

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Laurens County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRYAN PRESTON COOPER,

APPELLANT

APPELLATE CASE NO. 2023-000231

RECORD ON APPEAL

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State of South Carolina)
County of Laurens) Court of General Sessions

2022-GS-30-1427

State of South Carolina)
) Transcript of Record
)
)
Bryan Preston Cooper)
)
)

February 8-10-2023
Laurens, South Carolina

B E F O R E:

Honorable Donald B. Hocker, Judge

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Official Court Reporter

I N D E X O F W I T N E S S E S

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(DW) - Denotes Defense Witness
(SW) - Denotes State's Witness

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1 THE COURT: Ladies and gentlemen, the case that is
2 being called for trial today actually, as I said, will
3 start in the morning is the State of South Carolina versus
4 Bryan Preston Cooper. Mr. Cooper, if you will just stand
5 just very briefly and face the jury panel. Okay, that's
6 fine. Have a seat.

7 Mr. Cooper has been indicted with one criminal
8 offense, possession of methamphetamine. The indictment
9 alleges that he had in his possession a certain quantity
10 of methamphetamine on or about October 18th of 2020 in
11 Laurens County. And as I explained to you on Monday in
12 that other case, same rules apply here, you cannot hold it
13 against Mr. Cooper the fact that he has been charged and
14 indicted in this case. The burden rests with the State
15 and the State alone to prove the allegations contained in
16 the indictment. The Defendant never has to prove anything
17 when charged with a criminal offense. As I told you on
18 Monday, the indictment serves two purposes, two purposes
19 only. One, it puts the Defendant and the Defendant's
20 attorneys on notice of the charge that the State intends
21 to try him on. And it is the mechanisms to get us into
22 court where we are today. The indictment serves no
23 further purpose. So, once again, you cannot hold it
24 against Mr. Cooper, the fact he has been indicted in this
25 case. It is not proof whatsoever of any guilt on Mr.

1 some of you to go on the internet, social media and try to
2 research a little bit about the nature of this case or the
3 Defendant, the lawyers, anything related to this case.
4 Don't do it. I will explain more in detail of why you
5 can't do that in the morning when we get the case started.
6 But just suffice to say right now, just don't do that.
7 And also, I don't know if any of you have been keeping up
8 with that trial in the lower part of the State that has
9 been going on. Try to stay away from that. I don't want
10 anything that you may see on that to have any influence
11 even though it is totally unrelated to this case. Just
12 stay away from that, watching anything about that case
13 until this case is over with. Get you a good night's rest
14 and we will see you in the morning. Mr. Bolt will show
15 you where to park and where to come in. And we will,
16 Ma'am, make it easy as possible for you to get in. See
17 you in the morning.

18 (Whereupon, the jury was excused from open court for
19 the day.)

20 February 9, 2023

21 THE COURT: We are here on State versus Bryan Cooper.
22 Ms. West, you indicated your client has a motion for
23 continuance?

24 MS. WEST: Your Honor, it is my understanding,
25 yesterday, yesterday Mr. Cooper wanted to request a

1 continuance. He did so in front of Judge Addy. Judge
2 Addy informed him that it needed to be in front of the
3 trial Judge, so we ask that you allow Mr. Cooper to make
4 that motion.

5 THE COURT: Okay. Mr. Cooper.

6 MR. COOPER: Monday we met and I went, told to seek
7 Counsel and so I did. And he is willing to take the case.
8 He doesn't have time to prepare for the case in 24 hours.

9 THE COURT: Right.

10 MR. COOPER: I am not asking for a month, he said he
11 needed two weeks and he could do it.

12 THE COURT: Well, this case is on the trial docket
13 and once a case gets on the trial docket it is not going
14 to be continued. So your motion is respectfully denied.

15 MR. COOPER: Okay. Can I say something else, sir?

16 THE COURT: Sure, yes.

17 MR. COOPER: I am asking my Defense here what my
18 defense is. And I am told --

19 MS. WEST: Judge, I would object to talking about
20 potential defenses right before trial.

21 MR. COOPER: That is not what I was told.

22 THE COURT: Mr. Cooper, and I think I told you this,
23 I think I did on Monday. But if I didn't, you know, I
24 know these two lawyers extremely well. They are both
25 excellent attorneys. They have trial experience, they

1 have been doing this a long time. And you are not going
2 to find any better representation than from these two
3 lawyers. So, again, your continuance is denied. Now, as
4 far as any, you know, if your lawyers believe that they
5 need a little time to talk with you then certainly I will
6 give them that time. But I don't want to really get into
7 any discussions or lack thereof concerning you and your
8 attorney. So I really don't want to get into that. But
9 if you need some time to talk with them I will certainly
10 give that time. Anything else from the Defense side. I
11 know we have some other pretrial but as far as along this
12 line.

13 MS. WEST: Judge, I would just, if Mr. Cooper would
14 like a minute to talk to us I would ask for that.

15 THE COURT: Sure. Yes. One of those little
16 conference rooms there, go on back.

17 MR. BROOME: Thank you, Judge.

18 THE COURT: Take a few minutes. We will be at ease.

19 (Whereupon, a short break was taken.)

20 THE COURT: Okay.

21 MR. COOPER: Can I ask you, sir.

22 THE COURT: Ms. West, Mr. Broome, evidently Mr.
23 Cooper wants to tell me something.

24 MR. BROOME: I think I know what he wants to tell
25 you. I am advising him he can do what he wants. We have

1 advised him multiple times not to address the things that
2 I think he wants to tell the Court or to discuss anything
3 as far as defenses, facts about the case, anything in open
4 court. He can do what he wants. My advice on the record
5 to him, is to maintain the Fifth Amendment rights and to
6 not say anything right now, just in general to the Court,
7 because also I don't think it is beneficial to him.

8 THE COURT: Your attorneys have advised you, at least
9 at this point in time, to invoke your Fifth Amendment
10 rights and not tell the Court anything. That is their
11 advice. They have just told me that. Now understanding
12 that advice that they have given to you, do you still want
13 to address the Court?

14 MR. COOPER: Yes, I do.

15 THE COURT: Okay. Alright. I don't want to go into
16 a long litany of things that you want to tell me because
17 we are kind of running behind and we have got some
18 pretrial matters and the jury has already reported. So
19 stand and will you swear him in, please.

20 Bryan Cooper, being
21 first duly sworn, testified as follows:

22 THE COURT: What would you like to tell me, Mr.
23 Cooper.

24 MR. COOPER: Well, you just told us we could have a
25 few minutes to walk down and talk. I asked them the exact

1 same question, what is the defense. None. I don't have a
2 Counsel, I don't have Counsel.

3 THE COURT: Well, again, I am not going to get into
4 your discussions with your attorneys, what they told you
5 or not told you. I am not going to get into that.

6 MR. COOPER: That is my Sixth Amendment right to have
7 Counsel, with Counsel, and I don't have it.

8 THE COURT: And I told you that I know these lawyers
9 very well and they are excellent attorneys and will
10 provide you with the best defense that you are entitled
11 to. Okay.

12 MR. COOPER: They are not going to say anything.
13 They are not going to say anything in my defense.

14 THE COURT: I have already, have a seat, that is it.
15 Okay. Alright, now. Yesterday I was told there are some
16 pretrial matters that we need to deal with. Mr. Broome, I
17 am going to turn it over to you.

18 MR. BROOME: Generally housekeeping matters, Your
19 Honor. We ask the Court to sequester the witnesses in the
20 case. It is my understanding, there is really one
21 responding officer who testified, kind of, we don't
22 anticipate calling any other Defense witnesses other than
23 the possibility of Mr. Cooper. But we would ask for that.
24 The second thing, we would just renew all Rule 5 and Brady
25 motions on the record and ask the State to respond.

1 THE COURT: Concerning sequestration of witnesses.
2 Certainly the State is entitled to have their lead
3 investigator, I see Mr. Hunnicutt here. But I don't know
4 who your lead person is.

5 MR. LAMPKE: Yes, Your Honor. Investigator Hunnicutt
6 will be our lead investigator.

7 THE COURT: So we have someone in the back --

8 MR. LAMPKE: This is Deputy Parks, he is here for the
9 upcoming suppression hearing.

10 THE COURT: Okay. So he can stay in, at least to
11 when we do the suppression hearing and then when the trial
12 starts then, of course, he would need to leave. Okay.
13 And then, Solicitor, has all Rule 5, Brady material been
14 turned over to the Defense?

15 MR. LAMPKE: Yes, Your Honor.

16 THE COURT: Okay. Anything else housekeeping wise?

17 MR. BROOME: No, sir. One thing, I would ask the
18 State to confirm there is no in-car video from Officer
19 Parham's stop in this case. It has not been given over to
20 us. I believe the State's response, we can get some
21 testimony during pretrial but I just ask about that.

22 THE COURT: At this point in time, the State's
23 position is, that the in-car video is not in existence.
24 Is that correct?

25 MR. LAMPKE: Yes, Your Honor, that is accurate.

1 THE COURT: And there has never been in existence?

2 MR. LAMPKE: No, Your Honor.

3 THE COURT: Okay. We have a motion for suppression.

4 Okay, the State can call their first witness for

5 suppression.

6 MR. LAMPKE: Judge, before we begin, what my

7 cocounsel is telling me is that Investigator Hunnicutt is

8 here as our trial assistant, things of that sort. And

9 that Deputy Parham is our lead investigator. So my

10 understanding is that both of them can stay in the

11 courtroom during the duration of the trial.

12 THE COURT: The State is wanting both Deputy Parham

13 and Mr. Hunnicutt to remain in the courtroom. Do you have

14 a position on that?

15 MR. BROOME: No, sir.

16 THE COURT: Okay. They can stay in. Okay. Call

17 your first witness on the suppression.

18 MR. LAMPKE: The State calls Deputy Parham to the

19 stand.

20 THE COURT: Come around, please, sir.

21 Ryan Parham, being

22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 By Mr. Lampke:

25 Q Deputy Parham, thank you for joining us today. Will

1 you please spell your name for the Court Reporter.

2 A Yes, sir. P-A-R-H-A-M.

3 Q And where are you currently employed?

4 A Laurens County Sheriffs Office.

5 Q And what is your assignment there at the Sheriffs
6 Office?

7 A I am one of the uniform patrol division as Deputy.

8 Q And what was your position back in October of 2020?

9 A The same position.

10 Q Were you working in that capacity on October 18th of
11 2020?

12 A Yes, sir.

13 Q So let's talk about what happened on that day. What
14 were you doing that afternoon?

15 A I was on routine patrol.

16 Q And did you notice anything while you were
17 patrolling?

18 A Yes, sir. I was on routine patrol in the area of
19 Waterloo, South Carolina and I noticed a Ford SUV
20 traveling in speeds of excess of 45 miles-an-hour, on
21 Arnold Lane heading towards Indian Mound Road.

22 Q And specifically when you first saw that car, how
23 would you estimate its speed?

24 A Well over 45, I guess the speed was 80 to 90 miles an
25 hour.

1 THE COURT: What was the speed, sir, I didn't hear
2 that?

3 A 80 to 90 miles an hour.

4 Q And after seeing that what did you do?

5 A I attempted to initiate a traffic stop.

6 Q And what do you do with your car at that point?

7 A I attempted to catch up to the vehicle. The speed
8 was in excess, not excess, but close to a 100 miles an
9 hour to reach the vehicle.

10 Q And you had to do that to catch up to that vehicle
11 you saw?

12 A Yes.

13 Q And were you able to eventually catch up to that car?

14 A Yes, sir.

15 Q And what happened when you caught up to it?

16 A I initiated a traffic stop. It stopped at the
17 intersection of Arnold Lane and Indian Mound Road.

18 Q And what did you see as you got behind that vehicle?

19 A I saw one occupant in the vehicle, the driver. The
20 driver reaching over into the passenger seat area.

21 Q And to be clear, how many people, total, were in the
22 vehicle?

23 A Just one.

24 Q And when you say you saw him reaching over, what do
25 you mean?

1 A I saw half his body position over into the passenger
2 seat.

3 Q And what does someone reaching for something in a car
4 like that, in the context of a traffic stop, indicate to
5 you?

6 A That either they are reaching for a possible weapon,
7 or trying to conceal something.

8 Q And so based on that, what did you do when you got
9 out of the car?

10 A I went to the passenger side, told the driver to
11 place his hands on the steering wheel, roll the windows
12 down. At that time I went to the driver's side and
13 attempted to, to remove him from the vehicle to perform a
14 terry frisk.

15 Q And tell me why you wanted to remove him from of the
16 vehicle?

17 A Due to the, I wanted to make sure he didn't have a
18 weapon on his person for my safety and his.

19 Q And what was, and first of all, that person that was
20 in the drivers seat, who was that?

21 A That was Bryan Cooper.

22 Q And what was Mr. Cooper's response when you asked him
23 to get out of the vehicle?

24 A He resisted by hanging on to something in the vehicle
25 as I was trying to get him out of the vehicle.

1 Q How long did that go back and forth go on, where you
2 are trying to get out and he is refusing to get out?

3 A Between five and ten minutes.

4 Q And eventually did Mr. Cooper say that he had
5 something that he wanted to tell you?

6 A Yes.

7 Q And what did he tell you?

8 A He said he had some pipes on him.

9 THE COURT: He had some what?

10 A Pipes.

11 Q What sort of pipes, Deputy Parham?

12 A Smoking pipes, glass pipes.

13 Q Can you describe their shape?

14 A Yes, sir. They are like a tube with a sphere on the
15 end of it.

16 Q And so after he told you that, what did you do with
17 him?

18 A I placed him in investigative attention and patted
19 him down for weapons.

20 Q And at that point when you pulled him out of the car
21 could you see those pipes that he mentioned?

22 A Yes.

23 Q And where exactly were those pipes?

24 A Right under where he was sitting at on the seat.

25 Q So where were those pipes in the car while you were

1 trying to get him out of the car?

2 A Underneath his person, his leg.

3 Q And so at that point what did you do with Mr. Cooper
4 after you put him in investigative detention?

5 A I placed him in my patrol vehicle and searched the
6 vehicle.

7 Q And when you went back to the vehicle and you saw
8 those pipes did you go back and say anything else to Mr.
9 Cooper?

10 A Yes.

11 Q What did you ask Mr. Cooper?

12 A I asked him what the pipes were used for.

13 Q And what was his response?

14 A He said smoking meth.

15 Q So based on that, based on what you saw when you
16 contacted Mr. Cooper as well as what he did before, what
17 did you do at that point?

18 A I searched the vehicle.

19 Q And when you searched the vehicle where did you first
20 look?

21 A Around his seat and around the center console area.

22 Q And what did you find in the center console cup
23 holder?

24 A A open pill bottle with what appeared to be a white
25 crystal like substance inside the bottle.

1 MR. LAMPKE: The Court's indulgence for a moment,
2 Your Honor.

3 THE COURT: Sure.

4 Q And at that point after finding that white crystal
5 substance, everything that happened before, what did you
6 do with Mr. Cooper?

7 A I placed him under arrest.

8 Q Thank you, Deputy Parham.

9 MR. LAMPKE: No further questions at this time, Your
10 Honor.

11 THE COURT: Okay. Does the Defense have any
12 questions of Deputy Parham?

13 MR. BROOME: Yes, Your Honor.

14 CROSS-EXAMINATION

15 By Mr. Broome:

16 Q Deputy Parham, you testified that you stopped this
17 car only for moving violation, for speeding?

18 A Yes, sir.

19 Q And how long did you have to travel to catch up to
20 Cooper's car?

21 A I would say less than a half mile.

22 Q Less than a half a mile?

23 A Yes, sir.

24 Q Do you have your radar gun equipped in that car, that
25 vehicle?

1 A No, sir.

2 Q Do any of the sheriff office cars or deputy cars have
3 radar in them?

4 A Some of them.

5 Q Some of them do?

6 A Yes, sir.

7 Q Yours is not?

8 A No, sir. Not at that time.

9 Q So you said you were only able to estimate speed
10 based on pacing.

11 A Correct.

12 Q Is that correct?

13 A Yes.

14 Q So at what point and time did you catch up to his
15 vehicle and then pace him for speeding?

16 A Can you repeat the question.

17 Q Sure. You said that you, you just testified that you
18 had to, you chased him for half a mile or it took you half
19 a mile to catch him?

20 A Catch up.

21 Q Catch up to him. So from the moment that you caught
22 up to him until the moment that he stopped, how long did
23 that take?

24 A I can't recall that.

25 Q From the moment that you initiated blue lights, to

1 the moment that he stopped, how long did that take?

2 A Between five or ten seconds.

3 Q Five or ten seconds, okay. Is that when the pacing
4 began?

5 A No sir, before then.

6 Q It began before then.

7 A Yes, sir.

8 Q Did you radio that in to your dispatch that you were
9 traveling, there was someone that you were following that
10 was speeding and that you were pacing them?

11 A No, sir.

12 Q Now, speeding in and of itself is not a crime, you
13 write a ticket for that. Do you agree with me on that?

14 A I believe it is a crime --

15 Q -- you can't take someone to jail for speeding at 10,
16 15 miles an hour?

17 A No, sir.

18 Q That is normally when you would write someone a
19 ticket, on a routine traffic stop for speeding, correct?

20 A Yes.

21 Q Now, when this is going on you had not received any
22 calls from dispatch or any other officer that a crime had
23 been occurring?

24 A That is correct.

25 Q There is no active crime in progress?

1 A Correct.

2 Q Now you stopped him on the intersection or, or you
3 came to a stop and you stopped him at the t-bone
4 intersection of Arnold Lane and Indian Mound Road,
5 correct?

6 A Yes, sir.

7 Q And this is a residential area?

8 A Yes, sir.

9 Q Out in the country?

10 A Yes, sir.

11 Q Countryish?

12 A I would say so.

13 Q Not a high crime area, correct?

14 A I can't say for sure.

15 Q How long have you been in, this happened in October,
16 2020, correct?

17 A Yes, sir.

18 Q When did you graduate from the Academy?

19 A In 2021.

20 Q So you had been at this about a month?

21 A Yes, sir. Certified.

22 Q Certified?

23 A Yes, sir.

24 Q On the road for a month?

25 A Yes.

1 Q I know I recognize you from the jail. So you have
2 been on the road about a month?

3 A Yes, sir.

4 Q Is that correct. Okay. So had you made any, had you
5 been involved in any drug trafficking, shootings,
6 robberies in this area within that month?

7 A Just to clarify, I was on the road for more than a
8 month. I had began as of January of 2020.

9 Q You were riding along in 2020?

10 A Yes sir, kind of doing the work of my own, driving,
11 you know, calls and everything.

12 Q I understand. But you weren't certified until
13 September where you could ride by yourself and make an
14 arrest by yourself?

15 A Right.

16 Q Okay. To your knowledge, on this particular
17 neighborhood you did not get a lot of calls or not known
18 to you that this is a high crime area, right?

19 A Correct.

20 Q And the stop happened at approximately 5:30 p.m. in
21 the evening, afternoon?

22 A I have to recollect with the incident report.

23 Q Do you have your report with you?

24 A No, sir.

25 Q Okay. Do you have a copy for him. I have a copy as

1 well, I just didn't know if you had one. The State is
2 going to give you one. One second.

3 THE COURT: Sure, hand it up to him so he can have
4 something to refer to.

5 A Yes sir, that is correct.

6 Q Is that correct, 5:25 p.m.

7 A Yes, sir.

8 Q And in October, I think that is before daylight
9 savings time. It was daylight during that time, right?

10 A Yes, sir.

11 Q Now, 5:30 p.m, is that the normal time people would
12 be driving around in general?

13 A I would say so.

14 Q Not 3:00 a.m., when you would expect lighter traffic,
15 correct?

16 A Correct.

17 Q And the homes area, these are single family homes,
18 single family homes, houses?

19 A Right.

20 Q Not apartment or duplexes, correct?

21 A Correct.

22 Q This is a two-way street that you are on, not a
23 one-way street, right?

24 A Correct.

25 Q And when you stopped the car, Mr. Cooper's car was

1 not blocking you or barricading you in any way, correct?

2 A No, sir.

3 Q You could have put the car in reverse and left when
4 necessary, right?

5 A Correct.

6 Q And there were no other obstacles that were
7 barricading or blocking your vehicle in. Does that sound
8 right?

9 A Correct.

10 Q And you hit your blue lights, right?

11 A Yes.

12 Q And he didn't speed off, he stopped?

13 A Correct.

14 Q You didn't go on a chase?

15 A Correct.

16 Q He actually stopped at that stop sign right there at
17 the intersection?

18 A Correct.

19 Q Now, regarding, let's talk about his specific car.
20 Do you recall what type of car he was in?

21 A I believe it was a Ford Explorer or Expedition.

22 Q I believe it was a Ford Explorer.

23 A Yes, sir.

24 Q So when you made the stop, at that time you did not
25 have any specific information that this specific car had

1 been involved in a shooting, correct?

2 A Correct.

3 Q There was no robbery, call for a robbery involving a
4 white or gray Ford Explorer at this time, correct?

5 A Correct.

6 Q And there was no call about drug trafficking
7 involving a Ford white Explorer, correct?

8 A Correct.

9 Q So no information about any of that stuff at the time
10 of the stop for this car?

11 A Correct.

12 Q And how many traffic stops have you personally
13 conducted by yourself between September the 11th of 2020
14 and October 18th of 2020, if you know?

15 A I don't know, I don't recall.

16 Q Could you ballpark it.

17 A Between based on certified and the incident date?

18 Q Yes, sir.

19 A I would say around 30 to 50.

20 Q 30 to 50. And during those times you were driving by
21 yourself usually?

22 A Yes, sir.

23 Q Okay. And you had written traffic tickets for people
24 before during this time?

25 A I believe so.

1 Q Had plenty of routine traffic violations, moving
2 violations?

3 A Correct.

4 Q Non-moving violations, does that sound right?

5 A Yes.

6 Q Now, when you approached the vehicle from the
7 passenger side, at some point you asked him to roll down
8 the windows, correct?

9 A Yes, sir.

10 Q And after that, before that you did not smell
11 anything in the vehicle, correct?

12 A No, sir.

13 Q You didn't smell marijuana?

14 A No, sir.

15 Q Didn't smell methamphetamine?

16 A No, sir.

17 Q You didn't smell alcohol?

18 A (Witness nods head.)

19 THE COURT: You need to verbally respond, sir. Don't
20 nod your head, just give a verbal response so the Court
21 Reporter can pick it up, please.

22 A I got ya.

23 Q So you didn't have a suspicion that he was driving
24 under the influence at this time when you approached the
25 car and pulled him out, correct?

1 A No, sir.

2 Q And in fact you had never met Mr. Cooper prior to
3 this day, correct?

4 A No, sir.

5 Q Never arrested him before?

6 A No, sir.

7 Q At the time you were approaching the vehicle and
8 pulling him out you did not run his criminal history?

9 A No, sir.

10 Q Did you run the tag before you approached to see if
11 the tag came back to an owner and that person was cleared
12 off?

13 A I can't recall that.

14 Q Now, in your, do you have your police report in front
15 of you?

16 A Yes, sir.

17 Q Now you noted in your police report that the reason
18 that you had him pull his windows down, I am looking about
19 half way down, "the windows were extremely dark tinted."

20 A Yes, sir.

21 Q And that would be the side and the back, probably not
22 the driver's side or the windshield. But the driver's
23 side, passenger side window, side and back, correct?

24 A Yes, sir.

25 Q And he had no passengers in there, no other

1 occupants?

2 A Correct. He had a cat. I believe the cat got
3 transported to the animal patrol, sir.

4 Q Did he get the cat back?

5 A I don't recall.

6 Q Now, you testified that you reached over, from where
7 you could see, you were saying that you could see, he
8 reached over to the passenger area, right?

9 A Yes, sir.

10 Q Now what distance, how far was it between where you
11 were sitting in your car and how far ahead of him was he
12 in his car?

13 A Twenty-five feet.

14 Q Seven yards, if I do the math right. Is that right,
15 eight yards. So it was about eight yards from where you
16 were sitting, to where he was sitting?

17 A Yes sir, I believe so.

18 Q Basically from me to you?

19 A Yes, sir.

20 Q That is pretty short. Are you sure about that?

21 A Yes, sir.

22 Q Okay. Now, him reaching, that happened after he was
23 stopped. Is that what you said?

24 A Yes, sir.

25 Q And you got right out and went up to the passenger

1 side door?

2 A Yes, sir.

3 Q Now, as far as you can recall, the Ford Expedition
4 had a glove box in it?

5 A I believe so.

6 Q I think most cars do, at least a standard in a Ford
7 Expedition. Now the glove box would be in front of the
8 passenger seat, correct?

9 A Yes, sir.

10 Q Now, in your experience as a driver, since you were
11 probably 16 years old, and also as an officer, most
12 people, it is very normal for people to keep their
13 registration and insurance in the glove box, correct?

14 A Yes, sir.

15 Q Okay. And sometimes you pull people over for a
16 traffic violation, maybe not the best call but sometimes
17 they will go ahead and get that stuff out for you. By the
18 time you approach the car they have got the registration
19 and license and their stuff for you. Is that correct?

20 A Yes, sir.

21 Q Okay. And of course, from where you are sitting at,
22 the passenger seat in his vehicle would be blocking the
23 glove box, correct?

24 A My view of the glove box, yes sir.

25 Q Now, it is not uncommon also, you said there was a

1 cat in the car, correct?

2 A Correct.

3 Q Now, that is not uncommon, I like to ride my dog.

4 Some police officers ride their pets, K-9?

5 A Yes, sir.

6 Q Do you see that a lot as an officer, some people ride

7 with their cats or dogs?

8 A Sometimes.

9 Q And actually he had a cat in the passenger seat that
10 you saw, right?

11 A Yes.

12 Q That was captured on your body camera video?

13 A Yes, sir.

14 Q And when you asked him about reaching over he told
15 you, I was trying to stop the cat from falling out, right?

16 A Yes, sir.

17 Q And the cat, you know how cat's are, they can jump up
18 around, they are not quite as obedient as dogs, right?

19 A Right.

20 Q And the cat was doing that, is that right? You
21 remember the cat doing that?

22 A Yes, sir.

23 Q And you asked him to roll the windows down, he did
24 that, he complied?

25 A Yes, sir.

1 Q And you asked him to keep his hands on the wheel and
2 he did that, he complied, right?

3 A Yes.

4 Q And he rolled the passenger side window down, you did
5 the passenger side approach, right?

6 A Yes, sir.

7 Q And he rolled his passenger window down, right?

8 A Yes, sir.

9 Q You were able to see into the car?

10 A Yes, sir.

11 Q And you didn't see any weapons?

12 A Not at that time, no sir.

13 Q Okay. You never found any weapons, correct?

14 A Once he was removed from the vehicle there was a
15 pocket knife under his leg.

16 Q Under his leg. You didn't see a weapon, a knife or a
17 gun in the floorboard of the passenger seat?

18 A No, sir.

19 Q And you never asked him for his driver's license,
20 correct?

21 A No, sir.

22 Q You just came around and opened the, you opened the
23 door, right?

24 A Yes, sir.

25 Q And you were the one who pulled him out, start

1 asking, well, you asked him out first, right?

2 A Yes, sir.

3 Q And at some point he didn't, right?

4 A Yes, sir.

5 Q And then at some point you physically grab him and
6 then pull him out and you are holding him at taser point?

7 A Yes, sir.

8 Q That is all the questions I have. Thank you, Officer
9 Parham.

10 THE COURT: Solicitor, do you have anything in
11 follow-up or redirect of this officer.

12 MR. LAMPKE: Just very briefly.

13 REDIRECT EXAMINATION

14 Q Deputy Parham, can you tell us again what the speed
15 limit is on that road?

16 A It is 45 miles an hour.

17 Q And, again, what is the speed at which you estimate
18 that vehicle to be going when you first saw him?

19 A To be between 80 to 90.

20 Q Now, talking about once you actually pulled Mr.
21 Cooper out of the car, what are the things that you found
22 there in the seat?

23 A Once he was removed from the vehicle I found two
24 glass metal pipes and a pocket knife sitting on the seat
25 from where he was seated.

1 Q So to be clear, he was, in fact, concealing a weapon
2 in this traffic stop, correct?

3 A Yes, sir.

4 MR. LAMPKE: No further questions, Your Honor.

5 MR. BROOME: One.

6 THE COURT: Sure.

7 RECROSS-EXAMINATION

8 By Mr. Broome:

9 Q I think I was clear, you could not see the knife at
10 the time of the opening of the door, correct?

11 A Correct.

12 Q You could not see it at the time that you were
13 forcing him out of the car?

14 A Correct.

15 Q Thank you.

16 THE COURT: You can step down, sir. Okay, Solicitor,
17 do you have any other witnesses on this suppression issue?

18 MR. LAMPKE: No, Your Honor.

19 THE COURT: Okay. Do either side want to make a
20 brief argument on this issue?

21 MR. BROOME: I do, Your Honor. And I don't have any
22 other additional witnesses for this issue. He was the
23 only officer. So the argument that we are, so we are
24 asking the Court to suppress the methamphetamine found,
25 paraphenelia found. Essentially this is an unreasonable

1 search and seizure under the Fourth Amendment, United
2 States Constitution but also South Carolina Article I,
3 Section 10, where we have a heightened sense of privacy.
4 And there are some other States that have addressed this.
5 I have got two main points. One, what I am asking the
6 Court to find is that Vermont and Massachusetts and Hawaii
7 have found similar, basically they are called stop and
8 exit orders. Basically the officer is asking him out,
9 which happened in this case; so that, this is an
10 unreasonable seizure once he orders Mr. Cooper out of the
11 vehicle. And I am asking the Court to find, because this
12 was an unlawful seizure because when he ordered him out
13 there was no reasonable articulable suspicion. One, that
14 a crime had been committed or that this vehicle had been
15 involved in any crime; or that the occupant or the driver
16 was armed and dangerous. So we have some sister States
17 that have addressed this issue. I will say that
18 obviously, any time there is a traffic violation it is a
19 seizure. Now, the outstanding or the commanding United
20 States Supreme case is U.S. v. Mims, which I am sure the
21 State will address. And that basically stands for the
22 proposition that once a police stops a car for general
23 officer's safety reasons they can ask anyone out of the
24 vehicle. I am arguing that our State has a higher
25 constitutional burden for that. If the officer needs to

1 have that, that crime is being committed, pressure being
2 committed or in an objective, reasonable articulable
3 suspicion to order him out. And so in this case what
4 happened is, and I point out one thing during the
5 testimony was that, the officer testified that somehow he
6 was able to catch up to Mr., he was somehow going, he was
7 saying he was going a hundred miles an hour, he caught up
8 to him somehow in five seconds even though he went past
9 him. But I asked Officer Parham how long this interaction
10 for the stop happened when he got out of the car and he
11 said five to ten seconds from when I stopped the car and I
12 saw these furtive movements, which he said hoisted over
13 into the passenger side area. What is interesting about
14 that is he also testifies that the windows were extremely
15 dark and tinted. So my argument is based upon that, they
16 want to have it both ways. Where it is like, well the
17 windows were dark and tinted so that is officer's safety.
18 But how is he able to see into this vehicle even though
19 his testimony was eight yards away. I would highlight
20 that that seems improbable. If you can't see when you are
21 up close how are you going to see when you are eight yards
22 away, Your Honor. So I think that he has gone back in his
23 report and his testimony to write that in to basically
24 bootstrap that in to help out his case. It seems probable
25 that he got to the passenger side door and you have a

1 young officer who has been on the road by himself for
2 about four weeks. Hasn't done a traffic stop, is probably
3 nervous. I would point out that, and I am going to hand
4 up to Your Honor, there is some cases when I get to that
5 and I have got a copy for the State. State v. Sprague
6 which is Vermont which stands for the proposition. The
7 facts are analogous to this and that simply, you have got
8 a low high crime area. He is a sole occupant in the car,
9 he is reaching over. I maintain that the officer didn't
10 see him reach over. I think he got a little skittish.
11 But assume that he did, he reaches over to the side,
12 passenger side area. There wasn't an occupant in the car
13 that would be highly, that would be more suspicious if he
14 were reaching into the passenger. It is very common, as
15 the officer testified, that the glove box obviously is in
16 front of the passenger seat. That is where people get
17 their items from. And so that would be a basis for my
18 client to reach over. The argument would be the cat which
19 the officer acknowledged about, the officer asked him why
20 he reached over, there is a cat in the seat. I hit my
21 brakes, the cat is flying out, I went to stop the cat.
22 This is a residential area, non-high crime area, it is in
23 the middle of the day, so it is not dark. There weren't
24 any other furtive movements. I think the officer would
25 have a better argument, if my client, the backseat or is

1 reaching around there. I argue that based upon just
2 common sense where the passenger side is, and you have got
3 a dark tinted window and the glove box. I think it is
4 very reasonable that, also be my client reaching over to
5 get his information. So I think that under Article I, 10,
6 our State Constitution requires that once the seizure has
7 happened they need, the State needs to be able to
8 articulate that reasonable suspicion that he is armed and
9 he didn't see any weapon or anything when he got to the
10 car, pulled down the window, there was no weapon visible.
11 So then what does this officer do, he goes straight over
12 and starts opening the door. That right there, which our
13 State hasn't addressed, but that right there is an
14 additional unreasonable seizure. Additionally, we do have
15 a case out of South Carolina which is McHam v. State which
16 addresses the, it is a search issue. And the Supreme
17 Court held in McHam v. State, I will pull the cite for
18 Your Honor. Any time an officer opens the door without a
19 warrant, that is a search. So that is what this officer
20 did, pulled him over for speeding, it is a traffic
21 violation. There is no violation or there is no evidence
22 that the car or my client was involved in a crime. He
23 didn't know my client. He had no personal knowledge with
24 him. Some officers would testify, oh, I recognize Mr.
25 Cooper, I know him, I know him, we ran his rap sheet. We

1 don't have any of that. He orders him right out of the
2 car, extensively for officer's safety which I have already
3 addressed. McHam says, well, once he opens the door, that
4 is a search. And then they have to justify it again for
5 officer safety reasons. And so, two steps, basically what
6 McHam says, made the officer open the car for officer
7 safety. They can, it is a search but they got to have a
8 warrant or they have to have an exception to it. So the
9 things of that case, the facts of that case highlights in
10 McHam that are similar to us is that, well, actually not
11 similar but things I will point out that are different.
12 In McHam they noted it was a night time stop. And
13 officers testified that it was dimly lit, they had to use
14 their flashlights even when the windows were down because
15 it was dark. There were four occupants in the car which
16 the Supreme Court relied upon making extra dangerous for
17 that particular officer. In this situation we have one
18 car they harped on. All the occupants were making furtive
19 movements. In this situation we have one driver who is
20 looking for, basically keeping his cat safe. And in that
21 situation, in McHam the officer talked about or the
22 Supreme Court talked about that the officer asked the man
23 to put his hands on the wheel and he wouldn't do it. In
24 this situation Mr. Cooper was asked to put his hands on
25 the wheel and he did do it. And I asked the officer

1 specifically, he rolled down the window, he complied.
2 Yes. You told him to put his hands on the wheel, he
3 complied. Yes. Didn't see any weapons. No. Daylight,
4 light traffic, residential area, not a high crime area.
5 Once they ordered him out, I am arguing that that is
6 unconstitutional seizure under our State Constitution. It
7 is also an unlawful search under McHam v. State. And that
8 cite is --

9 THE COURT: You got copies of these cases you want me
10 to --

11 MR. BROOME: I have got copies of Sprague, Your
12 Honor, for everyone to review. And we are going to print
13 out McHam.

14 THE COURT: You will get me the cite and get me a
15 copy.

16 MR. BROOME: Yes, sir.

17 MS. WEST: It is 404 SC 465.

18 MR. BROOME: This is the Sprague case in Vermont.
19 And it cites Gonzales out of Massachusetts.

20 THE COURT: And you are going to give me the other
21 cases.

22 MR. BROOME: I am, Ms. West will. The cite, for the
23 record, for McHam is 404 SC 465.

24 THE COURT: Okay. Solicitor, your response.

25 MR. LAMPKE: Yes, Your Honor. So first, just going

1 over the facts briefly. Deputy Parham observed the
2 Defendant's vehicle driving down a road that had a speed
3 limit of 45 miles-an-hour. He estimated the speed of the
4 Defendant's vehicle to be around 80 or 90 miles-an-hour.
5 He testified that he initiated a traffic stop, he said
6 that he had probable cause to believe that the Defendant
7 was speeding, that he had to accelerate to speeds of 100
8 miles-an-hour to catch up with him. So he did a lawful
9 traffic stop on that vehicle. As he approached he
10 testified that he saw the Defendant reaching for something
11 in the front seat and, Judge, this wasn't just a, you
12 know, a reach into the glove box. This was, Deputy Parham
13 testified that he had his entire body hanging over that
14 center console to go and get it. And, Judge, I point out
15 further that when Mr. Cooper made that movement, when he
16 came over all the way to the side, he didn't have anything
17 in his hands. So it is not as though he was pointing out
18 his registration and so forth from that glove compartment.
19 Instead, Judge, what he did have under his leg were two
20 pipes that Mr. Cooper admitted were for the smoking
21 methamphetamine as well as a concealed weapon. And,
22 Judge, that makes the ruling of Pennsylvania v. Mims and
23 all the case law that comes thereafter about officers
24 being able to order someone out of the car makes sense.
25 So, Judge, essentially traffic stops are inherently

1 dangerous when a police officer is encountering somebody
2 on a traffic stop, they don't know who that person is.
3 And they don't know what is in that car so they always
4 have to be vigilant of the fact that they could be
5 confronted with weapons. And so that is why, you know,
6 there are all these cases that go towards the proposition
7 that an officer can pull someone out of the vehicle. And,
8 Judge, once he did do that then the items that he was
9 concealing, Mr. Cooper, were then in plain view that he
10 saw that it was a conducted probable cause search on the
11 vehicle after seeing all of that. Now, moreover, Your
12 Honor, when he attempted to get him out of the car,
13 requested him to exit the vehicle, he refused. And,
14 again, Judge, he refused because he was hiding those meth
15 pipes under his leg and hiding that weapon under his leg
16 so that he didn't want the officer to see it. And, Judge,
17 if we can have just a moment to review this case.

18 THE COURT: I think what we are going to have to do
19 probably is, I don't know how many cases you are going to
20 end up giving me to read but I will need a little time.
21 To avoid the jury sitting in the jury room waiting on us
22 to sort this out, I may bring them out and send them home
23 for a little bit and have them come back to give us enough
24 time to take a look at this.

25 MR. BROOME: Sure, however you feel. Just one thing

1 I will, may I address one other thing?

2 THE COURT: Sure, yes.

3 MR. BROOME: And then I will leave it alone. Just
4 one thing that the Solicitor addressed in reverse order.
5 He talks about the finding of the weapons. My point would
6 be, anything that they found afterwards is a moot point
7 because what the Courts are looking at, should be looking
8 at, where there is reasonable suspicion at the time of the
9 opening of the door. So he is sitting on a gun or a Uzi
10 or whatever, or meth, it doesn't matter because was the
11 opening of the door and that search and that boring out
12 justified at that point he testified he did not see any
13 weapons, any contraband. There was nothing that he had
14 seen up to at that point. And also, again, highlight the
15 short amount of time that this all happened. And the
16 officer's testimony was five to ten seconds from when he
17 stopped, stopped the car and got out and was at the
18 passenger's side window. Why is that important. Well,
19 because the State is trying to counteract, he was reaching
20 for stuff in the glove box compartment. Well, five to ten
21 seconds is not a lot of time from the stop, if you look at
22 the light favorable to my client, not necessarily the
23 legal standard but if you are looking at it from he is
24 presumed innocent. Okay, the cat is going on, the officer
25 is stopping, all simultaneously in five seconds. I am

1 reaching over to stop my cat, it is not like he, and then
2 I have to get to the glove box, open it and find the
3 things. And the State is basically making a point, Your
4 Honor, the glove box argument is silly because he didn't
5 have anything in his hands. My argument is, five seconds
6 isn't a lot of time to stop the car, take care of your
7 cat, open the glove box, I mean it takes me 30 seconds. I
8 was doing my registration this month for my vehicle, it
9 took me like five minutes to find everything. So I would
10 just point that out to the Court.

11 THE COURT: Solicitor, what about the Defense
12 argument that, that the Officer indicated that the windows
13 were heavily tinted and therefore the inability of the
14 officer to be able to observe the reaching in some manner
15 over to the other side of the car.

16 MR. LAMPKE: That's correct, Judge. Actually Mr.
17 Cooper ran a window tinting business and I think that is
18 why he had such tinted windows.

19 MR. BROOME: I object to that, that's not in the
20 record.

21 THE COURT: However, I mean, however the windows got
22 tinted, whether he did it himself or he had Mr. Broome do
23 it. But the fact is that the officer indicated that the
24 windows were heavily tinted and then therefore his ability
25 or inability to observe whatever was taking place inside

1 of the car.

2 MR. LAMPKE: Judge, again, that goes to the Officer's
3 safety and why he would order him out of the car in the
4 first place, that he is making these movements, reaching
5 for something. That he had saw him traveling at a high
6 rate of speed and he sees these dark windows that he is
7 not really able to see through well. I think that also
8 goes towards the Officer's safety angle.

9 THE COURT: Officer Parham, stand up please. You
10 indicate that the windows were heavily tinted. How could
11 you see inside the car, see Mr. Cooper reaching?

12 MR. PARHAM: To my recollection the side windows were
13 the ones that were heavily tinted. But the back glass, I
14 believe was factory tinted.

15 THE COURT: Okay. So you are saying you were able to
16 see through the back glass?

17 MR. PARHAM: Yes, sir.

18 THE COURT: Well, let's do this. Let's bring the
19 jury out and I think I am going to just send them on until
20 about, until about 12:00 and that will give me an
21 opportunity to read whatever you want to give me to read
22 and then we can flush this thing out and I will make a
23 ruling. And certainly if I grant the motion to suppress
24 then we will just, we can come back and send them on home.
25 If I deny the motion we can go ahead and get started with

1 the trial. Let's kind of handle it in that fashion. This
2 is the only other pretrial issue that we have to deal
3 with.

4 MR. BROOME: One other thing regarding, Ms. West will
5 handle it. Jackson v. Denno statements. There are some,
6 we don't need to have a hearing, I think we can agree to
7 some stuff.

8 MS. WEST: I talked to Mr. Lampke about we have come
9 up with an agreement to just redact any, any statements
10 made by Mr. Cooper when he is in custody on the patrol
11 vehicle and subject to questioning by Deputy Parham. We
12 have not yet watched that video, we just, maybe this break
13 for the jury will be a good time to watch that video. And
14 we would need to address any testimony regarding those
15 statements and obviously, if we had a Jackson v. Denno
16 hearing and the Court ruled that they were statements made
17 and custodial interrogation, they would be suppressed. So
18 we want to make sure the witnesses --

19 THE COURT: -- well hopefully you guys can work that
20 out but if you can't I will try to assist. But hopefully
21 you can get that resolved.

22 MS. WEST: I am not concerned about the video, Judge.
23 I think we can watch that and come up with an agreement,
24 just would be any testimony to the things that are being
25 redacted from the video.

1 THE COURT: Okay. Alright. Let's bring the jury out
2 and I will release them until 12:00.

3 (Whereupon, the jury came into open court at
4 approximately 10:25 a.m.)

5 THE COURT: Okay, Mr. Cox, you are the duly elected
6 Foreman of this jury.

7 MR. COX: Yes, sir.

8 THE COURT: Alright, ladies and gentlemen, good
9 morning, nice to see you. We have been dealing with some
10 legal issues with these fine attorneys and we have not
11 completed that review. So to avoid you just sitting back
12 in the jury room I am going to go ahead and send you on
13 and have you come back at 12:00. That will require you to
14 maybe get an early lunch but I know you would rather be
15 outside of this Court House for the next hour and a half
16 than to just sitting back in the jury room. So what we
17 will do, I will send you on. Remember my instructions as
18 far as no discussion among yourself or anybody you come
19 into contact with, no research on the internet or social
20 media. And we will get you back at 12:00 and proceed
21 forward. Okay. But I just need to review the legal
22 issues and it will take a little bit longer than we have
23 originally expected or anticipated. So go on and do
24 whatever you need to do and we will back here no later
25 than 12:00 o'clock. Okay. Thank you very much. You are

1 free to go.

2 (Whereupon, the jury was excused from open court.)

3 THE COURT: We will be in recess until a little bit
4 before 12:00. I have got two cases that the Defense wants
5 me to review. The McHam versus State and State v.
6 Sprague. So I will read these two. If the State has any
7 cases they want me to review just get them back to me when
8 you can.

9 MR. LAMPKE: We do have that body camera video as
10 well if Your Honor would like to review that.

11 THE COURT: Well, does either side think that review
12 of the body cam video would be of some help to the Court
13 on ruling on the suppression. You have seen that body
14 cam, I have not.

15 MR. BROOME: I don't. I think the testimony from the
16 officer, we are getting up until the point of pulling it
17 out, I think the bulk of the body camera is about
18 everything after that. And so, the only other reason
19 would be, I didn't have a chance to introduce it, show any
20 parts that I may or may not have wanted to the officer in
21 that, we are done with testimony. Not from our side.

22 THE COURT: Does the State feel like the Court's
23 review of the body cam video would be of help or
24 assistance?

25 MR. LAMPKE: Yes, Judge. It is the totality of the

1 circumstances analysis to determine whether it was
2 reasonable or not. I think that Your Honor seeing the
3 situation as being able to look at the Defendant's
4 movements would be helpful in Your Honor making that
5 determination.

6 THE COURT: Okay. I am going to go ahead and review
7 it and so if you can just get that to me and then any
8 cases you want me to look at. Okay. Thank you.

9 (Whereupon, a short break was taken.)

10 THE COURT: Let's get started with the case.

11 MS. WEST: I would like to address the video. I
12 think it needs to be addressed first because I think they
13 are going to present the video through the Officer who is
14 going to be the State's first witness.

15 THE COURT: Okay.

16 MS. WEST: I can object while he is on the stand but
17 then we will have to take another break.

18 THE COURT: Alright. Let me go ahead and make my, we
19 will go on the record and make my ruling on the motion and
20 the basis for my ruling and then we will, just a second.
21 We are back on the record, State versus Bryan Cooper. And
22 concerning the motion to suppress drugs, I am going to
23 deny the motion and here is my basis. I read all the
24 cases that both sides have submitted. I have watched the
25 body cam video, certainly took into consideration the fine

1 arguments both sides have made. Alright, one. There were
2 certainly probable cause to stop the Defendant because he
3 was speeding. Two, I find a reasonable suspicion to
4 justify opening the door based upon what McHam and Mims
5 provide instruction on, consideration of an Officer's
6 safety. The high speed, the reaching, the Officer was by
7 himself and what I find to be very important is the
8 repeated, and this is before the door opening, the
9 repeated request of the Officer to Mr. Cooper to put his
10 hands on the steering wheel. He probably said six or
11 seven times if not more. And the video does show Mr.
12 Cooper's hands off the steering wheel. So those factors,
13 I believe in consideration of the Officer's safety would
14 justify the opening of the door. And then once that
15 happens then the ten minute period of time, approximately,
16 that the Officer instructed Mr. Cooper to get out of the
17 car and he refused. And so once he finally got out, the
18 pipes and the knife were in plain view as a result of Mr.
19 Cooper getting out. Therefore the search of the vehicle
20 and the drugs were found. And so, I deny the motion,
21 allow the evidence of the drugs in unless there is some
22 other basis to keep the drugs out. Alright. Now, Ms.
23 West, do you have an issue with a video. Would it be, I
24 guess the body cam video because we don't have any dash
25 cam videos.

1 MS. WEST: Judge, so the State, I believe, has made
2 the necessary redactions regarding Mr. Cooper's statement
3 that we believe would be in violation of Miranda. So
4 those should be kept out, however there is parts of the
5 video, it is around 14 minutes, 20 seconds and 19 minutes
6 and 13 seconds; where clearly the audio is redacted by you
7 see this exchange going back and forth between Deputy
8 Parham and our client. You can kind of read lips to infer
9 what is being said. And I think the jury is going to draw
10 an inference that whatever is being said is harmful to the
11 Defense and we are hiding the ball there and that is why
12 it is being kept out. So I think that that is prejudicial
13 to our client so we would ask that those portions of the
14 silence, silent exchange be taken out of the video that is
15 being entered into evidence.

16 THE COURT: So the State agreed to take the audio out
17 so other than logistically or from a technical standpoint
18 can the video portion be also physically removed.

19 MR. LAMPKE: It can, Judge. Essentially the reason
20 behind it is that the State's intention is to just play
21 the relevant portion of the body camera. Essentially, my
22 common practice in situations like this is that I want to
23 make sure I am not seeming I am hiding anything from the
24 jury. So I just put the entire video into, only show the
25 relevant portions, the helpful portions and then just kind

1 of have the rest there in case, the State doesn't intend
2 to publish that portion of the video. But we just wanted
3 to have it in there so it is complete.

4 THE COURT: But as I understand the Defense. The
5 portion where it has been agreed that the audio is being
6 redacted so at least the jury does not see mouths moving
7 without anything coming out.

8 MS. WEST: Correct, Judge, because the State is still
9 going to enter the entire video as an exhibit so the jury
10 can still review those portions. And so they can look at
11 this interaction between Mr. Cooper and Deputy Parham and
12 re-watch and re-watch it and re-watch it and speculate as
13 to what is being said. I think the inference would be to
14 the Defense's default.

15 MR. LAMPKE: Can I ask a clarifying question, Judge,
16 just very quickly.

17 THE COURT: Yes.

18 MR. LAMPKE: Callie, are you talking about like, they
19 go and talk and then he searches the car. I just want to
20 make sure that the search is in. Are you referring to
21 like once the search is over, I think it is around 18,
22 like we can cut it there and end it.

23 MS. WEST: The first incident is at 14 minutes and 20
24 seconds. That is the first time you are going to have
25 this back and forth. I am not referring to the time where

1 he comes back to the car and he initially interrogates Mr.
2 Cooper about what is in the car. I think that is fine,
3 you can't see Mr. Cooper and you can't tell they are
4 having a conversation. It is two points where they are
5 clearly having a conversation, you can see Mr. Cooper
6 reply, you just can't hear what is being said.

7 THE COURT: I think the fact that the State has
8 agreed, evidently to redact the audio of that portion, I
9 think is fair to go ahead and redact the video too, if you
10 can, through technology redact that. And what I typically
11 do, I instruct the jury now, you know, there are portions
12 that have been taken out, you are not to infer, you are
13 not to place any significance to that, you are not to
14 infer anything that is favorable or not favorable to
15 either side. Just don't give it any consideration. So I
16 typically give that curative instruction and, but since
17 you have agreed to redact the audio then the corresponding
18 video needs to be redacted too if your technology guy
19 sitting over here can do that.

20 MR. LAMPKE: Absolutely, Judge. The only issue is
21 just it will take a little while to burn the video.

22 MS. WEST: Judge, I might have a suggestion that
23 might save us any kind of redaction. I think after the
24 drugs are found in the vehicle, I think anything after
25 that is really irrelevant. So you can just cut the video

1 after that, that would encompass everything I am referring
2 to. I don't see there is any need for anything after that
3 point, so would be relevant to the State's case. It is
4 really, he searches the rest of the vehicle, nothing else
5 is found, he is communicating with another officer about
6 what is going to happen with the cat, showing the vehicle.

7 MR. LAMPKE: Judge, the State's issue is that it
8 might become relevant at some point in the trial in the
9 way that, again, he has his materials in the back of the
10 car relating to his business as doing the window tinting.
11 And just like it being his car, the other people's ability
12 to be in it, if there is some argument that someone else
13 left it in there.

14 THE COURT: Could we do this, for right now, burn a
15 CD in line with what Ms. West wants with the understanding
16 that as this case progresses, if more of the video needs
17 to be shown then certainly that can be looked at and you
18 reserve the right to bring that up and we can flesh that
19 out. But for purposes of right now and with Officer
20 Parham agreed to just to stop after the search of the
21 drugs are found, with the lead to bring the other out if
22 we need to.

23 MR. LAMPKE: That is agreeable to the State, Judge.
24 It is just really a matter of the timing of the trial.

25 THE COURT: How long do you need to get that new CD

1 burned.

2 MR. SIMMONS: I can't give a timeframe because it
3 takes however long the computer, we can go ahead and
4 start.

5 THE COURT: Let's do this, you can be working on it
6 while, yes, let's do that then. Let's bring the jury out
7 and get them sworn in and I will give my little basic
8 instruction, we can do opening and then go from there.

9 MS. WEST: Judge, before we bring the jury out, I
10 have one more thing. I assume after opening we will go
11 straight into Deputy Parham's testimony. I just wanted to
12 put on the record that regarding any testimony about the
13 statements or the questioning of what was said in the
14 patrol vehicle, since we are agreeing to keep those out,
15 that Deputy Parham should not testify to any of those
16 statements.

17 THE COURT: Okay. You agree to that and Officer
18 Parham, do you understand what you are not going to be
19 able to testify to? Let Solicitor Lampke explain to you
20 what --

21 MR. LAMPKE: -- and, Your Honor, my understanding of
22 the agreement we have with Defense Counsel is that those
23 are the conversations that are had once he is in handcuffs
24 and placed in the back of the police car, not including
25 what he says and admits before and while he is actually

1 physically getting out of the car.

2 MS. WEST: Judge, our position that once Mr. Cooper
3 gets out of the car and any statements after that he would
4 be in custody and would be, was not Mirandized.

5 THE COURT: And there was no Miranda given at any
6 point in time?

7 MS. WEST: No point in time.

8 THE COURT: Okay.

9 MS. WEST: So any statements after that point should
10 be redacted from the video and should be cut out of
11 testimony.

12 THE COURT: So did you hear what Ms. West said. Once
13 he is placed, once he is handcuffed, I think once he is
14 handcuffed he is actually escorted to the car. But once
15 the cuffs are put on, from that point forward nothing
16 that Mr. Cooper said can be testified to by Officer
17 Parham. Unless as we go along, as you said, there may be
18 some need and we can certainly, you know, deal with that.
19 But for purposes right now, no testimony as far as
20 anything said by Mr. Cooper once he is cuffed.

21 MR. LAMPKE: Precisely, Judge. I will talk to Deputy
22 Parham.

23 THE COURT: And if something develops in this case
24 where you need to review that then you have lead to bring
25 it to the Court's attention and then we will deal with it

1 then. Okay. You understand, Officer Parham?

2 MR. PARHAM: Yes, sir.

3 THE COURT: Thank you very much.

4 (Whereupon, a short break was taken.)

5 THE COURT: Ms. West and Mr. Broome, while y'all were
6 out Mr. Cooper wanted to tell me something. I said,
7 don't, until your lawyers come back in. So and I don't
8 know what Mr. Cooper wanted to tell me.

9 MR. COOPER: I wanted to apologize this morning for
10 what I said.

11 THE COURT: I don't see a need for you to apologize.
12 I mean you have been, I know your opinions and your
13 feelings and your request. But you have always shown
14 respect to the Court and I don't see a need for you to
15 apologize.

16 MR. COOPER: Thank you, sir.

17 THE COURT: Let's bring the jury in.

18 (Whereupon, the jury came into open court at
19 approximately 12:24 p.m.)

20 THE COURT: Good afternoon, ladies and gentlemen, I
21 hope you had a chance to get a bite to eat since I let you
22 go early. First thing we need to do is have you sworn in.
23 Madam Clerk.

24 (Whereupon, the jury was sworn at approximately 12:26
25 p.m.)

1 THE COURT: Ladies and gentlemen, I just want to give
2 you a few ground rules before we get started. It is real
3 important, this is not going to be a real long case but
4 nonetheless it is going to require you to be very alert,
5 very attentive. I don't allow jury's to take notes and
6 the reason for that, some Judges do, I don't; taking notes
7 sometimes you are more paying attention to the note taking
8 than you are listening to the witness testimony or hearing
9 the arguments from the lawyers and that sort of thing. So
10 be alert, be attentive. And so at the end of this case,
11 when we give the case to you to begin your deliberations,
12 collectively you will have a pretty idea as far as what
13 was presented to you by way of evidence. Secondly, don't,
14 keep an open mind, don't pass judgment early. Wait until
15 the evidence is in, the lawyers have made their closing
16 arguments to you and I have instructed you on what the law
17 is that applies to this case. So keep an open mind as we
18 go through this trial. Your duty is to determine the
19 facts in this case, you are the fact finder, I am the law
20 giver. I can't tell you what the facts are and you can't
21 tell me what the law is. So we have different
22 responsibilities and I will explain more about that at the
23 end of this case. Now, related to my instructions about
24 no discussion about this case, no discussion with anybody
25 that you come into contact with during a break. And then

1 my instruction about don't do any research, don't go on
2 the internet or social media. The reason for that is,
3 your verdict, your decision in this case has to be based
4 one-hundred percent on what is brought out in this
5 courtroom. Okay. So if you are out gathering information
6 while that information could very well be false
7 information, you are getting information that is not
8 inside this courtroom, that the other members of the jury
9 have not been privy to or seen. Several years ago I tried
10 a case in what we call our big courtroom and I gave that
11 standard instruction and I had three jurors to violate
12 that instruction. So it is very important to follow what
13 I tell you. Certainly after this case is over with, if
14 you want to research it and do whatever is fine but not
15 while this case is going on. It is very important that
16 you follow that. Okay. Now, the lawyers are going to
17 make their opening arguments to you. What they tell you
18 is not evidence, it is just what they believe the evidence
19 will show in their respective positions in this case. Is
20 the State ready?

21 MR. LAMPKE: Yes, Your Honor.

22 THE COURT: You may proceed.

23 MR. LAMPKE: Thank you. May it please the Court. It
24 was the Defendant's car, it was the Defendant's pipes, it
25 was the Defendant's drugs. Members of the jury, you will

1 learn today that this case is about possession of meth.
2 That essentially what happened is that Deputy Parham of
3 the Laurens County Sheriffs Office saw a car speeding down
4 the road. He pulled that car over, he attempted to get
5 the driver of that car out of that vehicle. You will
6 learn that he was concerned because the driver, the
7 Defendant was reaching around for something, trying to
8 conceal. And so he tried to get him out of the car and
9 you will see that there is a back and forth that goes on
10 where the Defendant, Mr. Bryan Preston Cooper, he doesn't
11 want to get out of the car. And the only reason that he
12 doesn't want to get out of the car is that he was hiding
13 two pipes and a knife under his left leg. You will learn
14 after that Deputy Parham took him out, he eventually, Mr.
15 Cooper said, hey, let's be real, something of that sort.
16 I have got some pipes on me. So you learn that Deputy
17 Parham took him out, saw those pipes and did a search on
18 the vehicle and he found a small quantity of
19 methamphetamine and a little pill bottle that was in the
20 center console cup holder, just a few inches from his
21 right thigh and it was literally right under his leg.
22 Ladies and gentlemen, it has been a little while, I will
23 introduce myself. My name is Jake Lampke, I am an
24 Assistant Solicitor for the State of South Carolina. What
25 that means is that I represent the State in criminal cases

1 like this one. And my cocounsel, Jared Simmons, he is
2 another Assistant Solicitor as well as our Investigator,
3 Jared Hunnicutt. He used to work for the Sheriffs Office
4 and he helps us try cases like this. So let me go ahead
5 and start at the very beginning and give you a little bit
6 more detail on the facts in this case what we expect you
7 will hear. Deputy Parham, he was conducting a routine
8 patrol that day which he will tell you essentially means
9 that he drives around, looks for traffic infractions,
10 response to calls when people needs help. He will tell
11 you that he was on that road and he saw the Defendant's
12 car speeding down the roadway. He will tell you he was
13 going around 80 or 90 miles-an-hour in a 45 mile-an-hour
14 zone. He will tell you about how he had to catch up to
15 the Defendant's vehicle and he was going around a hundred
16 miles-an-hour himself just to catch up to him. He will
17 tell you that when he stopped and as he was driving that
18 he could see through the back windshield of the
19 Defendant's car. And he will tell you that he saw the
20 Defendant looking like he was trying to hide something or
21 he was trying to grab something. Deputy Parham will tell
22 you that he was leaned over so very much that he was
23 actually almost entirely into the passenger seat while he
24 was doing that. And you will see the video yourself and
25 you will also see the photo of Deputy Parham. And you

1 will see that when he was reaching over for anything that
2 he doesn't come to the Officer with his license and
3 registration. Now I will submit to you that you will see
4 that he was reaching for something else, he was trying to
5 conceal something else. And again, you will see that
6 exchange that went on between the Defendant and Deputy
7 Parham. And I will tell you right now that Deputy Parham,
8 he was acting kind of stern with the Defendant, that he
9 was authoritative, he was directing him to get out of the
10 car. And you will hear from Deputy Parham as to why that
11 is. He will tell you about policing generally, how a
12 dangerous profession and how traffic stops, particularly,
13 can be dangerous. You don't know who you are talking to,
14 you don't know what they have. So you will see that
15 Deputy Parham tries to pull him out of the car, that he
16 actually pulls out his taser and points it at him and
17 says, hey, you know, if you don't get out of the car you
18 are going to get tased. But then eventually the
19 Defendant, Mr. Cooper, he comes clean and he says, hey, I
20 have got these pipes on me. And what I will submit to you
21 that you will see by the end of this trial is that, it was
22 his car, those were his pipes that he was trying to hide.
23 Now, like I said, the charge today is possession of meth.
24 And we have to prove our case beyond a reasonable doubt.
25 What does that mean, reasonable doubt. That is the

1 important part because there is some doubt in all. And
2 because of that the law doesn't hold us to that burden.
3 We don't have to prove our case beyond any doubt
4 whatsoever. We just have to prove it beyond a reasonable
5 doubt. And as the Judge will tell you at the end of the
6 trial, that is just enough evidence and testimony from
7 this here witness stand that leaves you firmly convinced
8 as to the Defendant's guilt. So let me tell you about the
9 witnesses that we will call in order to meet that burden.
10 First, like I said is Deputy Parham. He will take the
11 stand and you will see that body cam video yourself, you
12 will have the photos that he took there on the scene. And
13 you will see the drugs that he eventually seized. And I
14 want you to ask yourself, while you are watching that
15 video, what was the Defendant trying to hide and what was
16 already hiding in plain sight. Now, the next one we will
17 call is Butch, that is what we call him, that is not his
18 nickname. His last name is Kimbrell, he is the evidence
19 custodian over the Sheriffs Office. And what he will talk
20 to you about is the process by which he gets evidence and
21 stores it so he makes sure it is safe and that we know who
22 it belongs to before he sends it to the South Carolina Law
23 Enforcement Division. Now, you will learn that the South
24 Carolina Law Enforcement Division is essentially an agency
25 that gives assistance to other local communities

1 throughout the State of South Carolina. The way it is
2 often described is the FBI of South Carolina and that
3 small jurisdiction like ours, we send substances that we
4 believe to be a list of substances, drugs. We send them
5 there to get tested. And you will hear from Lynn Black,
6 the agent, the chemist that is responsible for testing the
7 drugs in this case. And she will tell you that she ran
8 the test on that substance that was found in Mr. Cooper's
9 car and she will tell you that it did, in fact, test
10 positive for methamphetamine. Members of the jury, I
11 expect this will be a short trial and because it is a
12 simple one. It is a simple trial because it was his car,
13 those were his pipes. You will see by the end of this
14 trial that we will prove beyond a reasonable doubt that
15 those were his drugs. Thank you.

16 THE COURT: Thank you, Solicitor. Is the Defense
17 ready for opening?

18 MS. WEST: Yes, Your Honor. Good afternoon, ladies
19 and gentlemen of the jury. A rush to judgment makes a
20 fair trial hard to get. This is a quote by well known
21 John Griffin, lawyer, author, a lot of legal novels, y'all
22 have probably heard of him. It is also a quote I want you
23 to keep in mind throughout this trial. A rush to judgment
24 makes a fair trial hard to get. And I don't want to take
25 up that much of your time because y'all are, you all have

1 eyes, you all have ears. You will hear the evidence
2 yourself so I don't feel the need to tell you what the
3 evidence is going to be. What I feel the need to do is
4 give you some guiding principles, some things that I want
5 you to keep in mind while you are listening to the
6 evidence. And that is, don't rush to judgment, that is
7 the number one principle. Mr. Lampke is correct, this
8 case is pretty simple. Very few witnesses, there is no
9 complicated scientific evidence or DNA or fingerprints.
10 We will be done probably today, maybe tomorrow. It will
11 be a very quick case. Just because it is a quick case
12 does not mean that your judgment should be quick. You
13 see, Mr. Cooper, he has a right to a trial, not any kind
14 of trial, he has a right to a fair trial. In order for
15 him to get a fair trial I am asking that you listen
16 carefully, I am asking that you think critically, I am
17 asking you to listen carefully. Because that is what
18 makes it fair. The other thing that makes it a fair trial
19 is to remember the burden of proof and who that burden
20 falls on. Mr. Cooper does not have a burden to prove his
21 innocence, it is not on him. The burden is on Mr. Lampke.
22 Now, when you look burden up in the dictionary it is
23 defined as a heavily load that is hard to carry, hard to
24 carry. That means it takes effort to listen. It is a
25 challenge. It is not something that is done easily, it is

1 not something that is shrugged off with little effort. I
2 ask that you hold the State to that challenge, make them
3 meet their burden of proof, make the State work for it.
4 Now, Deputy Parham, he had to act quickly that day. He
5 didn't have much time, he was acting alone, he had to rush
6 to judgment, he had to make assumptions. But y'all have
7 the gift of time, you don't have to rush to judgment, you
8 don't have to make assumptions. He doesn't have the
9 opportunity to know who Mr. Cooper was, he didn't get to
10 know that Mr. Cooper, who is a longtime citizen of Laurens
11 County, is a hard working man, a business owner, he is a
12 father, he is a son. He didn't ask those questions. But
13 y'all are going to hear likely from Mr. Cooper who he is
14 and what he is about and I want you to listen to that.
15 Now, Mr. Cooper, he has waiting a long time, he has waited
16 a long time for his day in court, he has waited a long
17 time for his trial. And that day is today and that day
18 has finally come for him. And I thank you for serving on
19 this jury to give him that opportunity. All I am asking
20 is that you don't rush to judgment on Mr. Cooper. All I
21 am asking is that you give Mr. Cooper his fair trial and
22 at the end of this trial I am asking that you find Mr.
23 Cooper not guilty of possession of methamphetamine. Thank
24 you.

25 THE COURT: Thank you, Ms. West. Is the State ready

1 to call its first witness?

2 MR. LAMPKE: Judge, may we approach for a minute?

3 THE COURT: Sure.

4 (Whereupon, a bench conference was held in the
5 presence of the jury but out of the hearing of the
6 jury.)

7 THE COURT: Ladies and gentlemen, with the first
8 witness, it is my understanding that a video is going to
9 be played. We will need to bring, we have a large TV that
10 we use, we kind of keep it over in the big courtroom. So
11 they need to get that over here, get that set up. So I
12 will ask you to go back to the jury room, it shouldn't
13 take long. Want to have all of that set up ready to go
14 when the State calls its first witness. So go on back to
15 the jury room, we will get you back out shortly.

16 (Whereupon, the jury was excused from open court.)

17 THE COURT: Let's bring the jury.

18 (Whereupon, the jury came into open court at
19 approximately 1:06 p.m.)

20 THE COURT: Is the State ready to call their first
21 witness?

22 MR. LAMPKE: Yes, Your Honor. The State calls Deputy
23 Parham to the stand.

24 THE COURT: Come around, please sir, and be sworn in.
25 Ryan Parham, being

1 first duly sworn, testified as follows:

2 THE COURT: Real quick, before we get started, let me
3 see the lawyers real quick.

4 (Whereupon, a bench conference was held in the
5 presence of the jury but out of the hearing of the
6 jury.)

7 THE COURT: You may proceed, Solicitor.

8 MR. LAMPKE: Thank you, Your Honor.

9 DIRECT EXAMINATION.

10 Q Thanks for joining us today. Can you please
11 introduce yourself to the jury.

12 A Yes, sir. I am Deputy Parham, been with the Laurens
13 County Sheriffs Office about four years now. And I am a
14 uniform patrol deputy.

15 Q So let's break that down a bit. You said that you
16 are a uniform patrol deputy. What does that mean?

17 A So I handle calls on the road as they come out. I
18 run traffic, make traffic stops and infractions and just
19 help with anything that anyone needs.

20 Q And was that, you said you worked for the Sheriffs
21 Office for a few years, was that your assignment in
22 October of 2020?

23 A Yes.

24 Q And were you working in that capacity on October 18th
25 of 2020?

1 A Yes, sir.

2 Q So let's talk about what you did on that day. What
3 were you doing that afternoon on October 18th back in
4 2020?

5 A I was on routine patrol in the area of Waterloo.

6 Q And while you are on patrol, what are you typically
7 looking for?

8 A For traffic infractions and make traffic stops. And
9 when I come across somebody in need, whether working in
10 that vehicle or whatnot, I try to help them.

11 Q Did you notice anything while you were patrolling?

12 A Yes. I noticed a Ford SUV traveling of speeds of
13 excess of 80 to 100 miles-an-hour in a 45 mile-an-hour
14 zone.

15 Q And so what did you do after seeing that car going 80
16 in a 45.

17 A I attempted a traffic stop of the vehicle.

18 Q And what happened, how did you go and approach the
19 car?

20 A I reached speeds up to a hundred miles-an-hour just
21 to catch up to the vehicle since it was speeding.

22 Q And what happened after you caught up to that
23 vehicle?

24 A Formulated a traffic stop at the intersection of
25 Arnold Lane and Indian Mound Road.

1 Q And is that area, the intersection of Arnold Lane and
2 Indian Mound Road, is that in the County of Laurens in the
3 State of South Carolina?

4 A Yes, sir.

5 Q So let's talk about that car a little bit. As you
6 were following behind it and when you stopped what did you
7 notice about the car?

8 A I noticed that the driver in the driver's seat was
9 reaching over into the passenger seat floorboard, his
10 whole body was laying across the console.

11 Q And just to e clear, how many people did you see in
12 the car?

13 A Just one.

14 Q So you said he was reaching for something. Can you
15 demonstrate in your chair just exactly how he was doing
16 that?

17 A So this is the driver's seat and this is the
18 passenger seat, reaching over down here.

19 Q And did he, when did he stop reaching to the side?

20 A When I came up beside the vehicle.

21 Q And did that behavior, him doing that, did that
22 concern you?

23 A Yes, sir.

24 Q So let's talk about why that concerned you. First of
25 all, what does someone reaching around in a vehicle

1 indicate to you?

2 A That either they are trying to conceal something or
3 possibly find a weapon.

4 Q And police in general is a dangerous profession?

5 A Yes, sir.

6 Q And how dangerous are traffic stops particularly?

7 A They are very dangerous.

8 Q And why is that?

9 A They are very unpredictable. The person inside the
10 vehicle knows what is inside the vehicle, what their
11 intentions are, I have no idea until I actually get to
12 speak to them.

13 Q And what threat does someone in a car reaching for
14 something pose to you?

15 A A very high threat.

16 Q So this traffic stop, were you concerned for your
17 safety?

18 A Yes, sir.

19 Q And so, as you approached the car, please describe
20 your demeanor generally. How would you characterize you
21 were acting towards the driver?

22 A I was more so fully defensive for my safety and for
23 his.

24 Q And what did you do when you first make contact with
25 the driver?

1 A I instructed him to put his hands on the steering
2 wheel.

3 Q And what did he do when you told him to do that?

4 A Eventually he did.

5 Q But before he eventually did, what was happening?

6 A Before he put his hands on the steering wheel?

7 Q Yes.

8 A I saw him roll down all the windows.

9 Q And what happened after you were on the passenger
10 side of that car, what did you do?

11 A I went over to the driver's side.

12 Q And what did you tell him to do at that point?

13 A I told him to exit the vehicle so I can perform what
14 is called a terry frisk.

15 Q Can you tell us what a terry frisk is?

16 A It is a pat-down of persons to search for weapons for
17 my safety and for his.

18 Q And is asking a driver to exit the vehicle something
19 that you are trained to do in that sort of situation?

20 A Yes, sir.

21 Q And did the driver comply with that request?

22 A Not at first, no sir.

23 Q So what did you do in response?

24 A I attempted to remove him from the vehicle and go on
25 hands with him. He steadily refused to comply and held on

1 to something in the vehicle to prevent me from taking him
2 out of the vehicle.

3 Q And what happened, what did you do after he started
4 that sort of resistance?

5 A I presented my taser and then I, I didn't tase him
6 but I started to use it.

7 Q And how long did that back and forth go on for?

8 A Five or ten minutes.

9 Q Eventually what did that driver say to you?

10 A He said something along the lines of, I will be
11 honest with you, I want to be real with you, I have some
12 pipes on me.

13 Q And what did you say after he told you he had some
14 pipes on him?

15 A I told him, I got him out of the vehicle, placed him
16 into investigative detention. And once he did I saw the
17 pipes laying on the seat where he was sitting at.

18 Q And so once he told you that he just had pipes, at
19 that point were you still concerned for your safety?

20 A Not as much as I was.

21 Q And would, did you eventually identify the driver of
22 that vehicle?

23 A Yes, sir.

24 Q And would you recognize, well actually, first of all,
25 what is his name?

1 A Bryan Preston Cooper.

2 Q Would you recognize Bryan Preston Cooper if he was in
3 the courtroom today?

4 A Yes, sir.

5 Q Could you please point out where he is sitting as
6 well as an article of clothing that he is wearing?

7 A Yes. He is wearing --

8 Q Let me do this for you, Deputy Parham.

9 A Sitting at the table wearing a plaid button up shirt.

10 THE COURT: Let the record reflect that he has
11 identified the Defendant, Mr. Cooper.

12 Q Okay. So after you pulled Mr. Cooper out, where did
13 you eventually put him?

14 A In the rear of my vehicle.

15 Q And what did you do after putting him in your car?

16 A I went back to the vehicle and performed a search and
17 took some photos.

18 Q Okay. Let's talk about that search for a moment.
19 What did you find in the front driver's seat?

20 A Two glass smoking pipes as well as a pocket knife.

21 Q And did you search the rest of the vehicle?

22 A Yes, sir.

23 Q What else did you find?

24 A I found a small open pill bottle with no top on it
25 with what appeared to be a white crystal like substance

1 inside of it in the center console.

2 Q And were you wearing a body cam that day?

3 A Yes, sir.

4 Q And was that body cam recording?

5 A Yes, sir.

6 Q Would you recognize that body cam footage if I showed
7 it to you today?

8 A I would.

9 MR. LAMPKE: Your Honor, I am showing opposing
10 Counsel what has been marked for identification purposes
11 as State's exhibit 1.

12 MS. WEST: Your Honor, just with the previous
13 objection.

14 THE COURT: Sure, subject to previous matter already
15 on the record. So are you offering it into evidence at
16 this time, Solicitor?

17 MR. LAMPKE: Yes, Your Honor. I was about to
18 approach Deputy Parham.

19 THE COURT: Show it to him and then make your offer.

20 Q Deputy Parham, what did I just hand you?

21 A A DVD of State's, Parham body cam video.

22 Q And is that the body cam that you had on that was
23 recording that day?

24 A Yes, sir.

25 Q And have you noted that, marking on that, do you

1 recognize that?

2 A Yes, sir.

3 Q And is that video, other than the redactions that
4 have been stipulated to by both parties, is that a fair
5 and accurate depiction of that video?

6 A Yes, sir.

7 MR. LAMPKE: Your Honor, at this point the State
8 moves for State's exhibit 1 into evidence.

9 THE COURT: Subject to previous matters already on
10 the record. Number 1 is into evidence for the State.
11 Ladies and gentlemen, you just heard the Solicitor make a
12 comment that a portion of the body cam video has been
13 redacted. That means it has been taken out. Don't place
14 any significance to the fact that portions of it have been
15 taken out. We are presenting to you what is admissible
16 evidence and so place no significance in the fact that
17 there has been some portion taken out to what is going to
18 be shown to you. Okay. Alright, you may proceed,
19 Solicitor.

20 (Whereupon, State's Exhibit 1 was admitted into
21 evidence.)

22 MR. LAMPKE: Thank you, Your Honor. Permission to
23 publish State's 1?

24 THE COURT: Sure.

25 (Whereupon, a DVD was played for the jury starting at

1 1:15 p.m. to 1:30 p.m.)

2 Q So, Deputy Parham, let's break it down a little bit
3 of what we just saw. First of all, what eventually
4 happened with the cat?

5 A I believe the cat went to a deputy to go to animal
6 control.

7 Q And what all did you find in the center console, like
8 the part that has to open up?

9 A A wallet with Mr. Cooper's license in it.

10 Q And what else did you find in there?

11 A In the center console?

12 Q Yes, inside the part that opens up.

13 A Just the bottle of vitamins --

14 Q -- would it refresh your recollection if I showed you
15 that video again?

16 A Sure.

17 (Whereupon, a portion of the video was played for the
18 witness.)

19 Q Would that refresh your recollection, Deputy Parham?

20 A Yes.

21 Q Can you tell the jury what you found in that center
22 console part that opens up?

23 A A vitamin bottle with a cap on it.

24 Q So that vitamin bottle, can you describe it more
25 particularly. You said it has the cap still on it,

1 correct?

2 A Yes, vitamins.

3 Q And did you take any photos that day on the scene?

4 A Yes, sir.

5 Q And would you recognize those photos if I showed them
6 to you?

7 A I would.

8 Q And would you also recognize a still shot from your
9 body cam?

10 A I would.

11 MR. LAMPKE: Your Honor, I am showing opposing
12 Counsel what has been marked as State's 2 through State's
13 8.

14 THE COURT: Okay.

15 MS. WEST: No objection, except noted for previous
16 objection, Your Honor.

17 THE COURT: Okay. Certainly.

18 MR. LAMPKE: And, Your Honor, may I approach the
19 witness.

20 Q Deputy Parham, now without going in particular detail
21 about any of those photos, can you just generally describe
22 what it is that I handed to you?

23 A Just photos I took from that incident that day.

24 Q And are those fair and accurate depictions of those
25 photos that you took?

1 A Yes, sir.

2 Q Have they been changed or altered?

3 A I don't think so.

4 MR. LAMPKE: Your Honor, the State moves State's 2,
5 State's 3, State's 4, State's 5, State's 6, State's 7 and
6 State's 8 into evidence.

7 THE COURT: Okay. 2 through 8 into evidence for the
8 State.

9 (Whereupon, State's Exhibits 2 through 8 admitted
10 into evidence.)

11 MR. LAMPKE: Your Honor, permission to publish
12 State's 2.

13 THE COURT: Sure.

14 Q So, Deputy Parham, tell us what we are looking at
15 here?

16 A So these are the two glass smoking pipes as well as a
17 pocket knife. They were under the person once I removed
18 him from the vehicle.

19 Q And so based on, first of all, what seat is that
20 right there?

21 A The driver's seat.

22 Q Okay. And what side of the seat is that on?

23 A The left side of the seat.

24 Q And is, are those like moved from where they were
25 left after Mr. Cooper got out of the car?

1 A No, sir.

2 Q Okay.

3 MR. LAMPKE: Your Honor, I am going to publish
4 State's 3.

5 THE COURT: Okay. You are permitted to publish
6 exhibits 2 through 8.

7 MR. LAMPKE: Thank you, Your Honor, I appreciate
8 that.

9 Q So tell us what we are looking at here, Deputy
10 Parham?

11 A Yes, sir. A closeup of that photo you just
12 presented, glass smoking pipes and a pocket knife.

13 Q And those pipes, can you explain or describe the
14 general shape of it?

15 A Yes. They are cylindrical in shape and then there is
16 a sphere on the end of them.

17 Q And in your experience what are those used for?

18 A In my experience they are used for smoking illegal
19 narcotics such as meth.

20 MR. LAMPKE: Now, if I could see State's 4.

21 Q And Deputy Parham, what are we looking at here?

22 A That is what, that is what, the white crystal like
23 substance I found inside that open pill bottle in the
24 center console cup holder.

25 Q And tell me where, what container was used?

1 A The blue, blue-ish open vitamin bottle that was in
2 the cup holder with no cap on it.

3 Q And I am publishing State's exhibit 5. Now, you said
4 that was in that cup holder?

5 A Yes, sir.

6 Q When you first saw it was that container open or was
7 it closed?

8 A It was open.

9 MR. LAMPKE: And if we can see State's exhibit 6,
10 please.

11 Q That container, if somebody is sitting in the
12 driver's seat, how far from their let or their hand to
13 that container?

14 A Within an arm's reach.

15 Q And what is in the cup holder next to it?

16 A A drink cup.

17 Q So let's talk about the physical evidence in this
18 case. What did you do with the pill bottle and the white
19 crystal substance that you found inside, what did you do
20 at the scene when you found that?

21 A I collected it and into an evidence bag. And then
22 once I took it back to the Sheriffs Office I entered into
23 evidence.

24 Q So would you recognize that pill bottle and the
25 crystal substance if I showed it to you?

1 A Yes, sir.

2 MS. WEST: Previous objection, Your Honor.

3 THE COURT: Subject to anything previously placed on
4 the record.

5 MR. LAMPKE: And, Your Honor, may I approach?

6 THE COURT: You sure can.

7 Q This is State's exhibit 10 just for identification
8 purposes. Now, Deputy Parham, do you recognize that I
9 just handed you?

10 A Yes, sir.

11 Q And how do you recognize it?

12 A The white like substance as well as the open pill
13 bottle where it was found at that day.

14 Q And tell me about the bag that it is in?

15 A It is a sealed evidence bag.

16 Q And when you were on the scene and you collected
17 that, did you put it into a bag as well?

18 A I did.

19 Q And what did you do with the bag once you put it in
20 there?

21 A I took the bag to the Sheriffs Office and did
22 paperwork and completed what is called a Best Kit which is
23 a Kit that we use to house the narcotics and send to SLED
24 for testing.

25 Q And when you put it into evidence do you put any

1 markings on it?

2 A Yes, on the evidence bag.

3 Q And what is the purpose of doing that?

4 A Just for, to record who the subject was, where it was
5 found, what the description of it is, the date, case
6 number; everything that is there for it.

7 Q And finally, let's just talk about the car itself.
8 Mr. Hunnicutt, if you can put in or if you could publish
9 State's 7. And really quickly, before we move on to this
10 exhibit. Just going back to the drugs and what you do
11 with them. After you put it into the bag where do you
12 then put it?

13 A In our temporary evidence lockers, then our evidence
14 division takes it and processes.

15 Q And who typically takes evidence once you put it into
16 the evidence drop box?

17 A Lieutenant Gambrell, Butch.

18 Q So let's talk about exhibit 7. Now, Deputy Parham,
19 what is that?

20 A That is a VIN stamp, that is in the door jam of that
21 vehicle.

22 Q And a VIN stamp, what does that do?

23 A Identification for the vehicle it was on.

24 Q And would you recognize a certified copy of the
25 registration for that vehicle if I showed it to you?

1 A I would.

2 MS. WEST: No objection.

3 THE COURT: Without objection, number 7; 9, excuse
4 me.

5 MR. LAMPKE: Your Honor, if I can approach the
6 witness.

7 THE COURT: Number 9 into evidence.

8 (Whereupon, State's Exhibit 9 was admitted into
9 evidence.)

10 Q Deputy Parham, did that document come with a letter
11 titled affidavit or authenticity?

12 A Yes, sir.

13 Q And who does it say it is from?

14 A From Cloris Devard, (phonetic).

15 Q And what does she say she does for the South Carolina
16 Department of Motor Vehicles?

17 A She says she is the custodian of records.

18 Q And does she explain that the attached document is a
19 true and exact copy of the original?

20 A Yes, sir.

21 Q Now, what I would like to do, Deputy Parham, do you
22 still have State's exhibit 7?

23 A I do.

24 MR. LAMPKE: And, Mr. Hunnicutt, if you could scroll
25 down to the third page there.

1 Q Deputy Parham, you still have State's 7 in front of
2 you, right?

3 A Yes, sir.

4 Q Could you please read out the VIN number on State's
5 7?

6 A Sure. It is going to be 1FWZ475W42ZA [REDACTED].

7 Q And so Deputy Parham, does the VIN number that you
8 just read off from your photo there on the scene match the
9 VIN number in the upper left of that certified
10 registration?

11 A Yes, sir.

12 Q So, Deputy Parham, who was the registered owner of
13 that vehicle that you pulled over on October 18th of 2020?

14 A Bryan Preston Cooper.

15 MR. LAMPKE: Your Honor, Court's indulgence for a
16 moment.

17 THE COURT: Sure.

18 MR. LAMPKE: Your Honor, no further questions at this
19 time.

20 THE COURT: Okay. Does the Defense have any
21 cross-examination.

22 MS. WEST: Yes, Your Honor.

23 CROSS-EXAMINATION

24 By Ms. West:

25 Q Deputy Parham, you testified this incident was back

1 in October of 2020?

2 A Yes, ma'am.

3 Q Do you recall at that point how long you had been in
4 law enforcement?

5 A Would you like from my experience at the jail?

6 Q How long you have been a certified law enforcement
7 officer on routine patrol?

8 A So I graduated at the South Carolina Criminal Justice
9 Academy on 9/11 of 2020.

10 Q So roughly you had been on routine patrol now for
11 just a month?

12 A Certified, yes.

13 Q And when you say certified that means that, for a
14 month only at this point have you had the ability to
15 conduct routine patrol by yourself. Am I right?

16 A Correct.

17 Q And only for a month you have had the power to arrest
18 someone by yourself, correct?

19 A Correct.

20 Q So is it fair to say you were relatively new on the
21 road?

22 A Yes, ma'am.

23 Q And you had not conducted many traffic stops at this
24 point, had you?

25 A I have before this when I was doing my field

1 training.

2 Q By yourself, less than a 100?

3 A I would say so.

4 Q Less than 50?

5 A Around 50 I would say.

6 Q Around 50. So is it also fair to say, given the fact
7 that you were relatively new, that you may be a bit
8 nervous?

9 A You could say that.

10 Q You testified earlier that traffic stops can be
11 dangerous?

12 A Yes.

13 Q And unpredictable?

14 A Yes.

15 Q So this would make one nervous, right?

16 A Yes.

17 Q And therefore you might be a little bit on edge?

18 A Yes.

19 Q Okay. Now, Deputy Parham, it is not standard policy
20 to pull everyone out of the vehicle, is it?

21 A Correct.

22 Q It is not standard policy that if somebody is
23 speeding, that before you even ask for their driver's
24 license, you just whip them out of their car?

25 A Correct.

1 Q It is also not standard policy to pull a taser on
2 everybody you pull over?

3 A Correct.

4 Q You did in this case?

5 A Yes, ma'am.

6 Q You testified that you were on routine patrol in the
7 Waterloo area, is that right?

8 A Yes.

9 Q This area you would describe as a relatively quiet
10 residential neighborhood. Is that fair?

11 A Yes, ma'am.

12 Q You were not doing any kind of undercover narcotics
13 investigation?

14 A No, ma'am.

15 Q The area is not well known for any drug activity?

16 A Not that specific area.

17 Q And when you were on routine patrol you said spotted
18 Mr. Cooper driving, or you spotted a SUV?

19 A Yes, ma'am.

20 Q Was your vehicle parked or were you also driving?

21 A I was parked.

22 Q Okay. Do you recall where you were parked?

23 A At the 900 block of Arnold Lane.

24 Q Was on the side of the road or a private driveway?

25 A On the side of the road.

1 Q And when you spotted the vehicle you said it looked
2 like he was going 80 to 90 miles-per-hour?

3 A Yes, ma'am.

4 Q And so you were parked on the side of the road. So
5 Mr. Cooper passed you in the SUV?

6 A Yes, ma'am.

7 Q And you said that you had to catch up to him?

8 A Yes, ma'am.

9 Q Did you have a radar of your patrol vehicle?

10 A No, ma'am.

11 Q So you didn't have a radar gun to get the exact
12 speed?

13 A I did not.

14 Q Did you have a dash-cam in your vehicle?

15 A No, ma'am.

16 Q So you do not have video of this speeding?

17 A No, it wasn't in operation at that time.

18 Q Now, so you did have a dash-cam in your car and it
19 wasn't operational or it was no dash-cam in your car?

20 A Yes, ma'am. The dash-cam wasn't operational.

21 Q When you say it is not operational, does that mean it
22 was broken?

23 A I believe so, it was an older vehicle.

24 Q Okay. Had you used the dash-cam in your patrol
25 vehicle previous to this routine stop?

1 A No, ma'am.

2 Q So for the month you were on routine patrol you never
3 used your dash camera?

4 A Not for this vehicle, no ma'am.

5 Q Okay. So when you saw the SUV speeding by you you
6 immediately got on the road to catch up with the vehicle?

7 A Yes, ma'am.

8 Q And so, how long from the time you got on the road
9 yourself did it take for you to catch up to Mr. Cooper?

10 A I can't recall exactly how long it took but it took a
11 little while to catch to him, I reached speeds close to a
12 hundred, if not more, just to catch up to him.

13 Q A little while, would that be longer than a minute?

14 A No, ma'am.

15 Q So less than a minute to catch up with the vehicle.
16 You are originally stagnant and you catch up to what you
17 say is a hundred miles per hour?

18 A Yes, ma'am.

19 Q So it took you less than a minute to go from zero to
20 a hundred?

21 A Yes, ma'am.

22 Q When you say that you are pacing the vehicle. Can
23 you explain what that means?

24 A When you are behind the vehicle you try to maintain
25 your speeds at guess and estimate what their speed is,

1 whether it is more or less is you more -- a break mark.

2 Q So the speeds that you said Mr. Cooper was going, the
3 80 to 90 miles-per-hour, that is just a guess and an
4 estimate?

5 A Yes, ma'am.

6 Q Is that your testimony. And, again, so for less than
7 a minute you are behind Mr. Cooper's car?

8 A Yes, ma'am.

9 Q Now, is it at that point you saw the suspicious
10 movements that you described, was it just one movement
11 that you described?

12 A No, ma'am. Once the vehicle, once the vehicle was
13 stopped when I observed the furtive movements.

14 Q So when you were behind Mr. Cooper's vehicle you
15 didn't see anything being thrown out the window, did you?

16 A No, ma'am.

17 Q You didn't even see the windows open, did you?

18 A No, ma'am.

19 Q You didn't see any erratic driving?

20 A No, besides the speeding.

21 Q You didn't suspect him as driving under the
22 influence, right?

23 A At this time, no.

24 Q There is no other crime suspected at this point
25 except for speeding?

1 A Correct.

2 Q So at the point where, he stopped his vehicle at a
3 stop sign?

4 A Yes.

5 Q What was the distance of time when you turned on your
6 blue lights to the time he stopped at the stop sign?

7 A I can't recall that exactly.

8 Q Less than a mile?

9 A Can you repeat the question for me.

10 Q Sure. The distance between when you initiated your
11 blue lights, when you go to initiate the traffic stop, and
12 the time that Mr. Cooper stopped his vehicle. How much
13 was that distance?

14 A I would say, distance or time?

15 Q Let's go with distance.

16 A Distance, I would say about a hundred yards.

17 Q A ball field?

18 A Yes.

19 Q Okay. Sure, if you are driving?

20 A Somewhat.

21 Q Okay. So he didn't try to flee?

22 A Correct.

23 Q The minute you initiated your blue lights there was a
24 pretty quick stop?

25 A Fairly.

1 Q Okay. And how long were you in your patrol car
2 before you got out of the car to talk to Mr. Cooper?

3 A I can't recall that.

4 Q Seconds?

5 A I can't recall exactly.

6 Q Okay. When you were in your patrol car did you run
7 the tag?

8 A I can't recall that. The body cam was active once I
9 exited the vehicle. I can't recall if I call the tag out
10 once I pulled the vehicle over or after the fact.

11 Q Okay. Would you have included that in your report if
12 you had run the tag and the tag came back clear or
13 unclear?

14 A No, ma'am.

15 Q You would not have included that in your report?

16 A No, ma'am.

17 Q Why is that?

18 A Just, that is not a routine for me, when I write my
19 reports, unless the tag is stolen or something significant
20 is registered to the tag through our NCIC system, whether
21 it be a stolen vehicle or missing person or such.

22 Q Would you have called that into dispatch to run the
23 tag?

24 A Yes, ma'am.

25 Q Okay.

1 MS. WEST: I beg the Court's indulgence.

2 THE COURT: Sure, take your time.

3 Q Regardless, to your knowledge, the tag was fine, it
4 was clear?

5 A Yes, ma'am.

6 Q Otherwise you would have had it in your report?

7 A Correct.

8 Q You did not know who was driving the vehicle at this
9 time?

10 A No, ma'am.

11 Q You were not familiar with the vehicle prior to this
12 encounter?

13 A No, ma'am.

14 Q And when you approached the vehicle, well, so at what
15 point did you see him, as you described it, hoisting into
16 the passenger seat?

17 A Once I was seated in my vehicle and as I was exiting
18 the vehicle and approached the vehicle.

19 Q Okay. Once you were seated in the vehicle or as you
20 were exiting?

21 A When I was sitting in the vehicle, after I just, we
22 had just pulled over and as I exited the vehicle.

23 Q And you said, you testified that this was the one
24 furtive movement that made you scared. Is that right?

25 A Yes, ma'am. Nervous.

1 Q Nervous. And you said that, what you saw was him
2 reaching over into the passenger side?

3 A Yes ma'am, towards the floorboard area, passenger
4 side.

5 Q One arm or two arms?

6 A I believe two arms, I saw his whole body position
7 over the center console.

8 Q And you testified that you were concerned about him
9 reaching for something?

10 A Yes, ma'am.

11 Q Concealing something?

12 A Yes, ma'am.

13 Q And you also testified that the Centrum bottle was in
14 the center console, is that right?

15 A Yes, ma'am.

16 Q In the cup holder?

17 A Yes, ma'am.

18 Q Within arms reach?

19 A Yes.

20 Q So easy access if he wanted to conceal something he
21 could have done it then?

22 A Correct.

23 Q Correct. He did not?

24 A It doesn't appear that he did.

25 Q Okay. You told him to, when you approached the car

1 you told him to put his hands on the steering wheel?

2 A Yes.

3 Q And he complied?

4 A Eventually.

5 Q And you told him to roll the windows down?

6 A Yes, ma'am.

7 Q He rolled the windows down?

8 A Yes.

9 Q You asked why he was driving so fast?

10 A Yes, ma'am.

11 Q And he told you what he was running late for work?

12 A Yes, ma'am.

13 Q He told you he owned a tinting business?

14 A I can't recall that he said that to me at that point
15 in time.

16 Q Would you like to re-watch the video?

17 A If --

18 (Whereupon, the video was played from 1:53 to 1:54
19 p.m.)

20 Q He was running late for his job because he does
21 window tinting?

22 A Okay.

23 Q He also explained that his cat was in the car?

24 A Yes.

25 Q You saw the cat in the car?

1 A Yes.

2 Q He was worried about the cat jumping out the window,
3 right?

4 A Yes, after we stopped.

5 Q And he explained to you when you asked him what he
6 was reaching for, he explained he was reaching down to
7 brace his cat when he stopped the car?

8 A Yes, that is what he said.

9 Q Now, then you decided to walk around the driver's
10 side of the vehicle, right?

11 A Yes.

12 Q You immediately opened his door?

13 A Yes, ma'am.

14 Q That is not policy, is it?

15 A I don't recall what the policy is exactly, however I
16 wanted him to exit the vehicle so I could perform a terry
17 frisk on him.

18 Q Okay. Every time you stop somebody for speeding you
19 do not immediately rip open their door?

20 A No, ma'am.

21 Q I have been stopped for speeding more than I would
22 like to admit, I have never had the officer open the door.

23 A Correct.

24 Q It is not a policy.

25 MR. LAMPKE: Objection, Your Honor. Counsel is

1 testifying.

2 THE COURT: I agree. Strike that from the record.

3 MS. WEST: I don't want it to be into evidence that I
4 have been stopped for speeding.

5 THE COURT: That is why I say on the record, for one
6 reason.

7 Q And you tell him that he is reaching for stuff in the
8 car?

9 A Yes.

10 Q Now, when you are standing at the driver's side
11 vehicle and the door is open you can see both of his
12 hands, right?

13 A Yes.

14 Q They are either on the steering wheel or in his lap
15 at all times?

16 A Yes.

17 Q He never tries to reach in the backseat?

18 A No, ma'am.

19 Q He never tries to reach in the passenger seat?

20 A I don't believe so.

21 Q Okay. Now, you could have asked him about weapons,
22 right?

23 A Yes, ma'am.

24 Q You didn't ask him initially about weapons?

25 A No, ma'am.

1 Q And instead of opening the door you could have asked
2 him to keep his hands on the wheel, right?

3 A I could.

4 Q You could have asked first for his driver's license?

5 A Yes, ma'am.

6 Q You didn't ask for his driver's license though first?

7 A No, ma'am.

8 Q You didn't actually see his driver's license or know
9 who he was until he was in your patrol vehicle in
10 investigative detention. Isn't that right?

11 A Correct.

12 Q And he eventually does step out of the vehicle?

13 A Yes, ma'am.

14 Q He doesn't try to rum?

15 A No, ma'am.

16 Q And when he is sitting in the car he doesn't try to
17 take off in the vehicle, right?

18 A Correct.

19 Q He doesn't, in any point to your knowledge, try to
20 reach for a weapon?

21 A No, he keeps reaching towards under the left side of
22 his leg where that pocket knife was that found after he
23 was removed.

24 Q Besides the left leg right there, no other reaching,
25 correct?

1 A No, ma'am.

2 Q And when he got out of the car, y'all went back and
3 forth. And he keeps saying, what crime have I committed.
4 And you got a little worked up, right?

5 A Yes, ma'am.

6 Q You are a little frustrated?

7 A Yes, ma'am.

8 Q And at what point, you pull your taser on him?

9 A Yes, ma'am.

10 Q And you are pointing it directly at him?

11 A Yes, ma'am.

12 Q And you are yelling, don't make me fucking tase you?

13 A Yes, ma'am.

14 Q And all of that is because of speeding?

15 A No, ma'am. All of that was because of my safety as
16 much as it is his and I don't want him to make any more
17 furtive movements that will make me believe that he
18 reaching for a weapon or possibly actually reach for a
19 weapon to cause harm to me.

20 Q At this point the only, we will say crime, but
21 speeding is not a jailable offense. At this point the
22 only thing you are suspecting him of is speeding?

23 A As far as charges go, yes ma'am.

24 Q Okay. You don't terry frisk him immediately when you
25 get him out of the car?

1 A Not immediately.

2 Q You actually don't terry frisk him until he is
3 handcuffed and standing at your patrol car. Isn't that
4 right?

5 A Correct.

6 Q He tells you about the pipes before he gets out of
7 the car?

8 A Yes, sir.

9 Q He says, look man, I want to be straightforward, I
10 have got some pipes on me?

11 A Yes.

12 Q Says two?

13 A I believe so, yes.

14 Q Two pipes. Did you take these pipes up?

15 A After I photographed them, yes ma'am.

16 Q Were you wearing gloves?

17 A I believe so.

18 Q Could you tell if these pipes were hot to touch?

19 A No, ma'am.

20 Q If they had recently been used they would be hot to
21 the touch, based on your training and experience?

22 A I never recovered one that was recently used.

23 Q Okay. That is fair. Did you put these pipes into
24 evidence?

25 A No, ma'am.

1 Q What did you do with them?

2 A To my recollection, I destroyed them.

3 Q Destroyed them?

4 A Yes, ma'am.

5 Q Had you collected these pipes into evidence you could
6 have sent these pipes off for testing?

7 A Yes, ma'am.

8 Q You could have had them tested for drug residue?

9 A Yes, ma'am.

10 Q You could have had them tested for fingerprints?

11 A Yes, ma'am.

12 Q You could have had them tested for DNA?

13 A I could but we typically don't do that with
14 paraphenelia.

15 Q You could have?

16 A Yes, ma'am.

17 Q You didn't?

18 A I did not.

19 Q Okay. Mr. Cooper explained to you the reason he
20 didn't want to get out of the car because he was worried
21 about that you would arrest him for the pipes. Isn't that
22 right?

23 A Yes, ma'am.

24 Q And you told him, I wouldn't arrest you for that.

25 A No ma'am, not for pipes.

1 Q Okay. But you put him in investigative detention for
2 the pipes?

3 A Yes, ma'am.

4 Q And doing the search of the car you find one bottle
5 in the center console?

6 A Yes, ma'am.

7 Q There is two bottles all together, isn't that right?

8 A I believe so.

9 Q Okay. One bottle is in the center console, when I
10 say center console I mean the one you have to lift up?

11 A Yes.

12 Q And then in that bottle it was just vitamins?

13 A Yes, ma'am.

14 Q And then the one Centrum bottle was in the cup
15 holder, right?

16 A Yes, ma'am.

17 Q Now, when you approached the passenger side of the
18 vehicle was Mr. Cooper reaching for that Centrum bottle?

19 A I don't think he was.

20 Q When you passed the driver's side vehicle by the side
21 of the vehicle was he reaching for the Centrum bottle?

22 A I don't think so.

23 Q That Centrum bottle was never seen in Mr. Cooper's
24 hand?

25 A No, ma'am.

1 Q You took the bottle into evidence, right?

2 A Yes, ma'am.

3 Q Was that bottle sent off for any type of testing?

4 A I don't think the bottle was, just the crystal like
5 substance.

6 Q Okay. So that bottle wasn't tested for fingerprints?

7 A No, ma'am.

8 Q You are provided with a fingerprint kit with the
9 Laurens County Sheriffs Office?

10 A Yes, ma'am.

11 Q That you keep in your patrol car?

12 A At the time, I don't recall if I was issued it then.
13 I don't recall if I was issued it.

14 Q It is pretty standard for you to carry it around in
15 your patrol car?

16 A Yes, ma'am.

17 Q You also had another officer come out on the scene?

18 A Yes, ma'am.

19 Q She very likely could have had a fingerprint kit in
20 her car?

21 A I don't recall. I am not sure who all is issued
22 them.

23 Q Okay. Regardless, that process of testing for
24 fingerprints is something you can do, right?

25 A Testing or retrieving latent prints?

1 Q Lifting latent prints.

2 A Lifting latent prints, yes ma'am.

3 Q And you didn't do that in this case, did you?

4 A No.

5 Q The bottle was never sent off for any type of
6 testing?

7 A No, ma'am.

8 Q You did not field test the substance, did you?

9 A No, ma'am.

10 Q You just eyeballed it?

11 A I collected evidence and then sent it to SLED who
12 accurately test it for us.

13 Q And, Deputy Parham, you weren't out there for very
14 long, were you?

15 A I can't recall how long I was out there on the scene.

16 Q Between the time you pulled Mr. Cooper over and the
17 time you had decided to arrest him. How much time would
18 you say had passed?

19 A Forty-five minutes.

20 Q Okay. The decision to take him to jail was made
21 pretty quick. Is that fair?

22 A Once I recovered the narcotics, yes ma'am.

23 Q And just to be clear, the narcotics were not found on
24 his person?

25 A Correct.

1 Q When you pulled him over you didn't smell any
2 methamphetamine?

3 A Correct.

4 Q You didn't suspect him of smoking methamphetamine at
5 that time?

6 A I don't think so.

7 Q You didn't ask about how long he had had the vehicle?

8 A No, ma'am.

9 Q You didn't ask if somebody else had recently been in
10 the car?

11 A No, ma'am.

12 Q You didn't ask many questions, did you?

13 A I am not sure how you define many. But those
14 questions, I didn't, no ma'am.

15 Q You didn't feel like you had to?

16 A Once the narcotics were found, no ma'am.

17 Q So you took his car, the car was towed?

18 A Yes.

19 Q You took his car?

20 A Yes.

21 Q And you took him to jail?

22 A Yes, ma'am. And just to clarify, there is a patrol
23 sergeant, took possession of the car until he was
24 released. I am not sure if he came and got the car or
25 not.

1 Q Was it Jeff Brown who took the cat?

2 A Yes, ma'am.

3 Q Once Jeff Brown took the cat you don't know what
4 happened to the cat?

5 A No.

6 Q You don't know if the cat is dead or alive?

7 A I don't --

8 Q You don't know if he ever got his cat back?

9 A No, ma'am.

10 MS. WEST: No further questions.

11 THE COURT: Any redirect, Solicitor?

12 MR. LAMPKE: Yes, Your Honor, briefly.

13 REDIRECT EXAMINATION

14 By Mr. Lampke:

15 Q Deputy Parham, Ms. West asked you about your
16 experience as a law enforcement officer. You mentioned
17 about being certified. Were you out in law enforcement
18 before that date you mentioned in September of 2020?

19 A Yes, sir. I was employed at the detention center for
20 almost a year. And from January 2020 to this incident
21 date, I am sorry, from January of 2020 to September, I was
22 training and at the Sheriffs Office.

23 Q So tell me a little bit about what that entails when
24 you are training and riding along. What do you do?

25 A So we have certain deputies that train us or are

1 qualified to train us. And we go to calls, run through
2 calls, traffic stops. Go through just regular field
3 training.

4 Q And tell me, how long in total have you worked in law
5 enforcement?

6 A Almost four years.

7 Q And at that point in 2020, how long had you worked in
8 law enforcement at that point?

9 A For the road patrol?

10 Q Just generally, both road patrol and at the jail?

11 A Let's see, about a year and a half, I would say.

12 Q Now, Ms. West asked you about how many traffic stops
13 that you have conducted. How many do you say that was,
14 generally?

15 A During that time?

16 Q Yes.

17 A I would say more than 15.

18 Q And in those traffic stops was it more common or less
19 common for you to ask people to get out of the car, any
20 time you had a regular traffic stop?

21 A Less common.

22 Q And what did the Defendant in this case do that the
23 other people in those cases where you didn't order them to
24 get out of the car, what was the difference between those
25 two situations?

1 A He was making the furtive movements that I could see,
2 when we were both still in our vehicles and once I was
3 exiting my vehicle.

4 Q And what is that term you just used?

5 A Furtive, yes sir.

6 Q What does that mean?

7 A Irregular movements that will kind of set off some
8 red flags and put me on high alert for something that may
9 be going on inside the vehicle that I don't know about.

10 Q And what do you mean by that red flag, what are you
11 concerned about?

12 A Anything from him trying to pull a firearm, pull any
13 kind of weapon on me once I actually get to the vehicle to
14 speak to him or him trying to conceal any kind of,
15 anything in the vehicle.

16 Q And as soon as you realized, when Mr. Cooper told you
17 he had a pipe on him, how did your demeanor change from
18 when you initially interacting with him until after he
19 said that?

20 A Everything kind of deescalated. I wasn't as on guard
21 as I was at that point.

22 Q And Ms. West asked you about why you pulled your
23 taser on Mr. Cooper. She mentioned the only crime that he
24 committed was speeding. And I noticed you paused for a
25 second. When you said it was the only crime, what else

1 were you concerned about at that time?

2 A As far as me being concerned, I didn't know if he had
3 access to a weapon near his person inside the vehicle.

4 Q And so let's talk about that speeding. Remind us
5 again, what is the speed limit on that road?

6 A The posted speed limit on Arnold Lane is 45
7 miles-per-hour.

8 Q And how fast did you recognize the Defendant to be
9 going?

10 A I would say 80 to 90 miles-an-hour.

11 Q So how does the speed that he was traveling compare
12 to the posted speed limit there?

13 A It is well over.

14 Q Now, Ms. West asked you about Mr. Cooper reaching
15 over into his passenger seat. Remind us what Mr. Cooper's
16 story was, as to why he was reaching over?

17 A He was trying to brace his cat.

18 Q And tell me, when you saw him moving, was it one arm
19 out or was he leaning all the way over?

20 A He was leaning all the way over.

21 Q And where did you see the cat in that car when you
22 eventually approached the car?

23 A The backseat on the, the passenger seat.

24 Q And where did you see Mr. Cooper reaching towards on
25 that passenger side of the vehicle?

1 A Towards the floorboard.

2 Q Now, Ms. West asked you about what happened to those
3 pipes. What happened to those pipes?

4 A If my memory serves me correctly, collected and
5 destroyed.

6 Q And is that typical in cases like this?

7 A Yes.

8 Q And why do we do that, why does the Sheriffs Office
9 do that?

10 A Because those types of pipes are commonly used in
11 smoking illegal narcotics. They serve no purpose under a
12 hazard.

13 Q Is it safe to have those materials laying around in
14 evidence as sort of smoking type materials?

15 A No, sir.

16 Q Now, Ms. West asked you whether you found the crystal
17 substance in Mr. Cooper's hands. Where did you find that
18 crystal substance.

19 A Inside of the open vitamin bottle that was in the cup
20 holder.

21 Q And how does, like what is the distance between his
22 hand and that cup holder?

23 A Within arm's reach.

24 Q And what else did you find under his legs?

25 A Under his legs?

1 Q Yes.

2 A Two glass pipes and a pocket knife.

3 MS. WEST: Judge, I am sorry. I feel like we have
4 covered a lot of this and he is re-asking questions that
5 have already been answered. I would object.

6 THE COURT: Well, and I think it has. It is in
7 response to cross-examination. I will let it go a little
8 bit longer.

9 MR. LAMPKE: Thank you, Judge. I have just four
10 questions left.

11 Q When Ms. West asked you about what the Defendant,
12 whether the Defendant could have grabbed the pill bottle
13 in the center console. Was that pill bottle in the left
14 cup holder or the right cup holder?

15 A The right holder.

16 Q What was in the left cup holder?

17 A A cup, styrofoam cup.

18 Q And was a styrofoam cup?

19 A Yes.

20 Q And was there a label on that bottle?

21 A The vitamin bottle?

22 Q Pill bottle.

23 A Yes.

24 Q So was it obscured from what you could see from where
25 you were standing?

1 A Yes.

2 MR. LAMPKE: The Court's indulgence for a moment,
3 Your Honor. No further questions, Your Honor.

4 THE COURT: Anything in recross?

5 MS. WEST: No, Your Honor.

6 THE COURT: You can step down, Officer. Ladies and
7 gentlemen, let's take a short afternoon break. I ask you
8 to go back to the jury room. Remind you, no discussions
9 about this case, anything you have heard or seen. And we
10 will get you back out shortly and we will continue
11 forward.

12 (Whereupon, the jury was excused from open court for
13 a break at approximately 2:11 p.m.)

14 THE COURT: We will take a short recess.

15 (Whereupon, a short break was taken.)

16 THE COURT: Let's bring the jury in.

17 (Whereupon, the jury came into open court at
18 approximately 2:31 p.m.)

19 THE COURT: Solicitor, call your next witness.

20 James Kimbrell, being
21 first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Simmons:

24 Q Deputy Kimbrell, can you please state your name for
25 the record?

1 A I am Lieutenant Kimbrell with the Laurens County
2 Sheriffs Office.

3 Q James Kimbrell?

4 A Yes, sir.

5 Q And you go by Butch, right?

6 A I do.

7 Q What do you do at the Laurens County Sheriffs Office?

8 A I am Lieutenant in the criminal investigations
9 division, I am in charge of the evidence department.

10 Q How long have you been with the Laurens County
11 Sheriffs Office?

12 A Since January 3rd of 2017.

13 Q And you work with evidence you said?

14 A Yes.

15 Q What is your duties there?

16 A I am the Lieutenant that oversees all of the evidence
17 that the Department brings in.

18 Q What does that job entail?

19 A Processing the data into temporary evidence lockers;
20 giving it a, logging it into our system; putting it in a
21 certain location; taking it out for necessary for court;
22 checking it back in; checking it out to take to SLED for
23 analysis; picking it back up at SLED after the analysis
24 and checking it back in to our system; and putting it into
25 another permanent location.

1 Q And you mentioned a temporary box, what is that?

2 A We have temporary evidence lockers. Once the deputy
3 brings in any piece of evidence they go into a locker
4 system. And once they lock it the only person who has
5 keys to unlock is myself and Deputy Diaz who is my
6 assistant.

7 Q And then after you get it out of the temporary
8 locker, what do you normally do with evidence?

9 A We take it, process it and put it into our system,
10 log it in and assign it an item number and place it in a
11 location.

12 Q I am showing you what has been marked as State's 10
13 for identification. Is that a bag of, a Best Kit, is that
14 what they call it?

15 A This is the way it came back from SLED, it is in a
16 sealed pack, the Best Kit bag that the drugs are stored in
17 to take to SLED, inside here along with the bags that the
18 drugs itself was put in when the officer took it.

19 Q And the case number for this and the Defendant's
20 name, that is written on the bag also?

21 A It is written on the evidence bag, it is inside the
22 Best Kit bag. And then I seal the Best Kit bag and put it
23 in a location and then I took it to SLED.

24 Q And you check to make sure all the bags are sealed
25 before you take them to SLED?

1 A Yes.

2 Q And in this case you did receive an evidence bag and
3 a Best Kit that was sealed?

4 A Yes.

5 Q And what Deputy's name is on that Best Kit?

6 A I can't read his name, the submitted bag, Deputy
7 Parham.

8 Q And what do you do with it once you take it back to
9 your office?

10 A Once I take it back to my office, as I said, we pull
11 that case number up that this is associated with. We give
12 it a location and put a label on it and just put it in
13 that location until needed for court or take to SLED for
14 analysis.

15 Q And you took this evidence to SLED in this case?

16 A Yes, I did.

17 Q When did you take that?

18 A I checked this item out to go to SLED on November
19 20th of 2020.

20 Q And what do you do when you take it to SLED?

21 A When I get to SLED with this evidence I go into their
22 main, they have their facility and they have an evidence
23 locker system there. So what I do is I go in and I sign a
24 sheet that has pre-logged it with and let them know it is
25 in their system, time stamp it and I put it in an evidence

1 locker. In this case it was locker number 25. And it
2 operates the same way as mine at the office. Once I put
3 it in I shut the door on it and I cannot get it back out,
4 only the technicians can.

5 Q And what did you do once the, once SLED was finished
6 with it?

7 A I go back and I pick it up, they check it out to me,
8 batch check out with any evidence they have coming back to
9 my agency. And I bring it back and then I check it back
10 into the evidence department. And, again, assign it
11 another location it is stored at after I get it back. So
12 at any point in time I can go in and pull up that item
13 number and it tells me exactly where it is stored at.

14 Q And everything in that pack is the same as when you
15 received it from the temporary locker?

16 A It was in a evidence bag that is inside this bag
17 where SLED opened it and took that out. But this was in
18 the original bag.

19 Q From the temporary locker?

20 A Yes.

21 MR. SIMMONS: I beg the Court's indulgence.

22 THE COURT: Sure.

23 Q And has this evidence been taken out of evidence
24 other than court purposes?

25 A No, it was moved only one other time while we were

1 trying to compile evidence from boxes that had dual
2 amounts of evidence in it, to make full boxes cause my new
3 evidence facility at the detention center was going to be
4 finished; so we wouldn't have as much space taken up with
5 boxes a third or half full. So it was moved from one
6 location of box number 87 to box 100.

7 Q But not out of the Sheriffs Office?

8 A No.

9 MR. SIMMONS: No further questions at this time.

10 THE COURT: Any cross-examination?

11 MS. WEST: Just a few, Judge.

12 CROSS-EXAMINATION

13 By Ms. West:

14 Q On October 18th of 2020 you were not out on the scene
15 that day, correct?

16 A That's correct.

17 Q You only work in the evidence room for the Sheriffs
18 Office?

19 A Primarily, yes.

20 Q You were not part of this investigation?

21 A As far as the arrest part, no.

22 Q So you don't know where this substance came from?

23 A I have no idea.

24 Q And you don't know who the substance belongs to, do
25 you?

1 A No, just by the name that was on the bag.

2 Q No further questions.

3 MR. SIMMONS: No, Your Honor.

4 THE COURT: You can step down, sir. You are free to
5 leave or you can stay with us.

6 MR. KIMBRELL: I will leave if it is alright with
7 you, sir.

8 THE COURT: Next witness for the State.

9 MR. LAMPKE: Judge, the State calls Lynn Black to the
10 stand.

11 THE COURT: Okay.

12 Lynn Black, being
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 By Mr. Lampke:

16 Q Agent Black, would you please introduce yourself to
17 the jury and spell your full name for our Court Reporter,
18 please?

19 A My name is Lynn Black, L-Y-N-N; B-L-A-C-K.

20 Q Agent Black, I think I call you that as the normal
21 course of doing here. Where do you work right now?

22 A I am currently employed as a forensic chemist at the
23 Beaufort County Sheriffs Office in Beaufort, South
24 Carolina in the forensics services laboratory.

25 Q And before you worked there who did you work for?

1 A I worked as a drug chemist at the South Carolina Law
2 Enforcement Division commonly known as SLED.

3 Q And how long in total did you work for SLED?

4 A I worked there for 14 years.

5 Q Was it in that same capacity as a chemical, doing
6 chemical analysis that whole time?

7 A Yes.

8 Q Now, I want the jury to get a sense of your
9 qualifications. Did you go to college?

10 A I did.

11 Q And where did you go to college?

12 A I have a Bachelor of Science Degree in Chemistry from
13 Kentucky Wesleyan College; I also have a Certificate of
14 Medical Technology from the University of Louisville; and
15 then I have a Master's of Science Degree in Forensic
16 Science from Marshall University.

17 Q And did you go to work for SLED right out of college
18 or you worked somewhere else before?

19 A No, I did not work for SLED right out of there. I
20 actually had a different career for a while. I was a
21 medical technologist in hospitals up in Louisville,
22 Kentucky area for about ten years and then I went back to
23 school to get my Master's Degree. Once I got my Master's
24 Degree in 1998 I went to work for the Georgia Bureau of
25 Investigation in their forensic services laboratory in

1 Atlanta, Georgia. I worked there for about eight years
2 and then I came over to SLED after that work to work as a
3 drug chemist in Columbia.

4 Q And so in total how much time have you spent running
5 chemical analysis for law enforcement purposes?

6 A Almost 23 years now.

7 Q And when you are looking at a case, when you are
8 running tests, do you rely on normal standards and
9 practices that are widely accepted in your field?

10 A Yes, I do.

11 Q And when you make a determination, is based on
12 sufficient facts and data?

13 A Yes, it is.

14 Q And did you apply those same principles and methods
15 and rely on facts and data for your determination in this
16 case?

17 A I do.

18 MR. LAMPKE: Your Honor, at this point the State
19 tenders Ms. Black as an expert in chemical analysis in
20 drugs.

21 THE COURT: Alright. Any examination of Agent Black
22 concerning qualifications?

23 MS. WEST: No, Your Honor.

24 THE COURT: I find that Agent Black, are you referred
25 to as Agent Black still?

1 MS. BLACK: No sir, just Ms. Black is fine.

2 THE COURT: Okay. I find Ms. Black is an expert in
3 the area of drug analysis and forensic chemistry. Ladies
4 and gentlemen, when the Court finds a witness to be an
5 expert in a particular area by virtue of education and
6 experience and the like, the expert will be allowed to
7 offer opinions and the basis for those opinions; typically
8 witnesses are not allowed to offer opinions, some
9 exception to that. But when a witness is declared an
10 expert they are permitted to do that. Of course, you
11 consider this testimony and give it whatever weight you
12 feel like it deserves. Solicitor.

13 MR. LAMPKE: Thank you, Judge.

14 Q Ms. Black, we will get into particulars here in just
15 a moment. But can you tell the jury just generally how
16 you are involved in this case?

17 A I received evidence that was assigned to me, in this
18 case, do you want me to go how it comes into the lab. Is
19 that what you are referring to?

20 Q Yes.

21 A Typically drug evidence comes into the lab in what is
22 called a Best Kit. And Best is an acronym for Best
23 Evidence Sample Testing. It is just a way that SLED came
24 up with years ago to kind of streamline how drug evidence
25 is submitted. It consists of a manila envelope that

1 contains, on the inside it has a tampered evidence plastic
2 bag that is the evidence bag where the officer or agent,
3 law enforcement personnel will place the evidence into and
4 they can seal that up. It also has paperwork that they
5 are to fill out with the information about the case,
6 suspect name, incident date and the like. And then they
7 usually bring that bag or actually the whole manila
8 envelope, I should say, with a bag in it to SLED. And
9 typically, they, these days they drop it in a lock box
10 where they just have to come in the door room and just
11 drop it in there. And then at some point the, one of the
12 forensic technicians in the evidence control department
13 there at SLED will take that evidence out, take it into
14 their custody and to their desk. And they will enter all
15 of the information that the agent, or excuse me, law
16 enforcement personnel wrote on all the submission
17 documents and they will enter that into the computer
18 system there at SLED where it gets a unique crime lab case
19 number. And they will generate a bar code that has that
20 number on it and then they will scan that bar code to
21 themselves. So that is what starts the chain of custody
22 at SLED. It will show that it is in the custody of that
23 evidence technician and then they will place that piece of
24 evidence in their vault and they will scan it to the
25 vault. So then the evidence is in the custody of the

1 vault. And at some point I come down to get the evidence
2 and whoever gets it out of the vault will scan it to
3 themselves and then they will scan it to me. So then that
4 evidence is in my custody. And generally when I would
5 pick up evidence it usually is not just one case, it is
6 usually a bunch and take it upstairs to, at that time my
7 department, the chemistry department and place it in the
8 vault in the chemistry department until I am ready to test
9 it. So that is what happened in this case. From what I
10 understand, it was placed in the lock box and then the
11 evidence technician took it out and gave it to me or did
12 their work and eventually I got it to take it upstairs to
13 work on it.

14 Q And would you recognize that evidence that you just
15 mentioned if I showed it to you today.

16 MR. LAMPKE: Your Honor, may I approach the witness?

17 THE COURT: You sure can.

18 Q I will show you State's 10. Now, Ms. Black, what is
19 it that I just handed you?

20 A This is a, the evidence in this particular case.

21 This is, this outer bag is actually called a case pack, it
22 is just the name of the manufacturer calls it. And on the
23 inside, this is what the Best bag is, this one with the
24 blue on the top of it. It is a folded up Best bag. And I
25 recognize it because the came number is written here and

1 my initials and the date are on that. And also the case
2 number is on the bag inside and mine is also on that.

3 Q And you mentioned, that lab number. Does the lab
4 number on that package line up with the results that you
5 initially got in this case?

6 A Yes, it does.

7 MR. LAMPKE: Your Honor, at this point the State
8 moves State's 10 into evidence.

9 THE COURT: Subject to any matters already on the
10 record. Any further objection?

11 MS. WEST: No, Your Honor.

12 THE COURT: Into evidence as 10.

13 (Whereupon, State's Exhibit 10 was admitted into
14 evidence.)

15 Q Ms. Black, can you open this so the jury can look at
16 it. And can you tell me, what is all contained in that
17 bag?

18 A There is a plastic container, I believe, I can't see
19 the markings on it because it is turned around. If I may
20 refer to my notes.

21 Q Absolutely.

22 A It was a Centrum Multi Gummies bottle and it didn't
23 have a cap on it. But inside of that was some, along with
24 it was some crystal substance. There was also an evidence
25 bag inside here, that is what the red seal is. This was

1 inside and that is what was inside the Best Kit.

2 Q And is that a crystal substance?

3 A Yes, it is.

4 Q So tell me, once you got that what chemical test did
5 you perform on that to establish what it is?

6 A I performed two tests on this substance. One of them
7 is a chemical test. And that is just a preliminary test
8 which is kind of gives you an indication of what the
9 substance can be. That doesn't confirm what it is, it
10 just gives me an idea of what it could be because color
11 test are just chemicals that we make up at the lab to, and
12 we know that when certain compounds or drugs are exposed
13 to it will give us a certain color. And it is usually a
14 whole class of compounds that can react to these
15 chemicals. That is why I say it is an indication, it is
16 not going to tell me for sure what it is but at least let
17 me know what it could be. So in that case I did one of
18 those chemical test and then I took it to an
19 instrumentation type of test. And we have a couple of
20 different ones that we can use in the lab and I just
21 happened to choose the one, it is a mouth full, it is
22 shortened to FTIR but the real name of it is
23 Fourier-transform infrared spectroscopy. And it is a big
24 long bunch of words but it is basically sending infrared
25 red light through the actual substance, the crystal, under

1 molecular level compound to molecules are vibrating at a
2 very low rate. You can't see it with the naked eye but
3 this instrument can see that. And when you expose
4 infrared light to that substance you can make some of the
5 parts of the molecule vibrate at a higher intensity. The
6 instrument will see that difference and then it will plot
7 it out as a graph. And every compound has a varying
8 graph. And so you compare that graph to those of known
9 drug standards that have also been run through the
10 instrument and you can determine what that compound is.
11 So I did that in this case and I was able to make a
12 positive identification of the substance.

13 Q And would you recognize the results of that test,
14 those tests if I showed them to you today?

15 A Yes.

16 MR. LAMPKE: Your Honor, I am showing opposing
17 Counsel what has been marked as State's 11 for ID
18 purposes. May I approach?

19 THE COURT: Sure.

20 MR. LAMPKE: Thank you, Judge.

21 Q Ms. Black, without telling me specifically what the
22 results were, can you tell me generally what that document
23 is?

24 A This is the copy of the report that I generated in
25 this particular case that has all the pertinent

1 information, the lab number, the Best Kit number and the
2 description of the item, items and also my results.

3 Q And the, the lab numbers and the other identifying
4 markings you were speaking of that are on that result
5 page, do they line up with that pack that is there in
6 front of you?

7 A Yes, they do.

8 Q And those results, have they been changed or altered
9 in any way since you last saw them?

10 A No, they have not.

11 Q So it is a fair and accurate depiction of the
12 results, the analysis you conducted?

13 A Yes, it is.

14 MR. LAMPKE: Your Honor, the State moves State's
15 exhibit 11 into evidence.

16 THE COURT: Subject to previous matters on the
17 record. Any further objection?

18 MS. WEST: No objection, Your Honor.

19 THE COURT: Number 11 into evidence for the State.

20 (Whereupon, State's Exhibit 11 was admitted into
21 evidence.)

22 Q Ms. Black, can you please tell the jury what the
23 results of your examination was?

24 A The results was that methamphetamine was found in the
25 sample tested. The net weight was 0.55 grams.

1 Q And tell me a little bit about what happens after you
2 conduct your test and how this, this essentially comes
3 back into court today?

4 A I would like to back up. I did not say that I
5 weighed the sample, I went right into my testing but I did
6 weigh it before I did the testing. And so I can describe
7 that a little bit.

8 Q Yes, absolutely.

9 A So when I get the evidence, as I said, this top here,
10 the Best Kit bag; I cut the evidence open away from that
11 substance, like I say, this is folded up. So the part I
12 cut is actually right next to this top part. But I cut
13 away from that seal just so that seal will be intact and
14 people can see that is how it came. And then I would take
15 the evidence out and I will, first of all, make sure the
16 Best Kit is sealed. And in this particular case there was
17 no tampering with it. And also on the bag I write the
18 case number and the date and my initials and I wrote seal
19 intact. And that means that I looked at this bag and made
20 sure it, there were no tears, no cuts, anything. And then
21 when I take out the evidence I am going to get inventory
22 of it on my worksheet. And then I take the weight of the
23 substance and I take a net weight which means it is
24 substance only. In this particular case this was in
25 another evidence bag. And I as said, this plastic

1 container was there too. I don't believe the actual
2 substance was in it because my report or my worksheet says
3 it is a plastic container and crystal substance, not a
4 plastic container containing crystal substance. So I
5 probably just took that crystal substance and I
6 previously, probably, I won't say probably, I know I put a
7 piece of tear paper or weigh paper, I should say, on the
8 balance and then you clear the balance which means you
9 zero out the weigh paper so that it is not part of the
10 weight. And then I place the substance, the crystal
11 substance on that paper so I get a net weight. So it is
12 just that substance. So I do have, before I take the
13 sample for the color test and also for the FTIR.

14 Q So what was the, just to summarize, what was the
15 weight of the substance before you performed any testing
16 on it?

17 A It was 0.55 grams.

18 Q Now, can you tell me a little bit about what you do
19 after you finish your analysis, what do you do to get the
20 substance back to the law enforcement agency that sent it
21 to you?

22 A So once I finish my examination of my testing I place
23 the substance in a little ziplock bag. And I look at it
24 and I see that it has got a little red top on it. So that
25 is a bag that I added to this that was not in the case

1 beforehand. And I put the case number and my initials and
2 also wrote on there that it was a lab bag, meaning that it
3 came from the laboratory. So I placed that and then I,
4 plus the Best Kit bag and the evidence bag and the
5 container all in this outer K-Pack as they call it. And I
6 seal it up, my initials and the date are on this seal.
7 And I also generate this bar code, this is the bar code
8 that I told you that, that the evidence technician down in
9 evidence control generates one, it was on the actual
10 manila envelope. But now I generated one to put on this
11 so we can continue tracking this evidence. So once I do
12 that, like I said, I ran my test, I write up the report,
13 the report gets peer reviewed by another colleague of mine
14 to make sure that they make sure that they agree with my
15 results and my conclusions. And once the report has been
16 reviewed this evidence will go back downstairs to evidence
17 control and then they place it in the vault and the next
18 time that someone from Laurens County Sheriffs Office
19 comes up they will get that evidence back.

20 Q Thank you, Ms. Black. I think that is all I have for
21 you. Just answer any questions that the Defense Attorney
22 has for you.

23 THE COURT: Any cross-examination.

24 MS. WEST: Briefly, Your Honor.

25 CROSS-EXAMINATION

1 By Ms. West:

2 Q Ms. Black, the lab you work in, that is in Columbia,
3 correct?

4 A The lab I work in now is not, no.

5 Q The lab you worked in when you tested the substance
6 in 2021?

7 A Correct. At SLED in Columbia, South Carolina. Yes.

8 Q You do not work with the Laurens County Sheriffs
9 Office?

10 A I do not.

11 Q You had nothing to do with the investigation in this
12 case?

13 A That is correct.

14 Q You had nothing to do with the stop of Mr. Cooper's
15 vehicle?

16 A I did not.

17 Q You testified you ran two tests, correct?

18 A Correct.

19 Q And that test does not tell you where the
20 methamphetamine came from?

21 A It does not.

22 Q And it does not tell you who that methamphetamine
23 belonged to?

24 A No, it does not.

25 Q No further questions.

1 THE COURT: You can step down, ma'am. Thank you very
2 much. I know you have been here a long time today so you
3 are free to leave the Court House.

4 MS. BLACK: Thank you, Your Honor.

5 THE COURT: Any further witnesses for the State?

6 MR. LAMPKE: No, Your Honor. At this point the State
7 rest its case.

8 THE COURT: Okay. Ladies and gentlemen, this is a
9 point in time that I will have some issues to discuss with
10 the attorneys. So we will send you out and will figure
11 out how we are going to proceed and we will get you back
12 in. Okay.

13 (Whereupon, the jury was excused from open court at
14 approximately 3:00 p.m.)

15 THE COURT: Okay. Does the Defense have any motions
16 it wants to make at this time?

17 MS. WEST: Your Honor, at this time we move for a
18 directed verdict.

19 THE COURT: Okay.

20 MS. WEST: Judge, we would move for a directed
21 verdict based on the State's lack of evidence, putting the
22 drugs in Mr. Cooper's actual possession. There was no
23 testimony regarding him putting these drugs or him being
24 seen with these drugs or his knowledge of the drugs. So I
25 think under possession you have to prove knowledge and

1 control in which I don't think the State has met their
2 burden.

3 THE COURT: Okay.

4 MS. WEST: And for the record, Your Honor, if
5 required that there be substantial circumstantial
6 evidence, the Defense would suggest that the
7 circumstantial evidence is much less than substantial and
8 therefore fails to meet the burden for a directed verdict.

9 THE COURT: Okay. Viewing the evidence in light most
10 favorable to the State the Court will deny your motion.
11 Let me, we will take a little break in just a minute. But
12 let me go ahead and pull up the script to advise your
13 client concerning him testifying. You may want to.

14 MR. BROOME: Your Honor, while you are pulling that
15 up can we talk to our client?

16 THE COURT: Yes. If you anticipate needing a while
17 we can go ahead and take our break now. Or if you just
18 need a few minutes with him then --

19 MR. BROOME: We may want to take a longer break,
20 especially on such an important topic of whether or not he
21 testifies.

22 THE COURT: Sure. Yes. Let's go ahead and we will
23 take a break now.

24 MR. BROOME: Thank you.

25 (Whereupon, a short break was taken.)

1 THE COURT: We are back on the record and Mr. Cooper,
2 if you would please stand. I need to have you sworn in.
3 I am going to just advise you of your rights concerning
4 testifying or not.

5 Bryan Cooper, being
6 first duly sworn, testified as follows:

7 THE COURT: Mr. Cooper, at this time I am going to
8 explain to you certain of your rights. If you do not
9 understand anything I say please let me know. If you want
10 me to explain anything in more detail please let me know
11 that as well. Do you understand, sir?

12 MR. COOPER: Yes, sir.

13 THE COURT: We have now reached the stage of the
14 trial where you may present your defense. You have the
15 right to claim the protections given to you by the Fifth
16 Amendment to the Constitution of the United States. This
17 amendment states in part, no person shall be compelled in
18 any criminal case to be a witness against himself. This
19 means that you cannot be required to testify in this case.
20 You have the right to testify on your own behalf, however
21 no one can make you testify. This is a personal right, no
22 one can waive this right except you, sir. If you decide
23 to testify you will be subject to the same rules that
24 govern other witnesses. And you may be examined and
25 cross-examined on any relevant issue in this case. In

1 addition, if you have any convictions involving dishonesty
2 or false statement or for crimes punishable by
3 imprisonment for more than a year and this Court
4 determines that the probative value of admitting this
5 evidence outweighs its prejudicial effect to you, the
6 Solicitor would be able to introduce your record to attack
7 your credibility. If you decide to testify, this decision
8 on your part must be freely, voluntarily and intelligently
9 made by you with knowledge of the protections given to you
10 by the Fifth Amendment and the consequences of your
11 decision to testify. If you decide not to testify I will
12 instruct the jurors that they cannot give the fact that
13 you did not testify any consideration whatsoever and that
14 there should be absolutely no prejudice to you because you
15 did not testify. Once again, it is left entirely up to
16 you whether or not you will testify. And I know you have
17 already consulted with our attorneys on this issue. Have
18 you understood what I have explained to you, sir?

19 MR. COOPER: Yes, sir.

20 THE COURT: And do you have any questions about what
21 I have explained to you?

22 MR. COOPER: No, sir.

23 THE COURT: And have you made a decision whether or
24 not you will testify?

25 MR. COOPER: I have decided not to.

1 THE COURT: You will not testify?

2 MR. COOPER: No, sir.

3 THE COURT: Okay. Alright. And is that decision not
4 to testify, has that been freely, voluntarily and
5 intelligently made by you?

6 MR. COOPER: Yes, sir.

7 THE COURT: Okay. Thank you very much. Okay. Its
8 3:30. What would be your pleasure in so far as arguing
9 and charging. I am flexible either way. Anybody have a
10 strong preference either way?

11 MR. LAMPKE: Judge, my thought, would have just a few
12 minutes to look over Your Honor's proposed jury charge and
13 just a little bit of time to, you know, get the courtroom
14 set up and so forth. I think around 3:50 would be good if
15 not maybe 3:45.

16 THE COURT: Does the Defense have a preference to
17 argue and charge this afternoon or in the morning?

18 MR. BROOME: Have you emailed the proposed?

19 THE COURT: No, we are going to have to change it
20 because we did not have the provision in there about
21 electing not to testify. No, we have not. We had hard
22 copies ready to hand you but we need to change it one more
23 time to add in that provision. The only thing that
24 concerns me, even though I don't anticipate a lot of
25 discussion about the charge, pretty straightforward.

1 Keeping the jury back there. They have already been back
2 there a half hour. That is my only concern.

3 MS. WEST: Judge, we are really fine either way. We
4 are fine to do it today. I find waiting until the
5 morning, that would give us, obviously, more time to have
6 thoughts and consideration of the charges.

7 THE COURT: Alright. My preference would be to argue
8 and charge in the morning.

9 MR. LAMPKE: I have no particular objection to that,
10 Your Honor.

11 THE COURT: Let's do this then. Let's bring the jury
12 out, the Defense can rest on the record. And then I can
13 explain to them that, what we have left to do, that we are
14 going to do it in the morning. And then we will make that
15 change in the charge, give it to you and we can have, we
16 can have a discussion about the charge so we can be ready
17 to go in the morning. Okay. Does anybody have a time
18 preference to start back in the morning.

19 MS. WEST: We will need to address, I mean --

20 THE COURT: Can you do both at the same time.

21 MS. WEST: I have been trying to clone myself all
22 week so I can be in two places at once. I guess the
23 downside going tomorrow, I would need to speak with
24 Solicitor Thomas to discuss whether we can reschedule my
25 other hearing tomorrow because I think it might be a

1 little much on my plate.

2 THE COURT: So are you wanting to reconsider what we
3 are going to do?

4 MS. WEST: There is no rush, I don't think, to have
5 our suppression hearing tomorrow. I think Mr. Thomas will
6 be amenable. I am fine on my end.

7 THE COURT: We want to start a little bit later on
8 this and maybe do your probation, like starting at 9:00.
9 Would that help you?

10 MR. BROOME: I think at this point in the stage, I
11 can do that, y'all can start. Considering we get the
12 charges tonight.

13 THE COURT: We are going to give you the charges in
14 just a little bit and have whatever discussion before we
15 leave today.

16 MR. BROOME: That will give us time to do that, give
17 her my input and then I may just hand over the reign to
18 this point. And that way, gives me time. If y'all want
19 to start at 9:00 or 9:30.

20 THE COURT: Okay. I need to get the jury on out.
21 Let's get the jury out.

22 MS. WEST: We are on the record. Well, I haven't
23 rested yet and I need to renew previous.

24 THE COURT: Let's go on the record and even though
25 you have not officially rested the Defense renews all

1 three of its motions and objections made.

2 MS. WEST: And renew my direct verdict.

3 THE COURT: Exactly, so noted.

4 (Whereupon, the jury came into open court at
5 approximately 3:30 p.m.)

6 THE COURT: We are on the record. The Defense?

7 MS. WEST: Your Honor, at this time the Defense rest.

8 THE COURT: Okay and the evidentiary record in this
9 case is now closed. Ladies and gentlemen, what we have
10 left to do is the lawyers will make their closing
11 arguments to you and then I will charge you the law that
12 you are to apply to the facts in this case in order to
13 reach a verdict. Since we are already at the 3:30 hour we
14 have decided that we are going to go ahead and adjourn for
15 today, have you come back in the morning at 9:30.
16 Hopefully we can hit the ground running and do the closing
17 arguments and the charge on the law. So I am going to go
18 ahead and cut you lose for today and be back here no later
19 than 9:30 in the morning. Allow yourself enough time and
20 we will get this concluded. Again, I don't need to repeat
21 all of my instructions. You know what those are and be
22 sure to follow them. Have a good evening and we will see
23 you in the morning.

24 (Whereupon, the jury was excused for the day at
25 approximately 3:34 p.m.)

1 THE COURT: Here is the verdict form if y'all want to
2 see it. Take a copy.

3 MR. SIMMONS: Judge, for the record, I wanted to put
4 this disc as Court's exhibit 1, that is the disc that you
5 reviewed earlier.

6 THE COURT: Alright, Court's 1.

7 (Whereupon, Court's Exhibit 1 was marked for
8 identification only.)

9 THE COURT: Manning will get you the charge, y'all
10 look at it and then just whenever y'all finish looking at
11 it come on back and we can sit down and informally discuss
12 and then whatever we need to put on the record we can do
13 that.

14 MR. SIMMONS: What time did you want us to come back
15 there.

16 THE COURT: Just whenever y'all are finished looking
17 at the charge. I will be around for a while.

18 MS. WEST: Mr. Cooper is free to go?

19 THE COURT: You are free to go and just be sure to be
20 back here at, well whatever the time the lawyers tell you.
21 We will start back at 9:30, if they want you back before
22 then just come back whenever the lawyers tell you. Okay.

23 MR. COOPER: Thank you.

24 THE COURT: Let me know, just come on back.

25 MS. WEST: Thank you, Judge.

1 February 10, 2023.

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

3 (Whereupon, the jury came into open court at
4 approximately 10:05 a.m.)

5 THE COURT: Good morning, ladies and gentlemen. Hope
6 you are doing well this morning. As I indicated
7 yesterday, what we have left to do, the lawyers will make
8 their closing arguments to you and then I will charge you
9 the law that you are to apply to this case and then I will
10 instruct you to begin your deliberations. This is the
11 last opportunity that these fine lawyers have to advocate
12 for their respective sides so please give them your
13 undivided attention. Solicitor, are you ready, sir.

14 MR. LAMPKE: Yes, Your Honor. May it please the
15 Court.

16 THE COURT: Certainly.

17 MR. LAMPKE: It was his car, those were his pipes,
18 that was his drugs. Members of the jury, I want to thank
19 you for the time that you have spent with us, both in this
20 trial and being here all week. I know it is an imposition
21 on y'all to leave your lives, your work, your family, all
22 of that to come here and be a part of this judicial
23 process. And you are the most important part of this
24 process. Y'all are the ones that are at the end of the
25 day, the deciders of fact. You are the ones that make the

1 ultimate decision. And as Ms. West said, in her opening
2 statement, the Defendant is entitled to a fair trial. And
3 so y'all are part of that. I really appreciate y'all
4 being here today. Now, I am not going to spend a lot of
5 time talking about all the facts going from the start to
6 finish because, you know, I did that in the opening and
7 y'all saw that as we presented our evidence in this case.
8 But what I am going to do is I am going to talk about the
9 law that the Judge will eventually instruct you on and how
10 the facts are applied to the law and how they showed that
11 we met our burden to prove our case beyond a reasonable
12 doubt. Now, the first thing that I want to start with is
13 the fact that the policing is dangerous and essentially
14 how Deputy Parham was acting when he conducted that
15 traffic stop. Now, as you can see on the power point
16 slide I planned last night on going through and talk about
17 what was going through Deputy Parham's head, the fact, you
18 know, the Defendant was speeding so much that he was
19 making those movements in the car, that he was concerned
20 there was a weapon in there, that he refused to get out.
21 And ultimately when he did get out of the car, Deputy
22 Parham did discover that he was, in fact, hiding a
23 concealed weapon under his leg. He was hiding that knife
24 down there. Now, as we go into it in way more detail but
25 I was looking at it this morning and I realized that, that

1 none of that really matters because the verdict form that
2 Judge Hocker will give you to go back and consider in that
3 deliberation room, it doesn't say whether you determine
4 that Deputy Parham did everything absolutely perfectly.
5 And it doesn't have a question on there as to whether you
6 think that Deputy Parham was a little bit rude, that he
7 should have had a little bit of a lie, (phonetic), to
8 touch. The only question for you to determine is whether
9 the Defendant committed the crime of possession of
10 methamphetamine. And he did and we know that he did, he
11 said it was his car, they were his pipes and those were
12 his drugs. So let me talk to you for a second about those
13 drugs. That is the first thing we have to prove, that
14 that substance that Deputy Parham found was, in fact,
15 methamphetamine. And so you will have all the things we
16 put into evidence back there in the deliberation room with
17 you. And you will have this, the bottle as well as the
18 methamphetamine that was tested in this case. You will
19 have the SLED results from Agent Black; you will have that
20 back there with you and you will see that the substance
21 tested positive for methamphetamine. And, again, you will
22 see that picture that Deputy Parham took of that
23 methamphetamine and you can take a look at it for yourself
24 and see that the substance that is in that bag, those two
25 little charts, are the same little charts that are there

1 in that picture. So we know that that substance that was
2 discovered in his car was, in fact, methamphetamine. So
3 that is the first thing that we have to prove, that it
4 was, in fact, an illegal drug that he had on his person.
5 Now, the next thing that we have to prove, obviously, is
6 that he possessed the methamphetamine. And in order to do
7 that we have to show two things. That he, the Defendant
8 had the right or power to exercise control over the drugs
9 and the Defendant had the knowledge and the, of the
10 presence of the drugs and the intent to control them. And
11 the first way, the way to prove that first question,
12 whether he had the right or power to exercise the control
13 of the drugs is where they were found. Did he own the
14 property where it was found. And that is why, the fact
15 that it was his car is important because the drugs were
16 found in his car in that cup holder. And so that is why
17 we talked about that certified registration, the VIN
18 number that I asked Deputy Parham about, the Defendant's
19 identification that was found in that wallet that was
20 found inside that center console, the part that flips up.
21 That is why we put that into evidence so that we could
22 prove that he, in fact, owned that car. So as you can
23 see, I asked Deputy Parham about the VIN number that was
24 on that vehicle and you can see the VIN number on that
25 certified registration which, again, you will have in

1 evidence, that is marked as exhibit 9. You can see that
2 the VIN number that was on the car, taken at the scene,
3 the picture that Parham took is the same VIN number that
4 is on that certified registration. And when you go and
5 look at his ID that is in evidence you can see the same
6 name, same address; same name, same address on that
7 registration. So with the Department of Motor Vehicles,
8 he is the registered owner of that car. And when you go
9 back there I want you to take a particular look at those
10 other things that are on that certified registration. As
11 you can see, it was issued on 9/21/2020. And remember,
12 this incident occurred on 10/18/2020. You can even see
13 that the transaction date was 9/19/2020. So this wasn't a
14 situation, this was an old car; this was a new car, at
15 least for Mr. Cooper. So when we are talking about that
16 first question of whether the Defendant had the right or
17 the power to exercise control over the drugs. He did.
18 Because they were in his car. And more importantly, he
19 didn't have that car for very long which leaves us to that
20 next question. The Defendant had the knowledge of the
21 presence of the drugs and the intent to control them.
22 Now, in a moment Judge Hocker will instruct you on the
23 law. And, first of all, if what I say differs from what
24 Judge Hocker says, go with what Judge Hocker says. As I
25 said before, he is the Judge of the law, he is the one

1 that will instruct you on the law. But I will presume he
2 will tell you something basically that says this. That
3 there is no medical science, there is no way medical
4 science can dissect a person's brain and determine what
5 the person had in mind. The law says that criminal intent
6 may be inferred from the circumstance that shown to have
7 existed and it is not necessary to establish intent by
8 direct and positive evidence. So when Ms. West was
9 talking to Deputy Parham and she asked him, well hold on,
10 those drugs weren't found in his hand, were they. We
11 don't have to prove that at the moment the officer saw
12 them that he had those drugs in his hand. All that we
13 have to prove is that he knew that they were there and he
14 had the intent to control them. So let's talk about how
15 we have proven that today. First of all, you saw the body
16 camera video. And with the body camera video, first you
17 saw Mr. Cooper's unwillingness to get out of the car and
18 he was unwilling to get out of the car, he was hiding
19 something. You saw those two meth pipes, they were hiding
20 as well as that knife. And after a few minutes of back
21 and forth, Deputy Parham trying to get him out of the
22 vehicle, he refused to get out of the vehicle. Will you
23 please get out. No. But I will tase you, you will get
24 out eventually. He says something along the lines of, let
25 me be straight up with you. And that is this exchange

1 right here.

2 (Whereupon, a video was played.)

3 MR. LAMPKE: Notice the wording there. I have got a
4 pipe on me. It is not just saying, oh, there is a pipe in
5 the car. I have a pipe on me. Those are his pipes. That
6 is his own admission. So we know that the pipes are his,
7 and also you can go back and watch this video yourself, we
8 put the whole thing in evidence. You will see also, there
9 is a good bit of the video playing, I didn't want to take
10 a whole lot of time yesterday. But you can see in his car
11 that, you will see all the things relating to his window
12 tinting business. So that is his car, he uses it every
13 day. But what I want you to take note of, in that part of
14 the video specifically, again, 17:29:03, right before
15 that. That Deputy Parham says, well, I am going to search
16 your vehicle. And that is when he says, okay, I have a
17 couple of pipes on me. Because he doesn't want Parham to
18 find the meth but, hey, if I can say at least, well, it is
19 just the pipes, it is just the pipes, Deputy. So take
20 particular note, when you are looking at that part of the
21 video. Now, the next thing, also again, there are the
22 meth pipes. And Deputy Parham told you on the stand, what
23 are those pipes used for. Those that have the long
24 cylindrical tube as well as that kind of circular
25 spherical bulb at the end. Said that those are commonly

1 used to smoke illegal narcotics like the ones that we have
2 in this case. Now, another part of the video I want to
3 point out is what was in the center console. These again,
4 you will see that he pulled his wallet out of there, he
5 found his ID in there. And you will also see, and I asked
6 Deputy Parham about this. I had to refresh his
7 recollection, he said it didn't seem important to him at
8 the time. But you will in this video, that he pulls out
9 another bottle.

10 (Whereupon, a video was played for the jury.)

11 MR. LAMPKE: You hear that shake right there, there
12 are still pills in that bottle. And members of the jury,
13 that makes sense because this bottle and you can slow down
14 the video and look for yourself, that is another vitamin
15 bottle. This is, this Centrum is also another vitamin
16 bottle. You can turn it around, but you can see it is a
17 Centrum bottle, another vitamin bottle. And it makes
18 sense that the vitamin bottle is in the center console.
19 If you are taking vitamins you are not popping them
20 constantly. Most of these you are taking once a day. So
21 there is no reason to have a vitamin bottle sitting out
22 there where you have easy, immediate access to it. That
23 is why the actual vitamin bottle is in the center console.
24 But what if that bottle is containing something else.
25 What if it is containing methamphetamine, you got your

1 pipes right out there too. Makes a lot more sense that
2 you want to have easy access to that methamphetamine.
3 Now, the next part is where that bottle was in the car,
4 that front center console, that cup holder right there.
5 Ms. West was asking, again, whether he had it physically
6 in his hand. And what I asked Deputy Parham on redirect
7 was, look, hold on, it wasn't in his hand. But how close
8 was it to his hand. It was just a couple of inches away
9 from his leg, right next to where his arm would be in that
10 car. And you can see that it is on the other side of this
11 cup which goes again, to which Ms. West's point she was
12 getting out on cross-examination, well then why didn't he
13 hide the methamphetamine. Well, first of all, Deputy
14 Parham was saying, hey, you know, stop moving your hand,
15 stop touching things. And secondly, he is asking him to
16 see the bottle, it had that label on it so you can't see
17 through it. And also, it is being protected by that cup
18 that Deputy Parham, when he is first looking through the
19 car, even when he is searching it, you will see he lifts
20 up the cup first and then sees the pill bottle behind it.

21 (Whereupon, a video was played for the jury.)

22 MR. LAMPKE: And that is when he finds the meth. So,
23 again, members of the jury, this isn't a case where, you
24 know, the meth was found in some old gym bag that is way
25 in the back of the trunk. It is not like it is hidden

1 away somewhere where it was dropped, something of that
2 sort. It is right there in the cup holder right next to
3 where the Defendant was. And see, again, there is that
4 meth, I will put this picture up again to prove again, you
5 see those two, that is the same meth that Agent Black
6 tested. So again, going back to the second question you
7 have to answer. The Defendant had knowledge of the
8 presence of the drugs and his intent to control them. And
9 again, that jury instruction that Judge Hocker will give
10 you, we don't have to give you primary evidence for it.
11 We don't have to say that, hey, this person saw him with
12 those drugs in his hand. What we can do, so that we can
13 prove intent through all of the surrounding circumstances.
14 And there are a few different ways we have done that
15 today. So circumstances showing his intent. The first
16 one being, leaning down into the passenger floorboard. So
17 this is an interesting point, i think, is that Ms. West
18 spent a lot of time asking Deputy Parham questions about,
19 you know, did you have your radar gun, how long did he
20 chase him, all of these sort of things. Talking about
21 whether the Defendant was actually speeding or not and
22 that is interesting because the two different ways that
23 works out really need to work out for her client.
24 Because, one, if he, either if he was speeding and he was
25 going double the speed limit or two, if he wasn't speeding

1 then what is it that could have rolled down into that
2 floorboard. Because I think we all know cats, they are
3 known as being very spry little creatures. So if he
4 wasn't going that fast and he slows down wouldn't it be a
5 lot easier to roll down their into the bottom floorboard.
6 The pipes, those could be what he was reaching for down in
7 that passenger floorboard and that would like a lot more
8 sense because Ms. West was asking about, you know, whether
9 the Defendant said that he was reaching his arm out to
10 stop the cat from going down. There is no reason for him
11 to be reaching down into that bottom floorboard unless he
12 was reaching to pick up these pipes. And, again, as
13 Deputy Parham is walking up, there is only a few seconds
14 where he was walking up where he has the ability to reach
15 for things. It makes sense for him to go for that
16 paraphenelia, the stuff that the officer will immediately
17 recognize and become suspicious about. And it makes sense
18 for him to grab that and hide it under his leg rather than
19 concerning himself with this pill bottle that you can
20 easily see inside. Now, the next thing is where the drugs
21 were found. And, again, the difference in the pill
22 bottle, it was right there ready for him to get. And the
23 other thing that I want to mention about that is just the
24 proximity of him to that bottle, that this thing didn't
25 have a top. Do you remember Deputy Parham testifying

1 about that, you see that in the video. That it doesn't
2 have a top to that bottle and the drugs were found inside
3 of it. So if he is sitting there in the driver's seat, he
4 has got his drink right next to it. You are telling me
5 that, isn't that from a cup holder and he didn't know what
6 was inside of there. From that angle, him sitting in the
7 seat looking down at a cup holder, he could have seen them
8 there and known what was in there. As my grandma often
9 says, and this is one of my favorite little quicks that
10 she gets, that if it was a snake it would have bit me.
11 The drugs, they were right there for easy access. This
12 isn't a case where it was in some far part of the car, it
13 was right there, right in front of him. And then next,
14 the refusal to get out of the car. That, you know, he was
15 sitting there refusing to get out of the car, you saw the
16 exchange back and forth, back and forth. And that is
17 because he wasn't finding just having only the cup between
18 him and the officer, or between the officer and the drugs.
19 He wanted to have himself between the officer and the
20 drugs. And, again, hiding the pipes. And that is
21 important because this isn't, you know, your grandfather's
22 pipe that he smokes tobacco. The fact that he was hiding
23 it shows that he knows that he wasn't suppose to have it.
24 It shows that he knows that he didn't want the officer to
25 see it, as you actually saw on that video again and again.

1 He didn't want to get out of the car, call a supervisor,
2 this, that and the other because he didn't want Deputy
3 Parham to go and search the rest of the vehicle and find
4 those drugs in that pill bottle. And finally, have the
5 pipes in the first place is also circumstances showing his
6 knowledge. Because having those pipes using to smoke
7 narcotics, have those meth pipes right next to the meth
8 that was found in the car, that is also a circumstance
9 showing that he knew that the drugs were there. Now, so
10 that is how we proved our case here, that he owned the car
11 and he had to have knowledge about those drugs being in
12 the car because of where they were, how he acted, what he
13 had on and all of the surrounding circumstances. Now, I
14 want to talk to you a second about proof beyond a
15 reasonable doubt. And as I said before, the key word
16 there is reasonable. We don't have to prove our case
17 beyond any and every doubt you could possibly imagine.
18 Because there is some doubt in all things. I am not
19 entirely sure that the sun will rise tomorrow, there could
20 be some kind of crazy apocalyptic event that comes out of
21 nowhere or an astroid come and hit me or, it could happen,
22 it is possible. But wouldn't it be reasonable for me to
23 go hop in a bunker and just stay down there so I could try
24 to be as safe as I possibly could. Let me put it to you
25 this way. Let's say that you wake up and I think I saw

1 something that we might be forecasted for snow over the
2 weekend. That is why I mentioned this. Let's say you
3 wake up and you look out your window and you see that
4 there is snow outside on the ground. Now, I submit to
5 you, you know beyond a reasonable doubt that it snowed
6 last night. Now, is it possible, is it possible that your
7 neighbor stayed out all night, that he rented four snow
8 blowers, that he wheeled them out in the dead of night,
9 that he turned them on and put noise concealing foam
10 around all of them so they won't wake you up. And he put
11 those in exactly the right position so that the snow would
12 fall evenly. That he got everything up, went and dragged
13 it back into his house and hid it. Is it possible that
14 your neighbor did that. I guess it is possible but would
15 it be reasonable for you to walk over to your neighbor's
16 house, pound on his door and accuse him of committing what
17 can only be described as the most expensive, lease funny
18 practical joke of all time. Would it be reasonable for
19 you to do that. We just have to prove our case beyond a
20 reasonable doubt. It was his car, those were his pipes
21 and those are his drugs. There is no one else in the car,
22 there is only him and it was inches away. During her
23 opening statement Ms. West ask for y'all to use your
24 common sense, to think critical, that is what she asked
25 you to do when you are looking at the evidence and hearing

1 the testimony today. And I share that sentiment. Please,
2 think critically about this case, review that evidence,
3 review all of this evidence, think critically and make the
4 reasonable decision. We proved our case beyond a
5 reasonable doubt that Mr. Cooper was in possession of
6 those drugs. His car, those are his pipes, that was his
7 meth. Please return a verdict that is based on the facts,
8 that upholds the law and just makes common sense. Return
9 a verdict of guilty. Thank you.

10 THE COURT: Alright. Thank you, Solicitor. Ms.
11 West, are you ready?

12 MS. WEST: Yes, sir. It was a sunny October day.
13 Mr. Cooper was driving in the country, minding his own
14 business with his cat, on his way to work when suddenly he
15 sees blue lights flashing behind his car, someone yelling,
16 roll down the windows, don't put your hands on the
17 steering wheel, roll down the windows. His door gets
18 ripped open, someone is pulling at him to get out of the
19 car. There is a taser pointed in his face. He is asking,
20 what did I do man, what did I do. What is going on. No,
21 he didn't want to get out of the car. He had a taser
22 pointed in his face. He was alone in the country by
23 himself, not knowing what this brand new cop was going to
24 do. He didn't want to get out of the car. That doesn't
25 make him a bad person, it doesn't make him guilty, that

1 makes him human. Now Mr. Lampke says that doesn't matter.
2 Why does it matter that Deputy Parham acted like that.
3 You know who it matters to. It matters to Mr. Cooper. It
4 should matter to us because officer's behavior is
5 important, police brutality is important, overreaction is
6 important, it affects people. So it may not matter to Mr.
7 Lampke and he just wants you to ignore the officer's
8 behavior, ignore all of that, just focus on the meth. I
9 think it matters. And you know what, Deputy Parham is a
10 human, he makes mistakes, he is a new cop, he was jumpy,
11 he was nervous. But doesn't that mean you should question
12 his judgment, question his credibility because he is
13 human. You just can't take what he says on the stand
14 verbatim, you could question it. And there is a lot of
15 things that I heard from Deputy Parham that I questioned.
16 Now, again, Mr. Lampke says it doesn't matter if he was
17 speeding or not. Well, it matters to me. I don't want to
18 be pulled over in a car if I am not speeding. It matters
19 to Mr. Cooper, he was just minding his own business in his
20 own vehicle. I think it matters. And I think it is
21 interesting that Deputy Parham is parked on the side of
22 the road, he says he went from zero to a hundred miles per
23 hour in less than a football field, in less than a hundred
24 yards, in less than a minute. Pretty impressive. He says
25 that during all of this, this chaotic chase that he

1 noticed one movement, one movement in the car in these
2 dark tinted windows that you see in the video, he saw this
3 movement that made him so suspicious and so frightened of
4 weapons that he felt the need to get his taser, to pull
5 him out of the car, to rip open his door. He said he was
6 so scared of weapons that he had to do all of this, that
7 he didn't terry frisk Mr. Cooper right away. Well, what
8 was the first thing he did, he took him to the patrol
9 vehicle. So, again, I understand that law enforcement is
10 a very difficult job and I understand they are human and
11 they make mistakes but these are all things that we should
12 be thinking about critically because his credibility
13 matters and his judgment matters. And it really matters
14 to Mr. Cooper. But the biggest thing that I think is
15 questionable here is the fact that, and you heard it time
16 and time and time again, the bottle with the meth is in
17 arm's reach. It was right there, he could easily get it.
18 And Deputy Parham testified that he looked like he was
19 trying to conceal something. Well, if that is true, if he
20 was reaching over into the passenger seat and that bottle
21 is right there and he did know that it had methamphetamine
22 and we are talking about .5 grams, in a little tiny rock,
23 barely more than a grain of sand. If Mr. Cooper knew that
24 that was in that bottle and he is making this movement,
25 why wouldn't that be the first thing he goes for. It just

1 doesn't make sense. He could have easily picked that up,
2 thrown it in the backseat, thrown it out the window,
3 whether or not it is in the floorboard, swallowed it. But
4 he doesn't because he didn't know. It just doesn't make
5 sense, y'all. Deputy Parham in the video, you hear him
6 tell Mr. Cooper, man, you escalated this whole thing, you
7 really escalated this whole thing. Who really escalated
8 it, who was the one who pulled the taser, who is the one
9 that was cussing, I will fucking tase you. Who did that.
10 Cops make mistakes, cops make poor judgment, cops make
11 assumptions, cops charge innocent people. It happens.
12 Those are the some of the things that you did hear that I
13 want you to call into question. But what about some of
14 the things you didn't hear. Again, it wasn't on Mr.
15 Cooper's person, it wasn't in his hand, he didn't try to
16 conceal it. There is no evidence that Mr. Cooper had
17 knowledge of that methamphetamine. And you saw it right
18 here on the screen, the word, knowledge. That is required
19 under the law is knowledge. Deputy Parham didn't ask who
20 had been in the car, he didn't ask if somebody had
21 borrowed the car, he didn't ask any of these questions.
22 He just jumped to a conclusion. He didn't do any initial
23 testing that could have been available to him to confirm
24 that the methamphetamine was his, the pipes were in his
25 hand, none of that. He could have but he didn't. Again,

1 he jumped to a conclusion. And y'all, I get it, I get it,
2 it looks suspicious. Mr. Cooper was straightforward. He
3 said, I got pipes on me, man. You didn't hear him say,
4 got meth on me, man. Didn't hear that. But just because
5 it looks suspicious does not mean that he is guilty
6 because mere suspicion does not amount to beyond a
7 reasonable doubt. It has to be more than mere suspicion.
8 And this chart behind me shows the level of just how high
9 reasonable doubt is. It is the highest burden we have in
10 the State, it is the highest burden we have in our law.
11 And it should be that way because we don't want people
12 getting convicted or going to jail for anything less than
13 that. Right. That is the way our system is designed.
14 Even if you think there is a reasonable and trustworthy
15 amount of information that a person has committed a crime,
16 even if you think it is reasonable, it is trustworthy that
17 this methamphetamine was Mr. Cooper's. That is not
18 enough. That is only probable cause. That is what is
19 required to get an arrest warrant. Jump up two more
20 steps. Even if you have a firm belief that the
21 allegations are true, even if you firmly believe that
22 methamphetamine was Mr. Cooper's and he knew it was in
23 there, it is not enough, y'all. You have to believe that
24 beyond any reasonable doubt that methamphetamine was Mr.
25 Cooper's. A reasonable doubt is something that causes you

1 hesitation to act, even if you have a little inkling. I
2 think it is his meth, I am just not sure. There is a
3 little part of me that thinks maybe he didn't know it was
4 in there, there is a little part of me, maybe it was
5 somebody's else's. That is reasonable doubt. And that
6 means you have to find Mr. Cooper not guilty. I am going
7 to end with a story about a young man and an old man, a
8 young boy and an old man who live in a village. Now, the
9 old man is known as the old wise man in the village.
10 Everybody goes to him for all the answers. This young
11 boy, a devious young boy wants to find a way to trick this
12 old man and show him he is not as wise as he thinks he is.
13 So the young boy comes up with a plan and he figures out
14 he is going to go and he is going to find a bird. And he
15 is going to put this bird in his hands and first he is
16 going to go to the old wise man and he is going to say,
17 wise man, what is in my hands. And if he guesses that it
18 is a bird then he is going to say, well, old wise man, if
19 you are so smart and you have all the answers, is that
20 bird dead or is it alive. And if the old man says the
21 bird is dead, he is going to open up his hands and set
22 that bird free, to show him no, you are wrong. You see
23 the bird is alive. If the old man says that that bird is
24 alive, he is going to crush the bird in his hand. Open up
25 his hands to reveal that the bird is, in fact, dead.

1 Again, proving the man wrong. So the young boy goes to
2 the old man, he says, old wise man, if you are so smart,
3 if you have all the answers what is in my hand. The old
4 wise man responds, well, young man, I can see from all the
5 feathers on your clothes that that is a bird you have in
6 your hand. The young boy nods and says, you are right.
7 But do you know whether this bird is dead or alive. The
8 old wise man responds to the young boy and he says, young
9 man, whether the bird is dead or alive, that is on your
10 hands. The choice is yours. Ladies and gentlemen of the
11 jury, whether Mr. Cooper is guilty or not guilty, that is
12 a choice that is in your hands. I am asking that you set
13 Mr. Cooper free. And I am asking you to find him not
14 guilty. Thank you.

15 THE COURT: Thank you, Ms. West. Ladies and
16 gentlemen, I now will charge you the law that is, applies
17 to this case. You must consider the charge as a whole and
18 not focus on some portions to the exclusion of others.

19 The indictment charges the Defendant with possession
20 of methamphetamine. I remind you the fact the Defendant
21 was arrested, charged and indicted in this case is not
22 evidence in this case and cannot be considered by you as
23 evidence of guilt in this case, nor does it create any
24 presumption or inference of guilt. This document is
25 simply the formal written instrument which contains the

1 charge made against the Defendant. It is the formal
2 document by which this case is brought into this court.

3 The Defendant has pled not guilty to this indictment.
4 And that plea puts the burden on the State to prove the
5 Defendant guilty. A person charged with committing a
6 criminal offense in South Carolina is never required to
7 prove himself innocent. I charge you that it is an
8 important rule of the law that the Defendant in a criminal
9 trial, no matter what the seriousness of the charge may
10 be, will always be presumed to be innocent of the crime
11 for which the indictment was issued unless guilt has been
12 proven by evidence satisfying you of that guilt beyond a
13 reasonable doubt. This presumption of innocence does not
14 end when you begin your deliberations but it accompanies
15 the Defendant throughout the trial unless you reach a
16 verdict of guilt based on evidence satisfying you of that
17 guilt beyond a reasonable doubt.

18 The presumption of innocence is like a robe of
19 righteousness placed about the shoulders of the Defendant
20 which remains with the Defendant unless it has been
21 stripped from the Defendant by evidence satisfying you of
22 the Defendant's guilt beyond a reasonable doubt. The
23 presumption of innocence is not just mere legal theory.
24 It is not just a legal phrase. It is a substantial right
25 to which every Defendant is entitled unless you, the jury,

1 are satisfied from the evidence of the Defendant's guilt
2 beyond a reasonable doubt.

3 Now, considering reasonable doubt. Some of you may
4 have served as jurors in civil cases where you were told
5 that it is only necessary to prove that a fact is more
6 likely true than not true such as by the greater weight or
7 preponderance of the evidence. In criminal cases, the
8 State's proof must be more powerful than that. It must be
9 beyond a reasonable doubt. Proof beyond a reasonable
10 doubt is proof that leaves you firmly convinced of the
11 Defendant's guilt. Now, there are very few things in this
12 world that we know with absolute certainty, and in
13 criminal cases the law does not require proof that
14 overcomes every possible doubt. If based on your
15 consideration of the evidence you are firmly convinced
16 that the Defendant is guilty of the crime charged then you
17 must find the Defendant guilty. If on the other hand, you
18 think there is a real possibility that the Defendant is
19 not guilty you must give the Defendant the benefit of the
20 doubt and find him not guilty.

21 Ladies and gentlemen, I remind you that during this
22 trial you and I have had certain duties to perform. As
23 the trial Judge it has been my responsibility to preside
24 over the trial of this case and I also have the duty to
25 rule on the admissibility of the evidence offered during

1 this trial. You are to consider only the competent
2 evidence before you. If there was any testimony ordered
3 stricken from the record in this case during this trial
4 you must disregard that testimony. You are to consider
5 only the testimony which has been presented from this
6 witness stand, any exhibits which have been made a part of
7 the record in this case and any stipulations of counsel.
8 I have the additional duty to charge you the law that
9 applies to this case. As the presiding Judge, I am the
10 sole Judge of the law of this case. And it is your duty
11 as jurors to accept and apply the law as I now state it to
12 you. If you already have any idea as to what the law is
13 or what the law ought to be and it does not agree with
14 what I now tell you the law is, you must abandon your idea
15 because you are sworn to accept the law and apply the law
16 exactly as I state it to you.

17 In every case tried in this court before a jury, the
18 jury becomes the sole and exclusive judge of the facts in
19 the case. A trial Judge cannot intimate, state, comment
20 on or make any statement to a trial jury about the facts
21 in the case. Since you, the jury, are the sole judge of
22 the facts in this case you are not to infer from what I
23 have said during the progress of this trial in ruling upon
24 the admissibility of evidence or otherwise, or anything
25 that I say now during the course of this instruction to

1 you, that I have any opinion about the facts in this case.
2 The law does not allow me to have an opinion about the
3 facts in this case. This is a matter solely for you, the
4 jury, to determine. As jurors it is your duty to
5 determine the effect, value and weight of the evidence
6 presented during this trial.

7 Now, ladies and gentlemen, there are two types of
8 evidence which are generally presented during a trial,
9 that being direct evidence and that being circumstantial
10 evidence. Direct evidence directly proves the existence
11 of a fact and does not require deduction. Circumstantial
12 evidence is proof of a chain of facts and circumstances
13 indicating the existence of a fact. Crimes may be proven
14 by circumstantial evidence. The law makes no distinction
15 between the weight or value to be given to either direct
16 or circumstantial evidence. However, to the extent the
17 State relies on circumstantial evidence the circumstances
18 must be consistent with each other and when taken together
19 point conclusively to the guilt of the accused beyond a
20 reasonable doubt. If these circumstances merely portray
21 the Defendant's behavior as suspicious, the proof has
22 failed. The State, once again, has the burden of proving
23 the Defendant guilty beyond a reasonable doubt. This
24 burden rests with the State regardless of whether the
25 State relies on direct evidence, circumstantial evidence

1 or some combination of the two.

2 Necessarily, ladies and gentlemen, you must determine
3 the credibility of witnesses who have testified in this
4 case and the evidence presented. Credibility simply means
5 believability. It becomes your duty as jurors to analyze
6 and to evaluate the witnesses and the evidence and
7 determine the credibility of the witnesses and the
8 evidence. In determining the credibility of witnesses who
9 have testified in this case you may believe one witness
10 over several witnesses or several witnesses over one
11 witness. You may believe a part of the testimony of a
12 witness and reject the remaining part of the testimony of
13 that same witness. You may believe the testimony of a
14 witness in its entirety or reject the testimony of a
15 witness in its entirety. You may consider whether any
16 witness has exhibited to you any interest, bias, prejudice
17 or other motive in this case. You may also consider the
18 appearance and manner of a witness while on the witness
19 stand.

20 Now, ladies and gentlemen, as I explained to you
21 yesterday, the rules of evidence ordinarily do not permit
22 witnesses to testify to opinions or conclusions. An
23 exception to this rule exists for witnesses we call expert
24 witnesses. A witness who by education and experience, has
25 become an expert in some art, science, profession or

1 calling may state an opinion as to relevant and material
2 matters in which the witness claims to be an expert and
3 may also state the reasons for the opinion. You should
4 consider any expert opinion received in evidence in this
5 case and like any other evidence give it the weight you
6 think it deserves. If you decide that the opinion of an
7 expert witness is not based on sufficient education and
8 experience or if you conclude that the reasons given in
9 support of the opinion are not sound or that the opinion
10 is outweighed by other evidence you may disregard the
11 opinion entirely. An expert witness' testimony is to be
12 given no greater weight than that of other witnesses
13 simply because the witness is an expert. Furthermore, you
14 are not required to accept an expert's opinion even though
15 it is not contradicted.

16 Now, ladies and gentlemen, I instruct you and
17 emphasize the fact that the Defendant did not testify in
18 this case is not a factor to be considered by you in any
19 way in your deliberations and in your consideration on the
20 question of the guilt or the innocence of the Defendant.
21 It must not be considered by you in any manner whatsoever.
22 A Defendant has the constitutional right to remain silent
23 and the assertion of this right must not be considered by
24 you in your deliberations. I repeat, under your oath you
25 are to draw no conclusion whatsoever from the fact that

1 the Defendant in this case did not testify. The fact that
2 this Defendant did not testify should not even be
3 discussed in the jury room. The burden of proof, as I
4 have already stated to you, is on the State. The
5 Defendant is not required to prove his innocence. The
6 burden of proof remains on the State to prove guilt beyond
7 a reasonable doubt.

8 Now, ladies and gentlemen, in order to establish
9 criminal liability, criminal intent is required. For
10 example, the mental state required to be proven by the
11 State for a particular crime might be purpose, intent,
12 knowledge, recklessness or criminal negligence. Criminal
13 intent must be proven by the State beyond a reasonable
14 doubt. Criminal intent is always a matter that must be
15 determined by the jury from the circumstances surrounding
16 the situation. Now, there is no way to prove intent to a
17 mathematical certainty. There is no way medical science
18 can dissect a person's brain and determine what the person
19 had in mind. So the law says that criminal intent may be
20 inferred from the circumstances shown to have existed.
21 This is how you make a determination of whether or not the
22 element requiring intent was present. It is not necessary
23 to establish intent by direct and positive evidence. But
24 intent may be established by inference in the same way as
25 any other fact by taking into consideration the acts of

1 the parties and all the facts and circumstances of the
2 case. Criminal intent is a mental state, a conscious
3 wrongdoing. It is up to you to determine what the
4 Defendant intended to do based on the circumstances shown
5 to have existed.

6 Now, once again, the Defendant is charged with
7 possession of methamphetamine. The State must prove
8 beyond a reasonable doubt that the Defendant knowingly or
9 intentionally possessed methamphetamine. Knowingly means
10 with knowledge, consciously, not accidentally.
11 Intentionally means willfully, intending the result which
12 actually occurs, not accidentally or involuntary. Intent
13 may be shown by acts and conduct of the Defendant and
14 other circumstances from which you may naturally and
15 reasonably infer intent. To prove possession the State
16 must prove beyond a reasonable doubt that the Defendant
17 had both the power and the intent to control the
18 disposition or use of the methamphetamine. Possession may
19 either be actual or constructive. Actual possession means
20 that the methamphetamine was in the actual physical
21 custody of the Defendant. Constructive possession means
22 that the Defendant had dominion and control or the right
23 to exercise dominion or control over either the
24 methamphetamine itself or the property on which the
25 methamphetamine was found. Mere presence at the scene

1 where the drugs were found is not enough to prove
2 possession.

3 Now, ladies and gentlemen, there are two possible
4 verdicts on this charge which you may find in this case.
5 And I am going to show you a verdict form, Mr. Foreman in
6 just a minute, guilty or not guilty. The order that those
7 two appear on the verdict form is of no significance
8 whatsoever. Ladies and gentlemen, your verdict must be
9 unanimous among the twelve of you. And when you have
10 reached a verdict please knock on the door and let the
11 Bailiff know that you have reached a verdict and we will
12 send you back in the courtroom. I ask that in just a
13 moment that you return to the jury room. And in the event
14 during your deliberations, Mr. Foreman, there is a split
15 in the vote the Court does not at any time want to be
16 informed of the actual split by number in the vote if one
17 does exist. Also, ladies and gentlemen, I know that is a
18 lot that I have just read to you. That is why I always
19 provide jury's with a copy of what I have just read for
20 your use in whatever manner you think you need to use it,
21 if at all. And, again, I am going to come down and show
22 you the verdict form. It is very simple to complete.

23 This is just the name of the case, the indictment
24 number and it says as to indictment number, worded there,
25 was charged with possession of methamphetamine. We, the

1 jury, find the Defendant and you will put your initials on
2 the line corresponding to your verdict of either guilty or
3 not guilty. And, again, the order that that appears is of
4 no significance. Sign and date it. Now, I want all
5 fourteen of you to go back to the jury room. Do not begin
6 your deliberations yet. I want to check with the
7 attorneys and make sure that there are no additions of
8 charges or any corrections to my charge that I need to
9 give to you. If not, when the Bailiff brings to you the
10 verdict form, a copy of my charge and the exhibits that
11 have been put into evidence in this case that will be your
12 cue for two things to happen. First, I need the two
13 alternates to exit the jury room and come back into the
14 courtroom for further instruction; and secondly you can
15 begin your deliberations then. Don't start yet. Go back
16 to the jury room, please.

17 (Whereupon, the jury was excused to the jury room at
18 approximately 10:37 a.m.)

19 THE COURT: Does the State have any exceptions to the
20 Court's charge?

21 MR. LAMPKE: No, Your Honor.

22 THE COURT: And from the Defense?

23 MS. WEST: No, Your Honor.

24 THE COURT: Okay. We are off the record, make sure
25 we get all the exhibits together.

1 (Whereupon, the jury starts deliberations at
2 approximately 10:54 a.m.)

3 (Whereupon, the two alternates were excused from the
4 trial of the case.)

5 THE COURT: Alright. My understanding is, the jury
6 has reached a verdict. Is the State and the Defense ready
7 to receive that verdict?

8 MR. LAMPKE: Yes, Your Honor.

9 THE COURT: Bring the jury out, please.

10 (Whereupon, the jury came into open court with the
11 verdict at approximately 11:39 a.m.)

12 THE COURT: Let the record reflect the jury is back
13 in. Mr. Foreman, without telling me what your verdict is,
14 have you reached a verdict in this case?

15 MR. FOREMAN: We have, Your Honor.

16 THE COURT: And is your verdict unanimous among the
17 twelve of you?

18 MR. FOREMAN: Yes sir, it is.

19 THE COURT: Would you hand the paperwork to Mr. Bolt
20 and he will hand it to me, please.

21 Okay. Mr. Cooper, if you will please stand. And,
22 Madam Clerk, if you will publish the verdict, please.

23 CLERK OF COURT: Your Honor, this is the State versus
24 Bryan Preston Cooper. As to indictment, 2022-GS-30-1427,
25 charges the Defendant with possession of methamphetamine.

1 We, the jury, find the Defendant guilty. Ladies and
2 gentlemen, if that is your verdict please indicate by
3 raising your right hand.

4 (Whereupon, all jurors raised their right hand.)

5 CLERK OF COURT: Thank you.

6 THE COURT: Let the record reflect that twelve hands
7 were raised. Ms. West, Mr. Broome, do you want an
8 individual polling of the jury?

9 MS. WEST: No, Your Honor.

10 THE COURT: Okay. Thank you. Y'all can have a seat.
11 Ladies and gentlemen, let me thank you for your jury
12 service. As I indicated to you the other day, hopefully
13 you have learned something that maybe you didn't know when
14 you got here on Monday. But I do thank you for your jury
15 service. The verdict that you reached in this case does
16 not matter to me, what matters to me is that you, the
17 jury, performed your duties efficiently, consciouenously.
18 One of the jobs of the Judge is to keep their eyes on the
19 jury and I have done that and you always have appeared to
20 be attentive, very alert throughout this reasonably short
21 trial. But I do appreciate that. What I would like for
22 you to do, ladies and gentlemen, is go back to the jury
23 room. I want to come back there in just a minute, not
24 talk to you about this case but just talk to you about any
25 suggestions that you may have as far as how we can do a

1 better job at our judicial work. So, go back and I will
2 see you in just a minute. Okay. Thank you very much.

3 (Whereupon, the jury was excused from open court at
4 approximately 11:43 a.m.)

5 THE COURT: I will give you a few minutes to get
6 things together for purposes of sentencing. And, Madam
7 Clerk, you want to join me and we will go on back.

8 (Whereupon, the Court and Clerk of Court go to the
9 jury room to talk to the jurors.)

10 THE COURT: Are you ready for sentencing or do we
11 need a few more minutes?

12 MR. LAMPKE: The State is prepared to proceed, Judge.

13 THE COURT: Is the Defense ready?

14 MS. WEST: We are ready, Judge.

15 THE COURT: Okay. Alright, Solicitor.

16 MR. LAMPKE: Judge, if I may first approach, I have a
17 brief summary of Mr. Cooper's criminal history as well as
18 convictions from here in Laurens County.

19 THE COURT: Let's take a look at this. Alright,
20 Solicitor, anything further from you?

21 MR. LAMPKE: So, Judge, as you can see, a pretty
22 significant criminal history, ABHAN from 1990 and then
23 most concernably that 2017 conviction for PWID meth
24 second. Judge, with that 2017 case he was sentenced to
25 ten years in prison with ATU. My Investigator Hunnicutt

1 spoke with SCDC and confirmed that he was released on May
2 22nd of 2019. So a little more than a year later he
3 committed this offense. And I also spoke to Agent
4 Culbertson over at probation and confirmed that he was
5 still out on parole while he committed this offense.

6 THE COURT: And he received that PWID second, what
7 was the sentence?

8 MR. LAMPKE: It was ten years with a referral to ATU
9 program. And, Judge, besides that, you know, Your Honor
10 has been here throughout this whole trial. You seen the
11 facts and evidence that the State trust the sound
12 discretion of the Court.

13 THE COURT: Alright. And you said, Solicitor, when
14 this offense took place he was out on parole. Did I hear
15 you correctly?

16 MR. LAMPKE: Yes, Your Honor.

17 THE COURT: Okay. Thank you. Ms. West, will be glad
18 to hear from you.

19 MS. WEST: Thank you, Judge. Just a little bit about
20 Mr. Cooper as a person. He is 57 years old. He is a
21 father, he has two six-year-old twins, they are girls,
22 they live in the area. As you heard throughout the trial,
23 he is a business owner, he has a window tinting business.
24 He is a hard working man. Your Honor, Mr. Cooper has not
25 had it easy the past couple of years. He has struggled

1 with addiction, as you can see from his record. His
2 mother passed last January and that has been a difficult
3 situation for him and him grieving the loss of his mother.
4 Admittedly, Judge, he has a drug addiction. You can see
5 from his record, I think the State kind of misclassified.
6 I wouldn't say it is a serious record. Really, all the
7 charges were in the '80's and '90's with the exception of
8 the ABHAN are pretty minor, minor charges. Obviously he
9 did have that PWID second from 2017. He did not do that
10 much time in prison. Was out on parole and I think a lot
11 of this has to do with the fact that he was out on parole,
12 he was hopeful that he would be able to get off parole
13 before he had to deal with this new charge. That
14 unfortunately did not happen, he was worried about his
15 parole being revoked. And a lot of this, you know, he
16 doesn't want to go back to prison, he is scared of that
17 reality. But he is a user, Judge. He is not distributing
18 drugs, he is, you know, this is a very small amount of
19 methamphetamine, .5 grams, a very miniscule amount. His
20 charges, it is not like he has a long history of drug
21 charges, they are from 2016, 2017 and then again, 2020.
22 So very short period of time which his addiction has
23 really ruined his life. Your Honor, we are asking for
24 mercy. We would ask that you sentence Mr. Cooper
25 somewhere on the lower end, again, for a very small amount

1 of methamphetamine. I think that is appropriate and we
2 would ask that you not punish him for exercising his right
3 to a trial.

4 THE COURT: Okay. Thank you. Do you have a
5 sentencing sheet?

6 MR. LAMPKE: Yes, Your Honor.

7 THE COURT: How many jail credit days, Ms. West?

8 MR. COOPER: Ten days, sir.

9 THE COURT: Ten?

10 MR. COOPER: Yes, sir.

11 THE COURT: Everybody be at ease for just a moment.

12 Alright, Mr. Cooper, I think the appropriate sentence
13 given that you have already been to prison before, I
14 typically have a rule of thumb that if someone has been
15 sentenced to a certain amount of prison, not what you
16 actually do, but the sentence; then I give, going back to
17 prison you are going to get more. In this case, that
18 won't work because of the max. But it was a small amount.
19 So that works in your favor some. So I am going, not
20 going to give you the maximum which may, originally kind
21 of thought that I would, but I am not. But I think the
22 appropriate sentence is you be committed to the State
23 Department of Corrections for a period of six years.
24 Credit for ten days that you have been in pretrial
25 confinement. Screen once again for ATU. I don't know if

1 that ever came about last time but I want you to be
2 screened again for ATU. Good luck to you.

3 MS. WEST: Thank you, Judge.

4 MR. LAMPKE: Thank you, Your Honor.

5 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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State of South Carolina)
)
County of Newberry)

I, Joy E. Holston, Official Court Reporter do hereby certify that the foregoing is a true, accurate and complete transcript of record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the County of Laurens, South Carolina on the 8th through the 10th days of February, 2023.

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

April 30, 2023

Joy E. Holston

Joy E. Holston, Court Reporter

My Commission expires: May 2, 2026

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief



Ryan Parham
Laurens County Sheriff's Office
P.O. Box 68
Laurens, SC 29360

October 27, 2021

DRUG ANALYSIS
SLED LAB: L21-01421
Your Case No: 20015444
Incident Date: 10/18/2020
[S] Bryan Cooper

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item: 1 BEST Kit B319617

Item: 1.1 Plastic evidence bag containing plastic container and crystal substance.

RESULTS:

Methamphetamine (C-II) found in the sample tested; 1 tested. Net weight: 0.55 +/- 0.01 grams (8.48 +/- 0.15 grains). Confidence level for the weight is 99.7%.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.

Lynn D. Black
Forensic Scientist



October 27, 2021
L21-01421

Page 2 of 2

Supplement to Analysis for Controlled Substance

I, Lynn D. Black, am a Forensic Scientist employed by the South Carolina State Law Enforcement Division (SLED), certified by SLED as a Forensic Scientist qualified to perform testing and analysis for controlled and/or dangerous substances prohibited by law in this State by Title 44, Chapter 53 of the Code of Laws and Rule 61-4 of the Department of Health and Environmental Control.

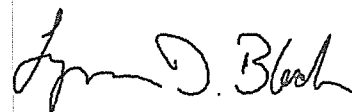
I have 21 years and 7 months experience as a Forensic Scientist. During that period, I have been qualified as an expert witness and testified in court no less than 145 times. I have received the following training as a Forensic Scientist.

B.S. Chemistry, Kentucky Wesleyan College, Owensboro, KY, 1984
Certificate of Medical Technology, University of Louisville, Louisville, KY, 1986
M.S. Forensic Science, Marshall University, Huntington, WV, 1998
Training in Forensic Drug Analysis, Georgia Bureau of Investigation, 1999
Forensic Chemist, Georgia Bureau of Investigation, Decatur, GA, 1998-2007
Drug Enforcement Administration, Forensic Chemist Seminar, 2000
Training in Forensic Drug Analysis, South Carolina Law Enforcement Division, 2009
SC Law and Legal Training, South Carolina Criminal Justice Academy, 2009
Certification as a Drug Analysis Technical Specialist of the American Board of Criminalistics, 2017

I tested the above item(s) using the following legally reliable forensic laboratory procedures approved by SLED:

☒ Chemical Test	☐ Gas Chromatography
☐ Microscopic Exam	☐ Mass Spectroscopy
☒ Infrared Spectroscopy	☐ Physical Test
☐ Visual Examination	☐ Published Literature

Forensic Scientist



Lynn D. Black

Date: October 27, 2021



ARREST WARRANT

2020A3010201030

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Laurens

Laurens

THE STATE 20015444
against

Bryan Preston Cooper

Address: Pemberton St
Waterloo, SC 29384-4104Phone: (000)000-0000 SSN: [REDACTED]
Sex: M Race W Height: 5 11 Weight: 245DL State: SC DL #: [REDACTED] Agency ORI #: SC0300000
DOB: [REDACTED]Prosecuting Agency: Laurens County Sheriff's Office
Prosecuting Officer: Phillip A Teague - S00293Offense: Drugs / Possession of less than one gram of meth.
or cocaine base, 1st offenseOffense Code: 3009
Code/Ordinance Sec: 44-53-0375(A)This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Bryan Preston Cooper
on 10-19-2020Signature of Constable/Law Enforcement Officer
[Signature]

RETURN WARRANT TO:

General Sessions
100 Hillcrest Square
P.O. Box 287
Laurens, SC 29360

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Personally appeared before me the affiant Phillip A Teaguebeing duly sworn deposes and says that defendant Bryan Preston Cooper
did within this county and state on or about 10/18/2020State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Laurens
in the following particulars.

DESCRIPTION OF OFFENSE: Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:Deputy P. Teague states under oath upon investigation by Deputy R. Parham that on October 18, 2020 in the county of Laurens, the
Defendant did knowingly possess and/or attempt to possess less than one gram of Methamphetamine, as defined in SCCA Section
44-53-110, without authority to do so.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Affiant's Address 216 West Main Street
Laurens, SC 29360-Affiant's Telephone (864)984-4967

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 10/18/2020 defendant Bryan Preston Cooper
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Laurens) as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 10/19/2020Signature of Issuing Judge
[Signature]
Michael A. Pitts
Judge Code: 7422Judge's Address 100 Hillcrest Square
Laurens, SC 29360-Judge's Telephone (864)681-5689Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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AFFIDAVIT

violate the criminal laws of

112

ARREST WARRANT

2020A3010201031

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

 83
 81
 Laurens

THE STATE

20015444

Bryan Preston Cooper

against

Address: Pemberton StWaterloo, SC 29384-4104Phone: (800) 000-0000SSN [REDACTED]Sex M Race W Height 5 11 Weight 245DL State: SC DL # [REDACTED]DOB: 7/1965 Agency ORI # SC0300000Prosecuting Agency: Laurens County Sheriff's OfficeProsecuting Officer: Phillip A Teague - S00293Offense: Resisting / Resisting Arrest; Oppose or resist lawenforcement officer serving process or makingOffense Code: 0326Code/Ordinance Sec: 16-09-0320(A)This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be

dealt with according to the law

(U.S.)

Signature of Judge

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant Bryan Preston Cooper
 on 10/19/2020

Signature of South Carolina Law Enforcement Officer

RETURN WARRANT TO:

 General Sessions
 100 Hillcrest Square
 P.O. Box 287
 Laurens, SC 29360

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Personally appeared before me the affiant Phillip A Teaguebeing duly sworn deposes and says that defendant Bryan Preston Cooperdid within this county and state on or about 10/18/2020State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Laurens

in the following particulars:

DESCRIPTION OF OFFENSE:

Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest
 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 Deputy P. Teague states under oath upon investigation by Deputy R. Parham that on October 18, 2020 in the county of Laurens, on
 Bryan Preston Cooper did knowingly and willfully oppose and/or resist the lawful arrest by a law enforcement officer, or the
 defendant did knowingly and willfully assault, beat and/or wound a law enforcement officer while resisting arrest.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Laurens

Affiant's Address 210 West Main StreetLaurens, SC 29360-Affiant's Telephone (864) 984-4967

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/18/2020 defendant Bryan Preston Cooperdid violate the criminal laws of the State of South Carolina (or ordinance of Laurens) as set forth below:
☒ County/ ☐ Municipality of
Laurens

DESCRIPTION OF OFFENSE:

Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making
 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
 her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
 soon thereafter as is practicable
 Sworn to and subscribed before me
 on 10/19/2020
☐ County/ ☐ Municipality of
Laurens
☐ County/ ☐ Municipality of
LaurensJudge's Address 100 Hillcrest SquareLaurens, SC 29360-Judge's Telephone (864) 681-5689Issuing Court: ☒ Magistrate ☐ Municipal ☐ CircuitJudge Code: 7422

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herby waive presentment to the Grand Jury.

WITNESSES

Logan Vanipe
Laurens County Sheriff's Department

WARRANT NUMBER

2020A3010201030

True Bill

[Signature]

Foreman of the Grand Jury

Date: 10-14-22

VERDICT

Guilty

[Signature]

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2022

Indictment # 2022SS30-1427

THE STATE

vs.

BRYAN PRESTON COOPER

INDICTMENT FOR

Dist/FWID Meth

SC Code: § 44-53-375(B)

CDR: 3206

Defendant

Witness:

RECEIVED

FEB 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

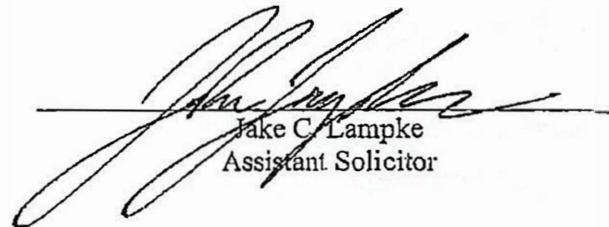
INDICTMENT FOR

Dist/PWID Meth
§44-53-375(B)

At a Court of General Sessions, convened on the 14th day of October, 2022, the Grand Jurors of Laurens County present upon their oath:

The defendant, Bryan Preston Cooper, did on or about October 18, 2020, in Laurens County, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase methamphetamine in violation of the provisions of Section 44-53-370, all in violation of Section 44-53-375(B), Code of Laws of South Carolina (1976, as amended).

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



Jake C. Lampke
Assistant Solicitor

I hereby waive presentment to the Grand Jury.

WITNESSES

Logan Karpis
Laurens County Sheriff's Department

WARRANT NUMBER

2020A3010201031

True Bill

Steve C.

Foreman of the Grand Jury

ate: 10-14-22

VERDICT

OTCman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2022

Indictment # 2022GS30-1428

THE STATE

vs.

BRYAN PRESTON COOPER

INDICTMENT FOR

Resisting Arrest

SC Code: § 16-09-0320(A)

CDR: 0326

Defendant

Witness:

RECEIVED
FEB 15 2023
SC Court of Appeals

Noble Ross

[Signature]

2/10/23

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR

Resisting Arrest
§16-09-0320(A)

At a Court of General Sessions, convened on the 14th day of October, 2022, the Grand Jurors of Laurens County present upon their oath:

The defendant, Bryan Preston Cooper, did in Laurens County, on or about October 18, 2020, knowingly, willfully and unlawfully oppose Ryan Parham while serving, executing, or attempting to serve or execute a legal writ or process or did resist an arrest being made by Ryan Parham with the Laurens County Sheriff's Department whom he knew or reasonably should have known was a law enforcement officer, all in violation of Section 16-9-320(A), Code of Laws of South Carolina (1976, as amended).

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



Jake C. Lampke
Assistant Solicitor

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LAURENS**RECEIVED**

STATE

VS.

FEB 15 2023

INDICTMENT/CASE#: 2022GS30-1427

BRYAN PRESTON COOPER

SC Court of Appeals

JAW#: 2020A3010201030AKA: BRYAN PRESTON COOPERDate of Offense: 10/18/2020Race: WhiteSex: MAge: 57S.C. Code §: 44-53-375(A)

DOB: _____

SS#: _____

CDR Code #: 3009

Address: _____

City, State, Zip: _____

DL#*: _____

SID# _____

SENTENCE SHEET*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☐ CONVICTED OF or ☐ PLEADSTO: Possession of Methamphetamine 3rd or Sub. Offense NMT 10 YEARS &/OR \$12,500In violation of § 44-53-375(A) of the S.C. Code of Laws, bearing CDR Code #3016☐ 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. _____

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

104683

102852

Jake C. Lampke, Assistant
Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 6 days/months/years/Time Served☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

The sentence shall run

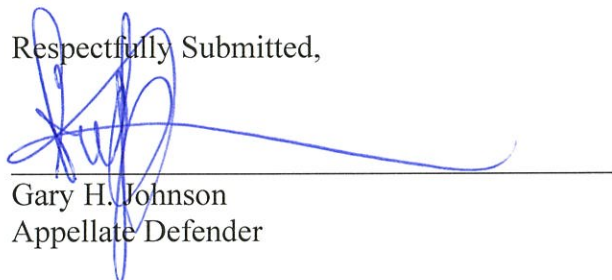
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.10 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of March, 2024.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Mar 04 2024

SC Court of Appeals

Appeal from Laurens County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

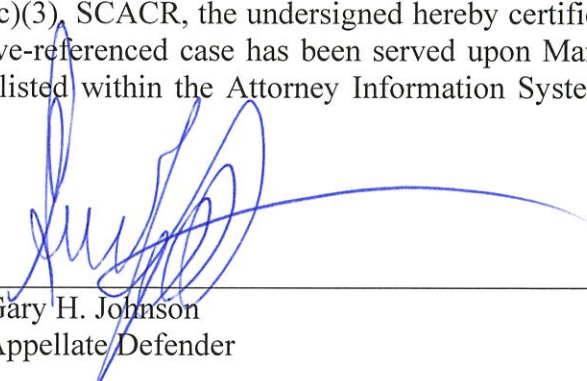
BRYAN PRESTON COOPER,

APPELLANT

APPELLATE CASE NO. 2023-000231

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 4th day of March, 2024.



Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT