 2600 pounds up

JURY TRIAL

1 to 5200 pounds. That's in your statement. You're going
2 to disagree with that? You want to see it?

3 A. Sir, I never disagreed with it.

4 Q. I'm sorry?

5 A. I'm not disagreeing with it.

6 Q. You're not disagreeing with it?

7 A. No, I'm not disagreeing what you're saying.

8 Q. I -- I can't understand what you're saying.

9 A. I am not disagreeing with you for the statement.

10 Did you understand that?

11 Q. No, I did not.

12 A. I'm sorry for you, sir.

13 Q. You feel sorry for me? I feel sorry for you.

14 MS. GATTE: Objection, Your Honor.

15 MR. SWERLING: He said he was -- I just told
16 him I feel sorry for him.

17 JUDGE NEWMAN: Listen, let -- let's cut it
18 out.

19 BY MR. SWERLING:

20 Q. I'd ask you to repeat yourself, if you would.

21 A. I do not know.

22 Q. You want to see this? Let me show it to you.

23 A. I don't want to go back and forth with you over
24 this. I told you I can't remember certain dates or
25 numbers, that's been almost a decade ago.

JURY TRIAL

1 Q. Let me show --

2 A. If it's on the paper, then I must have said it,
3 bottom line. What more do you want from me?

4 MR. SWERLING: Your Honor, may I approach?

5 JUDGE NEWMAN: Yes, sir.

6 BY MR. SWERLING:

7 Q. I want you read down here and see if that's what you
8 said. 'Cause I don't say things that are not on the
9 paper.

10 A. And that -- and that's right, but you're -- but
11 you're not -- you're not ruling in the fact that --
12 you're -- you're saying this happened every day.

13 Q. No, I didn't.

14 A. But -- no, no, that's what -- no, that exactly what
15 you're saying. I told the police that that's how much we
16 did, 'cause we did. But, you're adding up the numbers
17 like we done this every week for all these years and
18 that's wrong, because I'm sitting here telling you that
19 we didn't do it every -- there's times we took six months
20 off, and you can't add in this money for the six months
21 that we wasn't selling dope.

22 Q. Who told them that you got 10 to 20 pounds a week?

23 A. I did. And that's true.

24 Q. And who told them --

25 A. That's true.

JURY TRIAL

1 Q. -- that it was 2600 pounds?

2 A. Over a 15-year period, that would be right.

3 Q. (Inaudible).

4 A. Yeah, I didn't realize we made that much money. But
5 if we did, we did. I'm --

6 Q. So you blew somewhere between 1.3 million and 2.6
7 million over that period of time.

8 A. We had to.

9 Q. No, you did.

10 A. I must of, 'cause we damn sure did it.

11 Q. That's your \$500 a pound, period.

12 A. Oh, no, no, no, sir. No, sir, that's where you're
13 getting wrong there. I didn't make \$500 on every pound;
14 it depends on the person I sold it to. There might have
15 been times I only made \$300 a pound.

16 Q. You want to see it?

17 A. We -- that's -- that right there is a estimate.
18 That's not a -- that's not a -- a -- down to a fraction.
19 That right there is just a roundabout.

20 Q. (Inaudible) told them?

21 A. I'm -- I'm telling the jury this right here. We
22 sold -- I didn't make \$500 off every pound. It -- 'cause
23 I might sell to you and might deal with you more and let
24 you get them for cheaper and only make 200 a pound.

25 Q. You tell the police you got --

JURY TRIAL

1 A. I must've told them this, but I'm telling y'all
2 right now it didn't work like that. There was times we
3 only made 200 off of a pound, 'cause of who I was selling
4 to.

5 Q. So you lied to the police?

6 MS. GATTE: Your Honor, objection.

7 THE WITNESS:

8 A. No, I didn't lie to the police. You're twisting up
9 my words and stuff and it -- and -- and I'm telling you
10 and I'm telling the jury right now how it happened. So,
11 you keep trying to twist it up, but that's not how it
12 happened. I'm telling y'all right now we sold that much
13 dope. I didn't make \$500 off of every pound, every
14 freaking week like that. There's times we took six
15 months off. And there might've -- I might've sold you 10
16 pounds and only made 300 off of every pound.

17 Q. Okay.

18 A. I might've sold him 10 pounds and made 500 off of
19 every pound, it depends on who I was selling to.

20 Q. I'm just repeating what you told the police.

21 A. I understand.

22 Q. Okay. You're very angry.

23 JUDGE NEWMAN: Is that question, Mr. Swerling?

24 WITNESS: Excuse me, sir?

25 MR. SWERLING: No, Your Honor.

JURY TRIAL

1 JUDGE NEWMAN: Can we reduce the commentary?

2 BY MR. SWERLING:

3 Q. Are you angry?

4 A. Am I angry? No, I'm a little frustrated that you're
5 trying to twist things up, that's all.

6 Q. Okay. Did I say anything to you that's not in the
7 report? Did I?

8 A. I -- really -- to be honest with you, sir, I don't
9 know. I can't remember what you said just now. I know
10 that you read that report, and I'm just telling you right
11 now that it ain't -- it ain't like you're making it out
12 to be. And there's -- there's right and there's right,
13 what's right is right, and what's wrong is wrong. And
14 what you're trying to twist up is all wrong. And I'm
15 sitting here telling the jury right now that ain't --
16 that ain't exactly -- what you're trying -- how you're
17 trying to say it went, it ain't. But what happened
18 happened, and can't nobody take that from you. The
19 truth's the truth.

20 Q. You agree though that's what you told the police?

21 A. If that's what I told -- if that's what the paper
22 said I must have told them that.

23 Q. Excuse me, I need to get a little something
24 (inaudible). You started selling cocaine after you made
25 1.3, 2.6 million dollars, you started selling cocaine in

JURY TRIAL

1 July of 2016, you said, correct?

2 A. If that's what the paper says, sir, that's when I --
3 that's -- yeah.

4 Q. All right. And did -- you didn't get charged for
5 any drug distribution in July of 2016 did you?

6 A. No, sir.

7 Q. They didn't charge you with that?

8 A. No, sir.

9 Q. The first controlled sale -- you know what a
10 controlled purchase is?

11 A. Yes, sir.

12 Q. And that's when they had somebody, a confidential
13 source wired up, came to you, and in August 5th of 2016
14 you sold somebody, an individual, a confidential source,
15 let's see, one ounce of cocaine for \$1,000, correct?

16 A. Yes, sir.

17 Q. And you told the police that you made -- you would
18 try to buy it for 850, and you try and sell it for 1250,
19 generally you made about \$200 a ounce, correct?

20 A. Yes, sir, that sounds right.

21 Q. And on that particular occasion was your girlfriend
22 Hailey with you?

23 A. I believe she was, sir.

24 Q. Pardon?

25 A. I do believe so.

JURY TRIAL

1 Q. I -- I'm sorry.

2 A. I said I do believe so.

3 Q. Okay. And her child was with you?

4 A. I do believe so.

5 Q. So Hailey was participating in these drug deals with
6 you?

7 A. No, sir, she didn't know what I was doing at the
8 time.

9 Q. Okay. So, you never had a discussion about it?

10 A. I'm just -- I mean, yeah, she knew, but she didn't
11 know I was getting out of the car and wanting to sell --
12 I literally meet people places and not tell her what I
13 was doing.

14 Q. But she drove you around to do these drug sales,
15 correct?

16 A. No, sir.

17 Q. She drove you around --

18 A. On that occasion --

19 Q. -- to do these drugs --

20 A. On that occasion she drove me that occasion, but no,
21 sir, usually I would go take -- do it on my own, sir.

22 Q. And let's see, you sold cocaine out of your mother's
23 house, correct?

24 A. Yes, sir, I did.

25 Q. And your grandmother lives there as well?

JURY TRIAL

1 A. No, my grandmother's --

2 Q. Pardon?

3 A. My grandmother was passed away, she was passed away.

4 Q. I'm asking about 2016.

5 A. No, no, sir. My grandmother had bought a house in
6 Mayfield Acres and let my Momma move into that house. My
7 grandma has passed away since.

8 Q. Since.

9 A. Yes, sir.

10 Q. Okay, and I'm sorry about that. She -- but your
11 grandmother and your mother lived at the house?

12 A. No, sir, my mother lived at the house. My
13 grandmother bought her a new house and had moved in her
14 new house --

15 Q. Sorry. All right, so your mother was living there
16 and your brother Luther was living there?

17 A. Yes, sir.

18 Q. Is that right?

19 A. Yes, sir.

20 Q. And when you did your drug transactions you went to
21 your mother's house, and you sold the cocaine out of your
22 mother's house?

23 A. Yes, sir, I did.

24 Q. And there was cocaine on the day -- on September
25 22nd, there was cocaine in various places throughout the

JURY TRIAL

1 house, correct?

2 A. No, sir.

3 Q. There was cocaine in plastic bags, on spoons, on
4 digital scales?

5 A. No, sir. No, sir, excuse me, no, no, no. There was
6 a chair and a table where I cut the pack open, and I
7 weigh -- took what Jose wanted and I weighed it on them
8 scales. So therefore, yeah, you had these two ounces
9 right here, and then you had this was what was right
10 here. And no, there was no cocaine everywhere in the
11 house. It was right there in front of the couch, all
12 right here, right here.

13 Q. You had four digital scales in the house, right?

14 A. I don't know. I only had one. My brother might've.

15 Q. So your brother was involved in the business?

16 A. No, my brother smokes weed and stuff, but he had
17 digital scales, yeah, most people do.

18 Q. My point is that there was other things -- like you
19 had -- there was a spoon with cocaine on it. There was
20 scales that had residue or cocaine on it. So, it was not
21 just that one package of cocaine, correct?

22 A. There was one package of cocaine, and I took out
23 what Jose was coming out of that package, which made more
24 packs -- which made two packages right there.

25 Q. Okay. So you're denying that there were other

JURY TRIAL

1 places in the house that was cocaine; is that right?

2 A. No, I'm not denying that. But as far as my memory
3 is and as far as I knew, no, sir, the only thing that I
4 dealt with was what had got dropped off that day. Now,
5 if my brother had something else going on that I don't
6 know about, that's on him, I don't know. But I'm telling
7 you --

8 Q. You told -- you told --

9 A. -- what I was dealing with was right here
10 immediately in front of me.

11 Q. You didn't tell your momma about the cocaine sales,
12 did you?

13 A. Absolutely not.

14 Q. And you put her at risk, didn't you?

15 A. I did.

16 Q. Put your brother at risk?

17 A. I did.

18 Q. You didn't care?

19 A. I did not at the time.

20 Q. So, August is the first control buy, but you were
21 you selling cocaine in July, according to you, correct?

22 A. It's almost been a decade ago, sir, I -- to be
23 honest with you I can't remember dates and times.

24 Q. You didn't get charged with anything prior to August
25 5th, correct?

JURY TRIAL

1 A. Not as far as I know.

2 Q. And you didn't get charged for any distribution you
3 made on August 5th either, did you?

4 A. Not that I know of, no.

5 Q. They didn't make you plead guilty to anything from
6 August 5th?

7 A. No.

8 Q. Do you know what you were looking at for
9 distribution of cocaine? Fifteen years sound right?

10 MS. GATTE: Your Honor, I object. He can't
11 answer that, even if there were charges he wouldn't
12 know.

13 THE WITNESS:

14 A. Yeah, I've never been charged with distribution of
15 cocaine.

16 JUDGE NEWMAN: Sustained.

17 MR. SWERLING: Judge, I think I can ask him if
18 he knows, that's all I was --

19 JUDGE NEWMAN: He was never charged with it,
20 move on, Mr. Swerling.

21 MR. SWERLING: Yes. Yes, ma'am.

22 BY MR. SWERLING:

23 Q. All right, so moving along, you -- on August 24th,
24 you were still -- another distribution of cocaine,
25 correct? A controlled purchase to a confidential source.

JURY TRIAL

1 A. They never went over how many times I sold to an
2 undercover, so I can't answer that.

3 Q. Well do you remember doing another deal in August?

4 A. I did a lot of deals in August.

5 Q. Yeah, you did a lot of deals.

6 A. I mean --

7 Q. Some I haven't even covered yet.

8 A. I'm -- I'm -- I'm -- rephrase that?

9 Q. You did a number of deals in August according to
10 what you just said?

11 A. Did a number -- yeah, I -- I sold to a number of
12 people.

13 Q. Okay. And so I'm talking about I have controlled
14 buys on August 5th and August 24th, you wouldn't disagree
15 with that, would you?

16 A. I don't have no knowledge of that.

17 Q. You don't have any knowledge of selling a
18 confidential source --

19 A. They never told me when I sold to a confidential --
20 or when I didn't. They just said that -- when they
21 pulled up with a warrant said I sold to an undercover
22 confidential. They didn't tell me dates and times and
23 all that, so I can't answer that.

24 Q. You wouldn't deny you sold cocaine on August 24th,
25 would you?

JURY TRIAL

1 A. I can't be honest with you because I don't know
2 times and dates.

3 Q. September 7th you did -- you were involved in --
4 that's the four-ounce deal that you were stopped for,
5 correct? Let's just take my --

6 A. I was stopped --

7 Q. -- word, September 4th.

8 A. You said -- I was stopped for selling cocaine. What
9 did you say?

10 Q. On September 4th you had four ounces that you were
11 getting to deliver to a confidential source, correct?
12 You just talked about it --

13 A. If he was a confidential source, then yeah, I was
14 definitely -- if you're talking about the nail bucket
15 incident, yeah --

16 Q. Yeah.

17 A. -- if that's what you're talking about, then yeah.

18 Q. Yeah. And that was a four-ounce sale to the
19 confidential source?

20 A. Never made it to the sale.

21 Q. I didn't say you did. But that's what the purpose
22 of having the four ounces was, correct?

23 A. Yeah, I was supposed to be meeting him.

24 Q. All right. And that never took place because of
25 having to go back to the house or something like that, I

JURY TRIAL

1 don't remember exactly why.

2 A. No, I got pulled over and they searched me.

3 Q. Right.

4 A. But they didn't find the dope, so the whole thing
5 was called off that day.

6 Q. Okay. So, the police never found the four ounces of
7 coke that you had in the bucket of nails?

8 A. No.

9 Q. Okay. So that sale never took place. But you were
10 never charged with that attempt to deliver, correct?
11 Isn't that true?

12 A. Well that charge wasn't --

13 Q. Pardon?

14 A. What -- what did you say?

15 Q. You were never charged with that, were you?

16 A. No, I never sold nothing to be charged with.

17 Q. But you attempted to?

18 A. I didn't know that was a charge attempt to sell
19 nothing.

20 Q. I just said that, you weren't charged with it, were
21 you?

22 A. No.

23 Q. And you weren't charged with the one on September
24 13th either?

25 A. I don't -- I don't know --

JURY TRIAL

1 Q. Correct?

2 A. -- what happened September 13th.

3 Q. Well, let me ask you this, because kind of we're
4 having a communication issue, you were never charged with
5 any of the sales you made in July or the controlled sales
6 you made in August, September, were you?

7 A. No.

8 Q. No.

9 A. They used that to get the warrant and they came in
10 and got the 10 ounces or whatever --

11 Q. Yes, sir.

12 A. -- and then I -- they -- plead guilty to this, and
13 we'll drop this.

14 Q. Well you pled guilty to what you had on September
15 22nd?

16 A. No, that -- that took care of the distributions.

17 Q. That's right, 'cause they did not charge you with
18 any of those, correct?

19 A. They had the warrant, but they didn't charge me --

20 Q. Search warrant --

21 A. -- cause I pled guilty to trafficking.

22 Q. So the answer to my question is, they did not charge
23 me with sale -- selling cocaine --

24 A. No, sir, I wasn't --

25 Q. -- prior to September --

JURY TRIAL

1 A. -- charged with distribution of cocaine.

2 Q. Pardon?

3 A. No, I was not charged with distribution of cocaine.

4 Q. Okay. And you're telling the jury that had nothing
5 to do with your cooperation with law enforcement?

6 A. As far as I know, no. As far as I know when I pled
7 guilty to trafficking that got dropped. I don't -- that
8 -- nobody never come to me with a deal about that.

9 Q. That's my point. They got dropped.

10 A. Yeah.

11 Q. Or you were never charged. There was another --
12 there was a September 7th one, that's the one where you
13 hid the four ounces from the police, correct? And then
14 you had on September 13th, you sold two ounces to a -- a
15 confidential informant, correct, for \$2,000, 56 grams.

16 A. I mean, yeah, I guess if it says that I did.

17 Q. You didn't get charged with that either?

18 A. I -- I told you multiple times I did not get charged
19 with distribution of cocaine. I took -- I got charged
20 with trafficking cocaine.

21 Q. So other than the four charges I've read, how many
22 times do you think you sold cocaine?

23 A. Well we know of four times.

24 Q. Yeah, was it a lot more than that? Apparently you
25 did if you say --

JURY TRIAL

1 A. I can't -- I can't tell you because it's been almost
2 a decade. I can't tell you every serve I made.

3 Q. But you didn't get charged with any of those, okay.
4 They didn't bring those up during your sentencing when
5 you appeared in front of Judge Manning, correct?

6 A. I have no idea.

7 Q. You were charged with September 22nd, that's it,
8 correct? Trafficking.

9 A. I was charged with trafficking.

10 Q. So let me ask you, on September 22nd, did -- did you
11 drive up to the house with Walter?

12 A. Which -- which -- which incident is September 20 --
13 which incident are you referring to?

14 Q. September 20 -- I'm sorry, I can't -- September 22nd
15 is the day you got busted.

16 A. Okay.

17 Q. Okay. And maybe I misunderstood, but you drove up
18 to the house with Walter?

19 A. Absolutely not.

20 Q. Okay.

21 A. I was already there.

22 Q. You were already at the house --

23 A. I was already at my mother's house.

24 Q. All right. Walter was not -- he came up after you
25 were there?

JURY TRIAL

1 A. I went to my mother's to meet Walter, it's a halfway
2 point, so he wouldn't have to go all the way out to my
3 house.

4 Q. How did you get to your mother's?

5 A. I can't -- I can't tell you; it's been a decade ago,
6 how I got there that day. I don't know if I drove,
7 somebody dropped me off. I know it wasn't Walter that
8 took me there.

9 Q. Pardon?

10 A. I know it wasn't him that brought me, 'cause I went
11 there for him to meet me there. Now who brought me, I
12 can't answer that honestly --

13 Q. Okay.

14 A. -- 'cause I don't know.

15 Q. You don't know who brought you?

16 A. I don't know who took me to my mother's house almost
17 10 years ago, no, sir.

18 Q. Right, but you don't -- you didn't have a car even
19 with all the money you made?

20 A. No, I -- I had a truck, yes, sir, I did.

21 Q. Most of your transportation was provided by Hailey?

22 A. Yes, sir, my license was suspended.

23 Q. So, Walter got out of the car and he handed you that
24 bag, that camo bag?

25 A. No, sir. That's my bag.

JURY TRIAL

1 Q. Pardon?

2 A. That's my bag.

3 Q. Okay. So when did he hand you that stuff, when you
4 were outside?

5 A. No, sir, he came inside the house and then we did --
6 did the deal right there. And on -- he sat it on the
7 chair, cut it up, and looked at it, and he left and I did
8 what I had to do, and put the rest in the camouflage bag
9 and had the two ounces waiting for Jose.

10 Q. The Court -- the picture of that camo bag with that
11 bag in there, that's a pretty large bag. What was Walter
12 carrying it in?

13 A. Walter didn't carry nothing in that bag.

14 Q. No, I didn't ask you that. What I asked, what was
15 Walter carrying the cocaine in that you said he brought
16 you on.

17 A. It was taped up in a black brick.

18 Q. So he had a package in his hand?

19 A. Absolutely.

20 Q. Okay. And how big was the package?

21 A. I don't know, maybe the size of that book.

22 Q. Maybe like this clock here?

23 A. About the size of that book right there.

24 Q. The size of what?

25 A. This book, maybe.

JURY TRIAL

1 Q. That book, okay. So he had that --

2 A. Give or take -- give or take that size.

3 Q. Okay, so he had something like that in his hand when
4 he got out of the car?

5 A. If I'm not correct, he might've -- if he -- I can't
6 be -- I mean, I can't tell you honestly, 'cause I don't
7 exactly remember how he got out the car with it and
8 brought it in the house. I don't know. It might've been
9 in a bag -- a grocery bag. It might've been under his
10 shirt. I can't tell you, that's been 10 years ago.

11 Q. He was obviously carrying it in something?

12 A. He had to -- in his hand probably, yes, sir.

13 Q. Pardon?

14 A. Maybe his hand. He might've carried it in there in
15 his hand, I don't know.

16 Q. And that was a pretty big bag wasn't it?

17 A. No, sir, I wouldn't call this right here big.

18 Q. It wasn't (inaudible).

19 A. I wouldn't call that big. It was taped up a black
20 brick.

21 Q. But he was carrying that? Something like that?

22 A. Yeah, I figure he can handle that much.

23 Q. All right. And so he came in the house. You went
24 one way, where did he go?

25 A. I don't know where you're coming up with this stuff.

JURY TRIAL

1 He -- I was in the house. He come in and -- and we sat
2 in the room together and talked and did the deal.

3 Q. So you and he and Luther never was standing outside
4 the house?

5 A. Yeah, pretty much, we got a front porch. Like I
6 said that's 10 years ago. Now, if we was standing on the
7 front porch conversating shooting the -- we might've did
8 that. I don't know. I mean, I can't tell you. We -- we
9 done a lot of things.

10 Q. Well on that particular day when your life turned
11 around, you don't remember whether you were standing
12 outside talking or he came right in the house?

13 A. Most likely it was both. Most likely we had a
14 conversation on the front porch, but we probably -- not
15 probably, I know for a fact we didn't just do the deal on
16 the front porch. We went in the room and did that.

17 Q. And your brother was right there?

18 A. He was -- he was present at the house. I can't tell
19 you if he was right there in the -- in the immediate --
20 no, I don't know that. I know that he wasn't in the room
21 when we was breaking the dope up.

22 Q. He was not in the room?

23 A. No, sir, he wasn't.

24 Q. Was Walter in the room when you were breaking it up?

25 A. He was in there when I cut the brick open, 'cause I

JURY TRIAL

1 was -- we looked at it together.

2 Q. So in that search warrant, let's see, when they
3 searched your house, they found a list of people who owed
4 you money, right?

5 A. I believe so.

6 Q. You saw it, I think the Attorney General showed you
7 that. And you agree that is a list of people who owe you
8 money? Is that right?

9 A. Yes, sir, you got one on there where it -- it was
10 money I owed and money that people owed me and that I was
11 subtracting out so you got --

12 Q. What --

13 A. -- that's -- there's a couple pieces of paper right
14 there.

15 MR. SWERLING: If I could approach a minute,
16 Your Honor?

17 WITNESS: Yeah, please.

18 BY MR. SWERLING:

19 Q. Where on this list is Walter Goad's money that you
20 kept?

21 A. Walter didn't owe me no money. I owed him money.

22 Q. Is Walter Goad's name anywhere on that list of your
23 drug transactions?

24 A. No, like I said, Walter -- I owed him money. So he
25 wouldn't --

JURY TRIAL

1 Q. I -- I didn't ask you that. I asked you is his name
2 anywhere there?

3 A. No, sir, this is people that owed me money.

4 Q. Not who you owed money? Is that right?

5 A. I only owed money to one person.

6 Q. Okay. And you -- I believe you -- it was the
7 Attorney General showed you a list that may have come out
8 of this list here, and this is State's Exhibit 19, and
9 this is State's Exhibit 14, the list out of your house.
10 And you looked at this and said on State's Exhibit 19
11 that there were some drug dealers on there or people who
12 brought drugs. Are any of those on your list?

13 A. Yeah, my brother.

14 Q. Your brother was buying drugs, cocaine?

15 A. From me?

16 Q. From you.

17 A. It -- he -- yeah, he dealt with me. My brother
18 dealt with me.

19 Q. But your brother also knew Walter from (inaudible)
20 too?

21 A. Yeah, Walt just don't deal with everybody though,
22 he's not gonna do that.

23 Q. My question was, I'd like you to answer it.

24 A. What is that?

25 Q. Is there anybody on that list that came out of

JURY TRIAL

1 Walter's house are people that were dealing in cocaine?

2 Other than you.

3 A. Yes. Yes, sir.

4 Q. Now, is there anybody on that list that's on your
5 list?

6 A. My brother, that's the only one.

7 Q. Your brother, but you said he wasn't dealing with
8 your brother, you are.

9 A. No, I dealt with my brother, but he was at -- my
10 baby momma's number is on there and she deal cocaine.

11 Q. But Walter knows your baby momma?

12 A. Exactly, he knows my brother too.

13 Q. Yeah.

14 A. We all grew up.

15 Q. And that's why their name's on his list?

16 A. Yeah, that's because if he can't find me he'd call
17 them and get in touch with them to get in touch with me.

18 Q. Yeah, and it looks like his wife was on this list,
19 so you're saying she's a drug dealer, baby's mother, you
20 know, this is a list of -- personal list of people,
21 (inaudible).

22 A. I don't know everybody on this list. I'm just --
23 you asked me a question if there's other drug dealers on
24 this list, yeah.

25 Q. I didn't ask you that, she did.

JURY TRIAL

1 A. Well there is, but I don't know -- I -- I can't tell
2 you every number on this list.

3 Q. And you can't tell me who on that list is a drug
4 dealer?

5 A. Yes, I can. I can --

6 Q. Who on that list is a drug dealer?

7 A. My brother sold drugs with me.

8 Q. So your brother sold drugs with you?

9 A. Yeah, I -- I would give -- I would get the drugs
10 fronted and I'd let my brother get some to sell.

11 Q. He trusted in that -- in your statement you never
12 said anything about your brother selling drugs. And
13 because --

14 JUDGE NEWMAN: Is that a question, sir? Ask
15 him questions, please.

16 BY MR. SWERLING:

17 Q. Did you tell anybody that your brother sold drugs?
18 Did you ever tell law enforcement your brother was
19 selling drugs?

20 A. I don't believe they ever asked.

21 Q. So now you've implicated your brother; is that
22 correct?

23 A. Say what?

24 Q. You've implicated your brother as a drug dealer.

25 A. He sold drugs with me, yeah.

JURY TRIAL

1 Q. Pardon?

2 A. Yeah, he did. He did.

3 Q. I thought you said before he wasn't involved. But,
4 that's all right. And Hailey's name is on there, your
5 baby momma, was she a drug dealer too?

6 A. She was a con -- as a contact for me.

7 Q. And she was getting drugs from you?

8 A. No, she --

9 Q. Pardon?

10 A. No, sir. That was a contact, where he couldn't
11 reach me, you know he could call her and she'd be able to
12 find me.

13 Q. So other than your brother and your baby momma,
14 that's all that's on this list that you can identify,
15 correct?

16 A. No, it's not.

17 Q. Pardon?

18 A. There's other people on there.

19 Q. There's other people on there, but you're not naming
20 them.

21 A. I don't -- no.

22 Q. Pardon?

23 A. No, sir.

24 Q. According to the return on your search warrant,
25 there was a clear plastic bag containing an unknown

JURY TRIAL

1 amount of white powder in, I guess, the dining room or
2 living room. There was a clear plastic baggie with white
3 powder in the living room or the dining, 'cause it's cut
4 off. There was a clear plastic bag containing an unknown
5 amount of white powder in the living room or dining room.
6 There was a one white weigh ma -- WeighMax digital scale.
7 There was a clear plastic wrapping container with duct
8 tape and aluminum foil, that's what you saw in the chair
9 and in the bag, right? Is that right?

10 A. Yes, sir.

11 Q. And also, let's see, there was a clear plastic bag
12 containing a pink spoon with white powder?

13 A. I don't know.

14 Q. There was a small bag containing one clear plastic
15 baggies. And baggies are used to distribute cocaine,
16 correct? Is that right?

17 A. Yes, sir.

18 Q. And then you had of course the list, where'd the
19 list come from by the way? Was it taken from your
20 mother's house or somewhere else?

21 A. I don't -- I don't know.

22 Q. It's not on the return, so I'm asking you where they
23 got it from.

24 A. It's been a decade ago, you'd have to ask them, I
25 don't know. But it is my handwriting.

JURY TRIAL

1 Q. Pardon?

2 A. It is my handwriting. I don't know where they got
3 it from.

4 Q. Then you have another scale and then two small --
5 two smaller scales. So that's four scales altogether.
6 When you would do these sales you were weighing out the
7 amount -- the cocaine that you were selling, correct?

8 A. The big scales were marijuana use only. And that's
9 what the --

10 Q. Pardon?

11 A. The big scales wasn't used for cocaine.

12 Q. Okay, well so you had three digital scales that you
13 used to sell --

14 A. I had two -- two digital ones that we used for
15 cocaine.

16 Q. Pardon?

17 A. Only two of them was used for cocaine.

18 Q. Okay. Only two of them?

19 A. The two bigger ones were for pounds of marijuana.

20 Q. All right. So, let me move on a little bit here.
21 You reluctantly, as I understood it, agreed to sell
22 cocaine, that was your words, correct?

23 A. I didn't want to, no.

24 Q. You didn't want to but you did?

25 A. I did 'cause -- I did --

JURY TRIAL

1 Q. It's because you made a lot of money, not millions
2 on the marijuana, correct?

3 A. Yes, sir.

4 Q. And you said that he bought you a phone. Do you
5 have any evidence that he bought you a phone? Anything -
6 - any paperwork or anything that would indicate that he
7 bought you a phone?

8 A. No, sir.

9 Q. Okay. And you didn't use that phone just to contact
10 him, you used it to contact numerous other people too,
11 didn't you? According to the phone records.

12 A. It's a -- it was only -- it was only for drugs.
13 Everybody used it. It was only for -- it wasn't my
14 regular phone. So if I'm doing illegal activities, I
15 used it.

16 Q. Yeah, my question though was this, you didn't use it
17 just to talk to Walter, you used it to go ahead and talk
18 to numerous other people as well, correct?

19 A. Let's say my phone was dead at the time, yes, I
20 would use that one.

21 Q. So the answer to my question is yes, I used it to
22 contact other people?

23 A. Yes, I used it for illegal -- illegal things.

24 Q. Not just -- that's my question, correct?

25 A. Yeah, I used it for illegal activities.

JURY TRIAL

1 Q. We've already gone through all the millions you
2 made. Now, let's see, you told the police on the
3 afternoon of September 22nd, that in addition to the
4 sales that we talked about, you also had another 10
5 ounces of cocaine that you sold. I think it was
6 somewhere around -- yeah, 10 past quantities of cocaine
7 on seven occasions, that's what you told the police,
8 other than what we just talked about, correct?

9 A. I can't recall.

10 Q. No? Did you tell the police that you sold nine
11 ounces on the first occasion, 12 ounces on July, 20
12 ounces in August, 10 ounces in September, and a total of
13 82 ounces of cocaine that you sold?

14 A. Sounds about right.

15 Q. And you didn't get charged with any of it, correct?

16 A. I got charged with trafficking 10 ounces of cocaine.

17 Q. My question was, did you get charged with any of
18 those sales of cocaine?

19 A. No, sir.

20 Q. And that's 'cause they just wanted to give you a
21 break? Or it had something to do with your cooperation?

22 A. I guess I sold the majority of that before they ever
23 got onto to me.

24 Q. What did they tell you about you cooperating, would
25 it help you in the future?

JURY TRIAL

1 A. No, sir, that I can recall.

2 Q. Pardon?

3 A. Not that I recall.

4 Q. When you did that were you hoping to get some
5 benefit in the future?

6 A. I don't really know what I was hoping. I was scared
7 at the time, sir.

8 Q. I -- my question was, were you hoping to get
9 something out of it?

10 A. I don't think so. I don't know.

11 Q. How about today, you testifying, are you hoping to
12 get some benefit out of it?

13 A. Sir, my bid's up, I got 27 months left. There's
14 nothing they can really do for me right now, and I told
15 you this is all for me, my conscience. There -- my bid's
16 over with, sir. My -- it's done.

17 Q. My question though is, are you hoping to get some
18 benefit?

19 A. No, not really. I hope to clear my conscience
20 that's all.

21 Q. Now, on September 27th you signed a consent to
22 search your phones, correct?

23 A. I -- I guess so.

24 Q. Were your phones ever examined? Was there an
25 extraction done on any of your phones that you know?

JURY TRIAL

1 A. I know they took my phone. I don't know if they -- I
2 wasn't with them if they extract anything out of it. If
3 they did when they had it, they must of. They didn't
4 tell -- I -- no, I don't know, sir.

5 Q. Okay. Did they give you your phones back?

6 A. Yeah, I got my phone back.

7 Q. Where are they now?

8 A. That's 10 years ago.

9 Q. Pardon?

10 A. I can't tell you where them phones are.

11 Q. You don't know?

12 A. I've been in prison for seven.

13 Q. I just asked you a question.

14 A. No, I don't.

15 Q. You don't know where they are?

16 A. I have no idea where they're at.

17 Q. Okay. In that recorded conversation, I have some
18 questions about that. Did the police ever provide you
19 with a recorder to go ahead and record conversations?

20 A. No, sir.

21 Q. Okay.

22 A. It was all -- it was -- no, sir. It was a call back
23 feed system thing.

24 Q. I'm sorry.

25 A. I don't know it records, sir.

JURY TRIAL

1 Q. Let me get a little closer.

2 A. I'll be honest with you, I don't know how that thing
3 works. It was not a -- it was -- no, I don't know how it
4 works.

5 Q. So, on October 3rd -- I mean, did you have a
6 recorder prior to October 3rd?

7 A. No, it was when they call, hang up, you call back
8 and it picks up. I don't know how -- I don't know how
9 that works, sir.

10 Q. Okay.

11 A. It was through the phone, but I don't -- it's not a
12 recorder, no.

13 Q. You and Walter, did you speak between September 22nd
14 and October 3rd?

15 A. We had to have.

16 Q. Pardon?

17 A. We had to have it's on a recorder. I mean, yeah,
18 we spoke.

19 Q. I'm sorry. I -- I apologize. I don't understand
20 what you said.

21 A. I'm not understanding your question.

22 Q. I asked you did you speak with him on the phone
23 between September 22nd and October 3rd?

24 A. Yeah, we spoke on the phone.

25 Q. Okay. Did you record any of those conversations?

JURY TRIAL

1 A. It was recorded through the phone.

2 Q. Another -- other than October 3rd, the one that was
3 just played.

4 A. Through the phone, not a recorder though, it was
5 recorded through the phone, the phone call through the
6 phone call, there was no recorder up to the phone.

7 Q. Was there a recording made?

8 A. There -- I guess, that's what we listened to, isn't
9 it?

10 Q. Mr. Parnell, my question is, between September 22nd
11 and October 3rd, did you have conversations with him and
12 did you record those conversations?

13 A. After I got busted, yes, we had conversations and I
14 think do -- they was recorded, yes.

15 Q. Two or three were recorded?

16 A. They was recorded.

17 Q. Okay. And how were they recorded? Did you have the
18 recorder?

19 A. It was -- no, it was through the phone. I don't
20 know -- I don't know how that worked. I don't know how -
21 - no, I didn't have a recorder, no.

22 Q. All right, so how did you record the phone calls?

23 A. They recorded them.

24 Q. So, there were --

25 A. Like a three-way call system type thing.

JURY TRIAL

1 Q. So October 3rd was not the only call that was
2 recorded; is that correct?

3 A. I don't -- I don't -- I don't know, sir. That's
4 been 10 years ago, I really don't know.

5 Q. Okay. But you just said that there were several
6 phone calls between September 22nd and October 3rd.

7 A. I know there's two. I know -- I know -- I know -- I
8 don't know, man, you got me confused now.

9 Q. Pardon?

10 A. I know that our phone calls were recorded. I don't
11 know how they got recorded or nothing ,but I know it got
12 recorded.

13 Q. And were you with law enforcement or by yourself
14 when they were recorded?

15 A. I was with -- I don't know. If I told you, I'd be
16 lying 'cause I don't know. I can't remember that.

17 Q. So it's possible you recorded some phone
18 conversations when law enforcement was not there?

19 A. Oh, I -- they was there on the phone. They was
20 there on the phone like a three-way. Like I told you it
21 was like a three-way thing. It wasn't like you sitting
22 with me recording.

23 Q. So, they were not in the room --

24 A. It was like when he calls, don't answer, you call me
25 on this number, and then let -- we'll call back. That's

JURY TRIAL

1 how it worked. So if he called, I didn't answer. So I
2 called them and then we call his number back.

3 Q. And those were recorded?

4 A. It was recorded, I think. I don't know how -- I
5 don't know how many it was. I don't know.

6 Q. So you just don't remember?

7 A. I really don't.

8 Q. But you do agree there were phone calls made between
9 the two of you, and you believe that some of them --

10 A. There --

11 Q. -- were recorded.

12 A. -- I believe -- I want to say there was two, maybe,
13 after I got busted. It might've been three, I don't
14 know. I know it was one about the money, because the
15 dope had got -- they seized the dope so I couldn't make
16 his money back, when the bust -- when they busted me. So
17 he was calling asking where his money was. So, that's --
18 that was one phone call. And if I'm not right -- well,
19 if I don't -- if I'm -- if I don't recall right he called
20 -- he called back and asked me if he needed to send
21 people down there with -- put a gun in their face to get
22 the money.

23 Q. That's not recorded, right?

24 A. I don't know. I just know that -- those were the
25 two phone calls I vaguely remember, and I don't think we

JURY TRIAL

1 talked none after that, 'cause I think he got -- he got -
2 - that's when they locked him up after that.

3 Q. You hadn't actually been arrested yet, correct?

4 A. Yes.

5 Q. You didn't get arrested 'till the end of October,
6 the 27th, I believe.

7 A. I don't know the day I got arrested, sir.

8 Q. Okay. But it was after all of this?

9 A. I think I got arrested the day before him.

10 Q. The day before what?

11 A. I got arrested before Walt got arrested.

12 Q. Well actually you got arrested, I believe, it was
13 October 27th -- or 29th. You wouldn't doubt that would
14 you?

15 A. I don't know.

16 Q. And you got out on a 25 --

17 A. I just know that I got arrested before he got
18 arrested.

19 Q. That was after. So you got a \$25,000 bond to get
20 out, correct? Did anybody recommend that bond?

21 A. I don't remember the bond.

22 Q. Pardon?

23 A. I don't remember exactly how much the bond was.

24 Q. Did anybody recommend that bond on behalf of the
25 police?

JURY TRIAL

1 A. No, I dealt with Brock. I've been arrested numerous
2 times, I dealt with the same bail bondsman, every time
3 I've ever got arrested, I'm pretty sure.

4 Q. When you made that recorded phone call, or one of
5 them anyway, on October 3rd, you said there may have been
6 some before that, correct? A couple before that?

7 A. Repeat that again?

8 Q. You said that there was a call on October 3rd that
9 Attorney General just paid -- played, correct?

10 A. Yeah, yes, sir.

11 Q. And you said there may have been a couple recorded
12 phone calls before then?

13 A. I don't -- I don't know. I can't answer -- I don't
14 know. I -- man, you're talking 10 years ago, man, it's
15 hard for me to remember 10 years ago.

16 Q. But you -- what you said was that you would call a
17 number --

18 A. I remember two phone calls very vaguely in my mind
19 and I don't know -- 'cause the reason I know that is
20 because it was after that -- all this happened with me
21 ended up getting arrested, I remember the phone calls
22 'cause I had to find a way to explain where the money was
23 'cause the police had took the dope.

24 Q. Okay.

25 A. He wanting to know where his money is, and I ain't

JURY TRIAL

1 got his money, 'cause the dope's got -- just got seized
2 by the police, and now I got to figure out what I'm gonna
3 tell him where his money is.

4 Q. Didn't you owe him some money also for some
5 equipment he had sold you and some loans you took from
6 him?

7 A. Never. Never.

8 Q. No? That's not -- that's not correct?

9 A. I've -- he ain't never loaned me no money. He --
10 what kind of equipment are you talking about?

11 Q. Roofing equipment.

12 A. No, I think he done --

13 Q. Vinyl siding equipment.

14 A. -- vinyl siding and I did roofing, two totally
15 different professions.

16 Q. You were a roofer?

17 A. I'm a roofer.

18 Q. But you worked for his company -- his father's
19 company?

20 A. No, his father been passed away. I worked with Walt
21 a couple times, maybe five times.

22 Q. And that was --

23 A. One time digging stumps out of a yard, and one time
24 helping him do a house, vinyl siding.

25 Q. He did vinyl siding?

JURY TRIAL

1 A. I worked one time with him.

2 Q. Right, so --

3 A. But that's not what I did. No, I was a roofer.

4 Q. In your statement you said you worked for the Goad
5 company?

6 A. I did. I mean, okay, he build a house, I come, I
7 chopped some stumps out the yard and stuff for him, dug
8 that out, and then I helped him do some vinyl siding when
9 they did the neighborhood off of Wildwood.

10 Q. And his -- he --

11 A. A couple houses, that's it.

12 Q. His dad owned the construction company, correct?

13 A. I've never met his father.

14 Q. Oh, you never worked for the company when his father
15 was there?

16 A. I worked for Walter Goad.

17 Q. Okay. In the vinyl siding?

18 A. Vinyl siding -- no, like I said, it was odd jobs,
19 not every time was vinyl. I went and dug roots out of
20 the yard one time. And that's it. And -- and -- and --
21 and -- and I did that vinyl thing with him a couple
22 times. But that was it.

23 Q. Okay. On the phone call that was just played
24 there's no mention of September 22nd, is there? It's
25 never -- no -- no mention at all that he delivered

JURY TRIAL

1 cocaine to you on September 22nd?

2 A. Well he would never talk reckless like that over the
3 phone anyways.

4 Q. That's not what I asked you though. There is no
5 mention of him delivering cocaine on September 22nd, even
6 though that was the purpose of the call to get him to
7 talk about cocaine, correct?

8 A. I believe he called me and I called him back.
9 Because when he called me then I was to call the police
10 and then we was to call -- or he would -- or we'd call
11 back. And the reason for that phone call was he was
12 trying to figure out it had been three weeks and you
13 ain't sent me nothing, heard nothing about no money,
14 what's going on with this money thing, that's what the
15 whole phone call was about, is because of the -- the dope
16 that got seized, he wanted his money for it and I didn't
17 have the dope to get the money for him. That's what he's
18 calling about and that's me trying to explain away where
19 his money is.

20 Q. Sir, the money -- you never owed him money for any
21 kind of equipment that he might have sold you or --

22 A. I've owed him money only for drugs.

23 Q. That's fine, if that's the case, fine. So, on
24 October 3rd, there is a phone call that's recorded, you
25 just heard it, correct?

JURY TRIAL

1 A. Uh-huh (affirmative). Yes, sir.

2 Q. All right. And my question was, is there any
3 mention on the phone call about September 22nd and him
4 delivering you cocaine, is there?

5 A. I don't believe so, no.

6 Q. Is there any mention about the fact that he owed you
7 money for cocaine -- or you owed him money for cocaine?
8 Was that on the phone call?

9 A. I would never -- no, sir, I would -- we would never
10 say that over the phone. That would be absurd for me to
11 say hey, man, oh, yeah, that cocaine you dropped off,
12 yeah.

13 Q. Well wasn't the purpose of the phone call to go
14 ahead and get him to incriminate himself? It was -- law
15 enforcement put you up to the phone call.

16 A. I mean, I -- I guess, if you want to say.

17 Q. And you said I think the Attorney General asked you
18 whether or not they helped you with some of the
19 questions.

20 A. Yeah, 'cause I was like what the hell am I gonna
21 tell this guy? He want -- he wants his money. What --
22 whatcha y'all want me to tell him.

23 Q. Right. But you agree there's nothing on that phone
24 call that says that he -- you owe him money for cocaine;
25 isn't that true?

JURY TRIAL

1 A. No, sir.

2 Q. What in that phone call said you owed him money for
3 cocaine? That's what I'm asking.

4 A. Nothing, nothing says we -- no -- no, we'd never
5 would've said that over the phone.

6 Q. I get it. What I'm asking you is --

7 A. I'm telling you no.

8 Q. -- what on the phone call said anything about
9 cocaine at all?

10 A. When we was referring to the good stuff and this is
11 gonna fly, this and that, I don't have no problem getting
12 rid of this, it ain't touched the good stuff, that's
13 referring to cocaine, sir.

14 Q. So the answer to my question is you never mentioned
15 cocaine?

16 A. I never labeled it as cocaine.

17 Q. And the answer to my question is you never spoke
18 about what happened -- may have happened on September
19 22nd that he gave -- brought you cocaine, according to
20 you, 10 ounces, correct?

21 A. What -- you're asking me would I tell him I got
22 busted on September 27th? That's what you --

23 Q. No, no. Did -- what I asked you was did -- was
24 there any conversation at all about him bringing you
25 cocaine on September 22nd in that phone call?

JURY TRIAL

1 A. We didn't -- we didn't have to establish times and
2 dates, we both knew what we was talking about, there
3 wasn't but one time he dropped that off that -- after
4 that phone call, that's -- that's what we was talking
5 about. He didn't need to say it and I didn't need to say
6 it, we both knew what each other was talking about.

7 Q. And you -- and by the way, I guess you had him
8 deliver cocaine to your mother's home --

9 A. I had him meet me at my mother's.

10 Q. -- according to you?

11 A. Yes, sir, I had him meet me at my mother's.

12 Q. So, let me ask you a couple of questions about this,
13 on October 3rd, where were you -- where were you making
14 the phone call from?

15 A. I can't recall, sir.

16 Q. Pardon?

17 A. I can't recall. Did you ask me where I was when I
18 made that phone --

19 Q. Yeah.

20 A. Oh, I have no idea.

21 Q. Was it at your home?

22 A. It's been a decade ago.

23 Q. Was it at your mother's home?

24 A. I just told you I don't know.

25 Q. Was it at the Sheriff's department?

JURY TRIAL

1 MS. GATTE: Objection, Your Honor.

2 THE WITNESS:

3 A. I just told you I do not know.

4 JUDGE NEWMAN: Sustained. He told you he does
5 not know, move on.

6 MR. SWERLING: Okay.

7 BY MR. SWERLING:

8 Q. Who else was present when you made the phone call?

9 A. That I can't recall neither.

10 Q. Do you remember any law enforcement being present or
11 were you just by yourself?

12 A. I don't want to throw a name out there and it --
13 'cause it might be a lie, 'cause I cannot recall 10 years
14 ago who was present. I -- I don't -- I can't -- I don't
15 know.

16 Q. Well I didn't ask you -- what I'm asking you was
17 anybody from law enforcement present when you made the
18 phone call?

19 MS. GATTE: Objection, asked and answered.

20 JUDGE NEWMAN: Sustained. He's already
21 answered that, new question.

22 MR. SWERLING: Can I ask him if anybody else
23 was in the room?

24 JUDGE NEWMAN: He's already answered that.

25 MR. SWERLING: He doesn't remember.

JURY TRIAL

1 JUDGE NEWMAN: He doesn't remember, exactly.

2 No matter how many ways you ask him.

3 BY MR. SWERLING:

4 Q. So you testified to before was that you would make a
5 call to a phone number, and then they would link in a
6 three-way call?

7 A. Like I said, I don't really know if someday, somehow
8 they did it like that. You asked me if I had a recorder,
9 no, I did not have a recorder. It was through the
10 telephone someday. That I don't know how it was done.
11 I'm not --

12 Q. Well, I'm just repeating what you said. You said
13 that you would make a phone call to somebody and they
14 would make a three-way call --

15 A. To the police. It was -- to -- matter of fact it
16 was Mickey Sellers.

17 Q. Okay, was he with you when you made those phone
18 calls?

19 MS. GATTE: Objection, asked and answered.

20 MR. SWERLING: I'm just asking something
21 specific now.

22 JUDGE NEWMAN: You're kind of asking
23 repetitive questions. Move on, sir.

24 BY MR. SWERLING:

25 Q. Where did you call Mickey Sellers? Where? Where

JURY TRIAL

1 was he?

2 A. I don't know.

3 MR. SWERLING: Excuse me one minute, Your
4 Honor.

5 JUDGE NEWMAN: Yes, sir.

6 MR. SWERLING: Your Honor, I'm going to offer
7 these records from Verizon into evidence. I believe
8 the State has stipulated to the authenticity.

9 MS. GATTE: I would request that Mr. Swerling
10 lay a foundation for them, but we have stipulated to
11 their authenticity.

12 JUDGE NEWMAN: You'll have to first lay a
13 foundation, Mr. Swerling.

14 MR. SWERLING: Pardon?

15 JUDGE NEWMAN: You'll first have to lay a
16 foundation.

17 BY MR. SWERLING:

18 Q. There were phone calls made between you and Walter,
19 correct?

20 A. Evidentially, had to have to been.

21 Q. At various times.

22 A. Are you telling me this or asking me?

23 Q. And on October 3rd there were phone calls made
24 between you and Walter, and according to you law
25 enforcement, correct?

JURY TRIAL

1 A. Sir, I cannot remember time and dates.

2 Q. Mr. Parnell, you just heard the phone -- you just
3 heard the conversation.

4 A. I'm gonna tell you one time, that's been a decade
5 ago, I cannot tell you times and dates. If I was to tell
6 you I would be lying 'cause I do not know.

7 Q. Yes, sir. But the State --

8 A. I cannot tell you that.

9 Q. The State just played you a recording from October
10 3rd. And you said that was a recorded conversation
11 between you and Parnell, correct?

12 A. I am Parnell.

13 Q. I mean, you and Mr. Goad.

14 A. All right.

15 Q. That's what you said.

16 A. Yes, sir.

17 MR. SWERLING: Your Honor, I'm offering these
18 records concerning I've off -- let's put it this
19 way, I'm offering the October 3rd records, which
20 they've stipulated to the authenticity of, and I
21 could only put in the October 3rd one or put in all
22 the record, which is what I thought they wanted me
23 to do.

24 JUDGE NEWMAN: Any objection?

25 MR. SWERLING: No, ma'am, Your Honor.

JURY TRIAL

1 JUDGE NEWMAN: All right, that will be
2 Defendant's 4 -- 4, will be admitted without
3 objection.

4 (Defendant's Exhibit 4
5 was introduced into evidence)

6 BY MR. SWERLING:

7 Q. This is a page out of Exhibit -- Defense Exhibit
8 Number 4, and I'm going to show you these records. And
9 I'm going to show the page I'm referring to, okay? These
10 are from October 3rd, the records from Verizon on October
11 3rd. Verizon is your phone, right?

12 A. I don't remember what service it was.

13 Q. Well, do you see your number on there?

14 A. 669, right?

15 Q. Uh-huh (affirmative). What was your phone number?
16 Was it 414-46 -- 414-5606?

17 A. I don't know, it sounds about right.

18 Q. I think you told the Attorney General what your
19 number was.

20 A. Yeah, that sounds right.

21 Q. And Mr. Sellers number, he's already said what it
22 was, and his testimony was 314 -- no, I'm sorry, 414 --
23 excuse me one minute. Mr. Sellers number, according to
24 him, was 796 -- 729-6702. You wouldn't doubt that would
25 you?

JURY TRIAL

1 A. I don't know.

2 Q. Pardon?

3 A. I really don't know numbers.

4 Q. Okay.

5 A. We had so many phones and we dealt with so many
6 phone numbers, 10 years ago --

7 Q. If I told you that's what he said it was --

8 A. Let me answer the question, please, sir.

9 Q. Go ahead.

10 A. I said we dealt with so many phone numbers over the
11 time it's hard to keep up with all the numbers, you're
12 talking 10 years ago.

13 Q. Well, you just told us what your number was, it
14 ended in 5606 and we know from Mr. Sellers that his was
15 2316, okay. So, would you take my word on that?

16 A. Yeah, but we changed numbers like we used to change
17 dirty underwear so I can't --

18 Q. Pardon?

19 A. I said we used to change numbers like we changed
20 underwear so I -- there's no way -- there's no possible
21 way I could keep up with all these phone numbers.

22 Q. That's fine.

23 A. You're talking about 10 years ago, man.

24 Q. That record will reflect what it was. But my
25 questions are not whether you remember those phone calls,

JURY TRIAL

1 but -- so I'm going to let you hold this. I'll just let
2 you hold this one.

3 MR. SWERLING: Is this the one that's marked?
4 I'll offer this as an exhibit as well. It's a one -
5 - it's one page October 3rd out of that exhibit,
6 Your Honor.

7 JUDGE NEWMAN: Any objection from the State?

8 MS. GATTE: I apologize, Your Honor, what is
9 he offering?

10 MR. SWERLING: It's the October 3rd phone
11 call.

12 MS. GATTE: No objection.

13 JUDGE NEWMAN: Is that the same as this one?

14 MR. SWERLING: It's the page out of the phone
15 records.

16 JUDGE NEWMAN: I understand. Y'all approach?

17 MS. GATTE: Yes, ma'am.

18 (BENCH CONFERENCE)

19 JUDGE NEWMAN: All right, so that will be
20 Defendant's 1 is admitted, without objection from
21 the State. He's got it.

22 BY MR. SWERLING:

23 Q. So, I'm going to hand you that, okay.

24 A. Uh-huh (affirmative).

25 Q. And if you'd take a look at it, that's mostly the

JURY TRIAL

1 calls on there are October 3rd, okay? You see that?

2 A. Uh-huh (affirmative).

3 Q. You see what the date is?

4 A. Yeah, 10/2 and 10/3.

5 Q. It's the fourth column from the right -- or the
6 left.

7 A. Uh-huh (affirmative). I see it.

8 Q. It has a date on it, October 3rd, the fourth column
9 from the left.

10 A. Uh-huh (affirmative), fourth caller down?

11 Q. Fourth column.

12 A. Oh, over here? Come show me what you're talking
13 about.

14 Q. I'll show you; if I can approach.

15 JUDGE NEWMAN: Yes, sir.

16 BY MR. SWERLING:

17 Q. All right, October 3rd.

18 A. Yeah, yeah, I see this. Okay.

19 Q. See it?

20 A. Uh-huh (affirmative).

21 Q. Okay. I just wanted to make sure you can see what
22 I'm talking about.

23 A. Okay.

24 Q. Okay? All right, I'm gonna ask you a couple
25 questions about this, okay. So we know your number was,

JURY TRIAL

1 let's see, I just want to be -- I don't want to say
2 anything wrong. Excuse me for one second.

3 JUDGE NEWMAN: All right, folks, we've been
4 going for over an hour and a half, hour and 45
5 minutes, something like that. It's probably a good
6 time to take a break. Please return to your jury
7 room. Do not discuss the case.

8 (JURY EXITS)

9 MR. SWERLING: I'm sorry, Judge, he's -- I get
10 confused when I'm looking at these too, so I
11 apologize.

12 JUDGE NEWMAN: It just felt like a good time
13 to take a break anyway because of how long we've
14 been going. So, it gives you a chance though too,
15 you know.

16 MR. SWERLING: Thank you.

17 MS. GATTE: Can we offer our witness a break
18 as well, Your Honor?

19 JUDGE NEWMAN: Absolutely.

20 MS. GATTE: I don't know if he needs one, just
21 they're sitting right there.

22 MR. HOUGH: Your Honor, can we request he be
23 instructed on sequestration rules, before he leaves
24 the courtroom?

25 JUDGE NEWMAN: What's the concern?

JURY TRIAL

1 MR. SWERLING: No, I -- he's talking about
2 sequestration, he is sequestered, so.

3 JUDGE NEWMAN: Right, he's the only one in
4 lockup. He's going to his cell.

5 MR. SWERLING: Right.

6 MR. HOUGH: Well, I didn't know the details.
7 On his way, if someone wanted to talk to him in his
8 cell.

9 JUDGE NEWMAN: No, he couldn't communicate
10 with other witnesses if he wanted to. Okay, let's
11 take 10 minutes.

12 (BREAK)

13 (JURY ENTERS)

14 JUDGE NEWMAN: Continue Mr. Swerling.

15 MR. SWERLING: I will, thank you, Your Honor.

16 BY MR. SWERLING:

17 Q. Mr. Parnell, phone records can get pretty hairy,
18 complex, but -- so I'm trying to go through them with you
19 step-by-step, okay? Is that okay?

20 A. Absolutely.

21 Q. Okay. You have in front of you Exhibit Number 1.
22 Can you just pick that up, and we'll be referring to
23 that, okay. This is on October 3rd, the day of the
24 recording, okay. You understand?

25 A. Yes, sir.

JURY TRIAL

1 Q. Okay. All right, these are the phone calls that
2 were made, and I believe we have established that your
3 number was 2316, the last four digits, and Mr. Sellers
4 number, he testified was 7602, and that Mr. Goad's number
5 was 5606, I think that's been established as well. You
6 have any disagreement with that?

7 A. I don't know. I can't recall all that num -- on the
8 numbers.

9 Q. I said do you have any disagreement? All right. In
10 the far-right column, far right, any problem figuring
11 which one that is?

12 A. No, I'm pretty sure I got it.

13 Q. Pardon?

14 A. I'm pretty sure I got it, thank you.

15 Q. That's the calling number, okay?

16 A. Uh-huh (affirmative).

17 Q. And then at -- if you move over two col -- the next
18 column is the number of minutes of the phone call -- I'm
19 sorry -- yeah, the number of seconds and then you reduce
20 it to minutes. The next column is the time, okay. Are
21 you familiar with military time?

22 A. Yes, sir.

23 Q. Okay, all right. So, I just want to go through some
24 of these phone calls with you, all right. So, if you go
25 down on the third column it says 17:46, that's 5:46,

JURY TRIAL

1 correct?

2 A. I see it.

3 Q. You have to -- you're gonna have to answer so --

4 A. I said I see it.

5 Q. -- our court reporter can get it.

6 A. Yes, sir.

7 Q. Okay. And it appears that you called Mr. Sellers at
8 5:46.

9 A. Uh-huh (affirmative).

10 Q. Is that what's on that record?

11 A. Yes, sir.

12 Q. Pardon?

13 A. Yes, sir.

14 Q. Okay. You're gonna have to speak louder, I'm sorry.
15 Going down to 17:48, which is 5:48, you have its phone
16 number 7904 is calling 2316, you see that?

17 A. On what -- what -- what time did you say?

18 Q. There is a call at 17:48 from a phone number 17 --
19 I'm sorry, 7904 to 2316. So, that's a call from somebody
20 to you, correct?

21 A. What you're saying I'm not --

22 Q. I don't know --

23 A. Yeah.

24 Q. -- what phone number that is, but that is a call to
25 you at 17:48, you would agree with that?

JURY TRIAL

1 A. Yes, sir.

2 Q. Okay. If you go down to 17:53 --

3 MS. GATTE: Objection. Your Honor, I think
4 Mr. Swerling is asking our witness to decipher phone
5 records and analyze phone records, and I don't know
6 that he has the knowledge to do that.

7 JUDGE NEWMAN: I don't think we're there yet.
8 He's asking what he sees on the paper. Continue Mr.
9 Swerling.

10 MR. SWERLING: Yes.

11 BY MR. SWERLING:

12 Q. At 17:53 there is a call from you to Mr. Sellers,
13 correct?

14 A. I believe so, yes.

15 Q. All right. And going down the next column, there's
16 a call from 6702 -- 7602, I'm sorry -- 6702, correct, to
17 2316, which is you. I don't know who's number that is.
18 Do you recognize that number?

19 A. Which number are you referring to?

20 Q. Pardon?

21 A. Which number that you don't know who.

22 Q. At 17:53.

23 A. Okay.

24 Q. I'm sorry, I'm sorry, 17:53 is the second time it's
25 recorded there. For some reason or another the phone

JURY TRIAL

1 company has it 17:53 three times.

2 A. Yeah, three times. So I'm confused right now.

3 Q. Yeah, I just -- I'm just saying that we don't know
4 whose number that is. Do you know who's number that is?

5 A. Which number, the 729?

6 Q. The 6702.

7 A. That's Mickey's number ain't it? 729-6702.

8 Q. I must be dyslexic here. I apologize, I wrote it --
9 all right, so at the first -- you see 17:53 the first
10 time.

11 A. The first time.

12 Q. It's from 2316, that's you --

13 A. Uh-huh (affirmative).

14 Q. -- to Mr. Sellers, correct?

15 A. That's right.

16 Q. Pardon?

17 A. I said right, right, yes.

18 Q. Okay. Then on the next row down it's 6702, which is
19 Mr. Sellers calling 2316, which is you. You see that?

20 A. Okay, we got three 17:53's right?

21 Q. Yes.

22 A. Okay. The first one --

23 Q. That's how it was rec --

24 A. -- is me, right there, right, 629 -- 699, 669,
25 that's me, right.

JURY TRIAL

1 Q. The second --

2 A. And then the second --

3 Q. -- there's two -- there's three --

4 A. Okay, look, that's me, right. That's Mickey, right.

5 Q. I don't know which one you're pointing to.

6 A. You come here I can show you.

7 MS. GATTE: Your Honor, I'm confused about
8 who's asking who the questions.

9 JUDGE NEWMAN: Me too.

10 MR. SWERLING: I'll answer them.

11 WITNESS: I'm just trying to get an
12 understanding.

13 MR. SWERLING: That's fine.

14 THE WITNESS:

15 A. We're right here, right, 17:53, these three -- we're
16 talking about these three numbers, right? Okay, that's
17 my number, right. Okay. That's my number, right. Is
18 this the number you were talking about that you don't
19 know who it is?

20 Q. Yeah.

21 A. Okay, that's 223. I don't know who that is neither.

22 Q. That's what I said.

23 A. You said 223?

24 Q. Whatever number it is.

25 A. You said -- you said 79 -- you said Mickey's number

JURY TRIAL

1 there.

2 Q. What row are you talking about?

3 A. I just showed you what row I was talking about. I
4 just showed you right here. You want to come back over,
5 so I can show you again?

6 JUDGE NEWMAN: Well, let's do it this way. I
7 -- I hear what you're saying, Mr. Parnell. I need
8 Mr. Swerling to formulate a question and ask it of
9 the witness. If the witness needs clarification
10 then you can clarify for him.

11 BY MR. SWERLING:

12 Q. You see the first 17:53 call?

13 A. I see the first one.

14 Q. The first 17:53 call.

15 A. The first one, right here, there's three, one, two,
16 three, this is the first one. Right?

17 Q. The first 17:53 call --

18 A. Right here.

19 Q. -- is from you to --

20 A. To Mickey.

21 Q. -- Mr. Sellers.

22 A. Right.

23 Q. Okay. You agree with that?

24 A. Yeah.

25 Q. All right. The second 17:53 call is from 6702,

JURY TRIAL

1 which is Mr. Sellers, to you, correct?

2 A. I don't see that. I'm confused. I'm seeing my
3 number again on the second one. It's the same one it
4 says 669, they're in the same order as the first one.
5 They're -- they're -- if -- if he was calling me wouldn't
6 this number be right there, and it'd be swapped around
7 like vice-versa.

8 Q. This is the calling number. This is the amount of
9 time. This is the date and time.

10 A. Uh-huh (affirmative).

11 Q. And this is the number it calls.

12 A. Okay.

13 Q. Okay?

14 A. That's my number. Stand here and -- and walk me
15 through this and I can answer you. Ask me the question
16 again and explain it to me.

17 Q. So, this is who called, this who received the call,
18 and this is the time.

19 A. Okay.

20 Q. And this is the time of the call itself.

21 MS. GATTE: Objection. Your Honor, Mr.

22 Swerling is explaining to the witness --

23 JUDGE NEWMAN: He is.

24 MS. GATTE: -- the answers that he's trying to
25 elicit.

JURY TRIAL

1 JUDGE NEWMAN: Sustained.

2 MR. SWERLING: Your Honor, I'm just showing
3 what the columns, where he asked me -- I mean I --

4 JUDGE NEWMAN: That requires you to interpret
5 the phone records. I'm going to sustain the
6 objection. I don't even know where this is going.
7 We need to figure out a different way or a different
8 question.

9 BY MR. SELLERS:

10 Q. At 17:53, the second phone call at 17:53, do you see
11 where the call was made by 6702, which is Mr. Sellers,
12 and the call was made to 2316, which is you.

13 A. Okay.

14 Q. Okay? You see that?

15 A. I do. I'm confused, but I -- I see what you're
16 saying. I mean, I -- the only thing I'm seeing is my
17 number and Mickey's number.

18 Q. That's what I just said.

19 A. So, what are we looking for? It's me calling him
20 and him calling me, right?

21 Q. I'm trying to establish the times and who called
22 who.

23 A. Okay.

24 Q. The third 17:53 call is from 6702, which is Mr.
25 Sellers, to 2316, which is you.

JURY TRIAL

1 A. Okay.

2 Q. Okay? Then you have 17:56, which is a call from
3 5606 to 2316, that's a call from Goad to you, correct?

4 A. Right.

5 Q. At 17:56 again there's a three -- there's another
6 call from 6702, which is Mr. Sellers to you at 2316, you
7 see that?

8 A. Yeah.

9 Q. You see that?

10 A. I see it.

11 Q. Okay. At 18:00, which is 6:00, there's a call from
12 5606, which is Mr. Goad, to 2316 which is you.

13 A. Okay.

14 Q. At 18:07, 6:07, there's a call from 2316, which is
15 you, to Mr. Sellers, you see that?

16 A. At what time? Five -- at 18:50?

17 Q. At 8:07 -- or 6:07. You see that?

18 A. At 18:07, right?

19 Q. 18:07 is 6:07.

20 A. I see a call from me to Walt.

21 Q. It's 2316 from you --

22 A. Yeah to 41 --

23 Q. -- to him --

24 A. -- 45606.

25 Q. The one before that is the call from him to you --

JURY TRIAL

1 A. Right.

2 Q. -- correct?

3 A. Right.

4 Q. All right. At 18:15, there's a call from 2316,
5 which is you, to Mr. Sellers.

6 A. Right.

7 Q. At 6702.

8 A. Okay.

9 Q. You agree with those? You see the records?

10 A. I see that.

11 Q. Here's what I want to ask you, if Mr. Sellers is
12 with you, if he was, why are you calling him all during
13 that period of time?

14 MS. GATTE: Objection, Your Honor.

15 BY MR. SWERLING:

16 Q. Or him calling you.

17 A. I don't know that he was with me. I'm still --

18 MS. GATTE: The witness testified that he does
19 not remember.

20 JUDGE NEWMAN: He doesn't --

21 WITNESS: I don't know what you're talking
22 about.

23 MR. SWERLING: Well, I'm asking if it
24 refreshes his memory, that's all.

25 JUDGE NEWMAN: The objection is sustained.

JURY TRIAL

1 MR. SWERLING: Okay.

2 BY MR. SWERLING:

3 Q. Well, does it refresh your memory as to why there
4 were calls back and forth between you and Mr. Sellers
5 during these -- this period of time?

6 A. I guess that's how the thing went. He got the call
7 that -- to call back to make it pick the recording up.
8 It was a three-way thing I can't -- I don't -- I -- well,
9 you're talking 10 years ago, bro. I'm being honest with
10 you, I don't know.

11 Q. You don't --

12 A. I can't tell you no more, I don't know.

13 Q. Fine. I was just asking you --

14 A. I mean I've told you that 10 times.

15 Q. I wanted to show it to you so -- see if it refreshed
16 your memory.

17 A. Well, it didn't.

18 Q. Okay. Fair enough. When did you get addicted to
19 heroin?

20 A. Probably about -- when I was probably about maybe
21 28, 29, somewhere.

22 Q. When?

23 A. I can't recall, somewhere in my late 20's.

24 Q. Were you addicted to heroin during this period of
25 time?

JURY TRIAL

1 A. Yes, sir.

2 Q. So you were using heroin and I understand you went
3 into some facilities to get treatment for heroin?

4 A. Yes, sir.

5 Q. Is that correct?

6 A. Yes, sir.

7 Q. How many times and what -- how many times did you go
8 into a facility to get treated for heroin addiction?

9 A. That I don't know.

10 Q. And you were using heroin up until almost the day
11 you were sentenced, correct?

12 A. I was using until the day I was sentenced.

13 Q. Pardon?

14 A. I was using it, 'till the day I was sentenced.

15 Q. So during the period of time that you were talking
16 about with Mr. Goad, you were a heroin addict?

17 A. I don't know if we discussed that.

18 Q. I'm sorry?

19 A. I said I don't know if we discussed that. You asked
20 me if I discussed that with Mr. Goad about me being --

21 Q. No, I didn't ask -- I didn't ask --

22 A. Oh.

23 Q. I just asked you, during that period of time, you
24 were a heroin addict?

25 A. Yes, sir.

JURY TRIAL

1 Q. Okay. And how often did you use heroin?

2 A. As much as I could.

3 Q. Every day?

4 A. Yes, sir.

5 Q. Several times a day?

6 A. Yes, sir.

7 Q. So was that in 2016?

8 A. Yes, sir.

9 Q. 2017?

10 A. Yes, sir.

11 Q. 2018?

12 A. Until I got sentenced.

13 Q. And heroin pretty much messes you up, doesn't it?

14 A. It can.

15 Q. Okay. And how many times a day did you take heroin?

16 A. I mean every day was different, I can't recall.

17 Q. Pardon?

18 A. Every day was different.

19 Q. Okay. Now, let's go back just to summarize a little

20 bit. You were arrested on this charge of trafficking

21 cocaine 200 to 400 grams with a 25-year sentence

22 mandatory minimum, no parole, on October 29th the record

23 shows, and you had a \$25,000 bond. You don't disagree

24 with that?

25 A. No, sir.

JURY TRIAL

1 Q. Okay. And your testimony is that you did not get
2 any assistance -- first of all, you -- they waited until
3 October 29th to arrest you, and you also got a \$25,000
4 bond, that was -- nobody helped you with that, correct?

5 A. I mean, the bail bondsman helped me with the bond.

6 Q. No, I'm talking about law enforcement.

7 A. I don't know, sir.

8 Q. All right. And on September -- let's see, on August
9 31st, 2018, is when you were sentenced to trafficking a
10 lower offense 28 to 100 grams, and you got 10 years,
11 correct?

12 A. Yes, sir.

13 Q. Is that correct?

14 A. Yes, sir.

15 Q. Okay. You understand about enhanced sentences? Do
16 you understand that if you're a second time loser on
17 drugs that you get sentenced more?

18 A. I'm not aware of that, no, sir.

19 Q. Okay, if you don't know, you don't know. On
20 November 14th, 2017, you picked up a drug charge,
21 correct?

22 A. Don't know.

23 Q. That was the heroin charge, possession of heroin.

24 A. For possession, yes, sir.

25 Q. Okay. And also on shoplifting, correct?

JURY TRIAL

1 A. Yes, sir.

2 Q. And resisting arrest, is that correct?

3 A. Yes, sir.

4 Q. Now as part of -- did the -- this is in November of
5 2017, you weren't sentenced until almost a year later,
6 did anybody try and revoke your bond on those charges?

7 A. I did get my bond revoked.

8 Q. You did get your bond revoked?

9 A. For possession of heroin.

10 Q. Pardon?

11 A. They revoked on the possession of heroin.

12 Q. For the possession of heroin. So you went to jail
13 after November 14th, 2017?

14 A. I don't remember dates, sir.

15 Q. So, but you got -- you didn't get out -- or they
16 revoked your bond at some point after you got arrested
17 for possession of heroin?

18 A. I went to jail for possession of heroin, bonded out,
19 Richland County picked me up for the shoplifting from
20 Kershaw County and they pieced -- and I damn -- I bonded
21 out on that and then -- and then the Solicitor revoked my
22 bond after I bonded out. So I went to court and then the
23 judge denied the revocation. It was --

24 Q. So the judge denied revoking your bond at the
25 request of the State?

JURY TRIAL

1 A. Right.

2 Q. Did anybody help you from law enforcement --

3 A. I had a Public Defender.

4 Q. Pardon?

5 A. Public Defender.

6 Q. Right. But did anybody from law enforcement make a
7 recommendation that you would not get your bond revoked?

8 A. Absolutely not.

9 Q. Now, you were sentenced on October -- I mean, August
10 31st, 2018, all those charges that you had, the
11 shoplifting, the resisting arrest, and the possession of
12 heroin was dismissed, correct?

13 A. I'm not sure.

14 Q. Well, that's the date of the disposition is August
15 31st, which would be the same day that you pled guilty in
16 front of Judge Manning --

17 A. Oh, yes, sir, the day I pled guilty, yes, sir, they
18 -- yes, sir.

19 Q. Pardon?

20 A. Yes, sir.

21 Q. So, the State re -- dismissed those charges?

22 A. If I pled guilty to trafficking.

23 Q. Right. In return for your plea to a lower-level
24 trafficking you get 10 years, correct?

25 A. I guess.

JURY TRIAL

1 Q. And they dismissed the other charges?

2 A. They said plead guilty to trafficking and they'll
3 dismiss the other charges.

4 Q. So, during this period of time the State -- the
5 people at the State or law enforcement knew you were
6 being treated for drugs, correct, heroin?

7 A. I'm sure they knew.

8 Q. Okay. But you were arrested in November, correct?

9 A. Right.

10 Q. They dropped those charges. They didn't bring any
11 distribution charges for everything in July, August, and
12 September, correct?

13 A. The Court ordered me to go to rehab.

14 Q. Pardon?

15 A. It was the Court that ordered me to go to rehab.

16 Q. The Court ordered you to go to rehab?

17 A. Yes, sir.

18 Q. When did they do that, during the bond hearing?

19 A. Richland County.

20 Q. That's fine, whatever it was. And -- so your
21 original charge is reduced. You're not charged under
22 controlled buys or anything before that. You got a
23 reduction in the degree of trafficking. Your girlfriend
24 was never charged, correct?

25 A. Right.

JURY TRIAL

1 Q. And they dismissed the shoplifting from November
2 28th, 2017, the shoplifting from August 13th, 2017, a
3 resisting arrest from August 13th, 2017, and a possession
4 charge from November 14th, 2017, all that went away?

5 A. Pretty much. I had to go --

6 Q. Is that correct?

7 A. I had to do the rehab thing, 28 days at Morris
8 Village.

9 Q. And those are the benefits you received from your
10 plea and cooperation, correct?

11 A. I don't believe it was a plea -- I don't believe
12 that was in the deal. I don't believe it was -- you --
13 you -- you do this, we'll drop this. I don't -- it was
14 never addressed to me as like that, no, sir.

15 Q. Well, somehow you got it all dismissed and a
16 reduction.

17 A. Matter of fact, the Solicitor got mad when the judge
18 denied to revoke me. So, it definitely had nothing to do
19 with that. The same Solicitor that was prosecuting me on
20 this was the one that revoked my bond and then when they
21 -- the judge denied to revoke so he got mad, so it
22 definitely had nothing to do with that.

23 Q. Well, you agree somebody helped you out somewhere?

24 A. I don't agree with that.

25 Q. Okay.

JURY TRIAL

1 A. You're agreeing with that.

2 Q. All right. Good enough. I won't argue with you
3 about that. Do you have a Facebook page?

4 A. I did.

5 MS. GATTE: Your Honor, we would object to
6 these being admitted. This is dated after the
7 offense that Mr. Goad is charged with, so I don't
8 know how it would be relevant to any conduct in this
9 case.

10 MR. SWERLING: I submit it's very relevant.

11 JUDGE NEWMAN: Let me see what we're talking
12 about.

13 MS. GATTE: It's from 2017, Your Honor. This
14 incident occurred 2016.

15 JUDGE NEWMAN: Y'all approach.

16 (BENCH CONFERENCE)

17 JUDGE NEWMAN: No objection, sustained.

18 MR. SWERLING: That's all the questions I
19 have, Judge.

20 JUDGE NEWMAN: Redirect?

21 MS. MCKELLAR: I have to say yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. MCKELLAR:

24 Q. You admitted that you were addicted to heroin. Are
25 you under the influence of heroin today?

JURY TRIAL

1 A. No, I've been clean for seven years.

2 Q. Would that have clouded your judgement back then?

3 A. Yes, ma'am.

4 Q. Maybe your memory?

5 A. Yes, ma'am.

6 Q. Is your mind as clear as it can be today?

7 A. Yes, ma'am.

8 Q. Maybe not perfect memory, but clear headed?

9 A. I can't remember back when I was high on drugs. I
10 can't -- I can't remember like I should know. I remember
11 events, not times and dates.

12 Q. I think you -- you covered it, but those new
13 charges, just to be clear, the new charges you picked up,
14 the prosecutor on the case tried to revoke your bond,
15 correct?

16 A. Yes, ma'am.

17 Q. So, they didn't stand up and ask the judge not to
18 revoke your bond, they stood up and asked the judge to
19 put you back in jail?

20 A. Yes, he did.

21 Q. And the person who saved you from that was your
22 attorney?

23 MR. SWERLING: Objection, leading.

24 THE WITNESS:

25 A. My Public Defender.

JURY TRIAL

1 Q. Speaking of the heroin, did you get the heroin for
2 free or does heroin cost money?

3 A. It costs money.

4 Q. Could that explain where some of your millions that
5 Mr. Swerling refers to went?

6 A. A lot of it went.

7 MR. SWERLING: Did he say a lot of it? Is
8 that what he said?

9 JUDGE NEWMAN: Yes.

10 MR. SWERLING: Oh.

11 BY MS. MCKELLAR:

12 Q. He also asked you about Mr. Goad's ledger that we
13 showed you. Do we know where that is?

14 MR. SWERLING: Probably in that stack right
15 there.

16 BY MS. MCKELLAR:

17 Q. Do you know Mr. Goad's wife's name, first name?

18 A. Yes, ma'am.

19 Q. What is it?

20 A. Jennifer.

21 Q. I know Mr. Swerling told you Mr. Goad's wife name
22 was on there; do you see Jennifer on there?

23 A. Nowhere on here is a Jennifer.

24 Q. But what he did say about Hailey's name being on
25 there, if Mr. Goad couldn't get in touch with you would

JURY TRIAL

1 he sometimes call your baby mother?

2 A. I gave him that number 'cause her number never
3 changed and I always changed numbers, so I was like if
4 you can't never get in touch with me, you can always be
5 able to find me on this number.

6 Q. And I thought that I asked you this specific
7 question, but Mr. Swerling addressed it with you as well,
8 the ledger that I just handed you. There are other
9 people that you recognize as drug dealers on that piece
10 of paper, correct?

11 A. Yes, ma'am.

12 Q. I'm not going to ask you to name them. But not just
13 you and your brother, other people?

14 JUDGE NEWMAN: You have to answer verbally.

15 THE WITNESS:

16 A. Yes, ma'am, I'm sorry. Yes, ma'am.

17 Q. That book in front of you that you referenced
18 earlier that the paper is on right now.

19 A. Yes, ma'am.

20 Q. What is that book?

21 A. The Holy Bible.

22 Q. Is that the standard size of a brick of cocaine,
23 roughly?

24 A. Be about 10 ounces.

25 Q. Now, I want to specifically ask you about the phone

JURY TRIAL

1 call that we listened to between you and Mr. Goad. I
2 believe Mr. Swerling asked you if you ever talked about
3 cocaine. You talked a lot about cocaine in that call
4 didn't you?

5 MR. SWERLING: Objection.

6 JUDGE NEWMAN: Sustained.

7 BY MS. MCKELLAR:

8 Q. Did you talk about cocaine a lot in the video -- in
9 that --

10 A. That's all we spoke about.

11 Q. Did you ever say the word cocaine?

12 A. If I would he would've hung the phone up.

13 Q. But you did talk about cocaine?

14 A. We was talking about cocaine.

15 Q. Now, after the search warrant at your house, did law
16 enforcement tell you how many controlled buys they made
17 from you before?

18 A. I had no idea.

19 Q. Do you ever know --

20 A. 'Till just today.

21 Q. I was going to say, do you even know now?

22 A. It's new news to me.

23 Q. So, did you try to leverage any help that you were
24 gonna maybe give on them not charging you on the
25 controlled buy that you didn't know about?

JURY TRIAL

1 MR. SWERLING: It's just leading, leading
2 questions.

3 JUDGE NEWMAN: Overruled.

4 BY MS. MCKELLAR:

5 Q. And to be clear, the cocaine you said was in the
6 bucket of nails, Mr. Swerling asked if you were ever
7 charged with that, you were not, correct?

8 A. No, ma'am.

9 Q. Did they ever recover that cocaine?

10 A. No, ma'am. And I had money in the other bucket,
11 \$5,000 cash, they didn't find that neither.

12 Q. If you owed drug money to anyone, who would that
13 have been?

14 A. Walter Goad.

15 Q. No one else? You had no drug debts to anyone else?

16 A. No. I bought my heroin straight out in cash.

17 Q. And I think you referenced this as well; you're
18 almost done with your sentence; is that correct?

19 A. Yes, ma'am.

20 Q. So what help would it be for you to testify today?

21 A. I can't -- there's nothing to gain. My bid's --
22 like I said I got 27 months left. My bid's up.

23 Q. Was I the original prosecutor on your case?

24 A. No, ma'am.

25 Q. Was Ms. Gaddy the prosecutor on your case?

JURY TRIAL

1 A. No, ma'am.

2 Q. Did the other prosecutor make you any promises on
3 your case?

4 A. No, ma'am, he tried everything to get me put in
5 jail.

6 Q. So, just to make double sure, Mr. Walter Goad, did
7 he deliver over 200 grams of cocaine to you in Lugoff on
8 September 22nd, 2016?

9 A. Yes, ma'am.

10 MS. MCKELLAR: I have no further questions,
11 Your Honor.

12 MR. HOUGH: Beg the Court's indulgence.

13 JUDGE NEWMAN: Yes, sir.

14 MR. HOUGH: Thank you, Your Honor.

15 MR. SWERLING: Nothing.

16 JUDGE NEWMAN: No further questions?

17 MR. SWERLING: No.

18 JUDGE NEWMAN: Wonderful. You may step down.

19 Are we releasing Mr. Parnell from his subpoena?

20 MS. GATTE: We do ask that he be released,
21 Your Honor.

22 JUDGE NEWMAN: Any objection?

23 MR. SWERLING: No.

24 JUDGE NEWMAN: Okay. So he is done. He can
25 be transported back.

JURY TRIAL

1 WITNESS: No more?

2 JUDGE NEWMAN: No more.

3 WITNESS: Okay, thank you, Your Honor.

4 JUDGE NEWMAN: Thank you. State can call its
5 next witness.

6 MS. MCKELLAR: Your Honor, we have one final
7 witness and that's Special Agent Adam Hardin.

8 THE CLERK: Mr. Hardin, can you place your
9 left hand on the Bible and raise your right hand.
10 Do you swear or affirm that the evidence you will
11 give in this case will be the truth, the whole
12 truth, and nothing but the truth, so help you God?

13 MR. HARDIN: I do.

14 THE CLERK: You can have a seat and state your
15 full name for the record.

16 MR. HARDIN: Good afternoon, my name is Adam
17 Robert Hardin.

18 ADAM ROBERT HARDIN
19 was called as a witness, and having been first duly
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. MCKELLAR:

23 Q. Agent Hardin, please tell us about your professional
24 history, and where you are now.

25 A. So I -- I -- after graduated -- after I graduated

JURY TRIAL

1 from college I enlisted in the Army, I was an infantry
2 soldier and paratrooper in the 82nd Airborne. Following
3 that I became an intelligence analyst for the United
4 States Attorney's Office, Organized Crime and Drug
5 Enforcement Task Force, the DEA, and the FBI. In 2003, I
6 was hired by the DEA and became the diversion
7 investigator, which investigated the diversion of
8 controlled substances, pharmaceutical controlled
9 substances, by DEA registrants that include physicians,
10 pharmacies, anybody who had a DEA registration. And then
11 following that I was subsequently hired to be a Special
12 Agent with the DEA where I've maintained -- where I've
13 been employed since 2003.

14 Q. So if I'm doing the math correct, that's over 20
15 years of law enforcement experience?

16 A. And I'm ready to retire, been a long time.

17 Q. And the bulk of that has been in narcotics, correct?

18 A. Yes, ma'am, that is correct.

19 Q. So I want to just fast-forward through your whole
20 career to 2016. What was your involvement in this case?

21 A. So I was -- I was assisting TFO Sellers who was a
22 task force officer from Kershaw County Sheriff's
23 department, with its investigation, along with other
24 members of our HIDTA crew which is a -- HIDEA stands for
25 High Intensity Drug Trafficking area. That's a group