

Volume I of II

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Oconee County

R Lawton McIntosh, Circuit Court Judge

RECEIVED

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SC Supreme Court

TIMOTHY BLASSINGAME,

PETITIONER,

V

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

SUSAN B HACKETT
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JOHN W MCINTOSH
Chief Deputy Attorney General

SALLEY W ELLIOTT
Assistant Deputy Attorney General

KAELOE E MAY
Assistant Attorney General

P O Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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2 CAROLINA) SESSIONS
3 COUNTY OF OCONEE) INDICTMENT NO 2009-GS-37-820
4
5 STATE OF SOUTH)
6 CAROLINA)
7 PLAINTIFF,)
8 -VS-) TRANSCRIPT OF RECORD
9 TIMOTHY LEE) TRIAL
10 BLASSINGAME,)
11 DEFENDANT)
12
13 OCTOBER 26, 27, 28, 2009
14 WALHALLA, SOUTH CAROLINA
15
16
17
18 B E F O R E
19 THE HONORABLE ALEXANDER S MACAULAY, JUDGE, AND A
20 JURY
21
22
23
24 A P P E A R A N C E S
25 CHRISTINA ADAMS, ESQ
10TH CIRCUIT SOLICITOR
LINDSEY S SIMMONS, ESQ
ASSISTANT 10TH CIRCUIT SOLICITOR
ATTORNEYS FOR THE STATE

SCOTT SPROUSE, ESQ
ATTORNEY FOR THE DEFENDANT

ROBIN SUE HILD, FCRR, RPR
CIRCUIT COURT REPORTER
POST OFFICE BOX 9
WALHALLA, SC 29691

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Oconee County Clerk Of Court RANDOM STRIKE SHEET

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JUDGE NAME Alexander Stephens Macaulay

Sorted by Random Nbr

TRIAL TYPE Criminal

PANEL ID , 2009GS3700820

DESCRIPTION State of SC V Timothy Lee Blassingame Trial

COURTROOM CTRM

NAME	UPPER NBR	AGE	SEX	STATE	DEF	DEF	REMARKS
1 McClure, Louise B	81	W	F	()	()	()	
2 McKenna, Robert J	84	W	M	()	(X)	()	
3 Rushton, Myra J	104	W	F	()	()	()	
4 Conway, Nancy J	27	W	F	()	(X)	()	
5 Lafaille, Jane K	70	W	F	()	(X)	()	
6 Burns, Vickie H	15	W	F	()	()	()	
7 Christopher, Jean M	20	W	F	()	()	()	
8 Jones, Tina M	66	W	F	(X)	()	()	
9 Lay, Linda C	73	W	F	()	()	()	
10 Atkinson, Walter A	7	W	M	()	()	()	
11 Paessun, Theresa M	95	W	F	()	()	()	Foreperson
12 Powell, Juanita G	100	W	X F	()	()	()	
13 Meece, Stanley R	86	W	M	()	()	()	
14 Fernia, Peter C	46	W	M	()	(X)	()	
15 Grant, Janice R	49	W	F	()	()	()	
16 Miller, Lex T	88	W	M	()	()	()	
17 Duncan, Kenneth L	43	W	M	()	()	()	
18 Kelly, Colleen	67	W	F	()	(X)	()	
19 Canty, Laura G	18	B	F	()	()	()	
20 Cobb, Jennifer L	24	W	F	()	()	()	
21 Long, Stacey M	76	W	F	()	()	()	
22 Danson, Yvonne D	34	W	F	()	()	()	
23 Phillips, Amanda F	97	W	F	()	()	()	
24 Putnam, Kimberly D	101	W	F	()	()	()	

Oconee County Clerk Of Court
RANDOM STRIKE SHEET

Page 3-B

DGE NAME Alexander Stephens Macaulay
TRIAL TYPE Criminal
PANEL ID 2009GS3700820
COURTROOM CTRM

Sorted by Random Nbr
DESCRIPTION State of SC V Timothy Lee Blassingame Trial

NAME	JUROR NBR	RACE	SEX	DOB	DATE BORN	GR	REMARKS
25 Okelley, Tracey D	94	W	F	()	()	()	
26 Wallace, Debra P	125	W	F	()	()	()	
27 Plumb, Charles R II	98	W	M	()	()	()	
28 Greenlee, Deborah S	51	B	F	()	()	()	
29 Greene, Leanne D	50	W	F	()	()	()	
30 Lee, Stephanie T	74	W	F	()	()	()	
31 Swindle, William C	119	W	M	()	()	()	
32 Armstrong, Sandra J	6	W	F	()	()	()	
33 Ruskowski, Paul J	105	W	M	()	()	()	
34 Dilworth, Deborah M	37	W	F	()	()	()	
35 Lavelle, Karen S	72	W	F	()	()	()	
36 Knox, Thelma D	68	B	F	()	()	()	

Total Number of Jurors 36
** END OF REPORT **

1 ***** START OF REQUESTED TRANSCRIPT *****

2 (WHEREUPON, THE TRIAL IN THE CASE OF THE
3 STATE OF SOUTH CAROLINA VERSUS TIMOTHY LEE
4 BLASSINGAME COMMENCED ON OCTOBER 26, 2009, AT
5 APPROXIMATELY 12 26 P M)

6 JURY VOIR DIRE

7 THE COURT LADIES AND GENTLEMEN, THIS IS A TERM OF
8 GENERAL SESSIONS COURT, SOMETIMES CALLED CRIMINAL COURT
9 ITS PURPOSE IS TO RESOLVE QUESTIONS OF ALLEGED CRIMINAL
10 CONDUCT ARISING BETWEEN THE STATE OF SOUTH CAROLINA AND
11 THE DEFENDANT IN A FASHION WHICH WILL ENSURE THAT JUSTICE
12 UNDER THE LAW IS ACCOMPLISHED

13 THE TRIAL OF A CASE BEGINS WITH THE SELECTION OF A
14 JURY BOTH THE STATE AND THE DEFENDANT ARE ENTITLED TO
15 JURORS WHO APPROACH THE CASE WITH AN OPEN MIND THE
16 TRIAL JURY MUST BE AS FREE AS HUMANLY POSSIBLE FROM ANY
17 BIAS, PREJUDICE, OR SYMPATHY FOR EITHER SIDE, AND FREE
18 FROM ANY PRECONCEIVED IDEAS ON THE FACTS OF THE CASE OR
19 THE LAW OF THE CASE THEREFORE, CERTAIN QUESTIONS WILL
20 BE ASKED OF YOU, THE PETIT JURY PANEL THE QUESTIONS
21 WHICH WILL BE ASKED ARE DESIGNED TO ASSURE THAT EACH SIDE
22 HAS A FAIR AND IMPARTIAL JURY

23 I MIGHT NOTE, IF ANYONE SHOULD ATTEMPT TO TALK TO
24 YOU ABOUT ANY CASE, OR TALK TO YOU ABOUT ANY CASE THAT
25 MAY BE PENDING IN THIS TERM OF COURT, YOU SHOULD

1 IMMEDIATELY REPORT THEM SO I MAY TAKE THE APPROPRIATE
2 ACTION FROM THIS POINT FORWARD YOU ARE THE SWORN JURORS
3 FOR THE COURT OF GENERAL SESSIONS FOR OCONEE COUNTY AND
4 NO ONE IS TO INTERFERE WITH YOUR PROPER EXERCISE OF YOUR
5 DUTIES

6 AGAIN, IF ANYBODY CANNOT HEAR ME, PLEASE IF YOU
7 WOULD RAISE YOUR HAND AND I'LL TRY TO SPEAK LOUDER OR
8 MORE PLAINLY

9 NOW, LADIES AND GENTLEMEN, WE ARE ABOUT TO PROCEED
10 WITH THE TRIAL OF THE CASE ENTITLED *THE STATE OF SOUTH*
11 *CAROLINA VERSUS TIMOTHY LEE BLASSINGAME*, INDICTMENT
12 NUMBER 2009-GS-37-820

13 MS SIMMONS, IF YOU WOULD, PLEASE, YOU MAY CALL YOUR
14 CASE

15 MS SIMMONS THANK YOU, YOUR HONOR THE STATE OF
16 SOUTH CAROLINA CALLS *THE STATE VERSUS TIMOTHY LEE*
17 *BLASSINGAME* ON 2009-GS-37-820, INDICTMENT FOR
18 DISTRIBUTION OF CRACK COCAINE

19 THE COURT VERY GOOD THANK YOU, MA'AM

20 MS SIMMONS MAY I APPROACH, YOUR HONOR? (HANDING)

21 THE COURT CERTAINLY THANK YOU

22 NOW, THE STATE WILL BE REPRESENTED BY MS SIMMONS OF
23 THE SOLICITOR'S OFFICE

24 MS SIMMONS, IS ANYONE ELSE GOING TO ASSIST YOU IN
25 THE TRIAL OF THIS CASE?

1 **MS SIMMONS** YES, YOUR HONOR

2 **THE COURT** ALL RIGHT IF YOU WOULD INTRODUCE THEM,
3 AS WELL

4 **MS SIMMONS** I'M LINDSEY SIMMONS I AM WITH THE
5 SOLICITOR'S OFFICE HERE IN OCONEE COUNTY I HAVE THE
6 PLEASURE OF SERVING FOR YOUR ELECTED SOLICITOR, CHRISSY
7 ADAMS

8 ASSISTING ME IN THIS CASE WILL BE SERGEANT JOHN CRUM
9 FROM THE SENECA POLICE DEPARTMENT

10 **THE COURT** MR CRUM, IF YOU WOULD PLEASE STAND AND
11 LOOK UPON THE JURY (COMPLIES) THANK YOU VERY MUCH

12 THE DEFENDANT, MR TIMOTHY LEE BLASSINGAME, IS
13 REPRESENTED BY MR SPROUSE

14 MR SPROUSE, IF YOU WOULD PLEASE STAND AND INTRODUCE
15 YOURSELF AND YOUR CLIENT

16 **MR SPROUSE** I'M SCOTT SPROUSE I PRACTICE LAW
17 HERE IN OCONEE COUNTY WITH MY PARTNER, JULIAN STOUDEMIRE
18 THIS IS MY CLIENT, TIMOTHY LEE BLASSINGAME, SEATED TO MY
19 RIGHT

20 **THE COURT** THANK YOU, SIRS

21 NOW, LADIES AND GENTLEMEN OF THE PETIT JURY PANEL, I
22 DIRECT YOUR ATTENTION TO THE FOLLOWING QUESTIONS IS
23 THERE ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
24 MARRIAGE, NOW OR FORMERLY, CLOSE PERSONAL FRIEND OR
25 BUSINESS ASSOCIATE OF THE DEFENDANT, MR TIMOTHY LEE

1 BLASSINGAME? IF SO, PLEASE STAND AT THIS TIME ANY
2 MEMBER OF THE JURY PANEL RELATED BY BLOOD OR MARRIAGE,
3 CLOSE PERSONAL FRIEND OR BUSINESS ASSOCIATE OF
4 MR TIMOTHY LEE BLASSINGAME?

5 YES, SIR, YOUR NAME, PLEASE?

6 PROSPECTIVE JUROR KENNETH SPEED

7 THE COURT YES, SIR

8 PROSPECTIVE JUROR I DON'T KNOW THE EXACT RELATION,
9 BUT I AM RELATED TO HIM

10 THE COURT ALL RIGHT WOULD THAT IN ANY WAY
11 INTERFERE WITH YOUR ABILITY TO GIVE BOTH THE STATE AND
12 THE DEFENDANT A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

13 PROSPECTIVE JUROR NO

14 THE COURT VERY GOOD THANK YOU, SIR

15 NOW, LADIES AND GENTLEMEN --

16 YES, MA'AM YOUR NAME, PLEASE

17 PROSPECTIVE JUROR MY NAME IS LAURA CANTY I DON'T
18 KNOW IF I'M RELATED TO HIM OR NOT, BUT MY MAIDEN NAME WAS
19 BLASSINGAME I DON'T KNOW HIM OR KNOW WHO HE'S MARRIED
20 TO OR WHAT

21 THE COURT VERY WELL BUT LET ME ASK YOU THE SAME
22 QUESTION BECAUSE THIS IS GONNA BE THE SAME QUESTION
23 THROUGHOUT WOULD THAT IN ANY WAY INTERFERE WITH YOUR
24 ABILITY TO GIVE BOTH THE STATE AND THE DEFENDANT A FAIR
25 AND IMPARTIAL TRIAL?

1 **PROSPECTIVE JUROR** NO, SIR

2 **THE COURT** VERY GOOD THANK YOU, MA'AM

3 AS I WAS GONNA SAY, IF YOU RESPOND MORE THAN ONE
4 QUESTION, EACH TIME YOU DO RESPOND TO THE QUESTION, I'M
5 GONNA ASK YOU TO STAND AND GIVE ME YOUR NAME THE REASON
6 FOR THAT IS THE COURT REPORTER DOWN HERE TAKES DOWN
7 EVERYTHING THAT'S SAID IN COURT, AND IF WE DON'T HAVE THE
8 INDIVIDUAL IDENTIFIED WHO IS SPEAKING, THEN WE DON'T KNOW
9 WHO IS TO BE REFLECTED IN THE RECORD SO THEREFORE, WHEN
10 I CALL UPON YOU WHEN YOU RESPOND TO A QUESTION, IF YOU
11 WOULD PLEASE GIVE ME YOUR NAME

12 NOW, IS THERE ANY MEMBER OF THE PANEL RELATED BY
13 BLOOD OR MARRIAGE TO -- OR EXCUSE ME -- WAS ANY MEMBER OF
14 THE JURY PANEL A MEMBER OF THE GRAND JURY THAT FOUND AND
15 RETURNED THE INDICTMENT IN THIS CASE? WAS ANY MEMBER OF
16 THE JURY PANEL A MEMBER OF THE GRAND JURY THAT FOUND AND
17 RETURNED THE INDICTMENT IN THIS CASE? IF SO, PLEASE
18 STAND (NO RESPONSE)

19 HAS ANY MEMBER OF THE PANEL FORMED OR EXPRESSED AN
20 OPINION ABOUT THIS CASE? IF SO, PLEASE STAND (NO
21 RESPONSE)

22 NOW I'M GOING TO READ OUT A LIST OF POTENTIAL
23 WITNESSES IN THIS CASE NOW, THESE ARE POTENTIAL
24 WITNESSES THESE ARE WITNESSES THAT CAN BE CALLED BUT DO
25 NOT HAVE TO BE CALLED DURING THE TRIAL OF THE CASE.

1 SERGEANT TIM HUNNICUTT WITH THE SENECA POLICE
2 DEPARTMENT --

3 AND IF THEY ARE IN THE COURTROOM AT THE TIME, IF
4 THEY WOULD PLEASE STAND

5 SERGEANT JOHN CRUM OF THE SENECA POLICE DEPARTMENT
6 (SERGEANT CRUM STANDS)

7 VERY GOOD THANK YOU, SIR

8 SERGEANT MELINDA NICHOLSON OF THE SENECA POLICE
9 DEPARTMENT

10 SERGEANT MIKE TERRAMANO OF THE SENECA POLICE
11 DEPARTMENT

12 RANDY SMITH OF THE SENECA POLICE DEPARTMENT

13 SERGEANT ROGER FOSTER OF THE OCONEE LAW ENFORCEMENT
14 CENTER

15 MAJOR STEVE PRUITT OF THE OCONEE LAW ENFORCEMENT
16 CENTER

17 SERGEANT MIKAL FOSTERVOLD OF THE OCONEE LAW
18 ENFORCEMENT CENTER

19 AGENT MEREDITH LANFORD OF THE ANDERSON-OCONEE
20 FORENSICS LAB

21 OFFICER BENNY OWENS OF THE SOUTH CAROLINA DEPARTMENT
22 OF NATURAL RESOURCES

23 JAMES WILLIE WALKER

24 RODNEY JOHNSON

25 AGAIN, I'M GOING THROUGH THOSE NAMES ONE MORE TIME

1 IS THERE ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE, CLOSE PERSONAL FRIEND OR BUSINESS ASSOCIATE OF
3 THE DEFENDANT, SERGEANT TIM HUNNICUTT, SERGEANT JOHN
4 CRUM, SERGEANT MELINDA NICHOLSON, SERGEANT MIKE
5 TERRAMANO, MR RANDY SMITH, SERGEANT ROGER FOSTER, MAJOR
6 STEVE PRUITT, SERGEANT MIKAL FOSTERVOLD, AGENT MEREDITH
7 LANFORD, OFFICER BENNY OWENS, MR JAMES WILLIE WALKER,
8 MR RODNEY JOHNSON

9 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
10 MARRIAGE, CLOSE PERSONAL FRIEND OR BUSINESS ASSOCIATES OF
11 THE ANY OF THE POTENTIAL WITNESSES IN THIS CASE, IF YOU
12 WOULD PLEASE STAND AT THIS TIME

13 ALL RIGHT STARTING ON THIS END YES, MA'AM

14 PROSPECTIVE JUROR YVONNE DANSON

15 THE COURT YES, MA'AM

16 PROSPECTIVE JUROR AND I'M A CLOSE PERSONAL FRIEND
17 OF OFFICER NICHOLSON

18 THE COURT ALL RIGHT IF SERGEANT MELINDA
19 NICHOLSON SHOULD BE A WITNESS IN THIS CASE, WOULD THAT
20 AFFECT YOUR ABILITY TO GIVE BOTH THE STATE AND THE
21 DEFENDANT AN IMPARTIAL TRIAL?

22 PROSPECTIVE JUROR NO, SIR

23 THE COURT VERY GOOD THANK YOU, MA'AM

24 MR HARDY?

25 PROSPECTIVE JUROR I'VE WORKED WITH ALL THESE,

1 ABOUT FOUR OR FIVE OF THESE OFFICERS BECAUSE I'M A
2 RETIRED POLICE OFFICER

3 THE COURT ALL RIGHT YOU ARE NO LONGER ACTIVE IN
4 LAW ENFORCEMENT NOW?

5 PROSPECTIVE JUROR NO, SIR, I'M RETIRED NOW

6 THE COURT ALL RIGHT WOULD THAT IN ANY WAY
7 INTERFERE WITH YOUR ABILITY TO GIVE BOTH THE STATE AND
8 THE DEFENDANT A FAIR AND IMPARTIAL TRIAL?

9 PROSPECTIVE JUROR. NO, SIR, IT WOULD NOT

10 THE COURT VERY GOOD THANK YOU, SIR ANYONE
11 ELSE? (NO RESPONSE)

12 NOW IS ANY MEMBER OF THE PANEL AWARE OF ANY
13 INTEREST, BIAS OR PREJUDICE TOWARDS EITHER THE DEFENDANT
14 OR THE STATE OF SOUTH CAROLINA? IF SO, PLEASE STAND
15 (NO RESPONSE)

16 DOES ANY MEMBER OF THE PANEL KNOW OF ANY REASON WHY
17 HE OR SHE CANNOT GIVE BOTH THE STATE OF SOUTH CAROLINA
18 AND THE DEFENDANT A FAIR AND IMPARTIAL TRIAL? (NO
19 RESPONSE.)

20 ANY ADDITIONAL QUESTIONS FROM THE STATE?

21 MS SIMMONS NO, YOUR HONOR

22 THE COURT FROM THE DEFENSE?

23 MR SPROUSE NO, YOUR HONOR

24 JURY SELECTION

25 THE COURT VERY GOOD MADAM CLERK, IF YOU WOULD

1 PLEASE GIVE US A JURY

2 THERE ARE FIVE AND FIVE IN THIS CASE, IS THAT RIGHT,
3 MS SIMMONS

4 MS SIMMONS YES

5 THE COURT MR SPROUSE?

6 MR SPROUSE YES

7 THE COURT AND ALSO WE WOULD HAVE TWO ALTERNATES,
8 THAT WILL BE TWO AND ONE WITH THE ALTERNATES

9 ON THE JURY WE'LL CONSIDER THE FIRST 20 NAMES
10 CALLED

11 THE CLERK LADIES AND GENTLEMEN, AS I CALL YOUR
12 NAME AND NUMBER, IF YOU WOULD PLEASE COME FORWARD IF
13 YOU WOULD BRING ANY PERSONAL BELONGINGS THAT YOU HAVE
14 WITH YOU YOU WILL COME FORWARD AND STAND AT THIS PODIUM
15 AND FACE THE JURY PANEL AS OUR BAILIFF, MR BIBB, IS
16 DOING

17 THE COURT ALL RIGHT BY THE WAY, THE WAY WE DRAW
18 A JURY IN GENERAL SESSIONS IS THAT WHEN YOUR NAME IS
19 CALLED, AS THE CLERK HAS SAID, COME FORWARD AND STAND
20 WHERE MR BIBB WAS STANDING, FACING TO THE BACK OF THE
21 COURTROOM THE STATE WILL GO FIRST AND WILL EITHER SAY
22 PRESENT THE JUROR OR EXCUSE THE JUROR IF IT'S PRESENT
23 THE JUROR, THEN THE DEFENDANT WILL GO NEXT THE
24 DEFENDANT WILL EITHER SAY SWEAR THE JUROR OR EXCUSE THE
25 JUROR

1 SO MADAM CLERK, IF YOU WOULD PROCEED

2 THE CLERK NUMBER 81, LOUISE MCCLURE (WHITE
3 FEMALE)

4 WHAT SAYETH THE STATE?

5 MS SIMMONS PLEASE PRESENT THE JUROR

6 THE CLERK WHAT SAYETH THE DEFENSE?

7 MR SPROUSE PLEASE SEAT MS MCCLURE

8 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
9 IN THE JURY-BOX

10 NUMBER 84, ROBERT MCKENNA (WHITE MALE)

11 WHAT SAYETH THE STATE?

12 MS SIMMONS PLEASE PRESENT THE JUROR

13 THE CLERK WHAT SAYETH DEFENSE?

14 MR SPROUSE PLEASE EXCUSE MR MCKENNA

15 THE CLERK SIR, YOU HAVE BEEN EXCUSED FROM THIS
16 CASE YOU MAY BE SEATED

17 NUMBER 104, MYRA RUSHTON (WHITE FEMALE)

18 WHAT SAYETH THE STATE?

19 MS SIMMONS PLEASE PRESENT THE JUROR

20 THE CLERK WHAT SAYETH THE DEFENSE?

21 MR SPROUSE PLEASE SEAT HER

22 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
23 IN THE JURY-BOX

24 NUMBER 27, NANCY CONWAY (WHITE FEMALE)

25 WHAT SAYETH THE STATE?

1 MS SIMMONS PLEASE PRESENT THE JUROR
2 THE CLERK WHAT SAYETH THE DEFENSE?
3 MR SPROUSE PLEASE EXCUSE THIS JUROR FROM THIS
4 CASE
5 THE CLERK MA'AM, YOU HAVE BEEN EXCUSED FROM THIS
6 CASE YOU MAY BE SEATED
7 NUMBER 70, JANE LAFAILLE (WHITE FEMALE)
8 WHAT SAYETH THE STATE?
9 MS SIMMONS PLEASE PRESENT THE JUROR
10 THE CLERK WHAT SAYETH DEFENSE?
11 MR SPROUSE PLEASE EXCUSE THE JUROR
12 THE CLERK MA'AM, YOU HAVE BEEN EXCUSED FROM THIS
13 CASE YOU MAY BE SEATED
14 NUMBER 15, VICKIE BURNS (WHITE FEMALE)
15 WHAT SAYETH THE STATE?
16 MS SIMMONS PLEASE PRESENT THE JUROR
17 THE CLERK WHAT SAYETH THE DEFENSE?
18 MR SPROUSE PLEASE PRESENT THE JUROR
19 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
20 IN THE JURY BOX
21 NUMBER 20, JEAN CHRISTOPHER (WHITE FEMALE)
22 WHAT SAYETH THE STATE?
23 MS SIMMONS PLEASE PRESENT THE JUROR
24 THE CLERK WHAT SAYETH THE DEFENSE?
25 MR SPROUSE PLEASE PRESENT HER

1 **THE CLERK** MA'AM IF YOU WOULD PLEASE TAKE A SEAT IN
2 THE JURY-BOX
3 NUMBER 66, TINA JONES (WHITE FEMALE)
4 WHAT SAYETH THE STATE?
5 **MS SIMMONS** PLEASE EXCUSE THE JUROR FROM THE TRIAL
6 OF THIS CASE
7 **THE CLERK** MA'AM, YOU HAVE BEEN EXCUSED FROM THIS
8 CASE YOU MAY BE SEATED
9 NUMBER 73, LINDA LAY (WHITE FEMALE)
10 WHAT SAYETH THE STATE?
11 **MS SIMMONS** PLEASE PRESENT THE JUROR
12 **THE CLERK** WHAT SAY THE DEFENSE?
13 **MR SPROUSE** PRESENT HER, PLEASE
14 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
15 IN THE JURY-BOX
16 NUMBER 7, WALTER ATKINSON (WHITE MALE)
17 WHAT SAYETH THE STATE?
18 **MS SIMMONS** PLEASE PRESENT THE JUROR
19 **THE CLERK** WHAT SAYETH THE DEFENSE?
20 **MR SPROUSE** PRESENT HIM
21 **THE CLERK** SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
22 THE JURY-BOX
23 NUMBER 95, THERESA PAESSUN (WHITE FEMALE)
24 WHAT SAYETH THE STATE?
25 **MS SIMMONS** PLEASE PRESENT THE JUROR

1 **THE CLERK** WHAT SAYETH THE DEFENSE?
2 **MR SPROUSE** PLEASE PRESENT THE JUROR
3 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
4 IN THE JURY BOX
5 NUMBER 100, JUANITA POWELL (WHITE FEMALE)
6 WHAT SAYETH THE STATE?
7 **MS SIMMONS** PLEASE PRESENT THE JUROR
8 **THE CLERK** WHAT SAY THE DEFENSE?
9 **MR SPROUSE** PRESENT THE JUROR
10 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
11 IN THE JURY-BOX
12 NUMBER 86, STANLEY MEECE (WHITE MALE)
13 WHAT SAYETH THE STATE?
14 **MS SIMMONS** PLEASE PRESENT THE JUROR
15 **THE CLERK** WHAT SAY THE DEFENSE?
16 **MR. SPROUSE** PRESENT THE JUROR
17 **THE CLERK** SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
18 THE JURY-BOX
19 NUMBER 46, PETER FEMIA (WHITE MALE)
20 WHAT SAYETH THE STATE?
21 **MS SIMMONS** PLEASE PRESENT THE JUROR
22 **THE CLERK** WHAT SAY THE DEFENSE?
23 **MR SPROUSE** PLEASE EXCUSE THIS JUROR
24 **THE CLERK** SIR, YOU HAVE BEEN EXCUSED YOU MAY BE
25 SEATED

1 NUMBER 49, JANICE GRANT (WHITE FEMALE)

2 WHAT SAYETH THE STATE?

3 MS SIMMONS PLEASE PRESENT THE JUROR

4 THE CLERK WHAT SAYETH DEFENSE?

5 MR SPOUSE PLEASE PRESENT THE JUROR

6 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
7 IN THE JURY-BOX

8 NUMBER 88, LEX MILLER (WHITE MALE)

9 WHAT SAYETH THE STATE?

10 MS SIMMONS PLEASE PRESENT THE JUROR

11 THE CLERK WHAT SAYETH THE DEFENSE?

12 MR SPOUSE PRESENT THE JUROR

13 THE CLERK SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
14 THE JURY-BOX

15 NUMBER 43, KENNETH DUNCAN (WHITE MALE)

16 WHAT SAYETH THE STATE?

17 MS SIMMONS PLEASE PRESENT THE JUROR

18 THE CLERK WHAT SAYETH THE DEFENSE?

19 MR SPOUSE PRESENT THE JUROR

20 THE CLERK SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
21 THE JURY-BOX

22 AND THIS WILL BE FOR THE ALTERNATES?

23 THE COURT TWO ALTERNATES, YES, MA'AM

24 THE CLERK AND THIS WILL BE FOR THE ALTERNATES TWO
25 AND ONE?

1 THE COURT TWO AND ONE

2 THE CLERK. NUMBER 67, COLEEN KELLY (WHITE FEMALE)

3 WHAT SAYETH THE STATE?

4 MS SIMMONS PLEASE PRESENT THE JUROR

5 THE CLERK WHAT SAY THE DEFENSE?

6 MR SPROUSE PLEASE STRIKE THIS JUROR

7 THE CLERK MA'AM, YOU HAVE BEEN EXCUSED FROM THIS

8 CASE YOU MAY BE SEATED

9 NUMBER 18, LAURA CANTY (BLACK FEMALE)

10 WHAT SAYETH THE STATE?

11 MS SIMMONS PLEASE PRESENT THE JUROR

12 THE CLERK WHAT SAYETH THE DEFENSE?

13 MR SPROUSE PRESENT THE JUROR

14 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT

15 IN THE JURY-BOX

16 AND THIS IS FOR ALTERNATE NUMBER TWO

17 NUMBER 24, JENNIFER COBB (WHITE FEMALE)

18 WHAT SAYETH THE STATE?

19 MS SIMMONS PLEASE PRESENT THE JUROR

20 THE CLERK WHAT SAYETH THE DEFENSE?

21 MR SPROUSE PRESENT THE JUROR

22 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT

23 IN THE JURY-BOX

24 JUDGE?

25 THE COURT ALL RIGHT THANK YOU VERY MUCH

1 IS THERE ANY REASON THIS JURY CANNOT BE SWORN FOR
2 THE TRIAL OF THIS CASE FROM THE STATE?

3 **MS SIMMONS** NOTHING FROM THE STATE, YOUR HONOR
4 **THE COURT** FROM THE DEFENSE? I'M TALKING ABOUT
5 QUALIFICATION, I'M NOT TALKING ABOUT ---

6 **MR SPROUSE** NO OBJECTIONS ON THE QUALIFICATION,
7 YOUR HONOR

8 **THE COURT** ALL RIGHT

9 **MS PAESSUN**, I'M GONNA ASK YOU TO SERVE AS THE
10 FOREPERSON OF THIS JURY, SO WHEN WE COME BACK TO THE
11 COURTROOM, IF YOU WOULD SIT ON THE FIRST ROW, THE FIRST
12 SEAT ON THE FRONT

13 **MS CANTY** AND **MS COBB**, YOU-ALL ARE THE ALTERNATES,
14 SO YOU WILL ALWAYS SIT IN THOSE TWO SEATS THAT YOU ARE
15 SITTING IN NOW

16 EVERYONE ELSE, AS I SAY, CAN SIT ANYWHERE IN THE
17 JURY-BOX, EXCEPT FOR THAT LAST SEAT, THE FIRST SEAT AND
18 THIS LAST SEAT ON THE END BUT IN OTHER WORDS, THE ONES
19 THAT YOU ARE SITTING IN, THE AREA THAT YOU ARE SITTING IN
20 NOW

21 I'M GOING TO ASK YOU TO GO WITH THE BAILIFF HE'LL
22 SHOW YOU THE JURY ROOM THAT YOU WILL BE USING DURING THE
23 TRIAL OF THIS CASE I'VE GOT SOME MATTERS I NEED TO TAKE
24 UP WITH THE ATTORNEYS AND THE BALANCE OF THE JURY PANEL
25 IT WILL ONLY TAKE A FEW MINUTES BUT MY INSTRUCTIONS

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1 THROUGHOUT THE TRIAL OF THIS CASE ARE THAT YOU ARE NOT TO
2 UNDERTAKE DISCUSSION OF THIS CASE AMONG YOURSELVES IN ANY
3 WAY I'LL EXPLAIN THAT MORE PARTICULARITY LATER BUT AT
4 THIS POINT, DO NOT DISCUSS ANYTHING ABOUT THE CASE,
5 PERSONALITIES OR ANYTHING ELSE IF YOU WOULD PLEASE JUST
6 GO WITH THE BAILIFF AND HE'LL SHOW YOU YOUR JURY ROOM
7 THAT YOU WILL BE USING

8 (THE TRIAL JURY LEFT THE COURTROOM AT
9 APPROXIMATELY 12 48 P M)

10 **THE COURT** NOW, LADIES AND GENTLEMEN THAT WERE NOT
11 DRAWN ON THE TRIAL OF THIS CASE AS JURORS, I'M GOING TO
12 ASK YOU TO -- I'M GOING TO EXCUSE YOU FOR THE BALANCE OF
13 THE DAY, BUT ASK YOU TO CALL THE TELEPHONE NUMBER WERE
14 YOU GIVEN A SHEET OF PAPER WHEN YOU CAME IN? THE NUMBER
15 IS [REDACTED] IT SHOULD BE AT THE TOP OF THE PAGE.

16 DOES EVERYONE HAVE THAT NUMBER? ANYONE THAT DOES
17 NOT HAVE THE NUMBER, IF YOU WOULD RAISE YOUR HAND,
18 PLEASE VERY GOOD

19 NOW, THAT IS AN ANSWERING MACHINE AND IT WILL BE ON
20 ALL NIGHT, SO IF YOU DON'T GET THROUGH THE FIRST TIME,
21 KEEP CALLING UNTIL YOU DO I'LL EXCUSE YOU FOR THE
22 BALANCE OF THE DAY, AND YOU DON'T HAVE TO CALL THAT
23 NUMBER TONIGHT, BUT DO CALL THE NUMBER TOMORROW NIGHT

24 YOUR CLERK OF COURT HAS MADE IT POSSIBLE SO THAT YOU
25 WOULD NOT HAVE TO REPORT EACH DAY THE ONLY TIME YOU

1 WOULD HAVE TO REPORT IS IF WE NEED YOUR SERVICES AND
2 SO, THEREFORE, CALL TOMORROW NIGHT, THAT WILL BE TUESDAY,
3 OCTOBER THE 27TH, AFTER 6 00 P M , AND THERE WILL BE A
4 MESSAGE ON THERE, EITHER TO CALL BACK OR TO COME IN THE
5 NEXT MORNING, WHICH WOULD BE WEDNESDAY, OR SOME OTHER
6 MESSAGE I WANT YOU TO GET THE MESSAGE FROM THE MACHINE
7 AS I SAY, IT'S ON ALL NIGHT, SO YOU CAN CONTINUE TO CALL
8 BECAUSE IF YOU DON'T, YOU'LL HAVE TO GET IT FROM ME, AND
9 THAT WOULD BE AT 9 00 ON WEDNESDAY MORNING, AND I THINK
10 YOU WOULD RATHER GET THE MESSAGE FROM THE MACHINE.

11 BUT DOES EVERYBODY UNDERSTAND NOW? CALL THE NUMBER
12 AFTER 6 00, TUESDAY NIGHT, OCTOBER THE 27TH, AND DO WHAT
13 THE MESSAGE SAYS ANYBODY THAT HAS ANY QUESTIONS
14 WHATSOEVER, PLEASE RAISE YOUR HAND (NO RESPONSE)

15 ALL RIGHT ANYBODY THAT DOESN'T HAVE THE NUMBER,
16 RAISE YOUR HAND (NO RESPONSE)

17 VERY GOOD AGAIN, I LOOK FORWARD TO WORKING WITH
18 YOU THIS WEEK, AND I DO APPRECIATE YOUR PATIENCE WITH THE
19 COURT THIS MORNING, AND AS I SAY, IF THERE'S ANYTHING
20 THAT THE COURT CAN DO, PLEASE LET ME KNOW OTHERWISE YOU
21 ARE EXCUSED FOR THE BALANCE OF THE DAY

22 EVERYONE ELSE REMAIN SEATED WHILE THE JURY RETIRES
23 FROM THE COURTROOM

24 (THE JURY LEFT THE COURTROOM AT APPROXIMATELY
25 12 52 P M)

1 **THE COURT** ALL RIGHT I'M GOING TO EXCUSE THE JURY
2 FOR THE BALANCE OF THE DAY WE'LL BEGIN AT 10 00 IN THE
3 MORNING, MADAM SOLICITOR?

4 **MS SIMMONS** FINE WITH ME, JUDGE

5 **THE COURT** MR SPOUSE?

6 **MR SPOUSE** YES, SIR

7 **THE COURT** ALL RIGHT NOW, WHEN DO YOU WANT TO
8 TAKE UP THE MOTIONS?' DO YOU WANT TO DO IT AT 2 00?

9 **MR SPOUSE** THAT WOULD BE FINE

10 **THE COURT** ALL RIGHT LET'S SAY 2 15 BECAUSE I'VE
11 GOT TO DEAL WITH SOMETHING AT 2 15 WE'LL TAKE UP THE
12 MOTIONS IN THE CASE, AND THEN BASED ON RULINGS ON THE
13 MOTIONS, THEN WE'LL DECIDE HOW WE'RE GOING TO PROCEED

14 I'M ACTUALLY GOING TO TELL THE JURY TO CALL IN
15 TONIGHT JUST TO BE SURE WE ARE READY TO GO FORWARD WITH
16 THEM AT 10 00 IN THE MORNING

17 ANY QUESTIONS?

18 **MS SIMMONS** NO, SIR

19 **THE COURT** ANY QUESTIONS?

20 **MR SPOUSE** NO, SIR

21 **THE COURT** ASK THE JURY TO JOIN US, PLEASE

22 (THE JURY ENTERED THE COURTROOM AT
23 APPROXIMATELY 12 53 P M)

24 **THE COURT** ALL RIGHT LET THE RECORD REFLECT THE
25 JURY AND ALTERNATES ARE IN THE JURY-BOX

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1 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
2 THERE ARE CERTAIN MATTERS I NEED TO TAKE UP BEFORE WE
3 START THE TRIAL OF THE CASE, AND I DON'T WANT TO HAVE YOU
4 WAIT UNTIL THOSE MATTERS ARE RESOLVED SO I'M GOING TO
5 EXCUSE YOU FOR THE BALANCE OF THE DAY AND I'M GONNA ASK
6 YOU TO CALL IN AFTER 6 00

7 YOU SHOULD HAVE'BEEN GIVEN A PIECE OF PAPER WITH A
8 TELEPHONE NUMBER ON IT DOES EVERYBODY HAVE THE PAPER
9 AND THE NUMBER? ALL RIGHT I THINK IT'S [REDACTED] NOW,
10 CALL THAT NUMBER AFTER 6 00 THERE WILL BE A MESSAGE ON
11 THE MACHINE THAT WILL EITHER TELL YOU TO COME IN AT 10 00
12 IN THE MORNING OR SOME OTHER INSTRUCTION BUT IN THE
13 EVENT SOMETHING SHOULD HAPPEN OR WHATEVER, AND IT'S NOT
14 NECESSARY FOR YOU IN 'THE TRIAL OF THIS CASE, THEN OF
15 COURSE I DON'T WANT YOU TO COME IN UNLESS IT'S ABSOLUTELY
16 NECESSARY THIS IS A CONVENIENCE THAT YOUR CLERK OF
17 COURT HAS PROVIDED

18 IN THAT REGARD I DO APPRECIATE YOUR PATIENCE WITH
19 THE COURT THIS MORNING AND I THANK YOU FOR YOUR
20 ATTENDANCE AND I LOOK FORWARD TO WORKING WITH YOU THIS
21 WEEK

22 I TELL JURORS THAT THIS IS PERHAPS THE MOST
23 DIFFICULT TIME OF THE CASE THAT YOU WILL HAVE, BECAUSE
24 YOU'LL GO HOME AND SOMEBODY WILL ASK YOU, WHAT ARE YOU
25 DOING?

1 YOU'RE GOING TO SAY, WELL, I'VE BEEN DRAWN ON THE
2 TRIAL OF A CASE AS A JUROR

3 THEY'LL SAY, WELL, WHAT IS IT ABOUT? OF COURSE YOU
4 REALLY HAVEN'T HEARD SO YOU DON'T KNOW

5 BUT THE FACT IS THAT EVEN DURING THE TRIAL, AS I
6 SAID, MY INSTRUCTION WAS GOING TO BE NOT TO UNDERTAKE
7 DISCUSSION AMONG YOURSELVES EVEN, OR ANYBODY ELSE
8 PARTICULARLY THE REASON FOR THAT IS YOU DON'T KNOW
9 WHAT'S GOING TO BE THE MOST IMPORTANT PART OF THE CASE
10 IT COULD BE THE OPENING STATEMENTS BY THE ATTORNEYS, THE
11 FIRST WITNESS OR THE LAST WITNESS, THE FIRST EXHIBIT OR
12 THE LAST EXHIBIT

13 EVEN IF THERE ARE NO EXHIBITS, THERE'S GOING TO BE
14 CLOSING ARGUMENTS BY THE LAWYERS OR THE CHARGE ON THE LAW
15 BY THE COURT SO YOU NEVER KNOW WHAT'S GOING TO BE THE
16 MOST IMPORTANT PART OF THE CASE AND YOU NEED TO KEEP AN
17 OPEN MIND THROUGHOUT THE TRIAL OF THE CASE

18 NO ONE WHO IS NOT SITTING IN THIS JURY-BOX WHERE YOU
19 ARE NOW OR WILL BE BACK IN THAT JURY ROOM WHEN YOU HAVE
20 TO MAKE YOUR DECISION CAN HELP YOU, BECAUSE THEY HAVE NOT
21 HEARD THE FIRST WITNESS, SEEN THE FIRST EXHIBIT, OR ANY
22 OF THE EVIDENCE THEY CAN ONLY COMPLICATE, OR, IN FACT,
23 INTERFERE WITH THE PROPER RESOLUTION OF THIS CASE, AND I
24 THINK YOU UNDERSTAND IT'S AN IMPORTANT CASE TO EVERYBODY
25 INVOLVED, AND IT NEEDS TO BE RESOLVED IN A PROPER

1 FASHION

2 SO, THEREFORE, IF ANYBODY SHOULD ATTEMPT TO TALK TO
3 YOU ABOUT THE CASE, I'LL BE HERE AT 8 30 IN THE MORNING
4 AND I'LL BE GLAD TO EXPLAIN TO THEM WHY, BUT I THINK YOU
5 UNDERSTAND AND I THANK YOU FOR IT

6 SO WITH THAT I'LL EXCUSE YOU FOR THE BALANCE OF THE
7 DAY BUT DO CALL THE NUMBER AFTER 6 00 AND DO WHAT THE
8 MACHINE SAYS IF THERE IS A MESSAGE ON THERE THANK YOU
9 VERY MUCH

10 EVERYONE ELSE REMAIN SEATED WHILE THE JURY RETIRES
11 FROM THE COURTROOM

12 (THE JURY LEFT THE COURTROOM AT
13 APPROXIMATELY 12-57 P M)

14 THE COURT IS THERE ANYTHING FROM THE STATE BEFORE
15 WE RECEDE FOR LUNCH?

16 MS SIMMONS NO, YOUR HONOR

17 THE COURT FROM THE DEFENDANT?

18 MR SPROUSE NOTHING, YOUR HONOR

19 THE COURT ALL RIGHT I'LL SEE YOU AT 2 15

20 (WHEREUPON, THE JURY TRIAL OF THE STATE OF
21 SOUTH CAROLINA VERSUS TIMOTHY LEE BLASSINGAME
22 ADJOURNED ON MONDAY, OCTOBER 26, 2009, AT
23 APPROXIMATELY 1 00 P M AND THE COURT
24 CONSIDERED OTHER MATTERS A LUNCHEON RECESS
25 OCCURRED UNTIL THE PRE-TRIAL MOTIONS BEGAN AT

1 APPROXIMATELY 2 15 P M)

2 ***

3 AFTERNOON PROCEEDINGS

4
5 THE COURT ALL RIGHT IS THE STATE READY?

6 MS SIMMONS YES, YOUR HONOR

7 THE COURT IS THE DEFENSE READY?

8 MR SPOUSE YES,

9 THE COURT ALL RIGHT I UNDERSTAND THERE ARE SOME
10 MOTIONS PENDING IN THE MATTER OF *STATE VERSUS TIMOTHY LEE*
11 *BLASSINGAME*, 2009-GS-37-820?

12 MOTION FOR CONTINUANCE ON BEHALF OF DEFENDANT

13 MR SPOUSE YES, SIR MAY IT PLEASE THE COURT,
14 YOUR HONOR, I WAS APPOINTED ON THIS CASE ON OCTOBER THE
15 2ND BY COURT ORDER AFTER THE PUBLIC DEFENDER'S OFFICE WAS
16 RELIEVED AND, YOUR HONOR, I WILL SAY MS SIMMONS HAS
17 DONE A GOOD JOB OF GETTING ME WHAT SHE HAD IN THE FILE,
18 SHE AND OFFICER CRUM CAME TO MY OFFICE AND SHOWED ME WHAT
19 THEY HAD AND WHATEVER

20 SINCE THEN THERE HAVE BEEN ITEMS OF EVIDENCE THAT
21 HAVE CROPPED UP MOST RECENTLY A DISK WAS HANDED TO ME
22 THIS MORNING WHICH IS PURPORTED TO BE A TELEPHONE CALL
23 BETWEEN ANOTHER WITNESS AND MY CLIENT AND THE
24 CONFIDENTIAL INFORMANT IN THE CASE THERE WAS ALSO A
25 VOLUNTARY STATEMENT GIVEN BY THE CONFIDENTIAL INFORMANT

1 THESE PIECES OF EVIDENCE ARE HIGHLY PREJUDICIAL TO
2 MY CLIENT, AND I OBVIOUSLY HAVE NOT HAD ANY TIME TO CHECK
3 THESE OUT, AND I WOULD ASK THE COURT FOR A CONTINUANCE ON
4 THIS CASE I'VE BEEN APPOINTED LESS THAN A MONTH. AND
5 THESE ARE INFLAMMATORY AND PREJUDICIAL PIECES OF EVIDENCE
6 WHERE THEY ARE TRYING TO BASICALLY SAY THAT MY CLIENT IS
7 TRYING TO ARRANGE PEOPLE TO TESTIFY FRAUDULENTLY OR
8 DISHONESTLY ABOUT THE CASE

9 AND I WOULD ASK THE COURT TO GRANT A CONTINUANCE SO
10 THAT, A CONTINUANCE SO THAT WE CAN INVESTIGATE THE
11 STATE WOULD NOT BE PREJUDICED THERE'S ONLY ABOUT FOUR
12 OR FIVE WITNESSES, AND ALL OF WHOM ARE NOT HERE TODAY
13 AND, YOUR HONOR, I WOULD THINK OUT OF AN ABUNDANCE OF
14 CAUTION AND FAIRNESS TO MY CLIENT, THAT WE HAVE THE TIME
15 TO CHECK OUT THESE ALLEGATIONS THAT IS MY FIRST MOTION
16 IS FOR THIS CASE TO BE CONTINUED TO THE NEXT TERM

17 **THE COURT** ALL RIGHT MADAM SOLICITOR?

18 **MS SIMMONS** YOUR HONOR, THIS COURT APPOINTED
19 MR SPROUSE ON SEPTEMBER 25TH, 2009, I HAVE THAT ORDER
20 SIGNED BY YOU THAT ORDER STATED THIS CASE SHALL BE
21 ELIGIBLE FOR TRIAL DURING THE OCTOBER 26, 2009 TERM OF
22 COURT

23 AT THE TIME WHEN YOU APPOINTED MR SPROUSE, I CALLED
24 HIM, DISCUSSED THE CASE WITH HIM SERGEANT CRUM AND I
25 WENT TO HIS OFFICE, GAVE HIM EVERYTHING WE HAD, DISCUSSED

1 THE CASE WITH HIM AT LENGTH WE HAVE CONTINUED
2 COOPERATING WITH HIM AND SHARING EVIDENCE

3 THE EVIDENCE THAT HE REFERS TO THAT CAME TO LIGHT
4 LAST NIGHT IS, WAS NOT ON ANY PART OF THE STATE TO DELAY
5 HIS CLIENT ACTUALLY CALLED THE CONFIDENTIAL INFORMANT
6 THROUGH A THIRD PARTY SO ANY -- HIS CLIENT INITIATED
7 THESE THINGS THAT OCCURRED YESTERDAY AND THEN HIS
8 GIRLFRIEND ALSO, ALSO CALLED THE CONFIDENTIAL INFORMANT
9 THE CONFIDENTIAL INFORMANT CALLED HER BACK AND WE DO HAVE
10 THAT CONVERSATION ON TAPE

11 THE COURT NOW, WHICH CONVERSATION DO YOU HAVE ON
12 TAPE?

13 MS SIMMONS WE HAVE THE DEFENDANT CALL THROUGH A
14 THIRD-PARTY CALL --

15 THE COURT "THROUGH" A THIRD PARTY OR "TO" A THIRD
16 PARTY?

17 MS SIMMONS THROUGH A THIRD PARTY BECAUSE HE
18 CALLED A PARTY FROM THE JAIL HE THREE-WAYED MR WALKER,
19 THE INFORMANT, AND HAD A CONVERSATION WE DO NOT HAVE
20 THAT ON TAPE THE JAIL IS WORKING ON GETTING THAT TAPE,
21 BUT IT IS NOT AVAILABLE AT THIS POINT IN TIME AND WE
22 DON'T INTEND TO USE THAT TAPE

23 MR WALKER GAVE A VOLUNTARY STATEMENT STATING
24 "MR BLASSINGAME CALLED ME LAST NIGHT AND THIS IS WHAT HE
25 SAID TO ME " LAST NIGHT MR BLASSINGAME'S PRESENT OR

1 FORMER GIRLFRIEND, MS REED, ALSO CALLED THE CONFIDENTIAL
2 INFORMANT WHEN HE ---

3 THE COURT WELL, NOW, YOU HAVE A CONVERSATION YOU
4 SAY IS ON THIS DISK FROM WHOM?

5 MS SIMMONS MS REED CALLED ---

6 THE COURT THAT'S THE ONLY ONE YOU HAVE IS
7 MS REED?

8 MS SIMMONS YES AND WE DON'T INTEND TO USE THAT
9 PHONE CALL IN OUR CASE-IN-CHIEF IF MS REED TESTIFIED
10 FOR THE DEFENSE OR IF WE HAD TO CALL HER AS A REBUTTAL
11 WITNESS, WE WOULD HAVE TO LOOK AT USING THAT PHONE CALL
12 BUT OUR CASE-IN-CHIEF DOES NOT -- THAT'S NOT PART OF IT
13 WE HAVE THESE RECORDINGS FROM LAST NIGHT OUT OF AN
14 ABUNDANCE OF CAUTION, BECAUSE AT THAT POINT IN TIME WE
15 WERE INVESTIGATING THE POSSIBILITY HE WAS ATTEMPTING TO
16 INTIMIDATE OUR WITNESS

17 THE COURT WELL, NOW, AGAIN, WHAT IS ON THE DISK?

18 MS SIMMONS BETWEEN MS REED AND MR WALKER?

19 THE COURT IS THAT THE ONLY THING THAT'S ON THE
20 DISK?

21 MS SIMMONS MS REED AND MR WALKER HAVING A
22 CONVERSATION THEY DISCUSSED THE PHONE NUMBER IN
23 QUESTION IN THIS CASE AND DISCUSSED THE FACT THAT
24 MR BLASSINGAME IS GOING TO TRIAL THERE'S NO SMOKING
25 GUN AS FAR AS I KNOW ON THAT CONVERSATION WHERE -- SHE

1 CERTAINLY CAN'T ADMIT ANYTHING FOR HIM SHE'S NOT, SHE'S
2 NOT LISTED AS A DEFENSE WITNESS, SHE'S NOT LISTED AS A
3 STATE'S WITNESS

4 I GUESS MY PRIMARY POINT IN ANY DELAY THAT WOULD BE
5 CAUSED HAS BEEN CAUSED BY MR BLASSINGAME HIMSELF, NOT
6 THE STATE

7 THE COURT ALL RIGHT, MR SPROUSE

8 MR SPROUSE YOUR HONOR, OF COURSE MY CLIENT IS IN
9 A POSITION HERE TO WHERE HE'S BEING ACCUSED OF AN OFFENSE
10 IN AND OF ITSELF, TAMPERING WITH A WITNESS OR TRYING TO
11 OBTAIN FRAUDULENT ---

12 THE COURT WELL, SHE SAID SHE DIDN'T FIND THEM

13 MR SPROUSE THAT'S NOT ON THE DISK, YOUR HONOR
14 BUT MR WALKER, THE CONFIDENTIAL INFORMANT, IS ON THE
15 WITNESS LIST AND IS GOING TO BE CALLED TO TESTIFY CENTRAL
16 TO THE PROSECUTION'S CASE AND, YOUR HONOR, AGAIN, I
17 THINK THIS ALLEGATION IN AND OF ITSELF IS HIGHLY
18 PREJUDICIAL, AND I WOULD ASK FOR MORE TIME TO BE ABLE TO
19 PREPARE FOR THIS THIS IS SOMETHING NEW THAT WE HAD NOT
20 ANTICIPATED HAVING TO DEAL WITH THIS WEEK

21 THE COURT WHAT ARE YOU GOING TO INVESTIGATE?

22 MR SPROUSE THE CIRCUMSTANCES AROUND MR WALKER,
23 YOUR HONOR APPARENTLY HE HAS OTHER CHARGES THAT -- HIS
24 RECORD HAS BEEN PROVIDED TO US, BUT APPARENTLY HE HAS
25 OTHER PENDING CHARGES THERE ARE OTHER CONVERSATIONS

1 THAT --

2 THE COURT ARE THERE ANY OTHER CHARGES AGAINST
3 MR WALKER THAT YOU HAVEN'T PROVIDED TO THE DEFENSE?

4 MS SIMMONS I PROVIDED HIS RAP SHEET TO
5 MR SPROUSE MR WALKER DOES HAVE PENDING BURGLARY
6 CHARGES THAT ARE TOTALLY UNRELATED TO HIS TESTIMONY IN
7 THIS CASE HE WAS NOT WORKING AS AN INFORMANT RELATED TO
8 THOSE CHARGES MR WAGNER IS PROSECUTING THOSE CHARGES
9 AND NOTHING HAS BEEN PROMISED TO HIM ON THOSE BURGLARY
10 CHARGES IN EXCHANGE FOR HIS TESTIMONY HE'S A PAID
11 CONFIDENTIAL INFORMANT IN THIS CASE

12 MR SPROUSE YES, SIR THAT'S, THAT'S WHAT THEY
13 TOLD ME

14 THE COURT SO YOU KNOW EVERYTHING THEY KNOW

15 MR SPROUSE WELL, YOUR HONOR, THEY DON'T HAVE THE
16 CONVERSATION ON TAPE I HAVE ATTEMPTED TO TALK TO
17 MR WALKER, HOWEVER, THAT HAS BEEN UNSUCCESSFUL SO I
18 WOULD LIKE MORE TIME TO CHECK OUT THE CIRCUMSTANCES
19 SURROUNDING HIM AND THE RESIDENCE OF THIS TELEPHONE
20 NUMBER, BECAUSE AGAIN, WHAT HE'S ACCUSING MY CLIENT OF IS
21 VERY SERIOUS

22 THE COURT SHE'S SAYING THAT THAT'S NOT GONNA BE
23 PART OF THEIR CASE

24 MR SPROUSE THE DISK ISN'T, YOUR HONOR, UNLESS
25 EITHER CHARLOTTE REED, WERE CALLED, IT COULD BE USED FOR

1 IMPEACHMENT BUT MR WALKER WILL TESTIFY, AND THEY
2 PROVIDED ME THIS MORNING IN A WRITTEN STATEMENT, THAT HE
3 APPARENTLY GAVE LAST NIGHT, ABOUT ---

4 THE COURT LET ME SEE THE STATEMENT

5 MS SIMMONS YOUR HONOR, IF IT'LL MAKE THIS THING
6 MOVE ALONG ANY FURTHER, I'LL AGREE THAT MR WALKER WILL
7 NOT TESTIFY REGARDING THIS INCIDENT FROM LAST NIGHT

8 THE COURT WELL, LET ME SEE THE STATEMENT SO IF IT
9 DOES COME UP, I'LL KNOW WHAT THEY'RE TALKING ABOUT

10 MR SPROUSE (HANDING)

11 THE COURT ALL RIGHT (HANDING)

12 AND OBVIOUSLY, YOU HAVE THE ORIGINAL OF THAT
13 STATEMENT?

14 MS SIMMONS YES, YOUR HONOR SERGEANT CRUM HAS
15 IT

16 THE COURT VERY GOOD ALL RIGHT NOW, EXACTLY
17 WHAT IS THE CONCERN? IF THEY'RE NOT GONNA USE THAT
18 STATEMENT AND IF THEY'RE NOT GONNA USE THE C D , WHAT'S
19 THE CONCERN?

20 MR SPROUSE WELL, YOUR HONOR, IF THEY'RE NOT GONNA
21 USE THIS NEW INFORMATION, THEN I WOULD HAVE NO CONCERN
22 ABOUT THIS PARTICULAR ISSUE

23 THE COURT ALL RIGHT VERY GOOD WHAT'S YOUR NEXT
24 ONE?

25 MS SIMMONS JUDGE, I HAVE TO MAKE SOMETHING CLEAR

1 ON THE RECORD

2 THE COURT CERTAINLY

3 MS SIMMONS WHEN I MET WITH MR SPROUSE PREVIOUSLY
4 AND WE PROVIDED THIS TO HIM, THERE WAS A PRIOR EFFORT BY
5 HIS CLIENT TO INFLUENCE MR WALKER'S TESTIMONY WE WILL
6 BE REFERRING TO THAT MR SPROUSE HAD ADEQUATE NOTICE OF
7 THAT

8 THE COURT WHAT WAS THAT, THE PRIOR INSTANCE?

9 MS SIMMONS A NUMBER OF MONTHS AGO THE JAIL
10 INADVERTENTLY PUT BOTH OF THEM IN THE CELL TOGETHER WITH
11 APPROXIMATELY 14 OTHER PEOPLE MR BLASSINGAME WENT TO
12 MR WALKER AND ENCOURAGED HIM TO WRITE A LETTER STATING
13 THAT THIS BASICALLY DIDN'T HAPPEN, HE WAS DRUNK AND HIGH
14 WHEN IT OCCURRED MR WALKER WILL BE DISCUSSING THAT,
15 AND THAT WAS PROVIDED TO MR SPROUSE IN DISCOVERY.

16 MR SPROUSE AND, YOUR HONOR, OF COURSE WE DISPUTE,
17 WE HAVE A SIGNIFICANT DISPUTE WITH THE STATE OVER WHAT
18 HAPPENED IN THAT SITUATION, AND WE BELIEVE THE EVIDENCE
19 WILL SHOW THAT MR WALKER WROTE A LETTER OF HIS OWN FREE
20 WILL TO CLEAR THE AIR ABOUT WHAT HE HAD DONE BUT I
21 WOULD AGREE THAT WAS A SEPARATE INCIDENT THAN THIS
22 TELEPHONE CONVERSATION

23 THE COURT VERY WELL ALL RIGHT

24 MS SIMMONS THANK YOU, JUDGE

25 COURT'S RULING ON DEFENSE MOTION

1 **THE COURT** ALL RIGHT SO AS FAR AS THE DISK AND
2 AFFIDAVIT OF THE TELEPHONE CONFERENCE -- THAT WAS WHAT,
3 10-18 OR 10-20?

4 **MR SPROUSE** 10-25, YOUR HONOR

5 **THE COURT** 10-25 -- IT'S NOT TO BE ADMITTED AS A
6 PART OF THE CASE-IN-CHIEF, ONLY IN REBUTTAL IF NECESSARY

7 **MR SPROUSE** YES, SIR

8 **THE COURT** AND THEN I'LL RULE ON IT AT THAT TIME

9 **MR SPROUSE** YES, SIR

10 **THE COURT** ALL RIGHT AND THEN THE PRIOR -- WELL,
11 GO AHEAD AND TELL ME WHAT YOUR OTHER MOTION IS
12 MOTION *IN LIMINE* ON BEHALF OF DEFENDANT

13 **MR SPROUSE** THE SECOND MOTION I WOULD LIKE TO MAKE
14 WOULD BE A MOTION *IN LIMINE* TO BAR THE STATE FROM USING
15 THE OFFENSE NUMBER, ANY QUESTIONING, OR ELEMENTS THIS
16 IS A DISTRIBUTION OF CRACK COCAINE THIRD OFFENSE CHARGE,
17 BUT WE WOULD ASK THE STATE TO BE PROHIBITED FROM USING
18 THE OFFENSE NUMBER IN ORDER TO KEEP FROM PREJUDICING THE
19 JURY DURING THE COURSE OF TRIAL

20 **THE COURT** ALL RIGHT

21 **MS SIMMONS** JUDGE, I CERTAINLY UNDERSTAND THAT IF
22 THE JURY KNEW IT WAS A THIRD OFFENSE, IT WOULD BE
23 PREJUDICIAL IN NATURE I WILL AGREE NOT TO REFER TO IT
24 AS THIRD OFFENSE HOWEVER, IN THE EVENT MR BLASSINGAME
25 IS CONVICTED, I WILL BE PRESENTING YOUR HONOR CERTIFIED

1 CONVICTIONS PROVING THAT THIS IS A THIRD OFFENSE

2 THE COURT FOR ENHANCEMENT PURPOSES?

3 MS SIMMONS RIGHT

4 MR SPROUSE YES

5 THE COURT ALL RIGHT DO YOU UNDERSTAND THAT?

6 OTHERWISE THEY WOULD BE ENTITLED TO PROVE THAT IT WAS,

7 INASMUCH AS IT WOULD AFFECT THE SENTENCE

8 MR SPROUSE YES, SIR YOUR HONOR, WE WOULD

9 STIPULATE JURISDICTION OF THE COURT, STIPULATE TO THAT IF
10 THE JURY JUST DOESN'T HEAR THE OFFENSE DURING THE TRIAL
11 THE COURT'S RULING ON DEFENSE MOTION *IN LIMINE*

12 THE COURT VERY GOOD ALL RIGHT WITH THAT

13 STIPULATION, THEN, THE STATE WILL NOT REFER TO ANY PRIOR
14 OFFENSES

15 THIRD MOTION ON BEHALF OF DEFENDANT

16 MR SPROUSE THE NEXT MOTION I HAVE, YOUR HONOR, IS
17 FOR THE STATE TO DECLARE THE STATUS OF TWO ADDITIONAL
18 WARRANTS YOUR HONOR, I WAS APPOINTED ON ALL THREE
19 CHARGES BY THE COURT TO REPRESENT MR BLASSINGAME, BUT
20 THE CHARGE THAT WE ARE PROCEEDING ON IS A CITY OF SENECA
21 CHARGE, WHICH IS OFFICER CRUM'S, BUT OFFICER ROBERTSON OF
22 THE SHERIFF'S DEPARTMENT HAD TWO OTHER WARRANTS, WHICH
23 WAS ALSO ON MY APPOINTMENT, AND IT IS MY UNDERSTANDING
24 THAT WE ARE NOT PROCEEDING ON THOSE WARRANTS IN THIS
25 CASE

1 **MS SIMMONS** JUDGE, THE TRIAL DOCKET WAS PUBLISHED
2 A COUPLE WEEKS AGO IT SPECIFICALLY REFERENCES THAT WE
3 ARE GOING TO TRIAL AT THIS TERM ON 2009-820 THE OTHER
4 TWO WARRANTS ARE OUT THERE TO BE QUITE HONEST WITH YOUR
5 HONOR, IF MR BLASSINGAME WAS CONVICTED ON HIS CHARGE OR
6 PLED GUILTY, I WOULD DISMISS THOSE CHARGES IF SOMETHING
7 HAPPENS AND THERE IS A NON-CONVICTION IN THIS CASE, I
8 WOULD PROCEED ON THOSE WARRANTS, BUT THAT IS NOT
9 SOMETHING WE WOULD BE DOING DURING THIS TERM OF COURT

10 **THE COURT** ALL RIGHT VERY GOOD

11 **MR SPROUSE** AND, YOUR HONOR, THE OTHER MATTER, I
12 BELIEVE IT HAS ALREADY BEEN DEALT WITH, THE QUESTION I
13 WOULD HAVE FOR THE STATE TO DISCLOSE ANY DEALING AND
14 COMPENSATION BETWEEN THE CONFIDENTIAL INFORMANT AND THE
15 STATE AS I UNDERSTAND FROM MS SIMMONS AND
16 OFFICER CRUM, THIS WAS A MONEY COMPENSATION

17 **THE COURT** IS THAT RIGHT?

18 **MS SIMMONS** YES, YOUR HONOR HE WAS PROVIDED \$20
19 FOR THE DEAL HE DID IN QUESTION HE RECEIVED 60 MORE
20 DOLLARS WHEN HE MET WITH US BECAUSE HE DID COME TO MEET
21 WITH US ROUTINELY WE GIVE INFORMANTS MONEY HE'S
22 RECEIVED A TOTAL OF \$80 IN THE CASE HE HAD NO PENDING
23 CHARGES THAT HE RECEIVED ANY CONSIDERATION ON AND, LIKE
24 I SAID, THERE ARE THOSE PENDING BURGLARY CHARGES THAT I
25 AM NOT PROSECUTING, AND I MADE HIM NO PROMISES ON THEM

1 **THE COURT** ALL, RIGHT

2 **MR SPROUSE** THOSE ARE MY PRE-TRIAL MOTIONS, YOUR
3 HONOR

4 THE COURT'S RULING ON ALL PRE-TRIAL MOTIONS

5 **THE COURT** ALL RIGHT WHAT MOTIONS I'VE HEARD
6 WOULD BE DENIED IF THEY ARE PURSUED BUT AS I UNDERSTAND
7 IT, WITH THE STIPULATION AS TO THE PRIOR OFFENSES NOT
8 BEING USED EXCEPT FOR THE PURPOSE OF ENHANCEMENT IF THERE
9 IS A CONVICTION, AND THE MOTION HAS BEEN WITHDRAWN.

10 AND A MOTION TO CONTINUE TO INVESTIGATE THE DISK AND
11 THE AFFIDAVIT, INASMUCH AS THEY ARE NOT BEING ADMITTED IN
12 CASE-IN-CHIEF, BUT IF ANY REFERENCE IS TO BE MADE TO
13 THEM, IT WOULD BE ON REBUTTAL OR IMPEACHMENT AND THE
14 COURT WOULD BE NOTIFIED AND WOULD RULE ON THE USE OF THEM
15 AT THAT TIME

16 AND THEN THE MOTION *IN LIMINE* AND MOTION TO
17 CONTINUE, BOTH OF THOSE WOULD HAVE BEEN DENIED

18 VERY GOOD ANYTHING ELSE?

19 **MS SIMMONS** NOT AT THIS TIME, YOUR HONOR

20 **THE COURT** ANYTHING ELSE, MR SPROUSE?

21 **MR SPROUSE** NO, YOUR HONOR

22 **THE COURT** ALL RIGHT SEE YOU ALL AT 10 00 IN THE
23 MORNING

24 **MS SIMMONS** THANK YOU, JUDGE

25 (WHEREUPON, THE TRIAL IN *THE STATE OF SOUTH*

1 CAROLINA VERSUS TIMOTHY LEE BLASSINGAME WAS
2 ADJOURNED ON OCTOBER 26TH, 2009, AT
3 APPROXIMATELY 2 43 P M , TO BE CONTINUED ON
4 TUESDAY, OCTOBER 27TH, 2009, AT APPROXIMATELY
5 10 00 A M)
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1 (WHEREUPON, THE CONTINUATION OF THE TRIAL OF
2 THE STATE OF SOUTH CAROLINA VERSUS TIMOTHY
3 LEE BLASSINGAME RESUMED ON TUESDAY, OCTOBER
4 27TH, 2009, AT APPROXIMATELY 10 14 A M)
5 (STATE'S EXHIBIT 1, D V R DISK 1, 2-24-09,
6 WAS MARKED FOR IDENTIFICATION)
7 (STATE'S EXHIBIT 2, C D DISK 2, 2-24-09, WAS
8 MARKED FOR IDENTIFICATION)
9 (STATE'S EXHIBIT 3, PICTURE OF DEFENDANT IN
10 CAR, WAS MARKED FOR IDENTIFICATION)
11 (STATE'S EXHIBIT 4, PICTURE OF CAR ON ROAD,
12 WAS MARKED FOR IDENTIFICATION)
13 (STATE'S EXHIBIT 5, DRUGS AND PAPERWORK FOR
14 DRUGS, WAS MARKED FOR IDENTIFICATION)

15 THE COURT ALL RIGHT IS THERE ANYTHING FROM THE
16 STATE BEFORE WE BEGIN THE TRIAL OF THE STATE OF SOUTH
17 CAROLINA VERSUS TIMOTHY LEE BLASSINGAME, 2009-GS-37-820?

18 MS SIMMONS NO, YOUR HONOR

19 THE COURT ANYTHING FROM THE DEFENDANT?

20 MR SPROUSE NOTHING, YOUR HONOR

21 THE COURT VERY GOOD ASK THE JURY TO JOIN US,
22 PLEASE

23 (THE JURY ENTERED THE COURTROOM AT
24 APPROXIMATELY 10 17 A M)

25 THE COURT LET THE RECORD REFLECT THE JURY AND THE

1 ALTERNATE ARE IN THE JURY-BOX

2 I'LL NOW ASK THE CLERK OF COURT TO SWEAR YOU FOR
3 THIS CASE

4 (WHEREUPON, THE JURY WAS SWORN)

5 THE CLERK PLEASE BE SEATED

6 PRELIMINARY INSTRUCTIONS BY COURT TO JURY

7 THE COURT MADAM FORELADY, LADIES AND GENTLEMEN OF
8 THE JURY, I'M SURE THAT EACH OF YOU NOW FULLY APPRECIATES
9 THAT THIS COURT, THE COURT OF GENERAL SESSIONS FOR OCONEE
10 COUNTY, EXISTS FOR THE PURPOSE OF RESOLVING QUESTIONS OF
11 ALLEGED CRIMINAL CONDUCT ARISING BETWEEN THE STATE OF
12 SOUTH CAROLINA AND THE DEFENDANT

13 IT IS A GUARANTEED RIGHT OF EVERY CITIZEN THAT A
14 CHARGE OF CRIMINAL CONDUCT BE PRESENTED IN OPEN COURT
15 ACCORDING TO CERTAIN RULES OF CRIMINAL PROCEDURE THE
16 STATE NOT ONLY HAS THE RIGHT BUT THE DUTY TO PRESENT A
17 CHARGE OF CRIMINAL CONDUCT IN OPEN COURT ACCORDING TO THE
18 SAME RULES OF PROCEDURE EACH OF THE PARTIES, THEREFORE,
19 BOTH THE STATE AND THE DEFENDANT, THEN HAVE AN EQUAL
20 RIGHT AND AN OPPORTUNITY TO THESE JUDICIAL PROCEEDINGS TO
21 HAVE YOU AS THE JURY SELECTED AND NOW SWORN FOR THE TRIAL
22 OF THIS CASE

23 ONE OF THE MOST IMPORTANT ASPECTS OF YOUR DUTY AS A
24 JURY LIES ESSENTIALLY IN THE OATH THAT YOU HAVE NOW
25 TAKEN, TO WELL AND TRULY TRY AND DETERMINE THE FACTS OF

1 THIS CASE THAT OATH IN A VERY ESSENTIAL WAY SAYS THAT
2 YOU ARE THE JUDGES OF THE FACTS IN THE CASE

3 OBVIOUSLY, ANY CASE TRIED IN COURT WOULD INVOLVE A
4 QUESTION ABOUT WHAT HAPPENED OR HOW SOMETHING CAME TO
5 HAPPEN OR WHOM, IF ANYONE, DID ANYTHING IN A PARTICULAR
6 CIRCUMSTANCE FROM THIS POINT FORWARD, THEN, NO ONE HAS
7 A RIGHT TO DECIDE ANY QUESTION OF FACT IN THIS TRIAL, OR
8 THE TRUTH OF IT, EXCEPT YOU, THE JURY THE FACTS THEN
9 ARE FOR YOUR RESOLUTION AND DECISION AND YOURS ALONE

10 AND AFTER YOU HEAR ALL THE EVIDENCE IN THE CASE,
11 THEN IT WILL BE YOUR DUTY BY YOUR MUTUAL AND JOINT
12 DISCUSSIONS TO DETERMINE THE TRUTH OF THE CASE BY
13 DECIDING THE WEIGHT AND THE BELIEVABILITY OF EACH PART OF
14 THE EVIDENCE AND BY APPLYING THE LAW OF THE CASE AS I
15 GIVE IT TO YOU

16 AND AS TRIAL JUDGE I AM THE JUDGE OF THE LAW IN THE
17 CASE IT IS MY RESPONSIBILITY AMONG OTHER DUTIES TO
18 PRESIDE OVER THIS TRIAL, TO RULE OVER THE ADMISSIBILITY
19 OF EVIDENCE PRESENTED DURING THE PROCESS OF THE TRIAL,
20 AND ALSO TO STATE TO YOU, THE JURY, THE LAW APPLICABLE TO
21 THE CASE

22 THE CONSTITUTION OF SOUTH CAROLINA MANDATES THAT I
23 AS A TRIAL JUDGE, HOWEVER, CANNOT DIRECTLY OR INDIRECTLY
24 COMMENT ABOUT THE FACTS IN THIS CASE THE PROCESS OF A
25 VERDICT IS SIMPLY THAT YOU, THE JURY, FIRST DETERMINE

1 WHAT IS THE TRUTH OF THE FACTS AND THEN APPLY TO THAT
2 TRUE STATE OF FACTS THE PRINCIPLE OF LAW APPLICABLE, AND
3 BY THAT PROCESS TO DETERMINE AND REPORT TO THIS COURT
4 YOUR FINAL VERDICT IN THE CASE, SPEAKING THE TRUTH OF THE
5 CASE AS YOU DETERMINE IT

6 AS THE COURT, I WILL MORE FULLY AND COMPLETELY STATE
7 TO YOU THE PRINCIPLES OF LAW APPLICABLE TO THE ISSUES IN
8 THIS CASE BEFORE IT IS SUBMITTED TO YOU, THE JURY, FOR
9 YOUR DECISION HOWEVER, THERE ARE CERTAIN PRINCIPLES OF
10 LAW APPLICABLE TO THE FRAMEWORK OF EVERY CASE IN GENERAL
11 SESSIONS COURT

12 FIRST, THE DEFENDANT HAS ENTERED A PLEA OF GUILTY TO
13 THE CHARGES CONTAINED IN THE INDICTMENT NOW, THE
14 INDICTMENT IS NOT EVIDENCE, IT IS SIMPLY THE WRITTEN
15 INSTRUMENT THAT CONTAINS THE CHARGE OR CHARGES AGAINST
16 THE DEFENDANT AND IT SERVES AS THE FORMAL DOCUMENT BY
17 WHICH THIS CASE IS PROCESSED INTO THIS COURT

18 THE PLEA OF NOT GUILTY PLACES UPON THE STATE THE
19 BURDEN OF PROOF IN THIS CASE SO WHAT IS MEANT BY THE
20 TERM "BURDEN OF PROOF"? THE DEFENDANT IS PRESUMED IN THE
21 LAW INNOCENT OF ALL CHARGES CONTAINED IN THE INDICTMENT
22 THE BURDEN OF PROOF REQUIRES THE STATE TO PROVE GUILT
23 BEYOND A REASONABLE DOUBT, AND, THEREFORE, CONSISTENT
24 WITH THAT BURDEN THE DEFENDANT OR THE ACCUSED PARTY SHALL
25 BE PRESUMED INNOCENT, AND THAT PRESUMPTION OF INNOCENT IS

1 SUFFICIENT TO COMPEL A VERDICT OF NOT GUILTY OR A VERDICT
2 OF ACQUITTAL UNLESS YOU, THE JURY, CONCLUDE THAT THE
3 STATE HAS SATISFIED ITS OBLIGATION TO PROVE THE DEFENDANT
4 GUILTY BEYOND A REASONABLE DOUBT NOW, THE TERM
5 "REASONABLE DOUBT" MEANS THE KIND OF DOUBT THAT WOULD
6 CAUSE A REASONABLE PERSON TO HESITATE TO ACT

7 THIS CASE WILL BE OPENED BY THE SOLICITOR, AFTER
8 WHICH THE SAME OPPORTUNITY WILL BE AFFORDED TO THE
9 DEFENDANT TO MAKE AN OPENING STATEMENT WHEN ALL THE
10 EVIDENCE HAS BEEN RECEIVED BY THE COURT, COUNSEL FOR THE
11 STATE AND COUNSEL FOR THE DEFENDANT WILL STATE TO THE
12 JURY PANEL THEIR RESPECTIVE POSITIONS, AFTER WHICH THE
13 COURT WILL FULLY STATE THE APPLICABLE LAW IN THE CASE

14 OBVIOUSLY, ALL PARTS OF THE CASE ARE IMPORTANT YOU
15 DO NOT KNOW WHICH WITNESS IN A CASE WILL MOST IMPRESS
16 YOU, WHETHER THE FIRST WITNESS OR THE LAST WITNESS

17 IN REACHING YOUR FINAL CONCLUSION, YOU WILL NEED THE
18 GUIDANCE AND JUDGMENT OF THE OTHER JURORS AND YOU WILL
19 NEED THE GUIDANCE OF THE PRINCIPLES OF LAW THAT WILL BE
20 STATED TO YOU BY THE COURT

21 FOR ALL THESE REASONS, THEN, IF WE HAVE A RECESS
22 PERIOD WHEN YOU RETIRE TO YOUR JURY ROOM OR DURING AN
23 OVERNIGHT OR MEAL RECESS, I INSTRUCT YOU THAT YOU MUST
24 NOT UNDERTAKE DISCUSSION OF THIS CASE AMONG YOURSELVES
25 UNTIL IT IS FINALLY GIVEN TO YOU FOR YOUR DELIBERATION,

1 NOR ARE YOU TO DISCUSS THE CASE WITH ANYONE OR PERMIT
2 ANYONE TO DISCUSS THE CASE WITH YOU IF ANYONE SHOULD
3 TRY TO DISCUSS THE CASE WITH YOU OR ANY CASE PENDING
4 DURING THIS TERM OF COURT, YOU ARE TO REPORT THEM
5 IMMEDIATELY SO I MIGHT TAKE THE APPROPRIATE ACTION.

6 BY THE WAY, THE VERDICT IN THIS CASE MUST BE A
7 UNANIMOUS VERDICT, THAT MEANS ALL 12 MUST AGREE TO THE
8 VERDICT, WHICHEVER VERDICT YOU REACH

9 THERE ARE A FEW OTHER THINGS I NEED TO MENTION
10 BEFORE WE BEGIN FIRST, AS I SAID EARLIER, ALTHOUGH I AM
11 THE ONLY PERSON THAT CAN TELL YOU WHAT THE LAW IS, YOU
12 AND YOU ALONE ARE THE ONLY ONES WHO CAN DETERMINE THE
13 FACTS I DO NOT HAVE A RIGHT TO INDICATE HOW I MAY FEEL
14 ABOUT THE EVIDENCE PRESENTED, AND MY INTENT WILL BE TO
15 ACT IMPARTIALLY TOWARD EACH PARTY

16 SECOND, FROM TIME TO TIME AN ATTORNEY MAY OBJECT TO
17 SOME BIT OF TESTIMONY OR EVIDENCE THE OTHER SIDE IS
18 SEEKING TO PRESENT AS IN SPORTS OR BUSINESS OR ANY
19 OTHER STRUCTURED ACTIVITY, THERE ARE CERTAIN RULES WHICH
20 BOTH SIDES MUST OBEY IN PRESENTING EVIDENCE THESE RULES
21 HAVE A DEFINITE PURPOSE THEY ENSURE THAT THE
22 INFORMATION YOU RECEIVE IS THE MOST TRUSTWORTHY AND
23 RELIABLE EVIDENCE AVAILABLE

24 AN OBJECTION IS A PROCEDURE WE USE FOR AN ATTORNEY
25 TO CALL A POSSIBLE VIOLATION OF THOSE RULES TO THE

1 COURT'S ATTENTION, AND FOR THIS REASON YOU SHOULD NOT
2 HOLD AN ATTORNEY'S OBJECTION AGAINST HIS OR HER CLIENT,
3 NOR SHOULD YOU CONCLUDE FROM MY RULING ON THE OBJECTION
4 THAT I FAVOR ONE SIDE OR THE OTHER

5 FINALLY, I WOULD ASK THAT YOU PAY THE CLOSEST
6 ATTENTION TO THE EVIDENCE PRESENTED TO YOU I'LL ASK
7 THAT YOU DO NOT TAKE NOTES, FOR IF THE NOTE-TAKER MAKES
8 AN ERROR, THOSE NOTES CAN BE MORE DETRIMENTAL THAN
9 HELPFUL DURING YOUR DELIBERATIONS THE TIME-TESTED
10 SYSTEM IS FOR EACH OF YOU TO LISTEN CAREFULLY, AND I'M
11 CONFIDENT THAT YOU WILL DO THAT

12 THE REASON I SUGGEST THE JURY DOES NOT TAKE NOTES,
13 IT IS MY EXPERIENCE WE HAVE A TENDENCY TO CONCENTRATE ON
14 THE NOTE, IN OTHER WORDS, WE WANT TO BE CERTAIN THAT WE
15 PUT DOWN WHAT WE THINK WE HEAR, EVEN THE SPELLING OR
16 SOMETIMES JUST THE WORDING OF IT AND IN DOING THAT, OUR
17 ATTENTION IS DISTRACTED FROM THE WITNESS TESTIFYING AT
18 THE TIME OR THE EXHIBIT OR THE OTHER EVIDENCE BEING
19 INTRODUCED IN THE COURTROOM

20 ALSO, AS I SAY, IF WE MAKE AN ERROR, THEN THOSE
21 NOTES CAN ACTUALLY BE MORE HARMFUL THAN HELPFUL I USE
22 FOR AN EXAMPLE IF WE MISS A WORD WHEN WE'RE TAKING THE
23 NOTE, IT CAN CHANGE THE NOTE OR THE MEANING ENTIRELY I
24 USE ONE WORD NOT IF WE PUT IN "NOT" WHEN IT'S NOT
25 THERE, OR YOU DON'T HEAR IT WHEN IT IS THERE, IT CHANGES

1 THE WHOLE TENOR AND THE MEANING OF THE NOTE

2 THE BETTER COURSE IS TO USE, AS I SAY, IT MUST BE
3 UNANIMOUS VERDICT, IS ALL 12 OF YOU WHEN IT COMES TIME TO
4 REACH A VERDICT, IF YOU HAVE A QUESTION ABOUT THE
5 TESTIMONY, ASK THE OTHER MEMBERS OF THE JURY, WELL, HOW
6 DO YOU RECALL IT? AND IN THAT WAY DECIDE WHAT THE
7 EVIDENCE WAS AS I SAY, OTHERWISE YOU MIGHT MAKE AN
8 ERROR

9 NOW, HAVING SAID ALL THAT, I DO TAKE NOTES THIS IS
10 NOT ONE OF THOSE THINGS, DO AS I SAY, NOT AS I DO I
11 TAKE NOTES JUST TO KEEP UP WITH WHAT'S GOING ON IN THE
12 COURT AS TO WHAT THE LAW REQUIRES I'M JUST JOTTING DOWN
13 WHAT HAPPENS, NOT THE SIGNIFICANCE OF IT

14 YOU ARE THE ONLY ONES THAT CAN WEIGH OR DETERMINE
15 THE VALUE OF THE EVIDENCE, WE CALL IT CREDIBILITY OR
16 BELIEVABILITY AND THAT IS YOUR AND YOURS ALONE
17 RESPONSIBILITY I AM NOT CONCERNED ABOUT THE VALUE OR
18 THE MEANING OR THE WEIGHT OF THE EVIDENCE I'M ONLY
19 CONCERNED IF SOMETHING WAS DONE THAT WAS SUPPOSED TO BE
20 DONE ACCORDING TO THE RULES OF OUR LAW

21 SO, THEREFORE, PLEASE UNDERSTAND WE HAVE DIFFERENT
22 PURPOSES IN THIS COURTROOM YOU ARE THE ONLY ONES WHO
23 CAN DETERMINE THE TRUTH, I CAN ONLY DETERMINE SOMETHING
24 HAS HAPPENED AS IT SHOULD

25 WITH THAT I'LL RECOGNIZE THE SOLICITOR FOR HER

1 OPENING STATEMENT

2 MS SIMMONS THANK YOU, YOUR HONOR, MAY IT PLEASE
3 THE COURT

4 THE COURT MS SIMMONS

5 OPENING STATEMENT ON BEHALF OF THE STATE

6 MS SIMMONS GOOD MORNING, LADIES AND GENTLEMEN
7 AS I TOLD YOU YESTERDAY, MY NAME IS LINDSEY SIMMONS, AND
8 I WORK FOR YOUR ELECTED SOLICITOR, CHRISSY ADAMS WHEN
9 SOLICITOR ADAMS WAS ELECTED BACK IN 2005, SHE GAVE ME THE
10 OPPORTUNITY TO COME BACK TO THE TOWN WHERE I WAS BORN AND
11 RAISED TO PRACTICE LAW, AND IT IS A PLEASURE TO SERVE
12 HERE

13 FIRST OF ALL, I WANT TO TELL YOU WHAT YOU'RE GONNA
14 HEAR TODAY IS NOT LIKE CSI, IT'S NOT LIKE LAW & ORDER,
15 IT'S NOT LIKE FORENSIC FILES MY LIFE AND THE CRIMINAL
16 JUSTICE SYSTEM IN OCONEE COUNTY IS NOTHING LIKE THAT
17 CASES DON'T GO TO TRIAL IN 30 MINUTES AND I JUST WANTED
18 TO LET YOU KNOW THAT THINGS WILL BE A LITTLE DIFFERENT,
19 MOVE A LITTLE SLOWER, BUT WE'RE GONNA DO OUR BEST TO MOVE
20 THINGS ALONG AND MAKE THIS AS QUICK AS WE POSSIBLY CAN

21 THIS DEFENDANT IS CHARGED WITH DISTRIBUTION OF CRACK
22 COCAINE THAT IS SOMETHING I EXPECT THAT MOST OF YOU
23 DON'T KNOW VERY MUCH ABOUT, AND YOU WILL LEARN A LITTLE
24 BIT ABOUT IT TODAY

25 IN NARCOTICS CASES WE USE CONFIDENTIAL INFORMANTS

1 CONFIDENTIAL INFORMANTS ARE USED TO OBTAIN ILLEGAL DRUGS
2 FROM OTHER -- FROM DEFENDANTS

3 CONFIDENTIAL INFORMANTS ARE NOT YOUR NEIGHBOR,
4 PROBABLY, THEY'RE NOT NURSES, THEY'RE NOT DOCTORS,
5 THEY'RE NOT TEACHERS THEY ARE PEOPLE YOU DON'T KNOW
6 BUT THEY ARE PEOPLE WHO ARE AVAILABLE AND WILLING TO
7 ENGAGE IN DRUG TRANSACTIONS TO ASSIST THE POLICE
8 CONFIDENTIAL INFORMANTS ARE OFTEN COMPENSATED WITH MONEY
9 FOR THEIR PARTICIPATION IN A DRUG TRANSACTION

10 YOU WILL HEAR FROM THE INFORMANT IN THIS CASE TODAY,
11 JAMES WILLIE WALKER, THAT ON FEBRUARY 24TH, 2009, IN THE
12 CITY OF SENECA HE MET UP WITH SERGEANT JOHN CRUM AND
13 OFFICER TIM HUNNICUTT FROM THE SENECA POLICE DEPARTMENT
14 HE'S GONNA TELL YOU THAT HE WAS SEARCHED AND WIRED AND
15 SENT TO ENGAGE IN A DRUG TRANSACTION WITH THIS DEFENDANT,
16 TIM BLASSINGAME YOU ARE GONNA HEAR AN AUDIOTAPE OF THAT
17 TRANSACTION THERE'S GONNA BE SOME DRUG LINGO YOU'RE NOT
18 QUITE GONNA UNDERSTAND, BUT WE'LL EXPLAIN IT TO YOU, AND
19 JUST LISTEN CAREFULLY

20 THERE IS ALSO A VIDEOTAPE OF THAT TRANSACTION, AND
21 YOU WILL SEE THE DEFENDANT'S LIKENESS AND IMAGE ON THAT
22 VIDEOTAPE YOU ARE ALSO GOING TO HEAR CORROBORATING
23 EVIDENCE FROM OTHER LAW ENFORCEMENT SOURCES YOU'RE
24 GONNA HEAR EVIDENCE TYING THIS DEFENDANT TO THE VEHICLE
25 IN THE VIDEO, THE PHONE NUMBER THAT WAS CALLED TO SET UP

1 THE TRANSACTION

2 YOU'RE GONNA HEAR INDEPENDENT LAW ENFORCEMENT
3 EVIDENCE, LAW ENFORCEMENT WITNESSES, EVIDENCE THAT WILL
4 CORROBORATE WHAT MR WALKER IS GOING TO TELL YOU

5 AT THE END OF THE DAY, I HAVE TO PROVE TO YOU BEYOND
6 A REASONABLE DOUBT THAT TIMOTHY BLASSINGAME DISTRIBUTED
7 CRACK COCAINE ON FEBRUARY 24TH, 2009 THAT IS A BURDEN I
8 READILY ACCEPT, AND AT THE END OF THE EVIDENCE I WILL ASK
9 YOU TO FIND HIM GUILTY OF DISTRIBUTION OF CRACK COCAINE

10 THANK YOU

11 THE COURT MR SPROUSE?

12 MR SPROUSE MAY IT PLEASE THE COURT, YOUR HONOR

13 THE COURT MR SPROUSE

14 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

15 MR SPROUSE GOOD MORNING, LADIES AND GENTLEMEN
16 I'M SCOTT SPROUSE AS I INTRODUCED MYSELF YESTERDAY, I
17 REPRESENT THE YOUNG MAN SEATED AT THE TABLE WITH ME, TIM
18 BLASSINGAME

19 THE SOLICITOR IS ABSOLUTELY CORRECT HE STANDS
20 BEFORE YOU ACCUSED OF A CRIME AND WE HEAR DISTRIBUTION
21 OF CRACK COCAINE THAT IS A VERY SERIOUS OFFENSE AND
22 HE'S PLED NOT GUILTY

23 NOW, WHEN A PERSON IN OUR COUNTRY IS ACCUSED OF A
24 CRIME, THEY ARE INNOCENT UNTIL PROVEN GUILTY THE STATE
25 AND ONLY THE STATE HAS TO PRESENT EVIDENCE TO PROVE THAT

1 THE JUDGE INSTRUCTED YOU AS TO WHAT A REASONABLE DOUBT
2 IS NOW, THE STATE WILL HAVE TO PROVE TO YOU BEYOND A
3 REASONABLE DOUBT TODAY THAT IN SENECA THESE OFFICERS SET
4 UP THIS UNDERCOVER BUY AND THAT TIM BLASSINGAME
5 DISTRIBUTED CRACK COCAINE THEY'RE GONNA HAVE TO PROVE
6 THAT BEYOND A REASONABLE DOUBT THEY HAVE TO PROVE EVERY
7 ELEMENT OF THAT BEYOND A REASONABLE DOUBT

8 WE'RE GONNA HEAR A LOT OF TESTIMONY WE'RE GOING TO
9 SEE VIDEOS, OR A VIDEO WE'RE GOING TO HEAR AN
10 AUDIOTAPE YOU'RE GOING TO SEE STILL PHOTOS THAT THE
11 STATE IS GOING TO INTRODUCE

12 BUT WHEN YOU CUT THROUGH ALL THAT, LADIES AND
13 GENTLEMEN, THIS CASE IS GOING TO BOIL DOWN TO ONE THING,
14 AND THAT IS THE RELIABILITY OF JAMES WILLIE WALKER
15 THAT'S WHAT THIS CASE IS GOING TO REST ON.

16 WHEN YOU HEAR THIS EVIDENCE AND WHEN YOU WEIGH IT,
17 THE FOUNDATION OF THE STATE'S CASE IS NOT VERY STRONG
18 THE RELIABILITY OF THE PERSON MAKING THE ACCUSATION IS
19 CENTRAL TO THIS CASE,

20 NOW, AS THE TRIAL GOES ON -- AND THE SOLICITOR IS
21 ABSOLUTELY CORRECT THEY ARE LONG THINGS THESE VIDEOS
22 ARE PROBABLY 45 MINUTES LONG BUT I ASK YOU TO PLEASE
23 PAY CLOSE ATTENTION TO THEM BECAUSE, THE OLD SAYING, A
24 PICTURE IS WORTH A THOUSAND WORDS WHAT CAN BE PROVEN BY
25 WHAT'S ON TAPE? WHAT CAN BE PROVEN? HOW DOES THAT BACK

1 UP WHAT MR WALKER SAYS?

2 AND AGAIN, THIS IS NOT A SITUATION WHERE A POLICE
3 OFFICER SAW AN INDIVIDUAL COMMITTING A CRIME POLICE
4 OFFICERS ARE RELYING ON THE WORD OF AN INDIVIDUAL. AND
5 WHEN THE DAY IS DONE, LADIES AND GENTLEMEN, THIS IS A
6 SHAKY FOUNDATION THEY WILL NOT BE ABLE TO PROVE THEIR
7 CASE BEYOND A REASONABLE DOUBT

8 I THANK YOU FOR YOUR ATTENTION AND MR BLASSINGAME
9 THANKS YOU THIS IS HIS DAY IN COURT LIKE ANY OTHER
10 INDIVIDUAL CHARGED WITH A CRIME, THIS IS HIS DAY. IT'S
11 IN YOUR HANDS NOW, LADIES AND GENTLEMEN THANK YOU

12 THE COURT MADAM SOLICITOR, YOU MAY CALL YOUR FIRST
13 WITNESS

14 MS SIMMONS THE STATE CALLS SERGEANT JOHN CRUM
15 WHEREUPON,

16 JOHN MICHAEL CRUM,
17 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS
18 DIRECT EXAMINATION BY MS SIMMONS

19 THE COURT IF YOU WOULD, SIR, GIVE US YOUR FULL
20 NAME FOR THE RECORD, SPELLING YOUR LAST NAME

21 THE WITNESS JOHN MICHAEL CRUM, C-R-U-M

22 THE COURT VERY GOOD THANK YOU, SIR

23 YOU MAY PROCEED

24 BY MS SIMMONS.

25 Q GOOD MORNING, SERGEANT CRUM

1 A GOOD MORNING

2 Q WHERE ARE YOU CURRENTLY EMPLOYED?

3 A SENECA POLICE DEPARTMENT

4 Q AND HOW LONG HAVE YOU BEEN THERE?

5 A JUST UNDER FIVE YEARS

6 Q IN WHAT CAPACITY HAVE YOU WORKED AT SENECA POLICE
7 DEPARTMENT?

8 A I STARTED OUT ON THE ROAD AND THEN I MOVED INTO
9 NARCOTICS

10 Q OKAY TELL ME A LITTLE BIT ABOUT YOUR EDUCATIONAL
11 BACKGROUND

12 A I HAVE A BACHELOR OF SCIENCE DEGREE FROM ANDERSON
13 COLLEGE, AND THEN I COMPLETED NINE-WEEK ACADEMY TRAINING
14 FROM THE SOUTH CAROLINA CRIMINAL JUSTICE

15 Q AND YOU RECEIVED NARCOTIC AND DRUG INTERDICTION IN
16 YOUR EMPLOYMENT?

17 A YES I PROBABLY HAVE 200 HOURS OR MORE EXTRA

18 Q WHAT ARE YOUR DUTIES AS A NARCOTICS OFFICER WITH
19 THE SENECA POLICE DEPARTMENT?

20 A TO ENFORCE THE DRUG LAWS WITHIN OUR STATE AND
21 WITHIN THE CITY

22 Q AND EXPLAIN TO US, HOW DO UNDERCOVER DRUG
23 TRANSACTIONS WORK?

24 A USUALLY WE MEET WITH A CONFIDENTIAL INFORMANT
25 THAT INFORMANT SOMETIMES MAKES US AWARE OF THINGS THAT WE

1 ARE NOT KNOWING THAT'S GOING, TAKING PLACE WITH PEOPLE
2 INVOLVED IN THE CITY OR JUST THROUGHOUT THE COUNTY, I
3 MEAN, THAT WILL DELIVER TO THE CITY, AND THEY ARE
4 SEARCHED, WIRED, THEY'RE BRIEFED, PROVIDED WITH MONEY AND
5 WE STAY THERE AND GO OUT TO THE CITY UNDER A CONTROLLED
6 SETTING AND MAKE A BUY FROM THE INFORMANT -- OR FROM THE
7 INDIVIDUAL

8 Q SO WHEN YOU SEND THESE INFORMANTS OUT INTO THE
9 COMMUNITY, IT IS A CONTROLLED ENVIRONMENT THAT YOU ARE
10 CONTROLLING?

11 A CORRECT

12 Q HOW DO YOU GET INFORMANTS FOR DRUG CASES?

13 A SOME OF THEM HAVE PENDING CHARGES OVER THEM AND
14 THEY'RE WANTING TO WORK TRYING TO GET HELP WITH THEIR
15 CHARGES AND THE OTHERS JUST COME FOR MONEY, THEY DON'T
16 HAVE A JOB, IT'S A WAY TO MAKE MONEY FOR THEMSELVES

17 Q DO YOU GENERALLY HAVE PEOPLE WITH NO CRIMINAL
18 RECORDS COMING AND VOLUNTEERING TO BE CONFIDENTIAL
19 INFORMANTS?

20 A NO, MA'AM

21 Q WERE YOU WORKING ON FEBRUARY 24TH, 2009?

22 A YES, MA'AM

23 Q WHAT AREA OF SENECA WERE YOU IN?

24 A AT THAT TIME WE WERE WORKING SOUTH SIDE OF [REDACTED]
25 [REDACTED] STREET

1 Q AND WHO WERE YOU WORKING WITH THAT DAY?

2 A OFFICER HUNNICUTT

3 Q DID YOU SUPERVISE AN UNDERCOVER TRANSACTION
4 INVOLVING THIS DEFENDANT ON THAT DAY?

5 A YES

6 Q WHO WAS THE INFORMANT?

7 A JAMES WILLIE WALKER

8 Q AND HAD YOU USED JAMES WILLIE WALKER AS AN
9 INFORMANT BEFORE?

10 A YES

11 Q HOW MANY TIMES WOULD YOU ESTIMATE YOU HAVE YOU
12 USED HIM?

13 A 30, 40, 50 TIMES, MAYBE

14 Q HAVE YOU FOUND HIM TO BE RELIABLE AND PROVIDE
15 RELIABLE INFORMATION IN THE PAST?

16 A YES, MA'AM

17 Q HAS HE EVER PROVIDED UNRELIABLE INFORMATION?

18 A NO, MA'AM

19 Q DID YOU MAKE HIM ANY PROMISES IN EXCHANGE FOR HIS
20 COOPERATION?

21 A NO, MA'AM

22 Q WHAT DID HE RECEIVE FOR COOPERATING THAT DAY?

23 A HE GOT \$20 FOR IT

24 Q OKAY AND BASED ON -- I'M SURE YOU ALWAYS CHECK
25 THIS ON AN INFORMANT -- BUT BASED ON YOUR TRAINING AND

1 EXPERIENCE, DID HE APPEAR TO BE UNDER THE INFLUENCE OF
2 DRUGS OR ALCOHOL THAT DAY?

3 A NO HE WAS VERY COHERENT

4 Q OKAY TELL ME ABOUT THE WIRING PROCESS OF THE
5 UNDERCOVER TRANSACTION

6 A WE HAVE AN AUDIO DEVICE THAT'S PLACED ON THEIR
7 BODY IN SOME FORM IT TRANSMITS BACK TO A SCREEN IN OUR
8 CAR. THAT WAS PLACED ON HIM THAT DAY AS WELL AS A VIDEO
9 CAMERA THAT WAS PLACED ON HIS BODY

10 Q AND ARE YOU SIMULTANEOUSLY LISTENING TO EVERYTHING
11 THAT'S GOING ON?

12 A YES, WE CAN LISTEN TO IT, BUT WE CANNOT SEE IT
13 THE VIDEO CAMERA IS AN INTERNAL RECORDING DEVICE

14 Q HOW MUCH MONEY DID YOU PROVIDE HIM ON THAT DAY?

15 A \$40

16 Q AND DID YOU DOCUMENT THOSE FUNDS BEFORE YOU GAVE
17 THEM TO HIM?

18 A YES, THEY WERE

19 Q WERE THEY RECOVERED?

20 A YES, THEY WERE

21 Q HOW DID THAT HAPPEN?

22 A THE INFORMANT BROUGHT IT BACK TO US THEY -- HE
23 ACTUALLY DID NOT HAVE TO PURCHASE THE CRACK IT WAS
24 GIVEN TO HIM

25 Q OKAY WHO WAS THE TARGET OF THIS TRANSACTION?

1 A TIMOTHY BLASSINGAME

2 Q AND IS THAT SOMEONE YOU -- DID YOU ALREADY KNOW
3 MR BLASSINGAME?

4 A I WAS AWARE OF HIM, YES

5 Q OKAY AND SO YOU MONITOR THE TRANSACTION VIA
6 SIMULTANEOUS TRANSMISSION AS IT OCCURRED?

7 A YES, I DID.

8 Q. AND YOU ACTUALLY DID THE WIRING OF THIS DEFENDANT
9 FOR VIDEO AND AUDIO?

10 A I DID THE INFORMANT

11 Q I'M SORRY YOU WIRED THE INFORMANT FOR VIDEO AND
12 AUDIO?

13 A YES

14 Q HAVE YOU REVIEWED STATE'S EXHIBITS 1 AND 2, THAT
15 BEING THE AUDIO AND VIDEOTAPE OF THIS TRANSACTION?

16 A YES, MA'AM

17 Q IS IT A FAIR AND ACCURATE REPRESENTATION OF WHAT
18 OCCURRED THAT DAY?

19 A YES, MA'AM

20 MS SIMMONS JUDGE, AT THIS TIME WE WOULD MOVE IN
21 STATE'S 1 AND 2 AND ASK TO PUBLISH THEM TO THE JURY

22 THE COURT ANY OBJECTION TO STATE'S EXHIBITS 1 AND
23 2? HAVE YOU SEEN THEM?

24 MR SPROUSE I HAVE SEEN THEM, YOUR HONOR, AND I
25 DON'T HAVE ANY OBJECTION

1 **THE COURT** STATE'S EXHIBITS 1 AND 2 ARE ADMITTED
2 (STATE'S EXHIBIT 1, VIDEO RECORDING OF
3 TRANSACTION, WAS RECEIVED IN EVIDENCE)
4 (STATE'S EXHIBIT 2, RECORDED TRANSACTION, WAS
5 RECEIVED IN EVIDENCE)

6 **THE COURT** STATE'S 1 IS WHAT?

7 **MS SIMMONS** STATE'S 1 IS A VIDEO RECORDING OF THIS
8 TRANSACTION STATE'S 2 IS THE RECORDED TRANSACTION

9 **THE COURT** ALL RIGHT STATE'S 1, A VIDEO, AND
10 STATE'S 2, A VIDEO, ARE ADMITTED

11 **MS SIMMONS** I'M GOING TO PUBLISH STATE'S 2 TO THE
12 JURY, IT'S FROM THE POCKET RECORDER
13 BY MS SIMMONS

14 **Q** CAN YOU EXPLAIN HOW THERE CAME TO BE TWO AUDIOS IN
15 THIS CASE?

16 **A** THE VIDEO RECORDER HAS AN AUDIO RECORDING ON IT,
17 AS WELL, AND IT DOES NOT TRANSMIT BACK TO THE RECEIVER
18 SO WE HAVE TO USE AN AUDIO DEVICE WHICH TRANSMITS BACK TO
19 THE RECEIVER WHICH WE HAVE IN OUR CAR SO WE HAD TWO ON
20 THE INFORMANT THIS DAY THE ONE ON THE VIDEO IS NOT VERY
21 CLEAR, IT'S SENSITIVE TO NOISE, SO WE ALSO LIKE ANOTHER
22 ONE THAT RECORDS INTERNAL THAT IS MUCH CLEARER THAN WHAT
23 THE VIDEO WOULD BE

24 (D V D AUDIO ONLY PLAYED FOR THE JURY FROM
25 APPROXIMATELY 10 40 A M UNTIL APPROXIMATELY

1 11 18 A M)

2 BY MS SIMMONS

3 Q SERGEANT CRUM, CAN YOU EXPLAIN FOR US WHAT
4 HAPPENED TO THE POINT WHEN HE GOT IN THE CAR WITH YOU AND
5 KIND OF THE DRUG LANGUAGE THAT WAS USED IN THAT DRUG
6 TRANSACTION?

7 A WE DO OUR BRIEFING, OUR WIRING, FROM KIND OF
8 SOMEWHERE DIFFERENT FROM WHERE WE'RE GONNA DO OUR
9 PURCHASE FROM, FROM ANOTHER SIDE OF TOWN OR SOMETHING OF
10 THAT NATURE SO WE INITIALLY WIRED HIM UP AND SEARCHED
11 THEN WE DROVE ACROSS TOWN TO WHERE WE DROPPED HIM OFF
12 SOMEWHERE IN THE VICINITY OF WHERE HE'S GONNA MEET THE
13 DEFENDANT SO I'D SAY ROUGHLY EIGHT OR NINE MINUTES HE
14 HAS TO WALK TO WHERE HE WAS GOING

15 NEARER TO THAT TIME I MADE A COUPLE PHONE CALLS TO
16 HIM WE HEARD THE CELL PHONE RINGING THAT HE WAS GETTING
17 BY ME SOMETIMES WE HAVE TO MAKE CHANGES DURING THE
18 COURSE OF THINGS GOING ON SO I MADE A PHONE CALL TO HIM
19 AND WE MADE SOME CHANGES AS TO HOW THE DEAL WAS GONNA GO,
20 SO HE STAYS IN THAT CONTROLLED ENVIRONMENT UNDER US

21 HE GETS IN THE CAR, OR HE MAKES A PHONE CALL,
22 FINDS OUT IF HE'S CLOSE, HE GETS IN THE CAR AND ASKS HIM
23 FOR A 40 IN DRUGS TERMS THAT MEANS \$40 WORTH OF CRACK
24 HE DOESN'T HAVE THAT, SO HE ASKS FOR A 20 TWENTY
25 DOLLARS' WORTH OF CRACK IS A DUB, THAT'S \$20 WORTH OF

1 CRACK IN DRUG TERMS

2 HE CONTINUED TO ASK FOR ANOTHER PIECE AND THEN HE
3 GOES DOWN AND ASKS FOR \$10 GIVE ME A 10, \$10 WORTH OF
4 CRACK HE JUST GOES DOWN, HE ASKS HIM FOR SOME KIND OF
5 CRACK

6 THEY RIDE AROUND, AND WHEN IT GETS TO WHERE HE
7 STARTS SAYING, THANK YOU, THANK YOU, I APPRECIATE THAT,
8 HE HAD THE DOPE AT THAT POINT

9 THEN HE'S DROPPED OFF HE HAS TO HANG AROUND THE
10 APARTMENT THERE MOMENTARILY TO LET THE DEFENDANT LEAVE,
11 TO GET OUT, SO HE CAN SAFELY WALK BACK AND MEET US
12 WITHOUT BLOWING HIS COVER ONCE HE GOT BACK TO US, HE
13 WAS DEBRIEFED AGAIN

14 ACTUALLY, PRIOR TO HIM MEETING US HE GAVE US A
15 DESCRIPTION OF THE DEFENDANT WE DO THAT THAT WAY IT'S
16 FRESH IN HIS MIND AND HE CAN EASILY TELL US WHAT THE
17 DEFENDANT LOOKED LIKE, WHAT THE TARGET LOOKED LIKE

18 THEN HE GOT BACK IN THE CAR WITH US, WE PICKED HIM
19 UP WE DO ANOTHER DEBRIEF I RECEIVED THE DOPE FROM
20 HIM, THE CRACK FROM HIM, AND THE WIRE WAS TAKEN OFF OF
21 HIM AT THAT TIME

22 Q AND WHERE WAS THE WIRE PLACED ON HIM? BECAUSE I
23 KNOW WE ALL HEARD A LOT OF BACKGROUND NOISE EXPLAIN
24 THAT

25 A WE HAD TWO WIPES ON HIM WE ALWAYS PUT A BACKUP

1 ON IN CASE SOMETHING GOES BAD AND ONE WAS IN HIS COAT
2 POCKET AND ONE WAS ON HIS SIDE, WHICH WAS NOT A VERY
3 CLEAR ONE THAT DAY, AND THEN WE HAD THE VIDEO CAMERA ON
4 HIM ALSO

5 Q SO THESE ARE TINY LITTLE RECORDING DEVICES?

6 A YES THEY'RE VERY TINY THEY'RE EASY TO HIDE ON
7 AN INDIVIDUAL

8 Q OKAY YOU'VE LOOKED AT STATE'S EXHIBIT 1 BEFORE

9 A CORRECT

10 Q AND TELL ME WHAT THAT IS

11 A THAT'S THE DVD, THE VIDEO OF THE, THE CAMERA THAT
12 WAS ON HIM IT, IT SHOWS THAT, THE THING THAT'S PULLING
13 UP, THE AUDIO ON THIS ONE IS VERY -- NOT VERY CLEAR IN
14 MY EXPERIENCE SINCE THE NOISE, AND THE AIR NOISE
15 ESPECIALLY, AND I BELIEVE IT PICKED UP A LOT OF AIR NOISE
16 ON THAT DAY.

17 Q AND TO GO BACK TO THE AUDIO A LITTLE BIT, THE ONLY
18 PERSON HE KEEPS TALKING TO OTHER THAN THE DEFENDANT IS
19 YOU

20 A CORRECT HE DOES MAKE A CALL I BELIEVE TO HIS
21 GIRLFRIEND AS HE'S WALKING BACK AFTER THE DEAL WAS
22 FINISHED

23 MS SIMMONS JUDGE AT THIS TIME WE MOVE TO
24 PUBLISH WHAT'S PREVIOUSLY ADMITTED AS STATE'S EXHIBIT 1,
25 THE VIDEOTAPE

1 **THE COURT** LET'S SEE THE JURY HAS BEEN SITTING
2 THERE FOR ABOUT AN HOUR, AND I SUGGEST WE TAKE A VERY
3 SHORT BREAK BEFORE WE TAKE THE BALANCE OF THE CASE
4 AGAIN, PLEASE DO NOT UNDERTAKE DISCUSSION OF THE CASE
5 AMONG YOURSELVES IN ANY WAY MADAM FORELADY, WHEN YOU
6 ARE READY TO COME BACK, JUST KNOCK ON THE DOOR

7 (THE JURY LEFT THE COURTROOM AT APPROXIMATELY
8 11 23 A M)

9 **THE COURT** ALL RIGHT ANYTHING FROM THE STATE
10 BEFORE WE TAKE A BREAK?

11 **MS SIMMONS** NO, YOUR HONOR

12 **THE COURT** FROM THE DEFENSE?

13 **MR SPROUSE** NO, SIR

14 **THE COURT** VERY GOOD

15 OFFICER, YOU ARE UNDER OATH SO YOU CANNOT DISCUSS
16 YOUR TESTIMONY WITH ANYBODY, ATTORNEYS OR ANYONE ELSE,
17 BUT YOU MAY TAKE A BREAK

18 (A RECESS WAS TAKEN)

19 **THE COURT** ANYTHING FROM THE STATE BEFORE WE BRING
20 THE JURY BACK?

21 **MS SIMMONS** NO, YOUR HONOR

22 **THE COURT** FROM THE DEFENSE?

23 **MR SPROUSE** NOTHING AT THIS POINT

24 **THE COURT** ASK THE JURY TO JOIN US

25 SERGEANT, YOU UNDERSTAND YOU ARE STILL UNDER OATH?

1 **THE WITNESS** YES, SIR

2 **THE COURT** VERY GOOD

3 (THE JURY ENTERED THE COURTROOM AT

4 APPROXIMATELY 11 42 A M)

5 **THE COURT** LET'S SEE WE MIGHT NEED TO MOVE DOWN
6 ON THE BACK ROW THERE ONE OF THE PROBLEMS WITH THIS
7 COURTROOM IS THAT IF YOU SIT IN THE END CHAIR, YOU ARE
8 LOOKING AT THE BACK OF THE WITNESS RATHER THAN THE
9 WITNESS'S FACE, SO THAT'S WHY I WANT TO BE SURE EVERYBODY
10 HAS A CHANCE TO VIEW THE WITNESS

11 ALL RIGHT YOU MAY PROCEED WITH YOUR CASE

12 OH, LET THE RECORD REFLECT THAT THE JURY AND
13 ALTERNATES ARE IN THE JURY-BOX

14 YOU MAY PROCEED WITH YOUR CASE

15 **MS SIMMONS** THANK YOU, JUDGE

16 BY MS SIMMONS

17 Q SERGEANT CRUM, THE VIDEO WE'RE GETTING READY TO
18 WATCH, WHERE WAS THE CAMERA LOCATED ON THE INFORMANT?

19 A THE CAMERA WAS LOCATED RIGHT ON THE CENTER ON A
20 BUTTON, IT'S LIKE A BUTTON CAMERA

21 Q SO IT'S GONNA BE A LITTLE LIGHT

22 A YEAH

23 Q AS YOU WALK AND IS THIS SIMILAR IN THE AUDIO
24 THAT TAKES, THAT GOES FROM THE POINT OF BRIEFING TO THE
25 POINT OF DEBRIEFING?

1 A CORRECT

2 (AUDIO AND VIDEO PLAYED FOR JURY FROM

3 APPROXIMATELY 11 44 UNTIL 12 21 P M)

4 THE COURT YES, MA'AM

5 BY MS SIMMONS.

6 Q SERGEANT CRUM, WHAT NUMBER WAS CALLED ALONG THE
7 WAY TO THE INFORMANT, TO THE DEFENDANT'S NUMBER, WHAT
8 NUMBER WAS CALLED?

9 A [REDACTED]

10 Q WERE YOU LATER ABLE TO CONNECT THAT NUMBER TO THE
11 DEFENDANT?

12 A YES, MA'AM, THROUGH HIS GIRLFRIEND

13 Q DID THE DRUG TRANSACTION OCCUR IN OCONEE COUNTY IN
14 THE CITY OF SENECA?

15 A YES

16 Q ON THAT TAPE WHO DID WE SEE?

17 A YOU SAW THE VEHICLE APPROACH, YOU SAW THE
18 DEFENDANT IN THE DRIVER'S SEAT

19 Q YOU HAVE SEEN WHAT'S BEEN PREVIOUSLY MARKED AS
20 STATE'S EXHIBITS 3 AND 4 ARE THESE STILL PHOTOS THAT
21 YOU OBTAINED FROM THE VIDEOTAPE?

22 A YES, MA'AM

23 Q AND ARE THESE THAT A FAIR AND ACCURATE
24 REPRESENTATION OF WHAT IS IN THAT TAPE IN THEIR STILL
25 FORM?

1 A YES, MA'AM

2 **MS SIMMONS** JUDGE, WE WOULD MOVE TO ADMIT STATE'S

3 EXHIBITS 3 AND 4, PREVIOUSLY PROVIDED TO THE DEFENSE AND

4 ASK TO PUBLISH THEM

5 **MR SPROUSE** I HAVE NO OBJECTION

6 **THE COURT** ALL RIGHT WITHOUT OBJECTION, STATE'S 3

7 AND 4 ARE ADMITTED INTO EVIDENCE

8 (STATE'S EXHIBIT 3 WAS RECEIVED IN EVIDENCE)

9 (STATE'S EXHIBIT 4 WAS RECEIVED IN EVIDENCE)

10 **MS SIMMONS** BEG THE COURT'S INDULGENCE FOR ONE

11 MINUTE

12 BY MS SIMMONS

13 Q SERGEANT CRUM, IS THIS THE VEHICLE THAT WAS IN THE

14 VIDEOTAPE?

15 A YES, MA'AM, IT IS

16 Q AND WHAT -- HOW WOULD YOU DESCRIBE THAT VEHICLE?

17 A A GOLD, SILVER-COLORED NISSAN ALTIMA

18 Q OKAY AND THROUGH THE COURSE OF FURTHER

19 INVESTIGATION WERE YOU ABLE TO DETERMINE -- HIS

20 GIRLFRIEND CHARLOTTE, WHAT'S HER LAST NAME?

21 A CHARLOTTE REED

22 Q ON FEBRUARY 24TH, 2009, WAS A NISSAN ALTIMA

23 REGISTERED TO CHARLOTTE REED WITH THE SOUTH CAROLINA

24 DEPARTMENT OF MOTOR VEHICLES?

25 A YES, IT WAS

1 Q AND I'M SHOWING YOU STATE'S EXHIBIT 3, THE STILL
2 PHOTO OF HIM APPROACHING, WHO WAS THAT?

3 A THAT WAS THE DEFENDANT, TIMOTHY LEE BLASSINGAME

4 Q AND THE PERSON THAT IS IN THAT VIDEO, IS THAT THE
5 PERSON SEATED AT THE DEFENSE TABLE TODAY?

6 A YES, MA'AM, IT IS

7 Q AND HOW MANY TIMES HAVE YOU SEEN TIMOTHY
8 BLASSINGAME BEFORE?

9 A THROUGH THE COURSE OF MY DUTIES, SEVERAL TIMES

10 Q AND YOU ARE SURE THAT'S TIMOTHY BLASSINGAME?

11 A YES, MA'AM, I AM

12 Q DURING THE TRANSACTION THERE ARE -- THERE'S A
13 NUMBER OF DISCUSSIONS TELL ME AGAIN ABOUT WHAT A 40 IS?

14 A IT'S REFERRING TO \$40 WORTH OF CRACK

15 Q OKAY AND WHEN HE SAID, "I ONLY GOT PIECES," WHAT
16 DOES THAT MEAN?

17 A HE JUST GOT A VERY LITTLE BIT, SMALL LITTLE
18 AMOUNT

19 Q OKAY PIECES AT THE END OF YOUR BATCH, KIND OF?

20 A YES

21 Q DID YOU MAINTAIN AUDIO SURVEILLANCE OF HIM ONCE
22 YOU -- ONCE HE HAD GOTTEN OUT OF THE CAR WITH THE
23 DEFENDANT?

24 A YES, MA'AM, WE DID

25 Q AND HE WAS MET -- AND HE WAS DROPPED OFF WHERE?

1 A AT THE [REDACTED] AT THE APARTMENT COMPLEX

2 Q AND HE STARTED MAKING HIS WAY BACK TO YOU?

3 A YES, HE HAD TO GO INTO THE COMPLEX FOR A MOMENT
4 HE HAD THE DEFENDANT BELIEVE THAT HE WAS COMING FROM HIS
5 SISTER'S HOUSE AS YOU CAN SEE FROM THE VIDEO, HE WAS
6 STUCK BEHIND THE SCHOOL BUS, SO HE WOULDN'T HAVE BEEN
7 ABLE TO DRIVE AWAY, SO THE INFORMANT HAD TO STALL FOR
8 JUST A MOMENT BEFORE COMING BACK TO MEET US

9 Q SO WHEN WE SEE HIM LOOK AT THAT DOOR AND THAT
10 WINDOW, IS THAT HIS SISTER'S PLACE?

11 A YES, MA'AM

12 Q OKAY WHO DID THE INFORMANT TURN THE NARCOTICS IN
13 TO?

14 A IN THE BUILDING HE WOULD HAVE INITIALLY HANDED IT
15 TO OFFICER HUNNICUTT, AND I OBTAINED IT BECAUSE I WAS
16 DRIVING

17 Q OKAY BUT YOU SAW THAT HAPPEN?

18 A YES

19 Q OKAY I'M GONNA SHOW YOU WHAT HAS BEEN PREVIOUSLY
20 MARKED AS STATE'S EXHIBIT 5 IS THIS WHAT WAS TURNED
21 OVER TO YOU THAT DAY (HANDING)?

22 A YES, MA'AM, IT IS

23 Q OKAY AND HOW DO YOU, HOW DO YOU GO ABOUT MARKING
24 AND IDENTIFYING WHEN DRUGS ARE TURNED IN?

25 A WE GIVE THEM A LITTLE PLASTIC BAG TO PUT THE DRUGS

1 IN, AND THEN WHEN I OBTAIN THAT, GET BACK TO MY OFFICE, I
2 PUT THE DATE ON IT AND MY INITIALS ON IT, ON THE BAG

3 Q AND THAT WAS PRESENTED TO YOU AS A CRACK ROCK?

4 A YES, MA'AM

5 Q WHEN DID YOU TURN IT INTO EVIDENCE AT THE SENECA
6 POLICE DEPARTMENT?

7 A ON FEBRUARY 24TH

8 Q OKAY WHERE DO YOU ALL PUT EVIDENCE WHEN YOU TURN
9 IT IN?

10 A WE SEAL IT UP IN A BAG THAT GOES TO THE DRUG LAB
11 AND THEN I PUT IT INTO AN EVIDENCE LOCKER, A LOCKED
12 EVIDENCE LOCKER AT THE POLICE DEPARTMENT

13 Q WHO-ALL HAS KEYS TO THAT LOCKER?

14 A JUST THE EVIDENCE TECHNICIAN

15 Q OKAY AND YOU WERE ABLE TO TIE, JUST SO I
16 UNDERSTAND, YOU WERE ABLE TO TIE CHARLOTTE REED AND THAT
17 PHONE NUMBER TO THIS DEFENDANT THROUGH A FURTHER
18 INVESTIGATION?

19 A. CORRECT

20 MS SIMMONS BEG THE COURT'S INDULGENCE FOR ONE
21 SECOND

22 (WHEREUPON, MS SIMMONS AND THE COURT
23 REPORTER CONFERRED OFF THE RECORD)

24 MS SIMMONS I HAVE NO FURTHER QUESTIONS AT THIS
25 TIME WITH THIS WITNESS

1 **THE COURT** CROSS-EXAMINE?

2 **MR SPROUSE** MAY IT PLEASE THE COURT, YOUR HONOR
3 CROSS-EXAMINATION BY MR SPROUSE

4 Q OFFICER CRUM, YOU STATED YOU HAVE BEEN EMPLOYED
5 WITH THE CITY OF SENECA FOR APPROXIMATELY FIVE YEARS, IS
6 THAT CORRECT?

7 A JUST UNDER, YES, SIR

8 Q AND PART OF YOUR TRAINING AS A POLICE OFFICER, AND
9 PARTICULARLY AS A NARCOTICS OFFICER, IS IN HOW TO CONDUCT
10 BUYS THROUGH CONFIDENTIAL INFORMANTS, IS THAT CORRECT?

11 A CORRECT

12 Q NOW, YOU TAKE ON A CONFIDENTIAL INFORMANT AND SET
13 UP ONE OF THESE BUYS FOR THE SPECIFIC PURPOSE OF HAVING
14 THE COURT CASE, MAKING AN ARREST, DO YOU NOT?

15 A CORRECT

16 Q NOW, YOU WANT TO HAVE A BUY AND HAVE A
17 CONFIDENTIAL INFORMANT THAT YOU BELIEVE WILL BE RELIABLE,
18 IS THAT CORRECT?

19 A YES, SIR

20 Q BECAUSE IF IT'S NOT RELIABLE, THEN IT'S USELESS TO
21 YOU?

22 A CORRECT

23 Q NOW, YOU HAVE PEOPLE THAT YOU USE INSIDE THE CITY
24 OF SENECA, A NUMBER OF INFORMANTS, DO YOU NOT?

25 A YES, SIR

1 Q YOU HAVE PEOPLE WHO TRY TO EXPLOIT YOUR OFFICE
2 BECAUSE THEY ARE ON DRUGS OR HAVE PENDING CRIMINAL
3 CHARGES AND TRY TO WORK FOR YOU UNDER THE GUISE OF BEING
4 AN INFORMANT, DO THEY NOT?

5 A OF COURSE

6 Q AND YOU SHOULD ALWAYS AS A POLICE OFFICER TAKE A
7 SKEPTICAL EYE TOWARDS SOMEONE LIKE THAT WHO HAS INCENTIVE
8 TO WORK FOR YOU, SHOULD YOU NOT?

9 A YES

10 Q NOW, IN THIS PARTICULAR CASE YOU WERE CONTACTED BY
11 MR WALKER, IS THAT CORRECT?

12 A YES, SIR

13 Q YOU DIDN'T CONTACT HIM, HE CONTACTED YOU?

14 A CORRECT

15 Q IN WHICH HE WAS ACCUSING TIM BLASSINGAME OF TRYING
16 TO SELL HIM CRACK COCAINE, IS THAT NOT CORRECT?

17 A THAT'S CORRECT

18 Q AND WHAT WAS COMMUNICATED TO YOU FROM MR WALKER
19 WAS THAT A \$40 SALE OF CRACK COCAINE WAS GOING TO TAKE
20 PLACE, IS THAT NOT CORRECT?

21 A HE SAID HE COULD BUY WE DID NOT HAVE A PRICE
22 RANGE AT THAT TIME

23 Q BUT THAT HE WAS GOING TO BUY CRACK COCAINE?

24 A YES

25 Q NOW, WHEN YOU SET UP YOUR BUYS, YOU TESTIFIED

1 EARLIER THAT YOU WIRE PEOPLE IN A DIFFERENT AREA THAN YOU
2 ACTUALLY LET THEM OUT TO MAKE THE BUY, IS THAT CORRECT?

3 A CORRECT

4 Q NOW, THIS PARTICULAR AREA OF SENECA, [REDACTED] [REDACTED]
5 STREET, IS A HIGH CRIME AREA, IS IT NOT?

6 A FOR THE MOST PART, YES, SIR

7 Q IN FACT, YOU MADE SEVERAL ARRESTS OF DRUG
8 DEFENDANTS IN THIS PARTICULAR AREA?

9 A YES, SIR

10 Q THIS APARTMENT COMPLEX, [REDACTED] HAS HAD
11 CRIMINAL ACTIVITY ON A REGULAR BASIS, HAS IT NOT?

12 A YES, SIR

13 Q AND THE [REDACTED] APARTMENTS THAT'S NEXT DOOR?

14 A YES, SIR

15 Q NOW, YOU LET MR WALKER OUT OF YOUR VEHICLE IS
16 THAT THE DEPARTMENT'S VAN?

17 A YES THAT'S MY ISSUED VEHICLE

18 Q YOU AND SERGEANT HUNNICUTT ARE A TEAM AND Y'ALL
19 SET UP IN THAT VAN?

20 A YES

21 Q SO YOU LET HIM OUT AND WAS THERE A SPECIFIC SPOT
22 WHERE THE TRANSACTION WAS SUPPOSED TO GO DOWN?

23 A NO, SIR JUST IN THE AREA OF [REDACTED] STREET

24 Q [REDACTED] STREET NOW, WHEN YOU SET UP A BUY
25 WITH A CONFIDENTIAL INFORMANT -- LIKE WE TALKED ABOUT,

1 RELIABILITY IS KEY -- YOU HAVE TO MAKE SURE THAT THAT
2 INFORMANT DOESN'T ALREADY HAVE DRUGS ON THEM?

3 A CORRECT

4 Q NOW, IN THIS PARTICULAR CASE, THIS WAS FEBRUARY,
5 WAS IT NOT?

6 A. YES, IT WAS

7 Q IT WAS COLD OUTSIDE?

8 A YES, SIR

9 Q YOU CAN SEE THE VIDEO, THE LEAVES AREN'T ON THE
10 TREES YET, IT WAS STILL WINTER MR WALKER HAD A HEAVY
11 COAT, DID HE NOT?

12 A HE HAD A HEAVY COAT ON, YES, SIR

13 Q AND HE HAD BAGGY PANTS?

14 A BAGGY I DON'T REMEMBER, BUT HE HAD BLUE JEANS ON

15 Q AND YOU WIRED HIM DID YOU MAKE HIM TAKE HIS
16 CLOTHES OFF OR CONDUCT ANY KIND OF STRIP SEARCH BEFORE --

17 A OFFICER HUNNICUTT DID A SEARCH OF HIM PRIOR TO ANY
18 WIRING GOING ON

19 Q WHAT KIND OF SEARCH, A PAT-DOWN?

20 A HE EMPTIED HIS POCKETS WE PROVIDED HIM WITH A
21 SHIRT THAT DAY WITH A CAMERA, SO HE REMOVED HIS SHIRT HE
22 HAD, HE TOOK HIS SHOES OFF WE CHECK HIS SOCKS WE
23 CHECK BASICALLY ANY POCKET, ANYWHERE ANY DOPE HE CAN HIDE
24 WITHOUT INVADING SOMEBODY'S PRIVACY

25 Q NOW, YOU DID NOT PUT THE SEARCH IN THIS CASE ON

1 TAPE, IS THAT NOT CORRECT?

2 A CORRECT

3 Q AND YOU DID NOT PUT MR WALKER'S APPEARANCE WHEN
4 HE CAME TO YOU THAT DAY ON TAPE?

5 A CORRECT

6 Q NOW, MR WALKER IS A DRUG USER, IS HE NOT?

7 A HE HAS BEEN KNOWING HIS PAST HISTORY, YES, SIR

8 Q AND YOU TESTIFIED THAT YOU DIDN'T BELIEVE THAT HE
9 WAS UNDER THE INFLUENCE AT THE TIME BUT CAN YOU ATTEST
10 AS TO THE LAST TIME HE HAD USED DRUGS PRIOR TO THIS
11 TRANSACTION?

12 A NO, SIR, I CANNOT

13 Q YOU SAY THAT YOU SEARCHED HIM AND YOU GAVE HIM A
14 SHIRT HOW LONG WAS THIS SEARCH? HOW LONG DID IT LAST?

15 A 30 SECONDS IT JUST DEPENDS ON HOW MUCH CLOTHING
16 THEY HAVE ON, THE TYPE OF CLOTHING AS WE SAID, IT WAS
17 COLD THAT DAY, WE HAD HIM CHANGE SHIRTS WE PROVIDED HIM
18 WITH A SHIRT THAT DAY

19 Q NOW, WHEN YOU CONDUCT A BUY, MOST TIMES YOU HAVE A
20 SPECIFIC TARGET FOR THAT INVESTIGATION, DO YOU NOT?

21 A CORRECT

22 Q YOU HAVE AN INDIVIDUAL IDENTIFIED THAT YOU WANT TO
23 CATCH, IS THAT RIGHT?

24 A FOR THE MOST PART, YES, SIR

25 Q BUT YOU DON'T NORMALLY GO SEND AN INFORMANT OUT ON

1 A STREET CORNER AND SAY "GO SELL SOME DRUGS"?

2 A THAT'S RIGHT

3 Q SO THE MORE YOU CAN DEFINE THE PARAMETERS OF THE
4 BUY, THE BETTER YOUR CASE?

5 A RIGHT IT'S MORE OF A CONTROLLED ENVIRONMENT

6 Q SO IN THIS CASE YOU HAD TIM BLASSINGAME AS YOUR
7 PARTICULAR TARGET?

8 A AT THAT TIME, YES

9 Q NOW, THE REASON THAT YOU HAD TIM BLASSINGAME AS
10 YOUR TARGET WAS THE STATEMENT OF JAMES WALKER?

11 A CORRECT

12 Q NOW, AT THAT TIME -- YOU HAVE DEALT WITH
13 MR BLASSINGAME SINCE THEN, BUT AT THAT TIME YOU WOULD
14 NOT HAVE RECOGNIZED TIM BLASSINGAME HAD YOU SEEN HIM ON
15 THE STREET?

16 A I MIGHT -- NO, SIR I'VE DEALT WITH HIM IN THE
17 PAST WOULD I HAVE BEEN A HUNDRED PERCENT SURE? NO, BUT
18 I WOULD HAVE HAD MY THOUGHTS THAT THAT'S WHO HE WAS

19 Q YOU WOULD NOT HAVE BEEN ABLE TO, UNDER OATH,
20 TESTIFY ABOUT HIS IDENTITY?

21 A NO CORRECT

22 Q NOW, SO THE I D IN THIS CASE -- WELL, LET'S BACK
23 UP THE TARGET IN THIS CASE WAS TOTALLY RELIANT ON THE
24 INFORMATION PROVIDED TO YOU BY JAMES WALKER?

25 A CORRECT

1 Q OKAY NOW, YOU FILMED THE TRANSACTIONS THAT'S
2 SOMETHING ELSE THEY TEACH YOU IN THE ACADEMY IN THE
3 COURSE THAT --

4 A CORRECT

5 Q -- FILM IS THE BEST WAY TO RECORD THIS?

6 A AS MUCH AS WE CAN

7 Q AND WE HAVE AN AUDIO HERE BECAUSE OF PROBLEMS WITH
8 THE MICROPHONE, BUT YOU HAVE THE TRANSACTION ON FILM
9 NOW, THE ACTUAL ALLEGED TRANSFER OF THE SUBSTANCE IS NOT
10 ON FILM, IS THAT NOT CORRECT?

11 A YES

12 Q WHICH WE SPENT AN HOUR AND A HALF LISTENING TO THE
13 TAPE AND LISTENING TO THE AUDIO AND WATCHING THE VIDEO,
14 AND THERE IS NOTHING ON ANY OF THOSE WHICH POINTS TO A
15 SPECIFIC TIME WHEN THE SUBSTANCE WAS TRANSFERRED?

16 A CORRECT

17 Q NOW, YOU DON'T KNOW -- I MEAN YOU KNOW THAT THE
18 INDIVIDUAL THAT WAS SERVING AS YOUR CONFIDENTIAL
19 INFORMANT, MR WALKER, GOT INTO THIS VEHICLE THAT'S UP ON
20 THE SCREEN AT APPROXIMATELY 16 50 ON THE TAPE, YOU KNOW
21 THAT?

22 A YES, SIR

23 Q AND YOU KNOW THAT HE EXITED THAT VEHICLE AT THE
24 APARTMENTS APPROXIMATELY AT THE 20-MINUTE MARK ISN'T
25 THAT SOMEWHERE IN THERE?

1 A YES

2 Q SO YOU KNOW THAT THEY WERE IN THE VEHICLE AROUND,

3 A LITTLE OVER THREE MINUTES DRIVING AROUND?

4 A THAT'S RIGHT

5 Q AND YOU KNOW THAT SEVERAL TURNS WERE MADE?

6 A CORRECT

7 Q YOU ARE UNABLE THROUGH YOUR INVESTIGATION TO TELL

8 US EXACTLY WHEN AND WHERE THE TRANSACTION ALLEGEDLY

9 OCCURRED?

10 A WITH THIS INFORMANT I KNOW HIS, HIS LANGUAGE FROM

11 WORKING WITH HIM, I KNEW WHEN THAT TRANSACTION WAS MADE

12 Q NOW YOU TESTIFY -- WHAT STATEMENT DID HE MAKE THAT

13 MAKES YOU THINK THE TRANSACTION HAD HAPPENED?

14 A "THANK YOU I APPRECIATE IT THANK YOU THANK

15 YOU "

16 Q WHEN DOES HE SAY THAT?

17 A RIGHT BEFORE HE PULLS UP TO THE APARTMENT COMPLEX

18 Q THERE IS NO REFERENCE TO DRUGS IN THE STATEMENT?

19 A CORRECT CORRECT AS FAR AS DIRECT STATEMENT,

20 YES

21 Q NOW, YOU PUT IN YOUR REPORT, WHEN YOU SEIZE

22 NARCOTICS, YOU HAVE TO LIST THE TIME THAT YOU ARRIVED AND

23 THE TIME OF PURCHASE YOU PUT IN YOUR REPORT UNABLE TO

24 DETERMINE, DID YOU NOT?

25 A CORRECT DUE TO THE AUDIO I HAD TO GO BACK AND

1 LISTEN TO THE AUDIO

2 Q YOU WERE UNABLE TO DETERMINE ---

3 A IN MY FIELD NOTES, YES

4 Q AND YOU CANNOT UNDER OATH TESTIFY AS TO THE EXACT
5 LOCATION WHERE IT WAS?

6 A CORRECT

7 Q NOW, YOU DO NOT KNOW, BASED ON THIS VIDEO, WHETHER
8 THE DRUGS OR WHETHER THE SUBSTANCE WAS IN THE HAND OF THE
9 INDIVIDUAL ON THE SCREEN OR IN THE CONSOLE OF THE CAR, DO
10 YOU?

11 A NO, SIR

12 Q IT'S ENTIRELY POSSIBLE THAT MR WALKER PICKED THIS
13 SUBSTANCE UP FROM THE CONSOLE OF THE CAR, ISN'T THAT
14 POSSIBLE?

15 A IT'S POSSIBLE

16 Q NOW, WHEN MR WALKER EXITED THE VEHICLE, THE DOOR
17 WAS SHUT, THE VEHICLE -- THERE WAS A SCHOOL BUS STOPPED,
18 AND THE VEHICLE WITH THE OTHER PARTY DROVE OFF, IS THAT
19 CORRECT?

20 A CORRECT

21 Q NOW, ONE IMPORTANT THING IN A CONTROLLED BUY IS TO
22 MAKE SURE THAT THE TRANSACTION IS NOT TAINTED BY THIRD
23 PARTIES, IS THAT NOT CORRECT?

24 A WE TRY TO, YES

25 Q BECAUSE IF A THIRD PARTY IS ALLOWED TO INTERVENE

1 IN THE TRANSACTION BETWEEN THE TIME THAT YOU SET IT UP
2 AND THE TIME THE CONFIDENTIAL INFORMANT GETS BACK TO YOU,
3 THEN IT'S WORTHLESS ISN'T THAT CORRECT?

4 A I WOULDN'T SAY WORTHLESS, NO IT THROWS A KINK IN
5 IT BUT IT DOESN'T MAKE THE DEAL WORTHLESS

6 Q IF IT -- YOU WANT TO BE ABLE TO TESTIFY WITH
7 CERTAINTY IN COURT THAT A THIRD PARTY COULD NOT HAVE
8 GIVEN THE DRUGS TO THE CONFIDENTIAL INFORMANT, DO YOU
9 NOT?

10 A CORRECT

11 Q NOW, IN THIS PARTICULAR CASE, MR WALKER EXITED
12 THE VEHICLE AND WENT INTO AN APARTMENT COMPLEX WHERE
13 THERE WERE PEOPLE SITTING OUTSIDE, DID HE NOT?

14 A CORRECT CORRECT

15 Q THESE ARE PEOPLE THAT HE KNEW OBVIOUSLY FROM
16 TALKING TO THEM, DID HE NOT?

17 A I WOULD ASSUME SO

18 Q THIS IS AN APARTMENT COMPLEX, AS YOU TESTIFIED
19 EARLIER, IS A REGULAR DRUG ACTIVITY SITE?

20 A CORRECT

21 Q ALSO IN THE VIDEO MR WALKER WALKS UP TO A
22 WINDOWSILL IN APARTMENT [REDACTED] DOES HE NOT?

23 A UH-HUH

24 Q YOU NEED TO SAY YES OR NO FOR THE COURT REPORTER
25 SHE'S TYPING UP WHAT WE'VE GOT HERE

1 A YES

2 Q AND AT THE 20 47 MARK OF THE VIDEO, MR WALKER
3 REACHES UP ON THE WINDOWSILL WITH HIS HANDS, DOES HE NOT?

4 A I DIDN'T CATCH THAT

5 Q COULD WE REPLAY THE C D TO THE 20 47 MARK?

6 MS SIMMONS JUST HIT PLAY I'LL DO IT FOR YOU

7 MR SPROUSE THANKS JUST TO SAVE TIME

8 (DISCUSSION OFF THE RECORD)

9 MR SPROUSE I'LL GO AHEAD WE'LL COME BACK TO
10 THAT

11 BY MR SPROUSE

12 Q YOU ARE NOT AWARE -- YOU-HAVEN'T WATCHED THE VIDEO
13 TO SEE IF HE PUT HIS HANDS UP ON THE WINDOW?

14 A HE WATCHED THROUGH THE WINDOW, I DO KNOW THAT I
15 DIDN'T WATCH IT CLOSE ENOUGH TO SEE IF HE RAISED HIS
16 HANDS

17 Q HE ALSO WALKED UP TO AT LEAST TWO INDIVIDUALS WHO
18 WERE SEATED OUTSIDE OF THE APARTMENT WITHIN HANDSHAKE
19 RANGE, DID HE NOT?

20 A HE WALKED UP IN THE VICINITY HANDSHAKE, I DON'T
21 KNOW

22 Q BUT HE WALKED UP TO THE POINT WHERE, IF THEY ARE
23 SITTING ON THE FRONT STEP AND THE CAMERA IS ON HIS SHIRT,
24 YOU LOSE SIGHT OF THEM --

25 A YES

1 Q -- AS HE'S STANDING OVER THEM?

2 A HIS BODY HAS TO -- THE CAMERA POINTS UP A LITTLE
3 BIT BUT TO SAY THAT HE'S TWO FEET FROM THEM OR FOUR
4 FEET, I CAN'T SAY

5 Q NOW, THERE IS -- WELL, LET ME ASK YOU THIS. IT IS
6 PHYSICALLY POSSIBLE FOR HIM TO HAVE GOTTEN A QUANTITY OF
7 NARCOTICS WHILE AT THIS RESIDENCE, IS IT NOT?

8 A IT'S A POSSIBILITY, YES

9 Q AND IF YOU ARE SAYING HE DID NOT GET NARCOTICS AT
10 THIS LOCATION, YOU ARE HAVING TO RELY ON MR WALKER'S
11 WORD TO BELIEVE THAT, IS THAT CORRECT?

12 A CORRECT

13 Q BECAUSE THERE'S NOTHING -- YOU CAN'T SEE HIS HANDS
14 ON THE VIDEO ---

15 A CORRECT

16 Q --- EXCEPT FOR THE WINDOWSILL AND YOU CAN'T SEE
17 WHAT HE'S DOING WITH HIS HANDS WHEN HE'S NEAR THOSE
18 INDIVIDUALS?

19 A CORRECT

20 Q OKAY NOW, MR WALKER TOLD YOU THAT THEY RODE
21 AROUND THE BLOCK?

22 A CORRECT

23 Q YOU SEE IN THE VIDEO POWER LINES AND YOU SEE THEY
24 ARE TURNING AND THEY'RE IN THE CAR OVER THREE MINUTES
25 YOU CAN DRIVE A SIGNIFICANT DISTANCE IN THREE MINUTES IF

1 YOU'RE GOING 35 OR 45 MILES AN HOUR WHAT'S THE SPEED
2 LIMIT IN THAT AREA?

3 A I'D SAY 35

4 Q DOES IT LOOK LIKE IN THE VIDEO THAT HE'S DRIVING
5 AT AN EXCESSIVE RATE OF SPEED?

6 A NO, SIR

7 Q NOW, AGAIN, YOU DON'T KNOW EXACTLY WHAT

8 TRANSACTION TOOK PLACE OTHER THAN IT WAS IN THE [REDACTED]

9 [REDACTED] STREET AREA?

10 A CORRECT

11 Q NOW, PART OF [REDACTED] STREET IS NOT IN THE CITY
12 LIMITS OF SENECA, IS THAT NOT CORRECT?

13 A THE VERY END OF IT, YES

14 Q AND YOU DON'T KNOW IF THEY DROVE DOWN THERE OR
15 NOT, DO YOU?

16 A YES, I DO YOU CAN TELL IN THE VIDEO

17 Q HOW CAN YOU TELL IN THE VIDEO?

18 A HE APPROACHED ,FROM THE SOUTH WHICH IS WHERE, THE
19 SOUTH END IS WHERE THE PART THAT'S OUT OF THE CITY
20 LIMITS, HE CONTINUES NORTH AND HE COMES BACK INTO THE
21 APARTMENT COMPLEX, WHICH HE IS FACING SOUTH NOW

22 Q BUT, OFFICER CRUM, IF YOU LOOP, IF YOU GO TO THE
23 SOUTH END AND MAKE A BIG LOOP AROUND, YOU WILL STILL END
24 UP BY THE RIGHT SIDE OF THE APARTMENT COMPLEX, WOULD YOU
25 NOT?

1 A NO, SIR

2 Q IT'S NOT POSSIBLE TO GO DOWN [REDACTED] [REDACTED] TURN
3 LEFT AND MAKE A LOOP BACK AROUND TO THE APARTMENT
4 COMPLEX?

5 A WELL, YES BUT YOU'RE STILL IN THE CITY LIMITS
6 FAIRFIELD DRIVE TO WHERE YOU ARE TALKING ABOUT, YOU'RE
7 STILL WITHIN THE CITY LIMITS

8 Q THERE IS A TRIANGULAR SHAPED PIECE OF PROPERTY
9 DOWN AT THE END OF [REDACTED] BEFORE YOU WOULD MAKE THAT
10 TURN THAT'S OUTSIDE THE CITY LIMITS, IS IT NOT?

11 A YES BUT HE WAS NOT GOING THAT DIRECTION, HE WAS
12 GOING NORTH

13 Q LET'S SEE IF I CAN GET THIS TO WORK

14 (DISCUSSION OFF THE RECORD)

15 (COUNSEL CONFER)

16 BY MR SPROUSE

17 Q OFFICER CRUM, I'M LOOKING AT THE ZONING MAP FOR
18 THE CITY OF SENECA DO YOU RECOGNIZE [REDACTED] STREET
19 HERE?

20 A YES, SIR

21 Q AND YOU SEE THE -- IT LOOKS LIKE HALF OF AN
22 ARROWHEAD PIECE OF PROPERTY THAT'S OUTSIDE THE CITY
23 LIMITS?

24 A THAT'S CORRECT

25 Q NOW IT IS POSSIBLE FOR HIM TO HAVE DRIVEN DOWN

1 HERE, TURNED BACK AND MADE A LOOP BACK AROUND TO THE
2 APARTMENT COMPLEX, IS IT NOT?

3 A NO HE APPROACHED FROM THE -- IF WHERE THE ARROW
4 IS ON THE SCREEN THERE, HE CAME FROM THE SOUTH SIDE
5 THERE THEY CONTINUED STRAIGHT AND THEN HE CIRCLED THE
6 BLOCK ON UP AND CAME BACK FACING THE DIRECTION OF THE
7 ARROW THERE

8 Q HE WOULD HAVE HAD TO -- IF HE WENT THE ROUTE THAT
9 I AM SUGGESTING, HE WOULD HAVE HAD TO HAVE MADE FIVE
10 TURNS, FOUR OR FIVE TURNS, DEPENDING ON THAT LAST CURVE,
11 WOULD HE NOT?

12 A YES

13 Q AND THERE ARE AT LEAST FOUR TURNS IN THE VIDEO?

14 A CORRECT

15 Q AND IF HE MADE THOSE FOUR TURNS THE WAY I SUGGEST,
16 HE STILL WOULD HAVE ENDED UP ON THE RIGHT SIDE OF THE
17 ROAD WHERE THE APARTMENT COMPLEX IS ON HIS RIGHT SIDE, IS
18 THAT NOT CORRECT?

19 A HE WOULD HAVE HAD TO TURN AROUND TO HAVE DONE
20 THAT, YES

21 Q AND THREE MINUTES IN A CAR AT 35 MILES AN HOUR, HE
22 HAD AMPLE TIME TO HAVE MADE THAT LOOP?

23 A CORRECT

24 Q. SO IN A NUTSHELL, OFFICER CRUM, IF JAMES WALKER
25 ISN'T TELLING YOU THE TRUTH, THEN YOU CAN'T PROVE TIM

1 BLASSINGAME COMMITTED THIS CRIME?

2 A THAT ROADWAY ON [REDACTED] IS IN THE CITY THE
3 PROPERTY IN THE WHITE IS NOT THE CITY LIMITS SO ONLY IF
4 IT WAS THERE ON THE ROADWAY AND IT WAS DONE INSIDE THE
5 CITY LIMITS

6 Q OKAY NOW YOU DIDN'T ANSWER MY QUESTION IF TIM
7 BLASSINGAME IS TO BE PROVEN GUILTY, YOU HAVE TO HAVE
8 JAMES WALKER TELLING YOU THE TRUTH?

9 A CORRECT.

10 Q THANK YOU

11 THE COURT RE-EXAM?

12 MS SIMMONS THANK YOU, JUDGE

13 REDIRECT EXAMINATION BY MS SIMMONS

14 Q SERGEANT CRUM, YOU INDICATED THAT BASED ON YOUR
15 DEALING WITH THIS INFORMANT, HE SAID, "THANK YOU, I
16 APPRECIATE IT, MAN," AT THE END OF THE DEAL?

17 A CORRECT, YES, MA'AM

18 Q AND THAT, THAT STATEMENT FOLLOWS WHAT DISCUSSION?

19 A THAT A PURCHASE HAS BEEN MADE OR A DISTRIBUTION
20 HAS BEEN MADE

21 Q I DON'T THINK I WAS CLEAR THAT STATEMENT FOLLOWS
22 WHAT DISCUSSION BETWEEN THE DEFENDANT AND THE INFORMANT
23 REGARDING THAT?

24 A ASKING FOR SOME CRACK, THE 40, THE DUB, THE 10,
25 THROUGH THE CONVERSATION THEY HAD

1 Q OKAY SO "THANK YOU, I APPRECIATE IT" FOLLOWS THE
2 CONVERSATION ABOUT 40'S, DUBS, PIECES AND TAKING A RIDE?

3 A CORRECT

4 Q THE THIRD PARTIES THAT THE INFORMANT ENCOUNTERED
5 WHEN HE GOT OUT OF THE CAR, DID HE HAVE ANY CONVERSATION
6 REGARDING 40'S, DUBS, PIECES OR CRACK COCAINE WITH THOSE
7 PEOPLE?

8 A NO, MA'AM, NOT AT ALL

9 Q AND HOW MANY TIMES WOULD YOU ESTIMATE YOU HAVE
10 PATROLLED THE STREETS OF SENECA?

11 A NUMEROUS TIMES I MEAN, IN FOUR YEARS, JUST
12 CONSISTENTLY

13 Q AND IT'S YOUR TESTIMONY THAT THE ROUTE THAT WAS
14 TAKEN IN THIS CASE IS IN THE CITY LIMITS OF SENECA?

15 A OH, MOST DEFINITELY

16 MS SIMMONS. NOTHING FURTHER

17 THE COURT ALL RIGHT YOU MAY STEP DOWN

18 (WITNESS LEAVES STAND)

19 THE COURT WILL COUNSEL APPROACH?

20 (DISCUSSION AT SIDEBAR)

21 THE COURT MADAM FORELADY, LADIES AND GENTLEMEN OF
22 THE JURY, OBVIOUSLY THIS IS A GOOD TIME TO TAKE A LUNCH
23 BREAK IT'S TEN OF ONE NOW BUT I WOULD SUGGEST WE GO
24 TO LUNCH, I DON'T KNOW WHAT'S AVAILABLE, BUT THE THING IS
25 I'M GOING TO SUGGEST THAT WE COME BACK AT 2 15 THAT

1 WILL GIVE US A LITTLE MORE THAN AN HOUR OF COURSE, WE
2 CAN'T START WITHOUT YOU, SO LET'S TRY TO BE BACK BY 2 15
3 AGAIN, DO NOT UNDERTAKE THE DISCUSSION OF THE CASE
4 AMONG YOURSELVES IN ANY WAY

5 EVERYONE ELSE REMAIN SEATED WHILE THE JURY RETIRES
6 FROM THE COURTROOM

7 (THE JURY LEFT THE COURTROOM AT
8 APPROXIMATELY 12 50 P M)

9 THE COURT ALL RIGHT IS THERE ANYTHING ELSE FROM
10 THE STATE BEFORE WE TAKE A BREAK?

11 MS SIMMONS NO, YOUR HONOR

12 MR SPROUSE NOTHING FROM THE DEFENSE, YOUR HONOR

13 THE COURT ALL RIGHT, VERY GOOD WE'LL SEE YOU
14 BACK AT 2 15

15 (A LUNCHEON RECESS OCCURRED)
16
17
18
19
20
21
22
23
24
25

1 AFTERNOON PROCEEDINGS

2
3 THE COURT ANYTHING FROM THE STATE BEFORE WE BRING
4 THE JURY BACK?

5 MS SIMMONS NO, YOUR HONOR

6 THE COURT FROM THE DEFENDANT?

7 MR SPROUSE NOTHING, YOUR HONOR

8 THE COURT ALL RIGHT ASK THE JURY TO JOIN US

9 (THE JURY ENTERED THE COURTROOM AT

10 APPROXIMATELY 2 26 P M)

11 THE COURT ALL RIGHT LET THE RECORD REFLECT THE
12 JURY AND ALTERNATE ARE IN THE JURY-BOX

13 MADAM SOLICITOR, YOU MAY PROCEED

14 MS SIMMONS THANK YOU, YOUR HONOR THE STATE
15 CALLS JAMES WILLIE WALKER

16 WHEREUPON,

17 JAMES WILLIE WALKER,

18 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS

19 DIRECT EXAMINATION BY MS SIMMONS

20 THE COURT IF YOU WOULD PLEASE, SIR, GIVE US YOUR
21 FULL NAME FOR THE RECORD, SPELLING YOUR LAST NAME

22 THE WITNESS JAMES WILLIE WALKER, W-A-L-K-E-R

23 THE COURT VERY GOOD THANK YOU, SIR

24 BY MS SIMMONS

25 Q GOOD AFTERNOON, JAMES WILLIE HOW ARE YOU?

1 A ALL RIGHT HOW ARE YOU?

2 Q GOOD HOW OLD ARE YOU?

3 A THIRTY-SIX

4 Q AND DID YOU GRADUATE FROM HIGH SCHOOL?

5 A NO, MA'AM

6 Q WHERE DO YOU LIVE, WHAT CITY?

7 A SENECA

8 Q YOU LIVED THERE YOUR WHOLE LIFE?

9 A YES, MA'AM

10 Q HAVE YOU BEEN CONVICTED OF ANY CRIMES WITHIN THE

11 LAST TEN YEARS?

12 A YES, MA'AM

13 Q WOULD IT BE FAIR TO SAY THAT YOU HAVE PRIOR

14 CONVICTIONS FOR RECEIVING STOLEN GOODS, FINANCIAL

15 TRANSACTION CARD THEET, SHOPLIFTING, FORGERY, PETIT

16 LARCENY AND FRAUDULENT CHECKS?

17 A YES, MA'AM

18 Q AND YOU HAVE TAKEN RESPONSIBILITY FOR ALL THOSE

19 THINGS?

20 A YES, MA'AM

21 Q HAVE YOU WORKED AS A CONFIDENTIAL INFORMANT FOR

22 THE CITY OF SENECA?

23 A YES, MA'AM

24 Q HOW MANY TIMES DO YOU THINK YOU HAVE DONE THAT?

25 A IT'S BEEN OVER, OVER 40 TIMES, MAYBE 50

1 Q DID YOU COOPERATE FOR MONEY USUALLY?

2 A YES, MA'AM

3 Q HOW DO YOU KNOW TIM BLASSINGAME?

4 A WE'RE COUSINS

5 Q HOW ARE YOU COUSINS?

6 A SEMI-COUSINS HIS GRANDMOTHER AND MY DADDY WAS
7 BROTHERS AND SISTERS

8 Q OKAY IS TIM BLASSINGAME PRESENT HERE IN COURT
9 TODAY?

10 A YES, MA'AM

11 Q CAN YOU POINT HIM OUT TO ME?

12 A (POINTS)

13 MS SIMMONS YOUR HONOR, PLEASE LET THE RECORD
14 REFLECT THAT HE'S POINTING TO THE DEFENDANT

15 THE COURT VERY WELL

16 BY MS SIMMONS

17 Q WOULD YOU RECOGNIZE A PICTURE OF TIM BLASSINGAME
18 IF YOU SAW IT?

19 A YES, MA'AM

20 Q IS THAT TIM BLASSINGAME?

21 A YES, MA'AM

22 Q DID YOU MEET WITH THE SENECA POLICE DEPARTMENT ON
23 FEBRUARY 24TH OF 2009 FOR THE PURPOSE OF DOING A DRUG
24 DEAL WITH THIS DEFENDANT?

25 A YES, MA'AM

1 Q HOW DID THAT GET SET UP?

2 A I CALLED JOHN WHEN I WOKE UP, I WAS ACTUALLY IN
3 MY, I NEEDED SOME MONEY SO I CALLED HIM AND SAID THAT I
4 HAVE SOME MONEY THAT I CAN GET FOR THEM AND EVERYTHING

5 I MET WITH THEM FOR ABOUT AN HOUR LATER AND I TOLD
6 HIM I COULD GET THEM TIM BLASSINGAME I MET WITH THEM,
7 THEY SEARCHED ME AND WIRED ME UP AND I CALLED TIM AND
8 ASK HIM COULD WE MEET, I ASKED COULD HE COME BY AND HE
9 WAS, YEAH HE WAS TAKING A SHOWER GETTING READY TO GO
10 OVER TO HIS SISTER'S HOUSE HE SAID HE WAS GETTING READY
11 TO PUT WORK CLOTHES ON AND TO CALL HIM BACK WHERE I WAS
12 OVER BY [REDACTED] STREET AT [REDACTED]

13 I TOLD HIM, I TOLD HIM I NEEDED A 40, THAT WOULD
14 BE LIKE A 40 OF DOPE, OF ROCK, AND HE SAID HE DIDN'T HAVE
15 THAT

16 SO I TOLD HIM JUST SELL ME A 20 OF CRACK AND HE
17 SAID HE HAD A PIECE ON HIM

18 AND I SAID, WELL, SELL ME A DIME

19 HE SAID, HERE'S MY LAST PIECE OF IT

20 WE RODE AROUND THE BLOCK AND CAME BACK, AND WHEN I
21 GOT OUT OF THE CAR, HE GAVE ME A PIECE OF DOPE

22 Q WHEN YOU SAY "A PIECE," IS THAT LIKE THE CRUMBS
23 THAT ARE LEFT FROM YOUR, FROM BIGGER STUFF?

24 A REALLY, YEAH, JUST A LITTLE NICK THAT HE GAVE ME,
25 A LITTLE PIECE OF DOPE THAT HE, DRUG THAT HE GAVE ME

1 Q OKAY YOU SAID THAT YOU CALLED HIM AND SET UP
2 THIS DEAL, RIGHT?

3 A YES, MA'AM

4 Q DO YOU REMEMBER THE NUMBER THAT YOU CALLED?

5 A [REDACTED]

6 Q OKAY AND THAT WAS THE NUMBER THAT YOU KNEW TO BE
7 HIS?

8 A YES, MA'AM

9 Q WHO DID THAT PHONE ACTUALLY BELONG TO?

10 A IT BELONGED TO CHARLOTTE, HIS GIRLFRIEND AT THE
11 TIME

12 Q OKAY DO YOU KNOW CHARLOTTE'S LAST NAME?

13 A CHARLOTTE REED

14 Q OKAY WHAT KIND OF CAR DID CHARLOTTE DRIVE AT
15 THAT TIME?

16 A IT WAS A, THE ONE THAT SHOWED IN THAT VIDEO RIGHT
17 THERE, IT'S AN ALTIMA, NISSAN ALTIMA

18 Q OKAY I'M GOING TO SHOW YOU THROUGH THE PICTURE
19 IS THAT CHARLOTTE'S CAR?

20 A YES, MA'AM

21 Q IS THAT TIM BLASSINGAME DRIVING IT?

22 A YES, MA'AM

23 Q OKAY SO WHEN YOU MET UP WITH LAW ENFORCEMENT,
24 YOU WERE SEARCHED AND THEY GAVE YOU A SHIRT, RIGHT?

25 A YES, MA'AM

1 Q OKAY HOW THOROUGHLY DID THEY SEARCH YOU?

2 A OFFICER HUNNICUTT, HE DID THE SEARCH AND TOOK MY
3 COAT OFF, AND I HAD TO TAKE MY SHIRT OFF BECAUSE I PUT ON
4 ANOTHER SHIRT AND HE TOOK EVERYTHING OUT OF MY POCKETS,
5 MY SHOES OFF AND HE CHECKED MY SOCKS AND EVERYTHING

6 Q OKAY WHEN YOU CALLED THE DEFENDANT ON YOUR WAY
7 TO THE DRUG DEAL, WHAT DID YOU ALL TALK ABOUT?

8 A WE WERE TALKING ABOUT HIM, AS I GOT IN THE CAR
9 WITH HIM, WE TALKED ABOUT HIM, THAT ALL HE HAD WAS THAT
10 ONE LITTLE PIECE OF CRACK ROCK HE SAID HE WAS GOING
11 DOWN THE ROAD TO GET SOME MORE I'M LIKE, NO, I DON'T
12 WANT TO GO I GOT TO GO TO WORK I SAID I HAD TO BE
13 THERE LIKE 3 00 OR 4 00 SO

14 Q AND SO WHEN HE IN THE VIDEO IN STREET LINGO WHEN
15 HE ASKS YOU TO TAKE A RIDE, THAT'S WHAT HE MEANT, THAT
16 Y'ALL WERE GOING TO GET -- HE WAS ASKING YOU TO GO GET
17 MORE?

18 A YES, MA'AM

19 Q OKAY AND THEN ON THE VIDEO THERE'S TALK OF
20 CHARLOTTE IS HE TALKING ABOUT CHARLOTTE REED?

21 A YES, MA'AM I ASKED HIM WAS THAT HIS GIRL, THE
22 ONE THAT MONGO USED TO GO WITH, AND I WAS TELLING HIM I
23 KNOW HER FROM THE PAST, THAT SHE WAS A BAD INFLUENCE

24 Q YOU WERE TRYING TO TELL HIM TO WATCH OUT FOR HER?

25 A YES, MA'AM

Guilty Plea

1 Q OKAY YOU HAVE BEEN HERE IN COURT ALL MORNING
2 THE VIDEO AND THE AUDIOTAPE THAT YOU LISTENED TO, IS THAT
3 A FAIR REPRESENTATION OF WHAT HAPPENED?

4 A YES, MA'AM

5 Q OKAY WHEN YOU GOT IN THE CAR, WERE YOU ALL IN
6 THE CITY LIMITS OF SENECA?

7 A YES, MA'AM WE WENT AROUND THE BLOCK FROM [REDACTED]
8 STREET AROUND TO -- I DON'T KNOW THE STREET NAMES BACK
9 THERE BUT WE JUST WENT AROUND THE BLOCK IT DIDN'T
10 TAKE ABOUT JUST TWO OR THREE MINUTES TO GET BACK WHERE WE
11 WERE WHEN I FIRST GOT UNDERCOVER, AND THAT WAS IN THE
12 CITY OF SENECA

13 Q OKAY WHEN HE GAVE YOU THE DRUGS, DID HE SAY
14 ANYTHING? I KNOW YOU ALL TALKED ABOUT 40'S AND DUBS AND
15 DIMES AND ALL THAT, BUT

16 A ALL I SAID WAS, I APPRECIATE YOU LOOKING FOR THAT,
17 CUZ, AND HE SAID ALL RIGHT, AND I GOT OUT OF THE CAR

18 Q SO YOU SAY CUZ?

19 A YES, MA'AM

20 Q AND THAT'S BECAUSE HE'S YOUR COUSIN?

21 A YES, MA'AM

22 Q I'M GONNA SHOW YOU WHAT'S BEEN PREMARKED FOR
23 IDENTIFICATION AS STATE'S EXHIBIT 5 IS THIS THE CRACK
24 COCAINE THAT YOU GAVE BACK TO SERGEANT CRUM?

25 A YES, MA'AM

1 Q IS THAT THE LITTLE BAGGIE HE GAVE YOU TO PUT IT
2 IN?

3 A YES, MA'AM

4 Q OKAY AND THAT WAS -- WHAT DATE WAS THAT ON?

5 A THE 24TH OF FEBRUARY OF '09

6 Q OKAY DID YOU -- I KNOW THAT AFTER YOU GOT OUT OF
7 THE CAR, YOU DID TALK TO SOME PEOPLE AT THE APARTMENTS
8 THERE, RIGHT?

9 A YES, MA'AM

10 Q HOW CLOSE DID YOU GET TO THOSE FOLKS?

11 A ABOUT FROM HERE, OVER HERE TO I'D SAY RIGHT ABOUT
12 THERE WHERE THE FIRST LADY IS SITTING THERE

13 Q (TAKES STEPS) RIGHT HERE?

14 A YES, MA'AM FOUR STEPS AND I JUST WALKED UP TO
15 THE WINDOW TO SEE WHAT WAS GOING ON

16 Q OKAY SO YOU JUST PUT YOUR HANDS UP TO YOUR FACE
17 AND YOU LOOKED THROUGH THE WINDOW LIKE THAT
18 (DEMONSTRATING)?

19 MR SPROUSE OBJECT TO THE LEADING, YOUR HONOR

20 THE COURT ALL RIGHT

21 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
22 THE OBJECTION WAS TO THE LEADING A LEADING QUESTION IS
23 A QUESTION THAT SUGGESTS AN ANSWER, IN OTHER WORDS, IN
24 EFFECT THAT THE LAWYER IS TESTIFYING AND THE WITNESS IS
25 ONLY AGREEING WITH THE LAWYER BUT WHEN IT'S YOUR

1 WITNESS YOU CAN'T LEAD THE WITNESS, IN OTHER WORDS, YOU
2 WANT TO HEAR FROM THE WITNESS

3 NOW, ON CROSS-EXAMINATION YOU CAN LEAD THE OTHER
4 WITNESS, SOMEBODY ELSE'S WITNESS OR THE OTHER SIDE'S
5 WITNESS

6 NOW, THESE RULES APPLY BOTH TO THE STATE AND TO THE
7 DEFENDANT

8 SO RESTATE YOUR QUESTION

9 BY MS SIMMONS

10 Q CAN YOU SHOW ME HOW YOU LOOKED IN THE WINDOW?

11 A I JUST WALKED UP TO THE GLASS AND JUST DID LIKE
12 THAT (DEMONSTRATING).

13 Q DID YOU PUT YOUR HANDS ON THE SILL?

14 A --NO, MA'AM

15 Q WHOSE APARTMENT WAS THAT THAT YOU WERE LOOKING AT?

16 A IT WAS MY SISTER'S APARTMENT

17 Q WHY DID YOU STALL KIND OF AT THE APARTMENTS THERE?

18 A BECAUSE I TOLD HIM I WAS AT MY SISTER'S APARTMENT
19 AND I DIDN'T WANT HIM TO THINK THAT I WAS DOING WHAT I
20 WAS DOING, AS IN TRYING TO, YOU KNOW, BUST HIM OR
21 SOMETHING LIKE THAT SO I HAD TO WAIT BECAUSE THE SCHOOL
22 BUS WAS RIGHT THERE AND HE WAS RIGHT BEHIND THE SCHOOL
23 BUS SO I HAD TO WALK THAT WAY TO STALL HIM A LITTLE BIT
24 BEFORE I WENT BACK TO SERGEANT CRUM

25 Q HAVE YOU SEEN THE DEFENDANT SINCE THIS DEAL TOOK

1 PLACE IN FEBRUARY?

2 A YEAH, IN THE COUNTY JAIL

3 Q OKAY TELL ME WHAT HAPPENED WHEN Y'ALL WERE
4 TOGETHER AT THE COUNTY JAIL

5 A I WENT TO THE COUNTY JAIL FOR, STAYING THERE LIKE
6 TWO MONTHS AND A HALF AND THE WHOLE TIME I LEFT THE
7 HALF MONTH, HE CAME TO "A" CELL WE WAS IN "A" CELL
8 TOGETHER AND WE WAS TALKING, AND HE TOLD ME TO TELL HIM
9 THAT IT WASN'T HIM HE WAS GONNA WRITE A STATEMENT AND
10 HE WANTED ME TO COPY IT DOWN AND SIGN IT

11 SO I DID BECAUSE I KNEW THAT HE KNEW I HAD DONE
12 GOT HIM ON DRUG CHARGES AND HE KNEW WHY HE WAS ARRESTED
13 WAS BECAUSE OF ME SO I DIDN'T WANT TO LAY IN THE CELL
14 KNOWING THAT MY LIFE COULD BE IN DANGER THAT'S WHY I
15 DID IT

16 Q SO YOU WERE -- THE JAIL PUT YOU ALL IN A CELL
17 TOGETHER?

18 A YES, MA'AM

19 Q HOW LONG WERE YOU IN THERE WITH HIM?

20 A PROBABLY ABOUT TWO WEEKS

21 Q ANY STATEMENT -- THE STATEMENT YOU ARE TALKING
22 ABOUT THAT YOU GAVE TO HIM, SAYING IT WASN'T HIM -- IS
23 THAT WHAT YOU ARE SAYING?

24 A YES, MA'AM

25 Q IS THAT TRUE?

1 A NO, MA'AM

2 Q YOU KNOW WHO TIM BLASSINGAME IS?

3 A YES, MA'AM

4 Q WHY DO YOU KNOW WHO HE IS?

5 A WE'RE SECOND COUSINS

6 Q ARE YOU TELLING THE TRUTH HERE TO THIS JURY TODAY?

7 A YES, MA'AM

8 Q AND DID YOU RECEIVE DRUGS, DID HE ACTUALLY HAND

9 YOU DRUGS ON FEBRUARY 24TH OF 2009?

10 A YES, MA'AM

11 MS SIMMONS BEG THE COURT'S INDULGENCE ONE MOMENT

12 NOTHING FURTHER AT THIS TIME

13 THE COURT CROSS-EXAMINE

14 MR SPROUSE MAY IT PLEASE THE COURT, YOUR HONOR

15 CROSS-EXAMINATION BY MR SPROUSE

16 Q MR WALKER, WHEN DID YOU START WORKING AS A

17 CONFIDENTIAL INFORMANT?

18 A I THINK IT WAS '07 I THINK IN 2007 I'M NOT FOR

19 SURE

20 Q DO YOU REMEMBER WHAT MONTH IN '07?

21 A OCTOBER OF '07

22 Q OCTOBER SO IT'S BEEN TWO YEARS?

23 A YES, MA'AM [SIC]

24 Q 24 MONTHS?

25 A YES, MA'AM [SIC]

1 Q AND YOU'VE DONE, ACCORDING TO YOUR TESTIMONY, 40
2 CASES?

3 A YES, MA'AM -- YES, SIR

4 Q AND YOU GET PAID \$20 A POP FOR THEM?

5 A THERE'S A LITTLE MORE -- IT CAN BE MORE THAN THAT
6 THE TIMES I DO, BUT, I MEAN, IT DEPENDS ON HOW MUCH THE
7 BUY IS

8 Q SO YOU GET A PERCENTAGE ON IT? HOW IS YOUR PAY
9 FIGURED OUT?

10 A I WOULDN'T SAY A PERCENTAGE AT THE TIME I WASN'T
11 DOING NO WORK AND I JUST HAD A NEWBORN BABY, SO I HAD TO
12 DO ANYTHING TO SUPPORT HIM

13 Q EXCUSE ME? I DIDN'T UNDERSTAND

14 A I SAID, AT THE TIME I DIDN'T HAVE A JOB, SO I HAD
15 TO DO WHAT I HAD TO DO TO SUPPORT HIM, MY CHILD

16 Q SO YOU WERE CALLING UP PEOPLE, ASKING THEM TO SELL
17 YOU DRUGS, AND THEN THE SENECA POLICE DEPARTMENT WAS
18 PAYING YOU FOR THAT?

19 A YES, SIR

20 Q OKAY AND IT'S TRUE THAT IN THIS CASE, THEY DID
21 NOT -- BY "THEY" I MEAN THE SENECA POLICE DEPARTMENT --
22 DID NOT APPROACH YOU ABOUT TIM BLASSINGAME, YOU
23 APPROACHED THEM?

24 A YES, SIR

25 Q YOU CALLED UP OFFICER CRUM ON FEBRUARY 24 AND TOLD

1 HIM, I GOT A DRUG SALE SET UP WITH TIM BLASSINGAME, IS
2 THAT WHAT YOU ARE TESTIFYING TO?

3 A YES, SIR YES, SIR

4 Q NOW, THE WAY THAT IT TURNED OUT, IT WAS NOT A DRUG
5 SALE, WAS IT?

6 A NO I WAS GIVEN THE DRUGS

7 Q SO THE INFORMATION YOU GAVE OFFICER CRUM THAT
8 MORNING WAS INACCURATE?

9 A I BRUNG [SIC] HIS MONEY BACK I MEAN, I DIDN'T
10 BUY IT I MEAN, HE GAVE IT TO ME

11 Q THE SENECA POLICE DEPARTMENT ANTICIPATED THAT
12 THERE WOULD BE A DRUG SALE BASED ON WHAT YOU TOLD THEM?

13 A YES, SIR

14 Q NOW, YOU STARTED WORKING FOR THE SENECA POLICE
15 DEPARTMENT AND MS SIMMONS, THE SOLICITOR, ASKED YOU
16 ABOUT YOUR RECORD NOW, YOU HAVE A LONG HISTORY OVER THE
17 LAST TEN YEARS OF CRIMINAL VIOLATIONS

18 A YES, SIR

19 Q YOU HAVE A LONG HISTORY OF VIOLATIONS THAT
20 INVOLVED DISHONESTY OF SOME SORT, DO YOU NOT?

21 A NO, I DON'T

22 Q IS FRAUDULENT CHECK A CHARGE THAT INVOLVES
23 DISHONESTY?

24 A I MEAN, IT WASN'T MY CHECK, SIR, BUT I PLEADED
25 GUILTY TO THEM

1 Q WERE YOU LYING WHEN YOU PLED GUILTY?

2 A NO, I WAS TELLING THE TRUTH I MEAN, I DID IT

3 Q OKAY SO YOU WROTE A FRAUDULENT CHECK?

4 A YES, SIR

5 Q AND THAT'S NOT BEING DISHONEST?

6 A IT WOULD HAVE BEEN DISHONEST ABOUT WRITING A CHECK
7 THAT WASN'T MINE

8 Q OKAY WHEN YOU WERE CONVICTED OF FORGERY IN
9 OCTOBER OF 2005, DID THAT INVOLVE DISHONESTY?

10 A YES, SIR

11 Q YOU SIGNED SOMEBODY ELSE'S CHECK?

12 A YES, SIR

13 Q THEN, WHEN YOU WERE CONVICTED OF ONE, TWO, THREE,
14 FOUR, FIVE, SIX -- SIX SHOPLIFTING OFFENSES DURING THAT
15 PERIOD OF TIME, FROM 2005 TO THE TIME OF THIS OFFENSE,
16 DID THAT INVOLVE DISHONESTY?

17 A YES, SIR

18 Q THAT WAS STEALING

19 A IT WAS STEALING, YEAH

20 Q TAKING SOMEBODY ELSE'S STUFF

21 A EXACTLY

22 Q AND YOU WERE CONVICTED OF EVERY ONE OF THEM?

23 A YES, SIR

24 Q YOU ALSO WERE DISHONEST WHEN YOU GAVE FALSE
25 INFORMATION AND WAS CONVICTED OF THAT DO YOU REMEMBER

1 THAT ONE?

2 A FALSE INFORMATION? I CAN'T RECALL, NO

3 Q YOU DON'T REMEMBER DECEMBER THE 2ND, 2005, IN A
4 CHARGE BY THE CLEMSON UNIVERSITY POLICE DEPARTMENT?

5 A YES, SIR

6 Q THAT INVOLVED DISHONESTY, TOO?

7 A YES, SIR

8 Q THESE OFFICERS FROM THE OCONEE COUNTY SHERIFF'S
9 OFFICE ARE HERE YOU HAD A NUMBER -- A NUMBER OF THESE
10 CHARGES WERE FOR THE OCONEE COUNTY SHERIFF'S OFFICE, WERE
11 THEY NOT?

12 A YES, SIR

13 Q YOU HAVE PETIT LARCENY, AS WELL, DID YOU NOT?

14 A YES, SIR

15 Q AND YOU ALSO HAVE HAD SEVERAL CHARGES FROM THE
16 SENECA POLICE DEPARTMENT, THE VERY AGENCY YOU WERE
17 WORKING FOR IN THIS TRANSACTION --

18 A YES, SIR

19 Q -- HAVE YOU NOT?

20 NOW, MR WALKER, YOU HAVE PENDING CHARGES, DO YOU
21 NOT?

22 A YES, SIR, I DO

23 Q AND YOU HAVE ASKED FOR HELP ON THE PENDING CHARGES
24 IN RETURN FOR YOUR COOPERATION IN THIS CASE, HAVE YOU
25 NOT?

1 A YES, SIR

2 Q NOW, THIS IS YOUR COUSIN?

3 A YES, SIR

4 Q AND YOU GOT ON THE VIDEO, YOU GOT TO WATCH THE
5 VIDEO WHILE YOU WERE HERE YOU THOUGHT THIS WAS FUNNY
6 AFTER, AFTER YOU DID THIS TRANSACTION, DID YOU NOT?

7 A NOT REALLY THE FIRST TIME I EVER SEEN SOMEBODY
8 GET CHARGES IN MY CAREER I DIDN'T THINK IT WAS FUNNY

9 Q WELL, YOU WERE CALLING, YOU WERE CALLING -- WHO
10 WERE YOU TALKING TO ON THE TELEPHONE WHEN YOU WERE SAYING
11 "HE GAVE IT TO ME"?

12 A I WAS TALKING TO OFFICER CRUM

13 Q I MEAN, IT WAS A BIG JOKE TO YOU, WASN'T IT?

14 A IT WASN'T A JOKE LIKE I WAS SAYING, I AIN'T
15 NEVER SEEN NOBODY GET CHARGES JUST GIVING DRUGS TO
16 SOMEBODY

17 Q SO DID YOU THINK THERE WAS ANYTHING WRONG WITH
18 WHAT HAPPENED?

19 A NO I MEAN

20 Q NOW, WHEN YOU WERE IN JAIL BACK IN SEPTEMBER, YOU
21 SAY YOU WERE IN JAIL TWO MONTHS?

22 A YES, SIR

23 Q DID YOU WRITE A DOCUMENT SAYING THAT THE REPORT
24 THAT YOU HAD GIVEN WAS NOT TRUE?

25 A YES, SIR I WROTE -- I DIDN'T WRITE IT BUT I

1 COPIED IT DOWN FROM WHERE HE WROTE

2 Q IS THAT YOUR SIGNATURE ON IT?

3 A YES, SIR

4 Q AND THAT'S IN YOUR HANDWRITING?

5 A YES, SIR

6 Q AND DOES THAT HAVE SEPTEMBER THE 28TH?

7 A YES, SIR

8 Q AND YOU SAID (READING) I, JAMES WALKER --

9 MS SIMMONS YOUR HONOR, I OBJECT TO HIM READING
10 SOMETHING HE'S NOT GONNA OFFER AS AN EXHIBIT

11 MR SPROUSE I'LL MOVE ON TO SOMETHING ELSE, YOUR
12 HONOR

13 BY MR SPROUSE

14 Q MR WALKER, THE NOTE THAT YOU TESTIFIED ABOUT WAS
15 IN YOUR HANDWRITING?

16 A YEAH, BUT THOSE WORDS, I MEAN, ARE COPIED FROM
17 WHAT HE WROTE

18 Q AND IT'S TRUE THAT AS A RESULT OF THAT INCIDENT
19 THERE WAS NO COMPLAINT BY YOU TO THE JAIL AUTHORITIES?

20 A YEAH THEY GOT COMPLAINTS I MEAN, ROGER FROM
21 THE JAIL ON SECOND SHIFT SUPERVISOR, HE GOT A COMPLAINT,
22 MS GILLISPIE (PHONETIC), BEVERLY ALL OF THEM, ROGER
23 AND ALL OF THEM GOT COMPLAINTS ALL YOU GOT TO DO IS ASK
24 THEM AND THEY'LL TELL YOU THE MAJOR GOT THEM, TOO YOU
25 CAN ASK HIM, TOO

1 Q DID YOU NOT TELL THE STATE SOMETHING DIFFERENT
2 THAN YOU SAID IN THIS STATEMENT?
3 A I DON'T UNDERSTAND WHAT YOU ARE SAYING -- ASKING
4 ME
5 Q WHAT DID YOU TELL TIM?
6 A WHAT DID I TELL TIM?
7 Q YEAH
8 A WHAT DID I TELL TIM? I TOLD HIM TO GET SOME REST
9 AND EVERYTHING WOULD BE ALL RIGHT I MEAN, I DID THAT --
10 I AIN'T GONNA KILL MYSELF
11 Q NOW, YOU WENT UP TO APARTMENT [REDACTED] --
12 A YES, SIR
13 Q -- WHEN YOU GOT THERE?
14 A YES, SIR
15 Q AND THERE WERE PEOPLE SITTING OUT FRONT?
16 A YES, SIR
17 Q AND YOU WENT UP TO THE WINDOWSILL?
18 A YES, SIR
19 Q AND THE PEOPLE KNEW YOU?
20 A YES, SIR
21 Q YOU SPOKE TO THEM?
22 A YES, SIR
23 Q AND THEN YOU MADE ANOTHER PHONE CALL AS YOU WALKED
24 UP THE ROAD CALLED LAW ENFORCEMENT AND WHO WAS THE
25 OTHER PHONE CALL TO, WAS THAT TO YOUR GIRLFRIEND?

1 A YES, SIR

2 Q OKAY WHERE DID YOU PUT THIS SUBSTANCE THAT YOU
3 ALLEGE WAS GIVEN TO YOU?

4 A I HANDED IT OVER WHEN I GOT BACK TO THE JEEP WITH
5 CRUM, MR CRUM HE PUT IT IN A PLASTIC BAG

6 MR SPROUSE I ASK THE COURT'S INDULGENCE

7 (THE DEFENDANT CONFERRED WITH COUNSEL OFF THE
8 RECORD)

9 BY MR SPROUSE

10 Q MR WALKER, YOU USE COCAINE, DO YOU NOT?

11 A YES, SIR

12 Q AND YOU WERE USING CRACK AT THE TIME THIS OFFENSE
13 HAPPENED?

14 A NOT AT THE TIME THE OFFENSE HAPPENED PROBABLY A
15 COUPLE DAYS EARLIER

16 Q IF YOU HAD BEEN SENT FOR A DRUG TEST, DO YOU
17 BELIEVE THAT YOU WOULD HAVE SHOWED UP POSITIVE FOR
18 COCAINE?

19 A I KNOW I'M SURE I'M POSITIVE FOR COCAINE THERE
20 AIN'T NO DOUBT

21 MR SPROUSE OKAY THANK YOU

22 THE COURT REDIRECT?

23 REDIRECT EXAMINATION BY MS SIMMONS

24 Q JAMES WILLIE, JUST A COUPLE FOLLOW-UPS HAVE WE
25 MADE YOU ANY PROMISES IN RETURN FOR YOUR -- YOU DO HAVE

1 PENDING CHARGES HAVE YOU BEEN MADE ANY PROMISES
2 REGARDING THOSE PENDING CHARGES FOR YOUR TESTIMONY?

3 A NO, MA'AM

4 Q THOSE PENDING CHARGES OCCUR AFTER THIS?

5 A YES, MA'AM

6 Q HOW MANY TIMES DID YOU SAY YOU WORKED WITH
7 SERGEANT CRUM?

8 A IT WOULD HAVE BEEN OVER 40 OR 50 TIMES

9 Q HAVE YOU ALWAYS BEEN HONEST AND TRUTHFUL WITH HIM?

10 A ALWAYS

11 Q WHEN WE TALKED ABOUT THIS INCIDENT BETWEEN YOU AND
12 THE DEFENDANT AT THE JAIL AND HE APPROACHED YOU WITH THIS
13 LETTER, WAS HE ASKING YOU TO LIE FOR HIM?

14 A YES, HE WAS

15 Q AT THAT -- DURING THAT CONVERSATION OR EXCHANGE
16 THAT YOU HAD, DID HE EVER TELL YOU "IT WASN'T ME, I
17 DIDN'T DO IT"?

18 A YEAH HE TOLD ME TO SAY IT WASN'T HIM, BUT I KNOW
19 HIM I KNOW WHO IT WAS I MEAN, I WAS THERE

20 MS SIMMONS NOTHING FURTHER

21 THE COURT ALL RIGHT YOU MAY STEP DOWN

22 MS SIMMONS JUDGE, MAY I ASK THAT THIS WITNESS BE
23 EXCUSED?

24 MR SPROUSE NO OBJECTION

25 THE COURT WITHOUT OBJECTION YOU MAY BE EXCUSED

1 (WHEREUPON, THE WITNESS WAS EXCUSED)
2 THE COURT CALL YOUR NEXT WITNESS
3 MS SIMMONS WE CALL SOUTH CAROLINA D N R AGENT
4 BENNY OWENS
5 WHEREUPON,
6 BENJAMIN R OWENS,
7 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS
8 DIRECT EXAMINATION BY MS SIMMONS
9 THE COURT IF YOU WOULD, SIR, PLEASE GIVE US YOUR
10 FULL NAME FOR THE RECORD, SPELLING YOUR LAST
11 THE WITNESS YES BENJAMIN R. OWENS MY LAST NAME
12 IS O-W-E-N-S
13 THE COURT VERY GOOD, THANK YOU
14 YOU MAY PROCEED
15 MS SIMMONS THANK YOU, JUDGE
16 BY MS SIMMONS
17 Q OFFICER OWENS, WHERE ARE YOU EMPLOYED?
18 A I'M EMPLOYED WITH THE SOUTH CAROLINA DEPARTMENT OF
19 NATURAL RESOURCES AS A LAW ENFORCEMENT OFFICER, AND I
20 WORK ANDERSON COUNTY
21 Q HOW LONG HAVE YOU BEEN WITH D N R ?
22 A TEN YEARS
23 Q WHAT DO D N R OFFICERS DO?
24 A WE ENFORCE GAME AND FISH LAWS AND BOATING
25 REGULATIONS AND ANY OTHER STATE LAW OR FEDERAL LAW THAT

1 WE MAY INCUR IN THOSE DUTIES

2 Q DO YOU ALSO HAVE JURISDICTION TO CONDUCT WHAT ARE
3 COMMONLY KNOWN AS UNIFORM TRAFFIC STOPS?

4 A YES, MA'AM, I'M THE SAME AS ANY OTHER LAW
5 ENFORCEMENT OFFICER

6 Q WERE YOU WORKING ON FEBRUARY 26, 2009?

7 A I WAS

8 Q WHERE WERE YOU WORKING THAT DAY?

9 A I WAS IN THE PENDLETON AREA OVER NEAR CLEMSON

10 Q AND DID YOU CCNDUCT A TRAFFIC STOP THAT DAY ON
11 VANCE GROVE ROAD?

12 A I DID

13 Q AND CAN YOU DESCRIBE THE VEHICLE THAT YOU STOPPED?

14 A A SMALL ALTIMA, SILVER TYPE IN COLOR

15 Q BEHIND YOU YOU WILL FIND STATE'S EXHIBIT 4 IS
16 THAT PHOTOGRAPH OF THAT VEHICLE THE SAME OR SUBSTANTIALLY
17 SIMILAR TO THE VEHICLE YOU STOPPED ON THAT DAY?

18 A YEAH, IT IS ~

19 Q WHO DID YOU STOP DRIVING THAT CAR?

20 A TIMOTHY BLASSINGAME

21 Q AND TIM BLASSINGAME, WOULD THAT BE THE DEFENDANT
22 SEATED AT THE TABLE TODAY?

23 A YES, MA'AM

24 Q AND WHO WAS DRIVING -- WAS HE DRIVING THAT
25 VEHICLE?

1 A HE WAS DRIVING IT

2 Q WAS THERE A FEMALE PASSENGER WITH HIM?

3 A THERE WAS

4 Q COULD YOU IDENTIFY HER?

5 A HER NAME WAS CHARLOTTE REED

6 Q AND WHO -- WERE YOU ABLE TO GET ANY INFORMATION
7 ABOUT THE OWNER OF THE VEHICLE THAT MR BLASSINGAME WAS
8 DRIVING AND MS REED WAS A PASSENGER OF?

9 A IT WAS -- THE VEHICLE BELONGED TO CHARLOTTE REED

10 Q AND WAS THAT VEHICLE SUBSEQUENTLY RETURNED TO
11 MS REED?

12 A IT WAS

13 MS SIMMONS NOTHING FURTHER

14 THE COURT CROSS-EXAMINE?

15 CROSS-EXAMINATION BY MR SPROUSE

16 Q OFFICER OWENS, YOU DON'T HAVE ANY KNOWLEDGE ABOUT
17 THE EVENTS THAT LED TO THIS PARTICULAR CASE, DO YOU?

18 A NO, I DON'T

19 MR SPROUSE THANK YOU THAT'S ALL I HAVE

20 THE COURT RE-EXAM?

21 MS SIMMONS WE ASK THIS WITNESS BE EXCUSED, YOUR
22 HONOR

23 MR SPROUSE NO OBJECTION

24 THE COURT WITHOUT OBJECTION YOU MAY BE EXCUSED
25 THANK YOU

1 (WHEREUPON, THE WITNESS WAS EXCUSED)

2 THE COURT YOU MAY CALL YOUR NEXT WITNESS

3 MS SIMMONS I CALL OFFICER TIM HUNNICUTT

4 WHEREUPON,

5 TIMOTHY GERALD HUNNICUTT,

6 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS

7 DIRECT EXAMINATION BY MS SIMMONS

8 THE COURT GIVE US YOUR FULL NAME FOR THE RECORD,

9 SPELLING YOUR LAST NAME, PLEASE

10 THE WITNESS TIMOTHY GERALD HUNNICUTT,

11 H-U-N-N-I-C-U-T-T

12 THE COURT THANK YOU, JUDGE

13 BY MS SIMMONS

14 Q OFFICER HUNNICUTT, WHERE ARE YOU EMPLOYED?

15 A SENECA POLICE DEPARTMENT

16 Q HOW LONG HAVE YOU BEEN THERE?

17 A I'VE BEEN THERE A LITTLE OVER, A LITTLE OVER A

18 YEAR

19 Q AND WERE YOU IN LAW ENFORCEMENT BEFORE THAT?

20 A YES PRIOR TO THAT I WORKED AT THE OCONEE

21 SHERIFF'S OFFICE

22 Q HOW LONG WERE YOU THERE?

23 A SINCE 2001

24 Q WHAT TRAINING AND EDUCATION HAVE YOU HAD INVOLVING

25 LAW ENFORCEMENT AND NARCOTICS?

1 A I HAD SOME CRIMINAL JUSTICE AT TRI-COUNTY TECH AND
2 ALSO CRIMINAL JUSTICE ACADEMY, COMPLETED THE NINE-WEEK
3 ACADEMY

4 Q SINCE YOU WERE WORKING IN NARCOTICS, HAVE YOU
5 GOTTEN ANY NARCOTICS TRAINING?

6 A YES SOME AT THE SHERIFF'S OFFICE AND THEN SOME
7 THERE, A LITTLE OVER 200-AND-SOME HOURS

8 Q IS PART OF THAT TRAINING IN DRUG TERMINOLOGY, DRUG
9 LINGO?

10 A EXCUSE ME?

11 Q IS PART OF THAT TRAINING IN DRUG TERMINOLOGY, DRUG
12 LINGO?

13 A YES, IT IS

14 Q ARE YOU FAMILIAR WITH THE TERMS "DUB" AND "40"?

15 A YES

16 Q WHAT ARE THOSE?

17 A 40 IS \$40 WORTH AND THEN DUB IS \$20 WORTH OF
18 CRACK

19 Q AND PIECES?

20 A JUST LITTLE SMALL PIECES, WHAT YOU GOT

21 Q WHAT DRUG IS "PIECES" USUALLY REFERRED TO?

22 A CRACK

23 Q IS IT COMMON FOR SOMETIMES IN DRUG DEALS FOR THE
24 INFORMANT TO RECEIVE DRUGS FOR FREE?

25 A IT IS COMMON SOMETIMES THEY CAN FRONT IT TO THEM

1 TO KEEP THEM COMING BACK

2 Q WERE YOU WORKING IN SENECA ON FEBRUARY 24TH OF
3 2009?

4 A YES, I WAS

5 Q WERE YOU INVOLVED IN THE UNDERCOVER TRANSACTION
6 INVOLVING THIS DEFENDANT?

7 A YES, MA'AM

8 Q WHERE DID THAT TRANSACTION OCCUR?

9 A IT WAS THE SOUTH PART OF TOWN CLOSE TO [REDACTED]
10 [REDACTED]

11 Q HAVE YOU ACTUALLY DRIVEN THE ROUTE THAT THIS
12 TRANSACTION TOOK?

13 A YES

14 Q IS THAT ROUTE WITHIN THE CITY LIMITS OF SENECA?

15 A YES, IT IS

16 Q DO YOU KNOW THIS DEFENDANT?

17 A YES

18 Q WHEN YOU LOOK AT STATE'S EXHIBIT 3, WHICH HAS BEEN
19 PREVIOUSLY ADMITTED, WHO IS THAT?

20 A TIMOTHY BLASSINGAME

21 Q WHO WAS THE INFORMANT IN THE CASE?

22 A JAMES WALKER

23 Q HOW DID THE PROCESS -- WERE YOU INVOLVED IN THE
24 SEARCHING OF HIM?

25 A YES

1 Q EXPLAIN TO ME HOW THE SEARCH PROCESS OF AN
2 INFORMANT WORKS?

3 A WE CHECK ALL THEIR POCKETS, ANY POCKETS THEY HAVE,
4 TAKE THEIR SHOES OFF, CHECK AROUND THEIR SOCKS, JUST MAKE
5 SURE THEY DON'T HAVE ANY KIND OF DOPE OR ANYTHING ON
6 THEM WE CHECK THEM EXTREMELY WELL

7 Q WHEN YOU TALK ABOUT CHECKING THEIR POCKETS, ARE
8 YOU PULLING THE POCKETS OUT?

9 A WE ACTUALLY PULL THEM OUT, YES

10 Q DO YOU DO THAT BEFORE AND AFTER THE TRANSACTION?

11 A YES

12 Q IS THE SEARCH THAT THOROUGH ON BOTH TIMES?

13 A YES, IT IS

14 Q WERE YOU PART OF MONITORING THE TRANSACTION IN
15 THIS CASE?

16 A YES

17 Q HOW DID YOU MONITOR IT?

18 A AUDIO

19 Q WAS THAT WITH SERGEANT CRUM?

20 A YES

21 Q WHAT DID THE DEFENDANT -- WAS -- THE DEFENDANT
22 GIVE TO THE INFORMANT?

23 A EXCUSE ME?

24 Q WHAT DID THE DEFENDANT GIVE TO THE INFORMANT?

25 A A SMALL CRACK ROCK

1 TO KEEP THEM COMING BACK

2 Q WERE YOU WORKING IN SENECA ON FEBRUARY 24TH OF
3 2009?

4 A YES, I WAS

5 Q WERE YOU INVOLVED IN THE UNDERCOVER TRANSACTION
6 INVOLVING THIS DEFENDANT?

7 A YES, MA'AM

8 Q WHERE DID THAT TRANSACTION OCCUR?

9 A IT WAS THE SOUTH PART OF TOWN CLOSE TO [REDACTED]

10 [REDACTED]

11 Q HAVE YOU ACTUALLY DRIVEN THE ROUTE THAT THIS
12 TRANSACTION TOOK?

13 A YES

14 Q IS THAT ROUTE WITHIN THE CITY LIMITS OF SENECA?

15 A YES, IT IS

16 Q DO YOU KNOW THIS DEFENDANT?

17 A YES

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19 PREVIOUSLY ADMITTED, WHO IS THAT?

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15 THIS CASE?

16 A YES

17 Q HOW DID YOU MONITOR IT?

18 A AUDIO

19 Q WAS THAT WITH SERGEANT CRUM?

20 A YES

21 Q WHAT DID THE DEFENDANT -- WAS -- THE DEFENDANT
22 GIVE TO THE INFORMANT?

23 A EXCUSE ME?

24 Q WHAT DID THE DEFENDANT GIVE TO THE INFORMANT?

25 A A SMALL CRACK ROCK.

1 Q AFTER THE DEAL DID THE INFORMANT TURN THE
2 NARCOTICS IN TO YOU AND SERGEANT CRUM?

3 A YES

4 Q HOW DID THAT TAKE PLACE?

5 A HE ENDED UP -- SERGEANT CRUM WAS DRIVING, SO I
6 KIND OF JUST TOOK IT AND HANDED IT STRAIGHT TO SERGEANT
7 CRUM

8 Q LET ME SHOW YOU WHAT'S BEEN PRE-MARKED STATE'S
9 EXHIBIT 5 IS THIS THE SMALL BAGGIE THAT WAS HANDED TO
10 YOU?

11 A YES

12 Q AND THAT OCCURRED ON FEBRUARY 24TH?

13 A YES, MA'AM

14 Q AND WHO DID YOU SAY YOU GAVE IT TO?

15 A (NO RESPONSE)

16 Q WHO DID YOU SAY YOU GAVE IT TO?

17 A I PASSED IT ON TO SERGEANT CRUM

18 Q OKAY DID YOU LATER ENCOUNTER THIS DEFENDANT ON
19 OR ABOUT MARCH 5TH, 2009, THAT WOULD BE A COUPLE WEEKS
20 LATER?

21 A YES

22 Q WAS THAT DURING THE COURSE OF YOUR EMPLOYMENT AT
23 THE SENECA POLICE DEPARTMENT?

24 A YES, IT WAS

25 Q DID YOU OBTAIN ANY PERSONAL INFORMATION FROM THE

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1 DEFENDANT AT THAT TIME?

2 A YES, I DID

3 Q DID YOU DISCUSS PHONE NUMBERS WITH HIM?

4 A YES I GIVE HIM MY PAGER NUMBER AND IN EXCHANGE

5 HE GAVE ME HIS PHONE NUMBER

6 Q WHAT PHONE NUMBER DID HE PROVIDE TO YOU?

7 A [REDACTED]

8 Q AND DID YOU COPY THAT NUMBER DOWN AT THE TIME HE

9 GAVE IT TO YOU?

10 A I PUT IT IN MY PHONE

11 Q IS THAT THE SAME NUMBER THAT WAS CALLED BY JAMES

12 WILLIE WALKER TO SET UP THE DRUG DEAL ---

13 A IT WAS

14 Q --- ON FEBRUARY 24TH, 2009?

15 A YES

16 MS SIMMONS NOTHING FURTHER OF THIS WITNESS AT

17 THIS TIME

18 THE COURT CROSS-EXAMINE

19 CROSS-EXAMINATION BY MR SPROUSE

20 Q OFFICER HUNNICUTT, YOU WILL AGREE THAT THE VIDEO

21 IN THIS CASE MAKES IT IMPOSSIBLE FOR YOU TO FOLLOW THE

22 EXACT ROUTE THE CAR TOOK ONCE THE TWO PEOPLE WERE IN IT

23 TOGETHER?

24 A IT WILL SHOW THE EXACT ROUTE IF YOU ARE LOOKING

25 TURN BY TURN, YOU CAN KIND OF TELL BY THE, HOW CLOSE THEY

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1 TURN AND WHICH ROADS THEY WERE TURNING ON

2 Q BUT YOU CAN'T SEE ANY SIGNS?

3 A NO

4 Q AND ALL YOU CAN SEE ARE POWER LINES AND TREES?

5 A RIGHT

6 Q AND PART OF THAT HAS TO DO WITH WHERE THE CAMERA
7 WAS, IS THAT RIGHT?

8 A YES

9 Q AND THE CAMERA IS IN THE SHIRT, THE PERSON SITTING
10 THERE, THE CAMERA IS GONNA LOOK STRAIGHT UP TO THE
11 WINDSHIELD?

12 A YES

13 Q SO THE ROUTE THAT YOU THINK THAT THEY TOOK, IN
14 LARGE PART, IS BASED ON THE STATEMENTS MR WALKER MADE TO
15 YOU, IS THAT NOT CORRECT?

16 A THAT'S A BIG PART OF IT, YES

17 Q AND YOU WILL AGREE THAT IT IS POSSIBLE FOR THEM TO
18 HAVE GONE AN ALTERNATIVE ROUTE AND ENDED UP AT THE SAME
19 LOCATION IN THE SAME AMOUNT OF TIME?

20 A THERE'S A LOT OF STREETS AROUND THERE SO IT'S
21 POSSIBLE

22 Q NOW, WHEN YOU SEARCHED MR WALKER, HE DID NOT
23 REMOVE HIS PANTS, DID HE?

24 A NO

25 Q AND THE AMOUNT OF THE SUBSTANCE THAT YOU HAVE

1 IDENTIFIED HERE IN EVIDENCE IS NOT SOMETHING THAT WOULD
2 HAVE SHOWN UP, FOR INSTANCE, IF YOU HAD PATTED HIM DOWN?

3 A THE WAY I PAT HIM DOWN, IF SOMETHING WERE THAT
4 LITTLE, IT WOULD HAVE FELL OUT

5 Q BUT IF YOU PATTED LIKE YOU ARE TRAINED TO DO AT
6 THE ACADEMY, IF YOU ISSUE A PAT-DOWN OF SOMEONE, AND YOU
7 HAVE A SUBSTANCE THAT MINUTE, YOU'RE NOT GONNA FEEL THAT
8 THROUGH THE FABRIC, RIGHT?

9 A YOU DON'T FEEL IT THROUGH THE FABRIC, NO

10 Q IF YOU HAD ENCOUNTERED A CRACK ROCK THE SIZE OF AN
11 ENGLISH PEA OR SOMETHING OF THAT NATURE, YOU WOULD FEEL
12 THAT WITH A PAT-DOWN, WOULD YOU NOT?

13 A PROBABLY SO, YES, SIR

14 Q NOW, YOU WILL AGREE THAT THE SUBSTANCE THAT WAS
15 HANDED YOU IS ALMOST POWDER, 'IT'S A VERY MINUTE AMOUNT'?

16 A CORRECT

17 Q NOW, DO YOU AGREE OR DISAGREE WITH THE PREVIOUS
18 TESTIMONY THAT THE SEARCH TOOK 30 SECONDS?

19 A I DON'T KNOW EXACTLY I MEAN, IT COULD HAVE TOOK
20 A LITTLE MORE THAN THAT I WOULD SAY IT WAS A LITTLE BIT
21 MORE THAN 30, BUT CLOSE -- IT WAS A GOOD THOROUGH SEARCH
22 I ALWAYS DO A GOOD

23 Q OKAY NOW, YOU BELIEVED PRIOR TO THIS INCIDENT
24 HAPPENING THAT THIS WAS GOING TO BE A SALE OF CRACK
25 COCAINE, DID YOU NOT?

1 A YES

2 Q AND YOU BASED THAT ON THE INFORMATION PROVIDED TO
3 YOU BY MR WALKER, ISN'T THAT CORRECT?

4 A WELL, HE'S THE ONE WHO PURCHASED CRACK COCAINE,
5 YES

6 Q JAMES WALKER CALLED YOU ALL UP, SAID, "I GOT A
7 DEAL SET UP, WIRE ME 'UP " IS THAT THE GIST OF THE
8 CONVERSATION?

9 A YES

10 Q AND IT TURNED OUT IT WAS NOT A SALE OF CRACK
11 COCAINE?

12 A IT WAS STILL A DISTRIBUTION

13 Q I DIDN'T ASK YOU THAT IT WAS NOT A SALE, WAS IT?

14 A HE DIDN'T GIVE HIM NO MONEY, NO

15 Q SO THE INFORMATION THAT MR WALKER GAVE YOU TO
16 START WITH WAS INACCURATE?

17 A IT WAS I GUESS DIFFERENT

18 Q DIFFERENT OKAY NOW, YOU ARE AWARE THAT
19 MR WALKER'S ALIAS IS J DUB?

20 A YES

21 Q AND "DUB" REPRESENTS WHAT IN DRUG LINGO?

22 A DOPE

23 Q SO HE'S KNOWN BY J DUB IN THE COMMUNITY?

24 A THAT'S CORRECT

25 Q OKAY THANK YOU

1 **THE COURT** REDIRECT?

2 **MS SIMMONS** BEG THE COURT'S INDULGENCE FOR ONE
3 MOMENT

4 (THERE WAS A PAUSE IN THE PROCEEDINGS)

5 **MS SIMMONS** NOTHING FURTHER FROM THIS WITNESS

6 **THE COURT** ALL RIGHT YOU MAY STEP DOWN THANK
7 YOU, SIR

8 (WITNESS LEAVES STAND)

9 **THE COURT** YOU MAY CALL YOUR NEXT WITNESS

10 **MS SIMMONS** WE WOULD CALL RANDY SMITH
11 WHEREUPON,

12 CHARLES RANDALL SMITH,
13 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS
14 DIRECT EXAMINATION BY MS SIMMONS

15 **THE COURT** IF YOU WOULD, SIR, GIVE US YOUR FULL
16 NAME FOR THE RECORD, SPELLING YOUR LAST NAME

17 **THE WITNESS** CHARLES RANDALL SMITH, S-M-I-T-H

18 **THE COURT** VERY GOOD THANK YOU, SIR

19 BY MS SIMMONS

20 Q GOOD AFTERNOON, MR SMITH

21 A HELLO

22 Q WERE YOU EMPLOYED AT THE SENECA POLICE DEPARTMENT
23 FEBRUARY AND MARCH OF 2009?

24 A YES, MA'AM

25 Q HOW LONG DID YOU WORK FOR THE SENECA POLICE

1 DEPARTMENT?

2 A 16 YEARS

3 Q WHAT CAPACITY WERE YOU EMPLOYED THERE?

4 A I BEGAN AS A DISPATCHER AND WENT TO ROAD PATROL,
5 AND FOR THE LAST 12 YEARS I WORKED AS A CRIME SCENE
6 INVESTIGATOR

7 Q WHAT IS THE TRAINING AND EDUCATION NECESSARY FOR
8 CRIME SCENE INVESTIGATIONS AND EVIDENCE?

9 A I HAD ADVANCE EVIDENCE AND STORAGE TECHNIQUES OUT
10 OF, HOW TO TAKE CARE OF A STORAGE FACILITY ALSO SEARCH
11 AND SEIZURE JUST THE USUAL THAT YOU WOULD SEE WITH THE
12 CRIME SCENES CRIME SCENE RECONSTRUCTION, ADVANCED
13 CLASSES THROUGH THE D E A , THE F B I , AND SUCH AS THAT

14 Q DURING THE COURSE OF YOUR EMPLOYMENT AT THE SENECA
15 POLICE DEPARTMENT, WAS PART OF YOUR DUTIES DRUG EVIDENCE
16 STORAGE AND COLLECTION?

17 A YES, MA'AM

18 Q I SHOW YOU WHAT'S BEEN PREMARKED AS STATE'S
19 EXHIBIT 5 RIGHT IN FRONT OF YOU CAN YOU IDENTIFY THIS
20 ITEM?

21 A YES THIS IS A B E S T PACK THAT WAS COMPLETED
22 BY SERGEANT JOHN CRUM, TURNED INTO EVIDENCE AND INSIDE
23 THE B E S T PACK IS A PLASTIC ENVELOPE OR A PLASTIC
24 BAGGIE WITH WHAT APPEARS TO BE, IT'S A WHITE POWDER
25 SUBSTANCE OR A ROCK-LIKE SUBSTANCE

1 Q DOES CRACK COCAINE USUALLY START AS A ROCK AND
2 THEN KIND OF DETERIORATE? YOU SAID POWDER SUBSTANCE ---

3 MR SPROUSE I OBJECT TO THAT QUESTION IT
4 REQUIRES AN OPINION WITHOUT THE PROPER FOUNDATION

5 THE COURT RESTATE YOUR QUESTION

6 BY MS SIMMONS

7 Q YOU HAVE HAD EXTENSIVE TRAINING IN EVIDENCE
8 COLLECTION REGARDING DRUG EVIDENCE?

9 A YES, MA'AM

10 Q DOES CRACK COCAINE OFTEN PRESENT, WHEN TURNED IN
11 TO EVIDENCE, AS A CRACK ROCK?

12 A YES, MA'AM, IT DOES

13 Q DOES IT SOMETIMES LOOK LIKE POWDER WHEN IT GETS
14 BACK FROM ANALYSIS?

15 A YES AND SOMETIMES WHEN IT'S TURNED IN, JUST
16 THROUGH THE HANDLING OF IT, IT WILL BREAK APART AND COME
17 IN LITTLE PIECES WHICH WOULD BE, A LOT OF TIMES WE REFER
18 TO THEM AS CRUMBS

19 Q WHEN DID YOU RECEIVE STATE'S EXHIBIT 5?

20 A IT WOULD HAVE BEEN FEBRUARY THE 25TH SERGEANT
21 CRUM PLACED IT INTO THE EVIDENCE LOCKER AGAIN HE DID
22 THE, FILLED OUT THE B E S T PACK, HE SEALED IT AND PUT
23 IT INTO THE SEALED LOCKED EVIDENCE BOX AND THE NEXT
24 MORNING WHEN I CHECKED EVIDENCE, I OPENED THE LOCK BOX,
25 TOOK THE DRUGS OUT, AND ENTERED IT INTO EVIDENCE AND PUT

1 IT INTO OUR EVIDENCE HOLDING UNTIL I COULD TAKE IT TO THE
2 LAB

3 Q EXPLAIN TO ME THE SECURITY OF EVIDENCE HOLDING

4 A WE DON'T HAVE ANYONE WORKING EVIDENCE 24 HOURS A
5 DAY AND SO OFFICERS WHO COLLECT EVIDENCE THROUGH THE
6 NIGHT SHIFT, OR EVEN SOMETIMES DURING THE DAY, WE HAVE
7 HOLDING LOCKERS THAT THEY CAN PLACE EVIDENCE AND THEY CAN
8 PUT A LOCK ON IT THAT IS KEYED TO ONE KEY ALL THE LOCKS
9 ARE KEYED TO ONE KEY THAT WE HAD SPECIALLY MADE SO WE
10 WOULDN'T HAVE ANY JUST WAL-MART LOCKS OR ANYTHING LIKE
11 THAT

12 AND WE HAVE A SEPARATE BOX, WHICH IS AN OLD
13 MAILBOX, STANDUP MAILBOX, THAT WE HAVE LOCKED WITH THE
14 SAME TYPE OF LOCK THAT WE USE, ESPECIALLY FOR DRUGS AND
15 MAINLY FOR THE NARCOTICS

16 Q AND THAT IS THE BOX YOU ARE REFERRING TO?

17 A YES, MA'AM, IT IS

18 Q AND YOU HAD A KEY TO GET YOURSELF BACK OUT OF THAT
19 BOX?

20 A YES, MA'AM

21 Q DID YOU SUBSEQUENTLY STORE THE ITEM ONCE YOU
22 RECEIVED IT FROM THE BOX ON FEBRUARY 25TH OF 2009?

23 A YES DOWN IN THE EVIDENCE STORAGE, OR DOWN IN THE
24 EVIDENCE ROOM WE HAVE A SEPARATE LOCKED DOOR INTO ANOTHER
25 ROOM THAT IS A LAB, WE HAVE OUR OWN LAB FOR MARIJUANA

1 ANALYSIS, AND THERE WE HAVE AN AREA THAT WE CAN LOCK UP
2 OUR DRUGS, OUR HARD DRUGS, WHAT I WOULD SAY IS CRACK,
3 COCAINE, METH, ANY OF THAT NEEDS TO GO TO THE FORENSICS
4 LAB IN ANDERSON AND THAT'S WHERE THAT WAS STORED

5 Q AND DID YOU STORE IT UNTIL THE TIME YOU DELIVERED
6 IT TO THE FORENSICS LAB?

7 A YES, MA'AM

8 Q WHEN DID YOU DELIVER IT TO THE FORENSICS LAB?

9 A IT WAS MARCH 11TH I WROTE IT DOWN

10 Q MARCH 11TH OF 2009?

11 A YES, MA'AM

12 Q WHO DID YOU DELIVER IT TO?

13 A MEREDITH LANFORD OF THE ANDERSON-OCONEE FORENSICS
14 LAB

15 Q WAS STATE'S EXHIBIT 5 IN YOUR CARE, CUSTODY, AND
16 CONTROL FROM THE TIME YOU RECEIVED IT FEBRUARY 25TH,
17 2009, TO THE TIME IT WAS DELIVERED TO MEREDITH LANFORD ON
18 MARCH 11TH, 2009?

19 A YES, MA'AM

20 Q DID YOU ALTER IT OR CHANGE IT IN ANY WAY?

21 A NO, MA'AM

22 Q IS THE ITEM IN SUBSTANTIALLY THE SAME CONDITION AS
23 WHEN YOU RECEIVED IT, EXCEPT --

24 A THE BEST THAT I REMEMBER IT MAY HAVE BROKEN UP A
25 LITTLE BIT MORE, BUT YES

1 Q BECOME CRUMBS, AS YOU SAID?

2 A YES

3 Q AND YOU SUBMITTED THIS TO THE LAB ON MARCH 11TH?

4 A YES, MA'AM

5 MS SIMMONS NOTHING FURTHER FROM THIS WITNESS AT
6 THIS TIME

7 THE COURT CROSS-EXAM?

8 CROSS-EXAMINATION BY MR SPROUSE

9 Q OFFICER SMITH, OTHER THAN WHAT YOU TESTIFIED TO,
10 YOU DON'T HAVE ANY PERSONAL KNOWLEDGE ABOUT THIS CASE, DO
11 YOU?

12 A NO, SIR, I DON'T

13 MR SPROUSE THAT'S ALL I HAVE

14 THE COURT RE-EXAM?

15 MS SIMMONS NOTHING FURTHER FOR THIS WITNESS I
16 WOULD ASK THAT HE BE EXCUSED

17 THE COURT ANY OBJECTION?

18 MR SPROUSE NO OBJECTION

19 THE COURT OKAY WITHOUT OBJECTION YOU MAY BE
20 EXCUSED

21 (WHEREUPON, THE WITNESS WAS EXCUSED)

22 THE COURT LADIES AND GENTLEMEN, I'M GOING TO ASK
23 YOU TO TAKE A SHORT BREAK RIGHT NOW BEFORE WE PROCEED
24 YOU MIGHT USE THIS AS YOUR AFTERNOON BREAK IF YOU WOULD
25 LIKE, AND WHEN YOU ARE READY TO COME BACK, JUST KNOCK ON

1 THE DOOR AND WE WILL PROCEED AT THAT TIME AGAIN, DO NOT
2 UNDERTAKE THE DISCUSSION OF THE CASE AMONG YOURSELVES IN
3 ANY WAY

4 (THE JURY LEFT THE COURTROOM AT
5 APPROXIMATELY 3 11 P M)

6 THE COURT THE BAILIFF PASSED THIS NOTE TO ME
7 (READING) WILL WE BE ABLE TO SEE THE EVIDENCE UP CLOSE
8 (THE DRUGS)? JENNIFER COBB I THINK SHE'S THE SECOND
9 ALTERNATE

10 I'LL INSTRUCT THEM WHEN THEY COME BACK THAT THEY
11 WILL HAVE AVAILABLE ALL EVIDENCE THAT'S ADMITTED I WILL
12 MAKE A CAVEAT THERE, THOUGH, AS FAR AS THE AUDIO AND
13 VIDEO, I DO NOT SEND AUDIO AND VIDEOS BACK TO THE JURY
14 ROOM BUT I CONSIDER THOSE TESTIMONIAL, AND IF THEY WANT
15 THEM REPLAYED, WE'LL BRING THEM BACK AND REPLAY IT IN THE
16 COURTROOM

17 I DO THAT NOT ONLY TO BE SURE THAT THEY PLAY IT
18 CORRECTLY AND DO WHAT THEY NEED TO HAVE DONE, BUT ALSO WE
19 DON'T HAVE ANY -- WAS IT MARIE WOOD, SOME 16 MINUTES OF
20 TAPE BEING LOST?

21 SO WITH THAT, ANYTHING FROM THE STATE?

22 MS SIMMONS NO, SIR

23 THE COURT FROM THE DEFENSE?

24 MR SPROUSE NOTHING FURTHER

25 THE COURT VERY GOOD I'LL GIVE THEM THAT

1 INSTRUCTION WHEN THEY COME BACK THANK YOU

2 ALL RIGHT WE'RE OFF THE RECORD

3 (A RECESS WAS TAKEN FROM 3 13 P M UNTIL
4 APPROXIMATELY 3 30 P M)

5 THE COURT ARE YOU READY TO PROCEED FROM THE STATE?

6 MS SIMMONS YES, YOUR HONOR

7 THE COURT FROM THE DEFENDANT?

8 MR SPROUSE YES, SIR

9 THE COURT ASK THE JURY TO JOIN US, PLEASE

10 (THE JURY ENTERED THE COURTROOM AT
11 APPROXIMATELY 3 30 P M)

12 THE COURT LET THE RECORD REFLECT THE JURY AND
13 ALTERNATES ARE IN THE JURY-BOX

14 LADIES AND GENTLEMEN OF THE JURY, I RECEIVED A NOTE
15 FROM A MEMBER OF THE JURY WILL WE BE ABLE TO SEE THE
16 EVIDENCE UP CLOSE (THE DRUGS)?

17 YES, MA'AM, YOU WILL SEE ALL OF THE EVIDENCE THAT IS
18 ADMITTED NOW, SOME THINGS MIGHT NOT BE ADMITTED FOR
19 SOME REASON OR ANOTHER BUT IF THEY ARE NOT ADMITTED,
20 THAT'S USUALLY BECAUSE IT'S NOT AS DEPENDABLE AS IT
21 SHOULD BE BECAUSE YOU HAVE TO MEET CERTAIN REQUIREMENTS
22 IN ORDER TO HAVE EXHIBITS TO QUALIFY AS THE WHOLE POINT
23 IN ISSUE BUT, NO, YOU WILL

24 NOW I MIGHT NOTE THAT, AS I EXPLAINED THIS TO THE
25 ATTORNEYS, THAT THAT'S ALL THE EVIDENCE EXCEPT FOR THE

1 VIDEO AND AUDIO EXHIBITS THE REASON FOR THAT, THEY WILL
2 NOT GO BACK TO THE JURY ROOM WITH YOU, BUT IF YOU WANT TO
3 SEE THEM, EITHER THEIR ENTIRETY OR A PORTION OF THEM,
4 THEN WE'LL BRING YOU BACK AND PLAY THEM FOR YOU

5 THERE ARE ABOUT TWO REASONS FOR THAT ONE, I WANT
6 TO BE SURE THAT YOU SEE WHAT YOU WANT TO SEE, IN OTHER
7 WORDS, THAT I KNOW WHAT YOU ARE INTERESTED IN AND THAT IS
8 WHAT IS PROVIDED FOR YOU BUT THE MORE IMPORTANT THING
9 IS THAT IF, I'M NOT SURE HOW MANY OF YOU ARE OLD ENOUGH
10 TO REMEMBER A LADY NAMED MARIE WOOD, BUT SHE WAS THE
11 SECRETARY OF A PRESIDENT OF THE UNITED STATES, AND SHE
12 WAS SUPPOSED TO BE TRANSCRIBING SOME TAPES, AND SHE SAID
13 SHE HIT THE WRONG BUTTON AND IT ELIMINATED ABOUT 16
14 MINUTES OF TAPES SO I DON'T WANT TO TAKE A CHANCE OF
15 SOMEBODY MISSING -- OR IF SOMEBODY DOES HIT THE WRONG
16 BUTTON, IT WILL BE US, NOT ANYONE ELSE FOR THOSE TWO
17 REASONS, THEN, YOU WILL NOT HAVE THE AUDIO AND VIDEO IN
18 THE JURY ROOM BUT YOU WILL HAVE ALL THE OTHER EXHIBITS

19 ALL RIGHT WITH THAT, MADAM SOLICITOR, YOU MAY
20 PROCEED

21 MS SIMMONS THE STATE CALLS AGENT MEREDITH
22 LANFORD
23 WHEREUPON,

24 MEREDITH LANFORD,
25 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS

1 DIRECT EXAMINATION BY MS SIMMONS

2 THE COURT IF YOU WOULD PLEASE, MA'AM, GIVE US YOUR
3 FULL NAME FOR THE RECORD, SPELLING YOUR LAST NAME

4 THE WITNESS MEREDITH LANFORD, L-A-N-F-O-R-D.

5 THE COURT VERY GOOD THANK YOU

6 ALL RIGHT YOU MAY PROCEED

7 MS SIMMONS THANK YOU, JUDGE

8 BY MS SIMMONS

9 Q GOOD AFTERNOON, AGENT LANFORD

10 A GOOD AFTERNOON

11 Q WHERE ARE YOU EMPLOYED?

12 A I'M EMPLOYED WITH THE ANDERSON-OCONEE REGIONAL
13 FORENSICS LABORATORY

14 Q IN WHAT CAPACITY?

15 A I AM A FORENSIC CHEMIST

16 Q WHERE IS THE LAB LOCATED?

17 A IT'S LOCATED IN ANDERSON RIGHT AROUND THE CIVIC
18 CENTER

19 Q WHAT ARE YOUR DUTIES AT THE LAB?

20 A MY PRIMARY JOB FUNCTION IS TO ANALYZE EVIDENCE
21 THAT'S BROUGHT TO OUR LAB FOR CONTROLLED OR PRESCRIPTION
22 SUBSTANCES

23 Q WHAT IS YOUR EDUCATIONAL BACKGROUND?

24 A I GRADUATED FROM CLEMSON UNIVERSITY WITH A DEGREE
25 IN CHEMISTRY, A BACHELORS IN SCIENCE DEGREE I COMPLETED

1 THE FORENSICS CERTIFICATE PROGRAM AT GREENVILLE TECHNICAL
2 COLLEGE I WAS CERTIFIED AND TRAINED AS A FORENSIC
3 CHEMIST WITH THE CHAPLESTON CITY POLICE LABORATORY AS
4 WELL AS WITH MY CURRENT EMPLOYER I WAS CERTIFIED IN THE
5 AREA OF MARIJUANA ANALYSIS BY THE STATE LAW ENFORCEMENT
6 DIVISION

7 I RECEIVED TRAINING IN THE AREA OF FORENSIC DRUG
8 CHEMISTRY FROM THE DRUG ENFORCEMENT ADMINISTRATION, AND I
9 AM A MEMBER OF THE AMERICAN CHEMICAL SOCIETY AS WELL AS
10 THE CLANDESTINE LABORATORY OF INVESTIGATING CHEMISTS

11 Q HOW OFTEN DO YOU ANALYZE CONTROLLED SUBSTANCES IN
12 AN AVERAGE YEAR?

13 A. AVERAGE YEAR?

14 Q (NODDED HEAD)

15 A WE USUALLY DO OVER 600 CASES IN A YEAR, SO
16 PROBABLY WELL OVER A THOUSAND TIMES

17 Q AND HOW MANY TIMES HAVE YOU TESTIFIED IN COURT AS
18 AN EXPERT IN FORENSIC DRUG CHEMISTRY?

19 A FOUR TIMES.

20 MS SIMMONS YOUR HONOR, WE WOULD MOVE TO DECLARE
21 THIS WITNESS AS AN EXPERT IN FORENSIC DRUG CHEMISTRY

22 THE COURT ANY VOIR DIRE?

23 MR SPROUSE WE DON'T HAVE ANY OBJECTION

24 THE COURT ALL RIGHT WITHOUT OBJECTION THE
25 WITNESS WILL BE RECOGNIZED AS AN EXPERT IN --

1 FORENSIC CHEMISTRY ANALYSIS?

2 THE WITNESS FORENSIC DRUG CHEMISTRY ANALYSIS

3 THE COURT MADAM FORELADY, LADIES AND GENTLEMEN OF
4 THE JURY, AS YOU HAVE NOTED, MOST WITNESSES -- OR ALL
5 WITNESSES EXCEPT EXPERTS ARE PERMITTED TO ONLY TESTIFY
6 WHAT THEY KNOW OF THEIR OWN KNOWLEDGE, IN OTHER WORDS,
7 WHAT THEY SEE, HEAR, TASTE, AND FEEL, THE EXERCISE OF
8 THEIR OWN SENSES

9 HOWEVER, IF A WITNESS HAS PARTICULAR EXPERTISE IN AN
10 AREA BY REASON OF THEIR BACKGROUND, TRAINING OR
11 EXPERIENCE, THEN THEY CAN BE QUALIFIED AS AN EXPERT, AND
12 WHEN THEY ARE SO QUALIFIED, THEY ARE PERMITTED TO GIVE
13 THEIR OPINIONS AND SO THIS WITNESS HAS BEEN QUALIFIED
14 AS AN EXPERT IN FORENSIC DRUG ANALYSIS, AND FOR THAT
15 REASON SHE WILL BE ABLE TO GIVE HER OPINION IN THAT AREA

16 HOWEVER, ALL WITNESSES' TESTIMONY, EXPERT OR LAY
17 WITNESSES, THE VALUE OF THAT TESTIMONY IS FOR YOUR
18 EVALUATION

19 VERY GOOD YOU MAY PROCEED

20 MS SIMMONS. THANK YOU, JUDGE

21 BY MS SIMMONS

22 Q AGENT LANFORD, CAN YOU TELL ME ABOUT THE
23 COMPOSITION OF CRACK COCAINE?

24 A CRACK COCAINE USUALLY COMES TO US IN THE
25 LABORATORY IN A ROCK FORM, AND ONCE I START THE ANALYSIS,

1 ONCE I TAKE A SCALPEL TO IT, IT USUALLY CAN BREAK UP INTO
2 LITTLE CRUMBS

3 Q I WANT TO SHOW YOU WHAT IS UP THERE WITH YOU AS
4 STATE'S EXHIBIT 5 DO YOU RECOGNIZE THAT ITEM?

5 A YES, I DO

6 Q HOW?

7 A THIS ITEM IS WHAT WE CALL A B E S T KIT THIS IS
8 WHAT THE EVIDENCE TECHNICIANS WILL SUBMIT TO OUR
9 LABORATORY WITH EVIDENCE INSIDE WHEN IT COMES TO THE
10 LAB, I CHECK OFF THE CONTROL NUMBER AND I APPLY OUR
11 LABORATORY, A LABORATORY-ISSUED NUMBER TO IT AS WELL AS
12 MY INITIALS AND THE DATE THAT I TOOK IT IN

13 Q WHEN WAS THE ITEM RECEIVED IN THE LABORATORY?

14 A IT WAS RECEIVED ON MARCH 11TH, 2009

15 Q FROM WHOM?

16 A FROM RANDY SMITH

17 Q DID THIS ITEM REMAIN IN YOUR CARE, CUSTODY, AND
18 CONTROL DURING THE PERIOD OF TIME WHEN IT WAS ANALYZED AT
19 THE LAB?

20 A YES, IT WAS

21 Q AND WHEN DID YOU RETURN IT TO THE SENECA POLICE
22 DEPARTMENT?

23 A I RETURNED IT ON JUNE 26, 2009

24 Q DID YOU CONDUCT CHEMICAL ANALYSIS ON STATE'S
25 EXHIBIT 5?

1 A YES, I DID

2 Q HOW DOES THAT PROCESS WORK?

3 A THE FIRST THING I DO FOR AN ANALYSIS IS I REMOVE
4 ANY PACKAGING THAT THE SUBSTANCE MAY BE IN AND I TAKE A
5 WEIGHT OF JUST THE SUBSTANCE THEN I PERFORM TWO
6 SCREENING TESTS ON THE SUBSTANCE TO HELP ME NARROW DOWN
7 WHAT CONTROLLED SUBSTANCE MAY BE PRESENT I THEN PERFORM
8 TWO CONFIRMATORY TESTS ON INSTRUMENTS IN OUR LAB TO
9 IDENTIFY WHAT CONTROLLED SUBSTANCE IS PRESENT, IF THERE'S
10 A SUBSTANCE PRESENT AT ALL

11 Q AND FROM YOUR TESTING WERE YOU ABLE TO FORM AN
12 EXPERT OPINION AS TO WHAT STATE'S EXHIBIT 5 IS?

13 A YES, I WAS

14 Q AND WHAT WOULD THAT BE?

15 A I FOUND THAT THE ITEM CONTAINED COCAINE BASE,
16 WHICH IS ALSO WHAT WE CALL CRACK COCAINE, I FOUND IT TO
17 BE 0 04 GRAMS

18 Q AND WHAT DO YOU BASE YOUR OPINION ON THAT IT IS
19 CRACK COCAINE, WHAT DO YOU BASE THAT ON?

20 A I BASE THAT ON THE SCIENTIFIC TESTS THAT I
21 PERFORMED IN THE LABORATORY

22 Q AND DURING THE COURSE OF SCIENTIFIC TESTING, YOU
23 SAID SOMETHING ABOUT A SCALPEL CAN YOU EXPLAIN THAT?

24 A ALL RIGHT WHEN I'M TAKING SAMPLES IN THIS CASE I
25 PERFORMED ALL THE LABORATORY TESTS ON THIS PARTICULAR

1 ITEM SO I HAD TO TAKE ABOUT SIX DIFFERENT SAMPLES SO,
2 YOU KNOW, IF I HAVE JUST A TINY, TINY LITTLE ROCK, IT
3 WILL USUALLY, ONCE I TAKE THOSE SAMPLES, IT WILL BREAK UP
4 INTO ALMOST LIKE A POWDER FORM

5 Q AND WHEN YOU TAKE YOUR SAMPLES, DO THEY GET PUT
6 BACK IN THE BAG?

7 A WHATEVER IS LEFT OVER IS PUT BACK IN THE BAG THE
8 ACTUAL SAMPLES THAT I TAKE ARE NOT PUT BACK IN THE BAG
9 BECAUSE BY THAT POINT THEY'RE DESTROYED BASICALLY

10 Q SO THE REMAINDER OF WHAT IS LEFT OF THAT CRACK
11 ROCK IS IN THE BAG?

12 A CORRECT.

13 MS SIMMONS OKAY JUDGE, WE WOULD MOVE TO ADMIT
14 STATE'S EXHIBIT 5 INTO EVIDENCE AND AGENT LANFORD'S
15 ACCOMPANYING REPORT WHICH HAS BEEN PREVIOUSLY PROVIDED TO
16 THE DEFENSE

17 THE COURT ANY OBJECTION?

18 MR SPROUSE NO OBJECTION, JUDGE

19 THE COURT WITHOUT OBJECTION, STATE'S EXHIBIT 5
20 WILL NOW BE ADMITTED INTO EVIDENCE ALONG WITH THE
21 ACCOMPANYING REPORTS

22 IS THAT PART OF 5, OR IS IT 6?

23 MS SIMMONS I HAVE NO OBJECTION TO THE CHAIN OF
24 CUSTODY DOCUMENTS AND THE REPORT BEING PART OF STATE 5

25 THE COURT ALL RIGHT

1 (STATE'S EXHIBIT 5, DRUGS, REPORT, AND
2 CHAIN-OF-CUSTODY DOCUMENTS, WAS RECEIVED IN
3 EVIDENCE)

4 MS SIMMONS AGENT LANFORD, PLEASE ANSWER ANY
5 QUESTIONS THE DEFENSE MAY HAVE
6 CROSS-EXAMINATION BY MR SPROUSE

7 Q AGENT LANFORD, WHEN YOU PUT ON THE REPORT TIMOTHY
8 LEE BLASSINGAME, THAT'S JUST MERELY THE CASE NUMBER, IS
9 THAT CORRECT?

10 A YES

11 Q WHEN YOU HAD "S" BESIDE IT, IS THAT SUBJECT?

12 A YES, THAT'S SUBJECT

13 Q THAT WOULD BE IN THE CASE NUMBER BUT OTHER THAN
14 THE INFORMATION PROVIDED TO YOU BY LAW ENFORCEMENT AS TO
15 THE CASE NAME, YOU DON'T HAVE ANY PERSONAL KNOWLEDGE
16 ABOUT THE FACTS OF THE CASE?

17 A CORRECT

18 Q YOU DON'T KNOW WHO GAVE WHOM WHAT DRUGS OR WHAT
19 HAPPENED AT THE SCENE?

20 A THAT'S RIGHT

21 MR SPROUSE OKAY, THANK YOU

22 THE COURT ANY REDIRECT?

23 MS SIMMONS NO, YOUR HONOR WE WOULD ASK THIS
24 WITNESS BE EXCUSED

25 THE COURT ALL RIGHT ANY OBJECTION?

1 **MR SPROUSE** NO OBJECTION

2 **THE COURT** ALL RIGHT WITHOUT OBJECTION YOU MAY BE
3 EXCUSED THANK YOU, MA'AM

4 (WHEREUPON, THE WITNESS WAS EXCUSED)

5 **MS SIMMONS** AT THIS TIME THE STATE WOULD REST

6 **THE COURT** MR FOREMAN, LADIES AND GENTLEMEN OF THE
7 JURY, I NEED TO TAKE UP SOME MATTERS WITH THE ATTORNEYS,
8 SO I'M GONNA ASK YOU TO RETIRE TO THE JURY ROOM FOR A
9 SHORT WHILE UNTIL I COMPLETE THAT AND THEN I'LL ASK YOU
10 TO COME BACK AND SEE HOW WE WILL PROCEED AT THAT TIME
11 AGAIN, DO NOT UNDERTAKE DISCUSSION OF THE CASE AMONG
12 YOURSELVES IN ANY WAY

13 (THE JURY LEFT THE COURTROOM AT

14 APPROXIMATELY 3 44 P M) -

15 **THE COURT** ANYTHING ELSE FROM THE STATE?

16 **MS SIMMONS** NO, YOUR HONOR

17 **THE COURT** ANYTHING FROM THE DEFENDANT?

18 MOTION FOR DIRECTED VERDICT ON BEHALF OF DEFENDANT

19 **MR SPROUSE** YES, SIR YOUR HONOR, AT THIS POINT I
20 WOULD MOVE FOR A DIRECTED VERDICT OF NOT GUILTY ON
21 SEVERAL GROUNDS THE FIRST GROUND IS FAILURE OF THE
22 STATE TO PROVE JURISDICTION OFFICERS WERE NOT ABLE TO
23 TESTIFY WITH GREAT CERTAINTY AS TO THE EXACT LOCATION OF
24 THE TRANSACTION AND, YOUR HONOR, I BELIEVE THE MOST
25 FUNDAMENTAL ELEMENT OF ANY CRIMINAL CASE IS JURISDICTION

1 IF THIS IS OUTSIDE THE LIMITS OF SENECA, THE SENECA
2 POLICE DEPARTMENT DID NOT HAVE JURISDICTION ---

3 **THE COURT** NOW, WHERE DOES IT SAY THAT? AS FAR AS
4 I KNOW, ALTHOUGH WE HAVE SOME DISCUSSION AMONG LAW
5 ENFORCEMENT OFFICERS, WHEN THE SHERIFF HAS JURISDICTION IN
6 WALHALLA, I THINK THAT'S BEEN RESOLVED BUT ALSO, LAW
7 ENFORCEMENT OFFICERS IN SOUTH CAROLINA ACTUALLY HAVE
8 STATE-WIDE JURISDICTION AS FAR AS WHETHER OR NOT THEY
9 CAN PURSUE PEOPLE BEYOND THE CITY LIMITS OR SOMETHING
10 LIKE THAT, THEN THAT'S ANOTHER THING BUT I THINK THAT
11 THE LAW ENFORCEMENT OFFICER IN SOUTH CAROLINA IS ALWAYS
12 AUTHORIZED

13 MORE IMPORTANTLY, IN THIS CASE THERE IS EVIDENCE
14 THAT THEY WERE IN FACT, THE ONLY THING THAT WE'VE BEEN
15 ABLE TO DO IS MAYBE CREATE A QUESTION AS TO WHETHER OR
16 NOT THEY ARE IN THAT LITTLE, I THINK IT'S BEEN REFERRED
17 TO AS ARROW POINT BUT APPARENTLY IT TOOK TWO OR THREE
18 MINUTES TO GET AROUND, AND SOMEWHERE IN THAT TIME ALL THE
19 TESTIMONY HAS BEEN THAT IT WAS IN THE CITY LIMITS BY THAT
20 ARROW POINT

21 AND, OF COURSE, AS YOU MENTIONED, I MUST TAKE THE
22 TESTIMONY AND EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE
23 NON MOVING PARTY, SO I FIND THAT THERE IS SUFFICIENT
24 EVIDENCE TO GO TO THE JURY AS FAR AS JURISDICTION PLUS
25 I WILL HAVE TO RESEARCH, BUT I DON'T THINK JURISDICTION

1 IS AN ISSUE HERE SO YOUR MOTION FOR A DIRECTED VERDICT
2 ON JURISDICTION IS DENIED

3 SECOND MOTION FOR DIRECTED VERDICT ON BEHALF OF DEFENDANT

4 MR SPROUSE YOUR HONOR, I WOULD ALSO MOVE FOR A
5 VERDICT OF NOT GUILTY ON FAILURE TO STATE THE PROOF THE
6 FUNDAMENTAL EVIDENCE OF DISTRIBUTION IS THAT THE
7 SUBSTANCE WAS ACTUALLY HANDED FROM ONE PARTY TO THE
8 OTHER, AND THERE IS NO DEFINITIVE EVIDENCE ON THAT THE
9 OFFICERS -- IT'S NOT ON VIDEO, THERE'S NO DEFINITIVE
10 MOMENT ON TAPE THAT CAN BE POINTED TO, AND WE FEEL THE
11 STATE HAS FAILED TO MEET ITS BURDEN OF PUTTING EVIDENCE
12 IN THE RECORD SUPPORTING GOING TO THE JURY

13 THE COURT ALL RIGHT WHAT DO YOU SAY ABOUT THAT,
14 MADAM SOLICITOR?

15 MS SIMMONS JUDGE, MR WALKER DURING HIS TESTIMONY
16 SAID HE RECEIVED CRACK COCAINE FROM THE DEFENDANT AFTER I
17 THINK ONE OF MY LAST QUESTIONS TO HIM I SAID DID HE
18 HAND YOU OR DELIVER TO YOU CRACK COCAINE? AND HE SAID
19 YES AND THAT COMPLETES THE STATUTORY DEFINITION OF
20 DISTRIBUTION IS THE DELIVERY ---

21 THE COURT IS TRANSFER

22 MS SIMMONS -- IS TRANSFER, AND IT WAS TRANSFER,
23 THEREFORE, BETWEEN THE PARTIES, YOUR HONOR EVEN
24 HYPOTHETICALLY IF THIS DEFENDANT LAID IT ON THE CONSOLE
25 FOR MR WALKER TO PICK UP, AS THE DEFENSE WOULD ASSERT,

1 THAT WOULD STILL BE TRANSFER OR DELIVERY TO ANOTHER
2 PERSON

3 THE COURT MR SPROUSE, ANYTHING ELSE ON THAT
4 POINT?

5 MR SPROUSE YOUR HONOR, AGAIN, WE SIMPLY, OTHER
6 THAN TESTIMONY FROM MR WALKER, WHICH CERTAINLY IS NOT
7 CREDIBLE, THAT THE ARRESTING OFFICER, THE OFFICER MAKING
8 THE CHARGE, WOULDN'T GIVE ANY INFORMATION REGARDING
9 TRANSFER, AND I FEEL THAT IS A FUNDAMENTAL BURDEN OF
10 PROOF THAT THEY HAVE AND I WOULD DISAGREE THAT IF IT
11 WERE IN THE CONSOLE AND MR WALKER SIMPLY PICKED IT UP,
12 THAT CONSTITUTES A TRANSFER FROM ONE PARTY TO ANOTHER
13 THE COURT'S RULING ON MOTION

14 THE COURT WELL, AGAIN, AT THIS STAGE IN THE CASE,
15 I'M ONLY CONCERNED WITH THE EXISTENCE OR NON-EXISTENCE OF
16 THE EVIDENCE AND NOT THE WEIGHT I THINK IT COMES DOWN
17 TO THE CREDIBILITY OF THE WITNESSES AND SO I'LL DENY
18 YOUR MOTION FOR A DIRECTED VERDICT ON WHETHER OR NOT
19 THERE IS CREDIBLE EVIDENCE ON THE TRANSFER OF THIS
20 DISTRIBUTION

21 NEXT?

22 MR SPROUSE THOSE ARE MY TWO MOTIONS, YOUR HONOR

23 THE COURT VERY GOOD ALL RIGHT THOSE MOTIONS
24 ARE ADDRESSED UNDER RULE 19 OF THE RULES OF CRIMINAL
25 PROCEDURE

1 ALL RIGHT IT'S TEN OF FOUR, OR TEN TO FOUR IS THE
2 TIME IT'S MY POLICY NOT TO KEEP A JURY BEYOND 5 00
3 I'LL EXPLAIN THAT TO THEM

4 I DON'T KNOW WHAT THE DEFENSE CASE IS, AND IF THE
5 DEFENDANT PLANS TO PUT UP ANY CASE AT ALL, BUT I WOULD
6 THINK THAT EVEN CLOSING ARGUMENTS AND CHARGES THAT WE'LL
7 PROBABLY NOT GET TO THE JURY BEFORE 5.00, WHICH MEANS, OF
8 COURSE, THAT THEY MIGHT BE UNDER SOME PRESSURE TO REACH A
9 VERDICT AND I WOULD RATHER THEY HAVE PLENTY OF TIME TO
10 DELIBERATE EVEN IF THEY HAVE TO COME BACK TOMORROW

11 ONE OF THE THINGS, AS I SAY, I ALSO THINK IT WOULD
12 BE GOOD THAT I ADVISE THE DEFENDANT, AFTER I RELEASE THE
13 JURY FOR THE DAY, AS TO HIS RIGHTS TO TESTIFY AND HIS
14 RIGHT NOT TO TESTIFY SO HE WILL HAVE AN OPPORTUNITY TO
15 CONSIDER THAT OVER THE EVENING --

16 MR SPROUSE YES, SIR

17 THE COURT -- AND ADVICE IN THE MORNING

18 SO WITH THAT, IS THERE ANYTHING FROM THE STATE AS TO
19 WHETHER OR NOT -- I MEAN, AS FAR AS THE COURT'S INTENTION
20 TO DISMISS THE JURY FOR THE DAY AND HAVE THEM REPORT BACK
21 AT 10 00 IN THE MORNING?

22 MS SIMMONS YOUR HONOR, WE'LL FOLLOW WHATEVER
23 SCHEDULE YOU DICTATE

24 THE COURT THANK YOU

25 MR SPROUSE, DOES THE DEFENDANT HAVE ANYTHING AS FAR

1 AS FOLLOWING THAT SCHEDULE?

2 MR SPROUSE NO

3 THE COURT I WILL SAY THIS, THOUGH I'M GOING TO
4 GIVE THE JURY THE OPTION TO COME BACK AT 9 00, 9 30 OR
5 10 00, BUT IT WOULDN'T BE ANY LATER THAN 10 00

6 NOW, AS I SAY, THIS WILL BE ONLY THE STATE'S CASE,
7 AND THE DEFENSE CAN DECIDE WHAT THEY WANT TO DO I MEAN,
8 I'LL GIVE THE ADVICE -- I MEAN THE ADMONITION TO THE,
9 GUIDANCE TO THE DEFENDANT ABOUT HIS TESTIMONY AND THE
10 RIGHT TO TESTIFY OR NOT TO TESTIFY

11 ALL RIGHT ANYTHING ELSE FROM THE STATE?

12 MS SIMMONS NO, YOUR HONOR

13 THE COURT DEFENSE?

14 MR SPROUSE NO, YOUR HONOR

15 THE COURT ASK THE JURY TO JOIN US, PLEASE

16 (THE JURY ENTERED THE COURTROOM AT
17 APPROXIMATELY 3 52 P M)

18 THE COURT ALL RIGHT MADAM FORELADY, LADIES AND
19 GENTLEMEN OF THE JURY, THE STATE HAS RESTED THAT DOES
20 NOT MEAN THAT'S THE COMPLETION OF THE TRIAL, OF THE WHOLE
21 TRIAL ITSELF WE STILL HAVE OTHER PARTS OF THE TRIAL,
22 SUCH AS THE CLOSING ARGUMENTS AND THE CHARGE ON THE LAW
23 BEFORE THE CASE IS GIVEN TO YOU FOR YOUR DELIBERATION
24 EVEN WITH THAT ABBREVIATED PROCEDURE, WE PROBABLY WILL
25 NOT, THE CASE WOULD NOT BE GIVEN TO YOU BEFORE 5:00

1 AND IT IS MY POLICY, BASED ON WHAT I'VE BEEN DOING
2 FOR THE LAST DECADE AND A HALF, NOT TO KEEP A JURY BEYOND
3 5 00 SOMETIMES I HAVE TO GO A LITTLE BIT FURTHER TO
4 FINISH A WITNESS'S TESTIMONY, OR SOMETIMES EVEN STOP
5 BEFORE 5 00, AND THIS IS GONNA BE A LITTLE BIT EARLIER
6 THAN THAT, SO I DON'T BREAK A WITNESS'S TESTIMONY

7 BUT IN THIS CASE, BECAUSE WE ARE AT THAT STAGE IN
8 THE CASE IT CAN'T BE COMPLETED TODAY WITHOUT GOING BEYOND
9 5 00 AND MY EXPERIENCE, AS I SAY, IS THAT WE HAVE TWO
10 WORLDS ONE BEGINS IN THE MORNING AND GOES TO 5.00 AND
11 THEN ANOTHER ONE BEGINS AT 5 00 AND SEEMS TO GO ON
12 FOREVER SO I'M GOING TO EXCUSE YOU FOR THE BALANCE OF
13 THE DAY TO TAKE UP MATTERS OF LAW WITH THE ATTORNEYS SO
14 THAT YOU CAN GET THE CASE TOMORROW SO I'M GOING TO ASK
15 YOU TO RETIRE FOR THE DAY

16 NOW, AGAIN, YOU HAVEN'T HEARD THE WHOLE CASE SO YOU
17 HAVE TO FOLLOW THE ADMONITION NOT TO DISCUSS THE CASE
18 AMONG YOURSELVES NOR PERMIT ANYBODY TO DISCUSS IT WITH
19 YOU.

20 NOW, MADAM FORELADY, THIS IS GONNA BE YOUR FIRST
21 DUTY OR FIRST RESPONSIBILITY YOU HAVE TO EXERCISE I
22 WANT YOU TO CONSULT WITH THE JURY AS TO WHAT TIME THEY
23 WOULD LIKE TO START IN THE MORNING I WOULD SUGGEST
24 ANYWHERE FROM LIKE 9 00, 9 30 OR 10 00 NOW, THIS IS NOT
25 A UNANIMOUS VERDICT, JUST A CONSENSUS YOU CAN JUST

1 CHECK WITH THE JURY WHERE THEY ARE SITTING NOW TO FIND
2 OUT WHAT TIME THEY'D LIKE TO START

3 (JURY CONFERS IN JURY-BOX)

4 THE FORELADY 9 00

5 THE COURT 9 00? VERY GOOD I'LL TELL YOU, IT'S A
6 LOT EASIER FOR ME AT HOME THAN IT IS WHEN I'M SOMEWHERE
7 ELSE IT TAKES AN HOUR OR SO TO GET TO SO I'M HAPPY WITH
8 9 00, TOO SO THAT WILL BE FINE SO I'LL SEE YOU IN THE
9 MORNING AT 9 00 JUST COME BACK TO THE JURY ROOM THAT
10 WE'RE IN TODAY AND WE'LL COMPLETE THE TRIAL TOMORROW
11 VERY GOOD THANK YOU VERY MUCH

12 EVERYONE ELSE REMAIN SEATED WHILE THE JURY RETIRES
13 FROM THE COURTROOM

14 (THE JURY LEFT THE COURTROOM AT

15 APPROXIMATELY 3 56 P M)

16 THE COURT ALL RIGHT MADAM SOLICITOR, IS THERE
17 ANYTHING FURTHER AT THIS TIME BEFORE I ADVISE THE
18 DEFENDANT OF HIS RIGHTS?

19 MS SIMMONS NO, YOUR HONOR. AT THE APPROPRIATE
20 TIME I WILL BE HAPPY TO INFORM THE COURT OF HIS
21 IMPEACHABLE OFFENSES

22 THE COURT ALL RIGHT BUT YOU HAVE PROVIDED HIS
23 ATTORNEY WITH THE OFFENSES YOU FEEL THAT WOULD BE SUBJECT
24 TO IMPEACHMENT?

25 MS SIMMONS ABSOLUTELY, YOUR HONOR WE HAVE

1 PROVIDED HIM WITH COPIES OF THE CERTIFIED CONVICTIONS FOR
2 PURPOSES OF ENHANCEMENT, IF WE SHOULD NEED THAT, AND HIS
3 RAP SHEET HAS BEEN PROVIDED

4 **THE COURT** WELL, THE MAIN THING IS FOR IF HE SHOULD
5 TESTIFY

6 **MR SPROUSE** YOUR HONOR, THEY HAVE PROVIDED THAT
7 INFORMATION

8 **THE COURT** ALL RIGHT VERY GOOD
9 COURT'S QUESTIONING OF DEFENDANT RE TESTIFYING OR NOT

10 **THE COURT** MR BLASSINGAME, IF YOU WOULD PLEASE
11 STAND RAISE YOUR RIGHT HAND

12 (WHEREUPON, THE DEFENDANT WAS SWORN BY THE
13 COURT)

14 **THE COURT** AT THIS TIME I'M GOING TO EXPLAIN TO YOU
15 CERTAIN OF YOUR RIGHTS IF YOU DO NOT UNDERSTAND
16 ANYTHING I SAY, PLEASE LET ME KNOW IF YOU WANT ME TO
17 EXPLAIN ANYTHING IN MORE DETAIL, PLEASE LET ME KNOW DO
18 YOU UNDERSTAND?

19 **THE DEFENDANT** YES

20 **THE COURT** WE HAVE NOW REACHED OR ARE APPROACHED
21 THE STAGE OF THE TRIAL WHERE YOU MAY PRESENT YOUR
22 DEFENSE YOU HAVE A RIGHT TO CLAIM THE PROTECTIONS GIVEN
23 TO YOU BY THE FIFTH AMENDMENT OF THE CONSTITUTION OF THE
24 UNITED STATES THIS AMENDMENT READS IN PART

25 **FIFTH AMENDMENT** NO PERSON SHALL BE COMPELLED IN

1 ANY CRIMINAL CASE TO BE A WITNESS AGAINST THEMSELVES
2 NOW, THIS MEANS THAT YOU CANNOT BE REQUIRED TO TESTIFY IN
3 THIS CASE YOU HAVE A RIGHT TO TESTIFY ON YOUR OWN
4 BEHALF, HOWEVER, NO ONE CAN MAKE YOU TESTIFY THIS IS A
5 PERSONAL RIGHT THAT NO ONE CAN WAIVE, AND THIS RIGHT CAN
6 ONLY BE WAIVED -- EXCUSE ME -- NO ONE CAN WAIVE THIS
7 RIGHT EXCEPT YOU DO YOU UNDERSTAND THIS?

8 THE DEFENDANT YES, SIR

9 THE COURT IF YOU DECIDE TO TESTIFY, YOU WILL BE
10 SUBJECT TO THE SAME RULES THAT GOVERN OTHER WITNESSES,
11 AND YOU MAY BE EXAMINED AND CROSS-EXAMINED ON ANY
12 RELEVANT ISSUE IN THE CASE

13 IN ADDITION, IF YOU HAVE ANY CONVICTIONS INVOLVING
14 DISHONESTY OR FALSE STATEMENT OR CRIMES PUNISHABLE BY
15 IMPRISONMENT FOR MORE THAN ONE YEAR, AND THIS COURT
16 DETERMINES THAT THE PROBATIVE VALUE OF ADMITTING THE
17 EVIDENCE OUTWEIGHS ITS PREJUDICIAL VALUE OR EFFECT TO
18 YOU, THE SOLICITOR WILL BE ABLE TO INTRODUCE YOUR RECORD
19 AND ATTACK YOUR CREDIBILITY DO YOU UNDERSTAND?

20 THE DEFENDANT YES, SIR

21 THE COURT IF ANY PRIOR OFFENSES THAT THE COURT
22 FINDS WOULD BE RELEVANT TO THE ISSUES OF CREDIBILITY AND
23 THEIR PROBATIVE VALUE OUTWEIGHS ON ANY PREJUDICIAL EFFECT
24 TO YOU, THEN YOU WOULD BE CROSS-EXAMINED DO YOU
25 UNDERSTAND?

1 **THE DEFENDANT** YES

2 **THE COURT** IF YOU DECIDE TO TESTIFY, THIS DECISION
3 ON YOUR PART MUST BE FREELY, VOLUNTARILY, AND
4 INTELLIGENTLY, WITH KNOWLEDGE OF THE PROTECTIONS GIVEN TO
5 YOU BY THE FIFTH AMENDMENT AND THE CONSEQUENCES OF YOUR
6 DECISION TO TESTIFY

7 IF YOU DECIDE NOT TO TESTIFY, I WILL INSTRUCT THE
8 JURORS THAT THEY CANNOT GIVE THE FACT THAT YOU DID NOT
9 TESTIFY ANY CONSIDERATION WHATSOEVER, AND THERE IS TO BE
10 NO PREJUDICE TO YOU BECAUSE YOU DID NOT TESTIFY.

11 IT IS LEFT ENTIRELY UP TO YOU WHETHER OR NOT YOU
12 TESTIFY YOU MAY TALK WITH YOUR ATTORNEY, YOUR FAMILY
13 AND FRIENDS, AND ANYONE ELSE, BUT THE FINAL DECISION IS
14 LEFT ENTIRELY UP TO YOU DO YOU UNDERSTAND WHAT I HAVE
15 EXPLAINED TO YOU?

16 **THE DEFENDANT** YES, SIR

17 **THE COURT** DO YOU HAVE ANY QUESTIONS ABOUT WHAT I
18 HAVE EXPLAINED?

19 **THE DEFENDANT** NO, SIR.

20 **THE COURT** ALL RIGHT I'M GOING TO LET YOU
21 CONSIDER THE QUESTION OF WHETHER YOU WISH TO TESTIFY OR
22 NOT OR OFFER ANY EVIDENCE AT ALL OVER THE EVENING, AND IF
23 YOU WOULD BE GOOD ENOUGH TO ADVISE ME AS TO WHAT YOUR
24 DECISION IS AS I SAY, YOU CAN TALK WITH YOUR ATTORNEY
25 OR ANYONE ELSE, BUT IT HAS TO BE YOUR DECISION VERY

1 GOOD THANK YOU

2 THE DEFENDANT THANK YOU, YOUR HONOR

3 MR SPROUSE THANK YOU, YOUR HONOR

4 THE COURT I WOULD LIKE TO SEE THE ATTORNEYS IN THE
5 CONFERENCE ROOM TO GO OVER POTENTIAL CHARGES

6 (WHEREUPON, THE TRIAL IN THE CASE OF THE
7 STATE OF SOUTH CAROLINA VERSUS TIMOTHY LEE
8 BLASSINGAME ADJOURNED AT 4 02 P M , TO BE
9 CONTINUED ON WEDNESDAY, OCTOBER 28, 2009, AT
10 APPROXIMATELY 9 00 A M)
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1 (THE TRIAL OF THE STATE OF SOUTH CAROLINA
2 VERSUS TIMOTHY LEE BLASSINGAME RESUMED ON
3 WEDNESDAY, OCTOBER 28TH, 2009, AT
4 APPROXIMATELY 9 11 A M)

5 THE COURT ALL RIGHT WE'RE BACK ON THE CASE OF
6 THE STATE OF SOUTH CAROLINA VERSUS TIMOTHY LEE
7 BLASSINGAME, 2009-GS-37-820

8 IS THE STATE READY TO PROCEED?

9 MS SIMMONS YES, YOUR HONOR

10 THE COURT IS THE DEFENSE READY TO PROCEED?

11 MR SPROUSE YOUR HONOR, I'M CUEING THE DISK

12 THE COURT ALL RIGHT

13 (DISCUSSION OFF THE RECORD)

14 MR SPROUSE WE'RE READY, YOUR HONOR

15 THE COURT ALL RIGHT IS THE STATE READY?

16 MS SIMMONS YES, SIR

17 THE COURT ALL RIGHT JUST FOR THE RECORD, PRIOR
18 TO TRIAL THE SOLICITOR APPROACHED THE BENCH WITH

19 MR SPROUSE AND ADVISED ME OF AN INCIDENT THAT HAPPENED
20 THIS MORNING IF YOU WOULD PLEASE, JUST FOR THE RECORD

21 MS SIMMONS YES, YOUR HONOR I WAS GETTING READY
22 TO GET ON THE ELEVATOR ONE OF THE JURORS WAS COMING
23 THROUGH THE METAL DETECTOR LINE SHE SAID, "CAN I SPEAK
24 TO YOU? ARE YOU LINDSEY SATTERFIELD?"

25 I SAID, "MA'AM, I CAN'T TALK TO YOU UNTIL AFTER THE

1 TRIAL" AND I GOT ON THE ELEVATOR

2 I DON'T KNOW HER I COULDN'T EVEN TELL YOU HER NAME
3 AS FAR AS WHICH JUROR SHE IS

4 THE COURT AND YOUR MAIDEN NAME IS SATTERFIELD
5 YOU'VE BEEN MARRIED NOW FOR SOME TIME?

6 MS SIMMONS I'VE BEEN MARRIED ALMOST TEN YEARS,
7 JUDGE, YES

8 THE COURT ANY QUESTIONS, MR SPROUSE?

9 MR SPROUSE YOUR HONOR, LINDSEY HAS BEEN SOMEONE
10 IN THE COMMUNITY FOR A LONG TIME, AND I DON'T SEE ANY
11 ISSUE

12 THE COURT I UNDERSTAND I JUST WANTED TO HAVE IT
13 ON THE RECORD IN CASE YOU NEEDED TO REVIEW IT

14 IS THERE ANYTHING ELSE FROM THE STATE?

15 MS SIMMONS NO, YOUR HONOR

16 THE COURT FROM THE DEFENDANT?

17 MR SPROUSE NOTHING, YOUR HONOR

18 THE COURT DOES THE DEFENDANT INTEND TO TESTIFY?

19 MR SPROUSE NO, SIR

20 THE COURT ALL RIGHT IF YOU WOULD, MR
21 BLASSINGAME, PLEASE STAND

22 ALL RIGHT YESTERDAY AFTERNOON BEFORE WE ADJOURNED
23 I ADVISED YOU OF YOUR RIGHTS UNDER THE FIFTH AMENDMENT TO
24 TESTIFY OR NOT IN OTHER WORDS, YOU CANNOT BE COMPELLED
25 TO TESTIFY AGAINST YOURSELF OR EVEN OFFER EVIDENCE

1 AGAINST YOURSELF THAT MEANS THAT IF YOU DO NOT WISH TO
2 OFFER ANY EVIDENCE OR TO TESTIFY YOURSELF, YOU ARE
3 EXERCISING YOUR CONSTITUTIONAL RIGHT AND THAT IS YOUR
4 RIGHT HOWEVER, IT MUST BE MADE FREELY, VOLUNTARILY,
5 KNOWINGLY AND INTELLIGENTLY IT'S YOUR DECISION AND
6 YOURS ALONE

7 I ALSO TOLD YOU A LITTLE BIT OF WHAT WOULD HAPPEN IF
8 YOU DID TESTIFY, YOU WOULD BE LIKE ANY OTHER WITNESS
9 SUBJECT TO CROSS-EXAMINATION, TO INCLUDE ANY PRIOR
10 CONVICTIONS IF THE COURT SHOULD DETERMINE THEY HAVE MORE
11 PROBATIVE VALUE AGAINST ANY PREJUDICE IT MIGHT HAVE TO
12 YOU

13 KNOWING ALL OF THOSE THINGS, DO YOU HAVE ANY
14 QUESTIONS ABOUT YOUR RIGHT TO TESTIFY UNDER THE FIFTH
15 AMENDMENT OR NOT TO TESTIFY?

16 THE DEFENDANT NO, SIR

17 THE COURT ALL RIGHT HAVE YOU HAD AN OPPORTUNITY
18 TO DISCUSS THIS MATTER WITH YOUR ATTORNEY?

19 THE DEFENDANT YES, SIR

20 THE COURT ALL RIGHT HAVE YOU DISCUSSED IT WITH
21 OTHER PEOPLE, AS WELL?

22 THE DEFENDANT NO

23 THE COURT DO YOU WISH TO TALK TO ANYBODY ELSE
24 ABOUT THIS?

25 THE DEFENDANT NO

1 **THE COURT** HAVE YOU MADE UP YOUR MIND AS TO WHETHER
2 YOU WISH TO TESTIFY OR NOT?

3 **THE DEFENDANT** YES, SIR

4 **THE COURT** AND WHAT IS THAT?

5 **THE DEFENDANT** NOT TO TESTIFY

6 **THE COURT** ALL RIGHT I FIND THE DEFENDANT'S
7 DECISION TO EXERCISE HIS RIGHT UNDER THE FIFTH AMENDMENT
8 NOT TO TESTIFY IS FREELY, VOLUNTARILY, KNOWINGLY AND
9 INTELLIGENTLY MADE, AND HE WILL BE ABLE TO EXERCISE THAT
10 RIGHT AND I WILL TELL THE JURY THEY MAY NOT HOLD THAT
11 AGAINST HIM

12 ALL RIGHT YOU MAY BE SEATED

13 DOES THE DEFENSE WISH TO CALL ANY WITNESSES?

14 **MR SPROUSE** NO, YOUR HONOR

15 **THE COURT** THAT MEANS THE STATE OPENS AND THEN THE
16 DEFENSE HAS CLOSING?

17 **MS SIMMONS** YES, YOUR HONOR

18 **MR SPROUSE** YES, SIR

19 **THE COURT** ALL RIGHT ANYTHING ELSE FROM THE
20 STATE?

21 **MS SIMMONS** NO, YOUR HONOR

22 **THE COURT** FROM THE DEFENSE?

23 **MR SPROUSE** NOTHING, YOUR HONOR

24 **THE COURT** ALL RIGHT ASK THE JURY TO JOIN US

25 OH, MR SPROUSE, I'LL RECOGNIZE YOU TO REST ON THE

1 RECORD

2 MR SPROUSE YES, SIR

3 (THE JURY ENTERED THE COURTROOM AT
4 APPROXIMATELY 9 19 A M)

5 THE COURT ALL RIGHT LET THE RECORD REFLECT THAT
6 THE JURY AND ALTERNATES ARE IN THE JURY-BOX

7 I THINK AT THE CONCLUSION OF THE TRIAL YESTERDAY THE
8 STATE RESTED?

9 MS SIMMONS YES, YOUR HONOR

10 THE COURT ALL RIGHT MR SPROUSE, I WILL
11 RECOGNIZE YOU FROM THE DEFENSE

12 MR SPROUSE THE DEFENSE RESTS, YOUR HONOR

13 THE COURT THANK YOU VERY MUCH

14 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
15 THE DEFENSE HAS NOW RESTED THAT MEANS THE TRIAL AS FAR
16 AS ALL THE TESTIMONY AND EVIDENCE IS CONCLUDED WE NOW
17 HAVE THE ARGUMENT BY COUNSEL AND THEN THE CHARGE ON THE
18 LAW AND THEN THE CASE WILL BE GIVEN TO YOU FOR YOUR
19 DELIBERATIONS AND CONSIDERATION

20 BUT I WANT TO EMPHASIZE THAT THE DEFENDANT HAS THE
21 CONSTITUTIONAL RIGHT TO REMAIN SILENT, TO PUT UP NO
22 EVIDENCE AND REQUIRE THE STATE TO MEET ITS BURDEN OF
23 PROOF BEYOND A REASONABLE DOUBT THE ASSERTION OF THAT
24 CONSTITUTIONAL RIGHT NOT TO TESTIFY OR PRESENT EVIDENCE
25 MUST NOT BE CONSIDERED BY YOU IN YOUR DELIBERATIONS

1 UNDER YOUR OATH YOU ARE TO DRAW NO CONCLUSIONS WHATSOEVER
2 FROM THE FACT THE DEFENDANT IN THIS CASE DID NOT TESTIFY
3 OR PUT UP EVIDENCE

4 AS I'VE STATED, THE DEFENDANT IS NOT REQUIRED TO
5 PROVE HIS INNOCENCE, AND THE BURDEN OF PROOF REMAINS UPON
6 THE STATE TO PROVE THE GUILT OF THE DEFENDANT BEYOND A
7 REASONABLE DOUBT

8 WITH THAT I'LL RECOGNIZE THE SOLICITOR FOR HER
9 CLOSING ARGUMENT

10 MS SIMMONS THANK YOU, YOUR HONOR, MAY IT PLEASE
11 THE COURT

12 THE COURT MS .SIMMONS
13 CLOSING ARGUMENT ON BEHALF OF THE STATE

14 MS SIMMONS GOOD MORNING, LADIES AND GENTLEMEN
15 AGAIN, I WANT TO THANK YOU FOR YOUR PATIENCE THE LAST
16 COUPLE DAYS I KNOW PARTS HAVE BEEN INTERESTING, PARTS
17 HAVE PROBABLY BEEN VERY BORING BUT I NOTICE THAT YOU
18 ALL HAVE PAID ATTENTION AND I DO APPRECIATE THAT

19 FIRST OF ALL, I WANT TO TELL YOU WHAT THE LAW IS
20 THE JUDGE WILL INSTRUCT YOU ON THE LAW IN A LITTLE WHILE,
21 BUT BEFORE I REVIEW WITH YOU HOW I THINK WE HAVE PROVED
22 THAT CASE, I WANT TO TELL YOU WHAT THE LAW IS

23 ON FEBRUARY 24TH, 2009, HERE IN OCONEE COUNTY, THE
24 DEFENDANT, TIM BLASSINGAME, DISTRIBUTED CRACK COCAINE TO
25 JAMES WILLIE WALKER DISTRIBUTION WILL BEEN DEFINED FOR

1 YOU BY THE JUDGE IT DOESN'T MEAN A SALE HAS TO HAVE
2 OCCURRED A DISTRIBUTION CAN BE A BARTER, A GIFT, OR A
3 SALE DISTRIBUTION IS THE DELIVERY OF A CONTROLLED
4 SUBSTANCE TO ANOTHER PERSON

5 SO IN THIS SCENARIO, WHEN JAMES WALKER WAS GIVEN THE
6 DRUGS BY TIM BLASSINGAME, THAT IS A DISTRIBUTION

7 AND THE CRACK COCAINE, I DON'T HAVE TO PROVE TO YOU
8 THAT A CERTAIN AMOUNT WAS DISTRIBUTED THE FACT THAT ANY
9 CRACK COCAINE WAS DISTRIBUTED IS A CRIME SO THE FACT
10 THAT THERE IS CRACK COCAINE YOU WILL BE SEEING IN THE
11 JURY ROOM, THE FACT THAT IT IS NOT A HUGE WHOPPING AMOUNT
12 IS NOT FOR YOUR CONSIDERATION IT IS JUST THE EXISTENCE
13 OF CRACK COCAINE DURING THE TRANSACTION.

14 BEFORE I GET TO THE STATE'S CASE NOW, I WANT TO GO
15 OVER A LITTLE BIT ABOUT WHAT WE HEARD FROM THE DEFENSE.
16 IT'S WHAT I LIKE TO CALL A SMOKE-AND-MIRRORS DEFENSE
17 THEY THROW UP A BUNCH OF SMOKE AND THROW UP A BUNCH OF
18 MIRRORS TO GET YOU GUYS OFF TRACK THEY WANT YOU TO LOOK
19 AT LITTLE THINGS SO THAT YOU DON'T SEE THE BIG PICTURE
20 THEY WANT -- IT'S KIND OF LIKE TRYING TO GET YOU NOT TO
21 SEE THE FOREST FOR THE TREES

22 THERE ARE A FEW THINGS THAT THEY'VE THROWN UP FOR
23 YOU THAT I WANT TO TALK ABOUT THEY SAID THAT MAYBE
24 THESE DRUGS CAME FROM A THIRD PARTY WELL, YOU WILL HAVE
25 AN OPPORTUNITY TO WATCH THE TAPE AND YOU HAVE HAD THE

1 OPPORTUNITY HE DID EXCHANGE PLEASANTRIES WITH SOME
2 FOLKS AT THE APARTMENT COMPLEX WHERE HE WAS DROPPED OFF
3 THOSE FOLKS DID NOT COME INTO CAMERA VIEW HE WAS
4 WEARING A BUTTON CAM THEY DIDN'T POP UP LIKE RIGHT IN
5 FRONT OF HIM HE SAID, I THINK, HEY, MAN WHAT ARE YOU
6 DOING, OR SOME SORT OF EXCHANGE OF HELLO WITH THOSE
7 FOLKS

8 WHAT'S MORE IMPORTANT IS WHAT HE DIDN'T TALK ABOUT
9 WITH THOSE FOLKS HE DIDN'T TALK ABOUT CRACK, HE DIDN'T
10 TALK ABOUT DUBS, HE DIDN'T TALK ABOUT 40'S, HE DIDN'T
11 TALK ABOUT PIECES HE SAID, HEY, MAN, WHAT'S UP? HE WAS
12 NOT TRYING TO CONDUCT A DRUG DEAL WITH THEM HE WAS
13 TRYING TO EXCHANGE SOME CHATTER WITH THEM BECAUSE THE
14 DEFENDANT WAS STOPPED BEHIND A SCHOOL BUS WATCHING HIM
15 HE HAD TO MAKE IT LOOK LIKE HE WAS GOING WHERE HE TOLD
16 HIM HE WAS GONNA GO

17 THEN HE DID WALK TO HIS SISTER'S FRONT DOOR AND LOOK
18 IN THE WINDOW YOU CAN SEE IN THAT VIDEO THAT WHEN HE
19 WALKS UP, HE DOESN'T GET ANYTHING OFF THE WINDOWSILL HE
20 GOES LIKE THIS (DEMONSTRATING), HE PEERS IN HE DIDN'T
21 GRAB SOME CRACK ROCK THAT HE HAD STASHED THERE TWO DAYS
22 BEFORE WHEN HE SAID "I SET MY COUSIN UP "

23 I MEAN, THEY WOULD HAVE YOU BELIEVE THAT SOME GRAND
24 CONSPIRACY THAT JAMES WILLIE WALKER, HE CALLED HIS
25 COUSIN, GOT HIS COUSIN IN THE CAR, THEY TALKED ABOUT

1 DRUGS, THEY RODE AROUND, AND THEN HE WENT AND GOT THIS
2 CRACK ROCK THAT HE HAD STASHED, OR HE PULLED THIS CRACK
3 ROCK OUT OF HIS POCKET THAT HE HAD STASHED I THINK IT'S
4 FARFETCHED AND QUITE FRANKLY, JAMES WILLIE WALKER IS
5 NOT SMART ENOUGH TO CONCOCT SOME MAJOR CONSPIRACY TO SET
6 UP HIS COUSIN

7 YOU ALSO HEARD ABOUT THE EXISTENCE OF THE DRUGS AND
8 SEARCHES AND MAYBE IT WAS HERE, MAYBE IT WAS THERE

9 YOU HEARD AGENT LANFORD TESTIFY THAT CRACK USUALLY
10 IS PRESENTED IN A ROCK FORM, IT'S A HARD ROCK AND WHEN
11 SHE TAKES IT TO THE LAB AND MANIPULATES THAT DURING THE
12 PROCESS, IT DISINTEGRATES INTO POWDER IF JAMES WILLIE
13 WALKER HAD THAT CRACK ROCK STASHED SOMEWHERE ON HIM, EVEN
14 THOUGH HE WAS SEARCHED THOROUGHLY AND PATTED DOWN, HIS
15 POCKETS WERE TURNED INSIDE OUT, ANYWHERE ON HIS BODY THAT
16 HE COULD HAVE STASHED THAT CRACK ROCK, BY THE TIME HE
17 RODE IN THE CAR WITH SERGEANT CRUM, HE DROVE TO WHERE
18 THEY DROPPED HIM OFF, WALKED -- I DON'T KNOW -- IT SEEMED
19 LIKE A MILE, AND MET WITH HIM, GOT IN THE CAR, GOT OUT OF
20 THE CAR, AND THEN CAME BACK AND GOT SEARCHED AGAIN, THAT
21 CRACK ROCK WOULD HAVE BEEN DISINTEGRATED INTO POWDER HE
22 WOULD NOT HAVE BEEN ABLE TO DELIVER A PIECE OF CRACK TO
23 SERGEANT CRUM THE ONLY LOGICAL EXPLANATION IS THAT
24 CRACK ROCK GOT BACK TO SERGEANT CRUM BECAUSE IT WAS PUT
25 IN JAMES WILLIE WALKER'S HAND BY TIM BLASSINGAME

1 THERE'S ALSO BEEN A BIG DEAL ABOUT CONFIDENTIAL
2 INFORMANTS THEY'RE A NECESSARY EVIL YOU MAY NOT WANT
3 JAMES WILLIE WALKER TO COME OVER FOR DINNER BUT THEY
4 ARE NECESSARY FOR THE FIGHT AGAINST DRUGS I CAN'T GO TO
5 DOWNTOWN SENECA AND BUY CRACK MOST PEOPLE I KNOW CAN'T
6 I WOULDN'T EVEN KNOW WHERE TO START

7 SERGEANT CRUM CAN'T GO TO DOWNTOWN SENECA AND BUY
8 CRACK BECAUSE EVERY CRACK DEALER IN SENECA KNOWS WHO HE
9 IS YOU HAVE TO USE CONFIDENTIAL INFORMANTS, IT'S JUST
10 SOMETHING, YOU HAVE TO USE THEM YOU PUT THEM IN A
11 CONTROLLED ENVIRONMENT, BUT YOU DO USE THEM

12 AND THEY KNOW WHO HAS CRACK THEY ARE OUT IN THE
13 COMMUNITY, THEY KNOW WHERE TO GET CRACK BECAUSE THEY ARE
14 LIVING IN THAT ENVIRONMENT QUITE FRANKLY, IF YOU'RE
15 GONNA CATCH A CRACK DEALER, YOU GOT TO USE A CRACK HEAD
16 THAT'S THE WAY IT WORKS HE KNOWS THAT ENVIRONMENT, HE
17 KNOWS WHERE TO GET DRUGS, AND HE KNEW TIM BLASSINGAME HAD
18 CRACK COCAINE

19 NOW I WANT TO TURN TO THE STATE'S CASE BECAUSE I'M
20 A VISUAL PERSON AND I HOPE THIS HELPS A LITTLE BIT THIS
21 IS A PUZZLE EACH WITNESS PUTS TOGETHER A PIECE TO A
22 PUZZLE WE'RE GONNA TALK ABOUT EACH PIECE SEPARATELY AND
23 HOW I THINK IN THE END IT ONLY COMES TO ONE REASONABLE
24 CONCLUSION THAT'S TIM BLASSINGAME'S GUILT

25 WE'LL START WITH SERGEANT CRUM'S TESTIMONY HE TOLD

1 YOU THAT HE'S BEEN WORKING IN NARCOTICS APPROXIMATELY
2 FIVE YEARS HE HAS USED JAMES WILLIE WALKER SOMEWHERE
3 BETWEEN 30 AND 40 TIMES HE'S GIVEN HIM RELIABLE
4 INFORMATION, HE'S BEEN TRUSTWORTHY, HE HASN'T HAD ANY
5 PROBLEMS OUT OF HIM JAMES WILLIE WALKER HAS A RECORD,
6 BUT SERGEANT CRUM IS A POLICE OFFICER AND HE HAS HAD
7 REASONABLE DEALINGS WITH HIM AND HAS GOTTEN RELIABLE
8 INFORMATION

9 HE ALSO TOLD YOU THAT HE MAKES CONTROLLED BUYS HE
10 DOES EVERYTHING IN HIS POWER TO CONTROL THE ENVIRONMENT
11 THAT THESE BUYS OCCUR IN HE HAD MORE THAN ONE AUDIO ON
12 MR WALKER HE HAD A VIDEO CAMERA ON HIM HE LISTENS TO
13 IT SIMULTANEOUSLY WHILE IT'S HAPPENING THAT IS ABOUT AS
14 MUCH CONTROL AS YOU CAN EXERCISE OVER A CONFIDENTIAL
15 INFORMANT DEAL HE'S LISTENING TO EVERYTHING GOING ON
16 THROUGH THE PROCESS

17 IN A PERFECT WORLD, SERGEANT CRUM WOULD BE ABLE TO
18 BE SITTING IN THE CAR WITH HIM, BUT EVERYBODY KNOWS WHO
19 HE IS OR WE WOULD HAVE SOME GIGANTIC CAMCORDER CATCHING
20 YOU HAND-TO-HAND ON VIDEO BUT THIS CAMERA IS SMALLER
21 THAN ONE OF MY BUTTONS HERE SO WE GOT A HEAD SHOT WE
22 HAVE A HEAD SHOT OF THE DEFENDANT DO WE HAVE A
23 HAND-TO-HAND ON VIDEO? NO DOES THAT HAPPEN VERY MUCH?
24 NO WE AREN'T IN A SITUATION WHERE WE CAN HAVE MULTIPLE
25 CAMERAS WITH GREAT VANTAGE POINTS BUT IT WAS A

1 CONTROLLED ENVIRONMENT FROM BEGINNING TO END, THERE
2 WERE SEARCHES, THERE WERE AUDIOTAPES, THERE WERE
3 VIDEOTAPES, THERE WERE DEBRIEFS, THERE WERE BRIEFINGS
4 SERGEANT CRUM WAS IN CONTROL OF THIS TRANSACTION.

5 HE ALSO TOLD YOU WHEN HE LOOKED AT THE VIDEO AND
6 WHEN YOU LOOK AT THE STILL PHOTOGRAPH FROM THE TAPE, IT'S
7 TIM BLASSINGAME HE SAID HE KNOWS TIM BLASSINGAME FROM
8 PRIOR DEALINGS AND THAT THIS IS TIM BLASSINGAME HE WENT
9 AS FAR AS GETTING CORROBORATING INFORMATION TO PROVE THAT
10 THIS IS TIM BLASSINGAME

11 HE KNOWS THAT TIM BLASSINGAME'S GIRLFRIEND AT THE
12 TIME WAS CHARLOTTE REED CHARLOTTE REED DROVE A SILVERY
13 COLORED NISSAN ALTIMA, THE CAR THAT'S IN THE DEAL
14 CHARLOTTE REED HAD A PHONE THAT WAS [REDACTED] TIM
15 BLASSINGAME AT THAT TIME WAS GIVING IT OUT AT HIS NUMBER

16 NOW LET'S MOVE ON TO JAMES WILLIE WALKER MOST
17 CONFIDENTIAL INFORMANTS CAN TELL YOU WHERE TO GET CRACK
18 COCAINE IT IS TRUE HE TOLD SERGEANT CRUM, "I CAN GET
19 CRACK COCAINE FROM TIM BLASSINGAME " BUT IT WAS NOT A
20 GRAND SCHEME BY JAMES WILLIE WALKER TO SET UP TIM
21 BLASSINGAME

22 HE CALLED [REDACTED] TIM BLASSINGAME'S NUMBER TIM
23 BLASSINGAME SHOWED UP, AND THEY HAD A DRUG TRANSACTION
24 TO ME THERE'S ONE TELLING THING ABOUT MR WALKER HE SAT
25 UP HERE AND TOLD YOU, I HAVE A RECORD, I'VE DONE ALL

1 THESE THINGS, I'VE TAKEN RESPONSIBILITY FOR THEM. HE
2 DIDN'T TRY TO LIE AND HE SAID I -- YOU KNOW, HE'S NOT
3 AN UPSTANDING MEMBER OF THE COMMUNITY

4 BUT LOOK AT ONE THING HE DID HE WAS HARD UP FOR
5 MONEY, HE TOLD YOU THAT HE HAD A NEW BABY, HE DIDN'T
6 HAVE A JOB, HE WAS WORKING DRUG DEALS IS IT A NORMAL
7 JOB? NO BUT HE WAS DOING DRUG DEALS FOR THE CITY TO
8 MAKE MONEY HE NEEDED CASH WHEN THIS DRUG DEAL WENT
9 DOWN, HE GOT THE DRUGS FOR FREE WHAT DID HE DO WITH THE
10 \$40 THAT HE WAS SUPPOSED TO USE FOR THAT DRUG DEAL?

11 HE DIDN'T STASH IT IN HIS UNDERWEAR HE DIDN'T
12 SHOVE IT IN HIS SOCK HE GAVE IT BACK TO SERGEANT CRUM
13 HE SAID, HEY, MAN, HE GAVE IT TO ME FOR FREE? IF JAMES
14 WILLIE WALKER WAS A LIAR, HE WOULD HAVE SHOVED THAT 40
15 BUCKS SOMEWHERE WHERE THEY COULD HAVE NEVER FOUND IT
16 BECAUSE HE NEEDED MONEY THAT SPEAKS VOLUMES THAT HE HAS
17 TOLD THE TRUTH THROUGHOUT THIS WHOLE PROCESS

18 MOVING ON TO OFFICER HUNNICUTT'S TESTIMONY. HE
19 TESTIFIED ABOUT THE THOROUGHNESS OF HIS SEARCH, THAT HE
20 EMPTIED HIS POCKETS, HE CHANGED HIS SHIRT, HE PATS PEOPLE
21 DOWN, HE CHECKS, HE CHECKS EVERYWHERE THAT YOU CAN PUT
22 DRUGS AND HE PASSED SO IF THE CRACK ROCK HAD BEEN ON
23 HIM, THE CRACK ROCK WOULD HAVE GOTTEN CRUSHED THE
24 SEARCH WAS THOROUGH AND JAMES WALKER DID NOT HAVE CRACK
25 COCAINE ON HIM BEFORE THIS DEAL STARTED

1 HE ALSO TOLD YOU THAT SOMEWHERE IN THE
2 TEN-DAY-TO-TWO-WEEK PERIOD AFTER THIS DEAL OCCURRED, HE
3 HAD A CONVERSATION WITH TIM BLASSINGAME THEY INDICATED
4 MR BLASSINGAME WANTED OFFICER HUNNICUTT FOR CONTACT
5 INFORMATION HE GAVE HIM THAT CONTACT INFORMATION, AND
6 THEN HE SAID, "I'LL GIVE YOU MY NUMBER "

7 LO AND BEHOLD, IT'S [REDACTED] THE SAME NUMBER THAT
8 JAMES WILLIE WALKER DIALED IN THE PRESENCE OF LAW
9 ENFORCEMENT TO SET UP WHAT HAPPENED ON THAT TAPE, THAT
10 DRUG DEAL

11 THEN ANOTHER CORROBORATING FACTOR WE HAVE IS OFFICER
12 OWENS FROM D N R HE TOLD YOU TWO DAYS, JUST TWO DAYS
13 AFTER THIS OCCURRED HE STOPPED A SILVER-COLORED NISSAN
14 ALTIMA THAT HE IDENTIFIED AS THE SAME OR SUBSTANTIALLY
15 SIMILAR TO THE ONE IN THAT PICTURE BEING DRIVEN BY TIM
16 BLASSINGAME, AND A PASSENGER NAMED CHARLOTTE REED, HIS
17 GIRLFRIEND, WHO THE CAR IS REGISTERED TO

18 TO ME IT'S UNCONTROVERTED THAT THAT'S TIM
19 BLASSINGAME IN THAT CAR, THAT'S CHARLOTTE REED'S CAR, AND
20 THAT'S CHARLOTTE REED'S PHONE NUMBER THAT TIM BLASSINGAME
21 WAS CARRYING

22 THE DRUG ANALYSIS YOU HEARD FROM AGENT LANFORD
23 YESTERDAY SHE'S A FORENSIC CHEMIST SHE HAS A DEGREE
24 IN CHEMISTRY, SHE ANALYZES FIVE OR SIX HUNDRED DRUG CASES
25 A YEAR SHE TOLD YOU ABOUT THE COMPOSITION OF CRACK

1 COCAINE SHE TOLD YOU THAT DURING THE PROCESS OF
2 ANALYZING, I THINK SHE TAKES FOUR TO SIX SAMPLES OFF OF
3 THE DRUGS THAT ARE NOT GONNA BE IN THIS PACKET SHE
4 GIVES THE REMAINDER OF WHAT IS LEFT AFTER ANALYSIS.
5 DURING THE PROCESS OF ANALYSIS SHE SAID IT CRUMBLES TO A
6 POWDER-LIKE SUBSTANCE

7 WHICH TELLS YOU A CRACK ROCK, WHEN IT IS CRUSHED,
8 TOUCHED, WHATEVER, IS GOING TO CRUMBLE TO PIECES, WHICH
9 CORROBORATES WHAT MR WALKER WAS TELLING YOU I CARRIED
10 THE CRACK ROCK BACK IN MY HAND AND I DELIVERED ONE PIECE
11 BACK TO SERGEANT CRUM, THE PIECE I GOT FROM TIM
12 BLASSINGAME

13 LASTLY WE HEARD AUDIO -- WELL, ALMOST LASTLY WE
14 HEARD A LOT OF AUDIO EVIDENCE THERE WAS A LOT OF
15 WALKING AND A LOT OF -- BUT THE MEAT OF THE DEAL COMES
16 BETWEEN THE 20-MINUTE AND 23-MINUTE MARK AND I
17 RECOGNIZE THE ACOUSTICS IN THIS COURTROOM ARE NOT REALLY
18 GOOD, SO I WANT YOU TO LISTEN ONE MORE TIME FOR THAT
19 THREE MINUTES WHEN JAMES WILLIE WALKER GETS IN THE CAR
20 WITH TIM BLASSINGAME AND WHAT THEY TALK ABOUT AND THEN
21 AFTER THAT'S FINISHED WE'LL TALK A LITTLE BIT MORE

22 (PLAYS VIDEO FOR JURY FROM APPROXIMATELY 9 34
23 A M UNTIL APPROXIMATELY 9 37 A M)

24 MS SIMMONS LET'S REVIEW WHAT WE JUST HEARD. THE
25 DEFENDANT SAYS, I GOT SOME, MAN I AIN'T GONNA GIVE YOU

(, 10.5+ , 2.000)

1 MY 40 -- GIVE YOU A 40 I DON'T HAVE A DUB RIGHT NOW, I
2 HAVE PIECES , WHEN HE TALKS ABOUT TAKING A RIDE, JAMES
3 WILLIE TOLD YOU TAKING A RIDE MEANS GOING TO PENDLETON TO
4 GET MORE, AND HE SAYS WHEN I GET A QUARTER
5 WHILE HE DID NOT SAY, HERE'S YOUR PIECE OF CRACK,
6 JAMES WILLIE WALKER, HE DID SAY EVERYTHING BUT IT'S
7 CLEAR THAT THEY ARE TALKING ABOUT CRACK, 10'S, 40'S,
8 DUBS, QUARTERS, I AIN'T GOT BUT PIECES NOW AND THAT'S
9 WHAT JAMES WILLIE WALKER DELIVERED TO LAW ENFORCEMENT
10 AND WHEN HE GETS OUT OF THE CAR WITH THEM, HE SAID,
11 ALL RIGHT, I LOVE YOU FOR THAT, MAN THANKS, COUSIN
12 I LOVE YOU FOR WHAT? I LOVE YOU FOR GIVING ME ONE
13 OF YOUR LAST PIECES, FOR DISTRIBUTING CRACK COCAINE TO
14 ME
15 THE LAST THING WE HAVE IS A VIDEOTAPE AND THE STILL
16 PHOTOGRAPHS WE OBTAINED FROM THAT VIDEOTAPE YOU HAVE
17 BEEN SITTING HERE FOR THE LAST TWO DAYS WITH THE
18 DEFENDANT THE MAN IN THAT PICTURE IS THE MAN SITTING AT
19 THAT TABLE IT'S HIS GIRLFRIEND'S CAR, THEY'VE GOT PHONE
20 NUMBERS BACKING IT UP, WE'VE GOT OFFICERS SAYING THEY
21 RECOGNIZE THEM WE'VE GOT JAMES WILLIE WALKER GOING,
22 YEAH, I KNOW HIM, HE'S MY COUSIN
23 AND WE GOT A HEAD SHOT OF HIM ON THAT TAPE HE MADE
24 THE EFFORT TO DISGUISE HIS APPEARANCE A LITTLE BIT, BUT
25 IF YOU LOOK AT HIS FACIAL FEATURES, THAT IS THE MAN

1 SITTING RIGHT THERE

2 EVERYTHING YOU HAVE HEARD FROM THE STATE HAS BEEN A
3 PIECE THAT PUTS TOGETHER A PUZZLE WHEN YOU TAKE EVERY
4 SINGLE ONE OF THOSE ITEMS TOGETHER AS A WHOLE, THERE'S
5 ONLY ONE REASONABLE CONCLUSION TIM BLASSINGAME IS
6 GUILTY OF DISTRIBUTION OF CRACK COCAINE

7 WHEN YOU GO INTO THE JURY ROOM, THE MOST IMPORTANT
8 TOOL YOU WILL HAVE IS YOUR COMMON SENSE I PICKED YOU
9 ALL BECAUSE I THINK YOU HAVE GOOD COMMON SENSE YOUR
10 COMMON SENSE, YOU'RE REASONABLE PEOPLE WHEN YOU THINK
11 ABOUT IT AND LOOK AT ALL THE PIECES, LOOK AT THE PUZZLE,
12 AND WHEN ALL THE PIECES COME TOGETHER, THERE'S ONLY ONE
13 REASONABLE CONCLUSION ON FEBRUARY 24TH, 2009, TIM
14 BLASSINGAME DISTRIBUTED CRACK COCAINE TO JAMES WILLIE
15 WALKER, AND I ASK YOU TO FIND HIM GUILTY THANK YOU

16 THE COURT MR SPROUSE?

17 MR SPROUSE MAY IT PLEASE THE COURT, YOUR HONOR

18 THE COURT MR SPROUSE

19 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

20 MR SPROUSE (PLAYS VIDEO FROM APPROXIMATELY 9 42
21 A M UNTIL 9 47 A M)

22 THE COURT MR SPROUSE, IF YOU COULD STAND BACK

23 MR SPROUSE (COMPLIES)

24 (VIDEO CONTINUES PLAYING UNTIL APPROXIMATELY
25 9 47 A M.)

1 MR SPROUSE IS THAT ENOUGH TO CONVICT AN INNOCENT
2 MAN, LADIES AND GENTLEMEN? IS THAT ENOUGH? I'M BACK
3 BEFORE YOU AGAIN THIS IS MY LAST OPPORTUNITY TO TALK TO
4 YOU, THIS IS MY CLOSING ARGUMENT AND WE'RE AT THE END OF
5 THE TRIAL

6 BEFORE WE TALK ABOUT WHAT THIS CASE IS ABOUT I WANT
7 TO TALK ABOUT SOME THINGS THIS IS NOT ABOUT RIDGING OUR
8 STREETS OF ILLEGAL DRUGS WE ARE ALL IN FAVOR OF THAT
9 THIS CASE IS NOT ABOUT SUPPORTING LAW ENFORCEMENT AND
10 WANTING TO HAVE GOOD LAW ENFORCEMENT THIS IS NOT ABOUT
11 THAT THIS CASE IS NOT A REFERENDUM ON OUR LAWS

12 WHAT THIS CASE IS ABOUT IS AN INDIVIDUAL THIS CASE
13 IS ABOUT TIM BLASSINGAME, THIS YOUNG MAN SEATED AT THE
14 TABLE HE HAS BEEN ACCUSED OF A VERY SERIOUS CRIME THAT
15 THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE
16 DOUBT. REASONABLE DOUBT IS A DOUBT THAT WOULD CAUSE YOU
17 TO HESITATE TO ACT HESITATE TO ACT THAT'S A POWERFUL
18 THING

19 YOU HESITATE TO ACT A LOT IN YOUR DAILY LIVES YOU
20 HESITATE WHEN YOU THINK ABOUT WHAT YOU ARE DOING BEFORE
21 YOU DO IT YOU HESITATE WHEN YOU CONSIDER ALTERNATIVES
22 BEFORE YOU CHOOSE A PARTICULAR COURSE OF ACTION YOU
23 HESITATE TO ACT BEFORE YOU TAKE ACTIONS THAT WOULD AFFECT
24 OTHER PEOPLE

25 LADIES AND GENTLEMEN, WE HAVE A SYSTEM WHERE A

1 DEFENDANT COMES TO COURT AND IS INNOCENT UNTIL PROVEN
2 BEYOND A REASONABLE DOUBT THAT HE'S GUILTY

3 NOW, WHAT HAS THE STATE PROVEN HERE TODAY? THE
4 STATE -- WE SPENT A DAY IN TRIAL YESTERDAY, AND THERE ARE
5 THINGS THAT THE STATE HAS PROVED, NO QUESTION ABOUT IT
6 THEY PROVED THAT TIM BLASSINGAME HAS A GIRLFRIEND NAMED
7 CHARLOTTE THEY PROVED THAT CHARLOTTE HAS A CELL PHONE
8 AND THAT SHE DRIVES AN ALTIMA

9 AND WE SPENT A LARGE AMOUNT OF TIME WITH WITNESSES
10 PROVING THAT JAMES WILLIE "J DUB" WALKER HANDED A VERY
11 SMALL QUANTITY OF CRACK COCAINE TO SERGEANT HUNNICUTT IN
12 THE POLICE VAN AND LADIES AND GENTLEMEN, THAT'S WHERE
13 IT STOPS THE STATE HASN'T PROVEN ANYTHING ELSE

14 NOW I WANT TO ASK YOU, DO YOU HESITATE WHEN YOU LOOK
15 AT THE VIDEO AND WHEN YOU LOOK AT THE AUDIO OR WHEN YOU
16 HEAR THE AUDIO? THE VIDEO SHOWED NO TRANSACTION, IT
17 SHOWS NO LOCATION THEY CAN'T EVEN TELL US IF IT WAS IN
18 THE CITY OF SENECA OR NOT WITH CERTAINTY THEY THINK IT
19 WAS BUT AS YOU JUST WATCHED IT, ALL THE VIDEO SHOWS ARE
20 TREETOPS AND POWER LINES

21 THE TESTIMONY WAS THAT THEY DROVE AROUND THE BLOCK
22 WE DON'T KNOW WE DON'T KNOW WHERE THIS ALLEGED
23 TRANSACTION TOOK PLACE

24 WE HEARD TESTIMONY YESTERDAY THAT OFFICER CRUM WAS
25 UNABLE TO LISTEN TO THE AUDIO AND DETERMINE THE EXACT

1 TIME THAT THE ALLEGED TRANSACTION TOOK PLACE AND THEN
2 HE -- HE SAID BECAUSE HE PUT THAT ON HIS FIELD REPORT
3 BUT THEN HE SAID, WELL, AFTER LISTENING TO IT LATER,
4 THERE WAS THE STATEMENT, THANK YOU VERY MUCH, I
5 APPRECIATE IT

6 YOU JUST LISTEN TO IT THAT'S NOWHERE ON THE AUDIO
7 THERE IS NOTHING ON THAT AUDIO OTHER THAN HIM TELLING
8 HIM, I LOVE YOU, MAN

9 NOW, THERE'S A REASON THAT HE SAID THAT, LADIES AND
10 GENTLEMEN, AND WE'RE GONNA TALK ABOUT THAT IN A MINUTE
11 BUT THERE'S NOTHING IN THAT AUDIO THAT INDICATES THAT A
12 TRANSACTION HAS BEEN MADE THERE'S NOTHING ON THE VIDEO
13 THAT SHOWS THAT THIS POINT 04 GRAMS AMOUNT OF COCAINE,
14 CRACK COCAINE, WHICH, EVEN IF IT CRUMBLED DURING THE
15 ANALYSIS, IF YOU PUT ALL THIS TOGETHER, THIS IS JUST A
16 LITTLE TINY PIECE OF CRACK COCAINE THAT MR WALKER HAD IN
17 HIS HAND WE KNOW WHEN HE WAS IN THE POLICE VAN AND
18 LADIES AND GENTLEMEN, THERE'S NO EVIDENCE THAT THIS WAS
19 EVER IN THE CAR WE HAVE TO RELY ON MR WALKER TO
20 BELIEVE THAT IT WAS IN THE CAR

21 SO WE HAVE GROUNDS TO HESITATE ON WHAT'S ON FILM, WE
22 HAVE GROUNDS TO HESITATE ON WHAT'S ON THE AUDIO, WE HAVE
23 GROUNDS TO HESITATE ON WHERE THE TRANSACTION WAS THAT
24 CAN'T BE PROVEN WE HAVE GROUNDS TO HESITATE ON THE SIZE
25 OF THE AMOUNT. LADIES AND GENTLEMEN, CAN A 30-SECOND

1 SEARCH, WITH PANTS ARE NOT REMOVED, DEFINITELY TELL YOU
2 THAT THIS WASN'T ON MR WALKER, AN ADMITTED CRACK COCAINE
3 USER, BEFORE HE STARTED?

4 AND SOMETHING THAT STRUCK ME, AND I WENT INTO A LOT
5 OF QUESTIONING WITH OFFICER CRUM, IS ABOUT THE CONTROLLED
6 BUY ITSELF WHAT IS THE MOST IMPORTANT THING ABOUT A
7 CONTROLLED BUY? CONTROL MEANS JUST THAT THAT LAW
8 ENFORCEMENT SETS IT IN MOTION TO WHERE THE CIRCUMSTANCES
9 ARE NOT GOING TO BE TAINTED, THAT IF THEY OBTAIN AN
10 ARREST AND THEY OBTAIN CONTRABAND, THERE IS NO
11 POSSIBILITY FOR OTHER PEOPLE TO HAVE COMMITTED IT OTHER
12 THAN THE TARGET OF THE INVESTIGATION

13 LADIES AND GENTLEMEN, YOU JUST WATCHED A VIDEO
14 THIS CONTROLLED BUY WAS TAINTED SERIOUSLY AND FATALLY BY
15 MR WALKER'S ACTIONS AFTER HE GOT OUT OF THE CAR

16 REMEMBER WHAT OFFICER CRUM SAYS THIS WAS IN [REDACTED]
17 [REDACTED] APARTMENTS ON [REDACTED] STREET AND THIS OTHER
18 APARTMENT THIS IS A DRUG-INFESTED AREA OF SENECA, AN
19 AREA THE SENECA POLICE DEPARTMENT HAS MADE A NUMBER OF
20 DRUG ARRESTS ON THERE WAS A REASON THIS AREA WAS
21 TARGETED AND YET IN THIS CONTROLLED BUY, THAT CAN'T BE
22 TAINTED, YOU HAD THE CONFIDENTIAL INFORMANT WALK UP, AS
23 CLOSE AS I AM TO YOU IN THIS JURY-BOX AND IF YOU
24 REMEMBER THE VIDEO, THE PEOPLE ARE SITTING ON THE FRONT
25 STEP. HE'S STANDING ABOVE THEM THERE IS NOTHING TO

1 PREVENT HIM FROM SHAKING HANDS WITH THE PERSON IN FRONT
2 OF HIM

3 YOU ALSO SAW ON THE VIDEO MR WALKER WALKING UP TO A
4 RESIDENCE WHERE HE LIVES, HIS SISTER'S RESIDENCE,
5 APARTMENT [REDACTED] ON THE VIDEO WHAT DOES HE DO WITH HIS
6 HANDS? THEY'RE UP ON THE WINDOWSILL YOU SAW IT ON THE
7 VIDEO THE STATE'S EXPLANATION IS, WELL, MR WALKER IS
8 JUST LOOKING IN THE WINDOW WHERE WAS THE CRACK COCAINE
9 WHEN HE GOT INTO THE POLICE VEHICLE? WHERE WAS IT? IT
10 WAS IN HIS HAND IT WAS IN HIS HAND

11 HE TESTIFIED TO THAT, AND THE REASON I BELIEVE THAT
12 PART OF HIS TESTIMONY IS BECAUSE WE SAW IT ON THE VIDEO
13 AND I SUBMIT TO YOU THAT'S THE ONLY THING YOU CAN BELIEVE
14 ABOUT WHAT MR WALKER SAYS IS WHAT YOU SEE ON THE VIDEO
15 BUT THE SAME HAND THAT HE HAD THIS PIECE OF CRACK COCAINE
16 WAS THE SAME HAND THAT WAS UP ON THAT WINDOWSILL IN THE
17 VIDEO THAT YOU JUST SAW

18 NOW, MR WALKER IS THE BASIS OF THE STATE'S CASE
19 OFFICER CRUM WAS VERY FORTHRIGHT TO ME WHEN I QUESTIONED
20 HIM IT'S THE BASIS OF OUR CASE WITHOUT MR WALKER
21 THEY HAVE NO CASE HE'S THE LINK, HE'S THE BRIDGE
22 BETWEEN THE ACCUSATION, THE CRACK COCAINE AND PROVING
23 BEYOND A REASONABLE DOUBT THAT TIM BLASSINGAME DID THIS,
24 THIS VERY SERIOUS AND GRAVE OFFENSE

25 IF YOU CONVICT TIM BLASSINGAME, YOU HAVE TO BELIEVE

1 EVERYTHING THAT JAMES "J DUB" WALKER TELLS YOU IF YOU
2 THINK HE'S LYING, THEN THE STATE HAS NOT PROVED ITS CASE

3 NOW, WAS MR WALKER HONEST WITH YOU WHEN HE
4 TESTIFIED? YOU HAVE TO ASK YOURSELVES THAT QUESTION
5 WHAT DID HE SAY WHEN I ASKED HIM HAD HE EVER BEEN
6 CONVICTED OF CRIMES OF DISHONESTY? HE FIRST SAID NO
7 AND THEN I ASKED HIM, WELL, MR WALKER, WERE YOU
8 DISHONEST WHEN YOU HAD MULTIPLE SHOPLIFTING CONVICTIONS?

9 AND THEN, OH, YEAH, WELL, I GUESS I WAS DISHONEST
10 WITH THAT

11 AND THEN, MR WALKER, WERE YOU DISHONEST WHEN YOU
12 HAD MULTIPLE FORGERIES?

13 YEAH, I GUESS SO

14 WERE YOU DISHONEST WHEN YOU HAD FINANCIAL
15 TRANSACTION FRAUD AND YOU HAD FRAUDULENT CHECKS AND
16 LARCENY? AND THE BEST ONE WAS FALSE INFORMATION HE WAS
17 ACTUALLY CONVICTED OF GIVING FALSE INFORMATION

18 AND THE TIME FRAME IS IMPORTANT, TOO, LADIES AND
19 GENTLEMEN BECAUSE IF YOU NOTICE THE QUESTIONS THAT I
20 ASKED HIM, THEY WERE FROM THE LAST FIVE YEARS, THE SAME
21 AMOUNT OF TIME THAT OFFICER CRUM HAS BEEN WORKING AT THE
22 SENECA POLICE DEPARTMENT WE DIDN'T GO INTO ANYTHING
23 BEYOND JUST THE LAST FIVE YEARS

24 NOW, DOES THAT CAUSE YOU TO HESITATE WITH SOMEBODY
25 WITH THAT KIND OF TERRIBLE PUBLIC RECORD OF DISHONESTY,

1 GOING UNDER OATH AND TRYING TO CONVICT SOMEONE? DOES IT
2 CAUSE YOU TO HESITATE WHEN JAMES "J DUB" WILLIE WALKER,
3 AN ADMITTED CRACK USER HIMSELF, LIVES IN A DRUG-INFESTED
4 NEIGHBORHOOD, HAS ACCESS TO THE DRUG AND HE PAYS FOR
5 THESE TRANSACTIONS? WHAT DO YOU THINK HE'S DOING WITH
6 THE \$20 THAT HE'S GETTING PER POP WHEN HE CALLS AND TURNS
7 SOMEONE IN? WHERE DO YOU THINK THAT MONEY'S GOING?

8 HE SAID, OH, I GOT TO PAY CHILD SUPPORT

9 IS HE PAYING CHILD SUPPORT WITH MONEY THAT HE'S
10 USING TO BUY CRACK COCAINE? LADIES AND GENTLEMEN, THAT
11 DOESN'T MAKE SENSE 'JAMES WILLIE WALKER HAS FOUND AN
12 INCOME SOURCE TO SUPPORT HIS HABIT HE'S A CRACK USER
13 HE'S A CRACK USER DOES THAT CAUSE YOU TO HESITATE?

14 DOES IT CAUSE YOU TO HESITATE, LADIES AND GENTLEMEN,
15 WHEN YOU HAVE TO RELY ON A WITNESS TO CONVICT THIS MAN,
16 WHO HAS PENDING CHARGES IN THIS COURT, AND TESTIFIED THAT
17 HE'S ASKED FOR HELP ON THOSE CHARGES? THE STATE HASN'T
18 AGREED BUT HE'S ASKED FOR IT HE THINKS HE'S GONNA GAIN
19 FAVOR WITH THE PROSECUTION SURE, THERE'S A MOTIVE FOR
20 HIM TO LIE SURE, THERE'S A MOTIVE FOR HIM TO COME AND
21 TRY TO HELP GET A CONVICTION

22 BUT THE MOST TELLING THING, LADIES AND GENTLEMEN, IS
23 IT'S FAMILY AND THIS IS WHAT STRUCK ME THE MOST OF ALL
24 OF JAMES WILLIE WALKER'S ACTIONS HOW DID HE ACT? HOW
25 DID HE ACT ON THE VIDEO? WAS THERE ANY SENSE OF REMORSE

1 OR REGRET OR SADNESS? THIS WAS HIS COUSIN, HIS FAMILY
2 MEMBER THAT HE OBVIOUSLY -- THIS IS NOT LIKE A DISTANT
3 COUSIN THAT HE DOESN'T KNOW THIS IS SOMEONE THAT HE
4 KNOWS, SOMEONE HE SPENT OBVIOUSLY A GREATER PART OF HIS
5 LIFE KNOWING THEY WERE ON A FIRST-NAME BASIS BUT
6 THERE WAS NO REGRET AT ALL THAT HE WAS ACCUSING HIS OWN
7 BLOOD, HIS OWN FAMILY, OF SOMETHING THIS AWFUL, THIS
8 SERIOUS :

9 AND HOW DID HE ACT ON THE VIDEO? HE WALKED UP THE
10 STREET AND IT WAS A JOKE HE WAS ON THE PHONE IT WAS A
11 JOKE HE WAS LAUGHING ABOUT IT HE CALLED HIS
12 GIRLFRIEND WHAT KIND OF PERSON WOULD DO SOMETHING LIKE
13 THIS? HOW DEBASED CAN A PERSON BE TO DO SOMETHING LIKE
14 THIS TO THEIR OWN FAMILY?

15 NOW, LADIES AND GENTLEMEN, ANYONE, I WOULD SUBMIT TO
16 YOU, WOULD HESITATE TO ACT BEFORE YOU RELY ON A PERSON
17 LIKE THIS TO CONVICT THIS MAN PLEASE DON'T
18 MISUNDERSTAND WHAT I'M SAYING I'M NOT SAYING OFFICER
19 CRUM OR OFFICER HUNNICUTT ARE BAD PEOPLE, BAD OFFICERS
20 NOTHING COULD BE FURTHER FROM THE TRUTH I THINK THEY
21 ARE GOOD PEOPLE, I THINK THEY ARE GOOD YOUNG OFFICERS
22 BUT THEY MADE A MISTAKE IN THIS CASE THEY RELIED ON AN
23 UNTRUSTWORTHY INDIVIDUAL THEY TRUSTED THE
24 UNTRUSTWORTHY

25 AND THAT'S THE BASIS OF THE STATE'S CASE, LADIES AND

1 GENTLEMEN, TO CONVICT AND MS SIMMONS PUT IT UP ON THE
2 BOARD -- AND MS SIMMONS IS A VERY, VERY GOOD SOLICITOR,
3 VERY GOOD PROSECUTOR, SHE ORGANIZES HER CASES WELL -- AND
4 YOU CAN SEE IN BLACK AND WHITE WHAT YOU HAVE TO DO IT
5 IS A PUZZLE FOR YOU TO BE ABLE TO FIND ANYTHING TO
6 CONVICT THIS MAN ,

7 BUT YOU HAVE TO USE INNUENDO YOU HAVE TO BASE IT
8 ON, WELL, THE EVIDENCE REALLY ISN'T THERE, BUT WALKER
9 SAYS IT HAPPENED, AND IF WE SORT OF ASSUME AND SORT OF
10 ASSUME THAT, WE THINK IT COULD HAVE HAPPENED THAT'S NOT
11 YOUR JOB AS JURORS IT HAS TO BE BEYOND A REASONABLE
12 DOUBT

13 NOW, I WILL SUBMIT TO YOU THAT THIS CASE IS FULL OF
14 REASONABLE DOUBT AND THE STATE HAS FAILED TO MEET ITS
15 BURDEN PLEASE DO NOT CONVICT AN INNOCENT MAN IN THIS
16 CASE

17 NOW MY TIME IS RUNNING SHORT I'M JUST ABOUT
18 THROUGH LADIES AND GENTLEMEN, WHEN I BECAME TIM
19 BLASSINGAME'S LAWYER, I BECAME HIS DEFENDER, I BECAME THE
20 PERSON STANDING IN THE WAY OF THE FULL POWER OF THE STATE
21 OF SOUTH CAROLINA ON THIS INDIVIDUAL IT'S A HEAVY
22 BURDEN, LADIES AND GENTLEMEN WHEN SOMEONE IS CHARGED
23 WITH SOMETHING THIS SERIOUS, IT'S A HEAVY BURDEN.

24 BUT I'VE DONE ALL I CAN DO I'VE BROUGHT IT TO THIS
25 COURT BECAUSE THE LAW REQUIRES ME TO GIVE IT TO YOU I'M

1 PUTTING TIM BLASSINGAME IN YOUR HANDS BECAUSE YOU AND
2 YOU ALONE ARE THE ONLY PEOPLE WHO CAN STRIP THE CLOAK OF
3 INNOCENCE THAT SURROUNDS HIM UNDER OUR LAW IT'S UP TO
4 YOU

5 WHEN YOU STAND UP AND YOU WALK THROUGH THAT DOOR,
6 WHEN YOU GO IN THE JURY ROOM, IT'S YOUR DECISION I
7 CAN'T DECIDE IT FOR YOU, MS SIMMONS CAN'T DECIDE IT FOR
8 YOU, JUDGE MACAULAY CAN'T YOU DECIDE IT THIS MAN'S
9 FATE IS IN YOUR HANDS

10 I'M GONNA LEAVE YOU WITH A THOUGHT THAT WHAT YOU
11 HAVE TO CONSIDER IS THE COLD, UTTER FINALITY OF WHAT YOU
12 ARE DOING HERE TODAY. THERE IS NO TOMORROW THERE IS NO
13 TOMORROW IF YOU SEE ME ON A STREET CORNER A YEAR FROM
14 NOW, 10 YEARS FROM NOW OR 30 YEARS FROM NOW AND YOU SAY,
15 SCOTT, I THOUGHT ABOUT WHAT WE DID IN THERE AND I'M
16 UNCOMFORTABLE WITH IT I REMEMBER THAT POOR GUY, AND I
17 DON'T LIKE WHAT WE DECIDED I DON'T THINK WE MADE THE
18 RIGHT DECISION I WANT TO CHANGE WHAT WE DID

19 YOU CAN'T YOU CAN'T THE DECISION YOU MAKE TODAY
20 IS THE DECISION THAT TIM BLASSINGAME IS GOING TO HAVE TO
21 LIVE WITH FOR THE REST OF HIS LIFE

22 AND LADIES AND GENTLEMEN, THE DECISION THAT YOU MAKE
23 TODAY IS A DECISION THAT ALL OF YOU ARE GONNA HAVE TO
24 LIVE WITH FOR THE REST OF YOUR LIFE. DO THE RIGHT THING
25 DO THE RIGHT THING DON'T CONVICT AN INNOCENT MAN

1 **THE COURT** WOULD COUNSEL APPROACH, PLEASE?

2 (DISCUSSION AT SIDEBAR)

3 **THE COURT** MADAM FORELADY, LADIES AND GENTLEMEN OF
4 THE JURY, THE FINAL PART OF THIS TRIAL WILL BE MY CHARGE
5 ON THE LAW THAT WILL TAKE SOME TIME YOU HAVE BEEN IN
6 THE JURY-BOX FOR ABOUT AN HOUR SO I'M GONNA ASK YOU TO
7 TAKE A VERY SHORT BREAK, AND WHEN WE COME BACK, WE'LL
8 CONCLUDE AT THAT TIME AGAIN, DO NOT UNDERTAKE
9 DISCUSSION OF THIS CASE IN ANY WAY AMONG YOURSELVES BUT
10 IF YOU WOULD RETIRE TO THE JURY ROOM, PLEASE

11 (THE JURY LEFT THE COURTROOM AT
12 APPROXIMATELY 10 05 A M.)

13 **THE COURT** ALL RIGHT PRIOR TO THE BREAK THE COURT
14 HAD BEEN GIVEN A MESSAGE FROM ONE OF THE JURORS
15 (READING) AT THIS TIME CAN WE ASK THE DEFENDANT TO
16 SHAVE AND PUT ON SUNGLASSES AS IN THE STILL PHOTO?

17 LET ME JUST ASK, IS THERE ANYTHING FROM THE STATE ON
18 THIS QUESTION?

19 **MS SIMMONS** JUDGE, I WOULD JUST ASK THAT IN
20 RESPONSE TO THAT, I CERTAINLY KNOW YOU WON'T REQUIRE HIM
21 TO DO THAT IF YOU JUST GIVE THEM THE -- I THINK YOU
22 READ A LITTLE DIALOGUE THAT HE HAS THE RIGHT NOT TO
23 TESTIFY AND I'M FINE WITH THAT

24 **THE COURT** AND I APPROACH SUCH A QUESTION AS THAT
25 THE CASE IS CLOSED AS FAR AS TESTIMONY AND EVIDENCE

1 MR SPROUSE, ANYTHING FROM YOU?

2 MR SPROUSE NOTHING, YOUR HONOR

3 THE COURT I'LL EXPLAIN IT TO THE LADY AND BRING
4 THEM BACK WITH THAT INSTRUCTION AND GO INTO THE CHARGE
5 BY THE WAY, I ALSO HAVE VERDICT FORMS TELL ME IF
6 YOU HAVE ANY PROBLEM WITH THEM

7 ALL RIGHT WE'RE OFF THE RECORD

8 (MARKED FOR IDENTIFICATION AND RECEIVED IN
9 COURT'S EVIDENCE WAS COURT'S EXHIBIT 3, A
10 NOTE FROM A JUROR REQUESTING IF THE DEFENDANT
11 CAN SHAVE OFF HIS BEARD AND COMPARE IT TO THE
12 PHOTOGRAPH IN EVIDENCE)

13 (A BRIEF RECESS WAS TAKEN)

14 THE COURT LADIES AND GENTLEMEN, WE ARE ABOUT TO
15 CONCLUDE THE TRIAL OF THIS CASE ANYBODY THAT NEEDS TO
16 LEAVE THE COURTROOM, DO SO NOW BECAUSE NO ONE WILL BE
17 ABLE TO LEAVE UNTIL THE CASE HAS BEEN COMPLETED AND IT
18 HAS BEEN GIVEN TO THE JURY

19 ALSO, NO ONE IS TO ENTER THE COURTROOM DURING THE
20 CHARGE ANY QUESTIONS? (NO RESPONSE) IF YOU HAVE TO
21 HAVE CONVERSATION OR IF YOU HAVE TO LEAVE, DO SO NOW
22 BECAUSE YOU WILL NOT BE ABLE TO DO IT WHILE THE COURT IS
23 CHARGING THE JURY VERY GOOD THANK YOU

24 ANYTHING FURTHER FROM THE STATE?

25 MS SIMMONS NO, YOUR HONOR

1 **THE COURT** FROM THE DEFENSE?

2 **MR SPROUSE** YOUR HONOR, JUST FOR PURPOSES OF THE
3 RECORD, I WOULD JUST RENEW MY DIRECTED VERDICT MOTION

4 **THE COURT** ALL RIGHT VERY GOOD MOTIONS WERE
5 NOTED OR ARE NOTED NOW AND THE RULING IS GOING TO BE THE
6 SAME I MIGHT, FOR YOUR BENEFIT ON THE QUESTION OF
7 JURISDICTION, WELL, I CAN GIVE YOU THE CASE IT'S STATE
8 VERSUS HARRIS, I MADE A COPY OF IT YOU MIGHT WANT TO
9 LOOK AT IT SINCE YOU DON'T HAVE YOUR LAPTOP WITH YOU DO
10 IT THE OLD FASHIONED WAY (HANDING)

11 ALL RIGHT ANYTHING ELSE?

12 **MS SIMMONS** NO, YOUR HONOR

13 **THE COURT** ASK THE JURY TO JOIN US, PLEASE

14 (THE JURY ENTERED THE COURTROOM AT
15 APPROXIMATELY 10 20 A M)

16 **THE COURT** LET THE RECORD REFLECT THE JURY AND
17 ALTERNATES ARE IN THE JURY-BOX

18 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
19 PRIOR TO THE BREAK THE COURT WAS PROVIDED WITH A QUESTION
20 FROM ONE OF THE JURORS (READING) AT THIS TIME CAN WE
21 ASK THE DEFENDANT TO SHAVE AND PUT ON SUNGLASSES AS IN
22 THE STILL PHOTO?

23 ALL OF THE EVIDENCE IS IN AT THIS TIME THERE WOULD
24 BE NO ADDITIONAL EVIDENCE THAN WHAT HAS BEEN PRESENTED
25 DURING THE TRIAL OF THIS CASE

1 COURT'S CHARGE TO JURY

2 **THE COURT** MADAM FORELADY AND LADIES AND GENTLEMEN
3 OF THE JURY, AS JURORS IN THIS CASE YOU HAVE CERTAIN
4 FUNCTIONS AND RESPONSIBILITIES TO PERFORM WHICH ARE
5 ENTIRELY SEPARATE AND DISTINCT FROM THOSE OF MINE AS A
6 TRIAL JUDGE I AM PROHIBITED BY THE CONSTITUTION OF OUR
7 STATE FROM CHARGING YOU ON THE FACTS OF THIS CASE I AM
8 ALSO PROHIBITED FROM DISCUSSING THE FACTS OF THE CASE
9 WITH YOU OR IN ANY WAY INTIMATING WHAT MY FEELING IS, IF
10 ANY, ABOUT THE FACTS OF THE CASE IT IS ALSO YOUR
11 RESPONSIBILITY AND YOURS ALONE TO PASS UPON ALL ISSUES OF
12 FACT PRESENTED IN THE CASE

13 I WOULD, THEREFORE, CHARGE YOU THAT IF DURING THE
14 COURSE OF MY TRIAL OR DURING MY CHARGE, YOU HAVE BEEN
15 GIVEN OR ARE LEFT WITH THE IMPRESSION OR FEELING THAT I
16 DO HAVE A PERSONAL FEELING ABOUT THE FACTS OF THE CASE, I
17 WOULD SPECIFICALLY INSTRUCT YOU TO DISREGARD THAT FEELING
18 OR IMPRESSION

19 MOREOVER, YOU ARE THE SOLE JUDGES OF WHAT THE
20 TESTIMONY WAS AND NOT THE ARGUMENT OF COUNSEL IT IS
21 ALSO YOUR DUTY AND YOURS ALONE TO WEIGH THE TESTIMONY AND
22 EVIDENCE IN THE CASE AND TO PASS UPON THE CREDIBILITY OR
23 THE BELIEVABILITY OF THE WITNESSES IN THIS CONNECTION
24 YOU A RIGHT TO BELIEVE ALL THAT A WITNESS TELLS YOU OR TO
25 DISBELIEVE ALL THAT A WITNESS TELLS YOU YOU HAVE A

1 RIGHT TO BELIEVE A PART OF WHAT A WITNESS TELLS YOU AND
2 TO DISBELIEVE A PART OF WHAT A WITNESS TELLS YOU IN THE
3 CASE

4 I SAY THIS MERELY TO EMPHASIZE THE WEIGHT YOU SEE
5 FIT TO GIVE TO THE TESTIMONY THROUGH THE CREDIBILITY OF
6 THE WITNESSES AS WELL AS ALL ISSUES OF FACT IS FOR YOUR
7 SOLE DETERMINATION AS JUDGES OF THE FACTS, YOU ARE ALSO
8 THE JUDGES OF THE CREDIBILITY, THAT IS THE BELIEVABILITY
9 OF THE WITNESSES WHO HAVE TESTIFIED IN THIS CASE IN
10 PASSING UPON THEIR CREDIBILITY YOU MAY TAKE INTO
11 CONSIDERATION MANY THINGS, SUCH AS THE APPEARANCE AND
12 MANNER OF THE WITNESS ON THE STAND, SOMETIMES REFERRED TO
13 AS THE Demeanor OF THE WITNESS

14 WAS THE WITNESS FORTHRIGHT OR HESITANT? WAS THE
15 WITNESS'S TESTIMONY CONSISTENT OR DID IT CONTAIN
16 DISCREPANCIES? WHAT WAS THE ABILITY OF THE WITNESS TO
17 KNOW THE FACTS ABOUT WHICH HE OR SHE TESTIFIED? DID THE
18 WITNESS HAVE A CAUSE OR A REASON TO BE BIASED AND
19 PREJUDICED IN FAVOR OF THE TESTIMONY HE OR SHE GAVE? WAS
20 THE TESTIMONY OF THE WITNESS CORROBORATED OR MADE
21 STRONGER BY OTHER TESTIMONY AND EVIDENCE, OR WAS IT MADE
22 WEAKER OR IMPEACHED BY SUCH OTHER TESTIMONY AND EVIDENCE?

23 AS JURORS YOU HAVE THE RIGHT TO BELIEVE A SMALL PART
24 OF THE WITNESS'S TESTIMONY AND DISCARD THE LARGER OR VICE
25 VERSA YOU MAY BELIEVE ALL OF A WITNESS'S TESTIMONY OR

1 NONE

2 NOW, THE RULES OF EVIDENCE ORDINARILY DO NOT PERMIT
3 WITNESSES TO TESTIFY TO OPINIONS OR CONCLUSIONS AN
4 EXCEPTION TO THIS RULE EXISTS FOR WITNESSES WHO WE CALL
5 EXPERT WITNESSES A WITNESS WHO BY EDUCATION AND
6 EXPERIENCE HAS BECOME EXPERT IN SOME ART, SCIENCE,
7 PROFESSION OR CALLING MAY STATE AN OPINION AS TO THE
8 RELEVANT AND MATERIAL MATTER IN WHICH THE WITNESS CLAIMS
9 TO BE AN EXPERT AND MAY ALSO STATE THE REASONS FOR THOSE
10 OPINIONS YOU SHOULD CONSIDER ANY OPINION RECEIVED IN
11 EVIDENCE IN THIS CASE, AND LIKE ANY OTHER EVIDENCE, GIVE
12 IT THE WEIGHT YOU THINK IT DESERVES IF YOU DECIDE THAT
13 THE OPINION OF AN EXPERT WITNESS IS NOT BASED ON
14 SUFFICIENT EDUCATION EXPERIENCE, OR IF YOU CONCLUDE THAT
15 THE REASONS GIVEN IN SUPPORT OF THE OPINION ARE NOT SOUND
16 OR THIS OPINION IS OUTWEIGHED BY OTHER EVIDENCE, YOU MAY
17 DISREGARD THEIR OPINION ENTIRELY AN EXPERT WITNESS'S
18 TESTIMONY IS TO BE GIVEN NO GREATER WEIGHT THAN ANY OTHER
19 WITNESS SIMPLY BECAUSE THE WITNESS IS AN EXPERT

20 FURTHER, YOU ARE NOT REQUIRED TO ACCEPT AN EXPERT'S
21 OPINION EVEN THOUGH IT IS NOT CONTRADICTED THROUGHOUT
22 THIS ENTIRE PROCESS YOU HAVE BUT ONE SINGLE OBJECTIVE,
23 AND THAT IS TO SEEK THE TRUTH, REGARDLESS OF WHAT WITNESS
24 THE TESTIMONY MAY HAVE COME

25 NOW, BY THE SAME CONSTITUTION AND LAW WHICH MAKES

1 YOU THE FINDERS OF THE FACT AND EVIDENCE AS I DISCUSSED
2 WITH YOU, I AM AS THE JUDGE MADE THE SOLE AND ONLY
3 INSTRUCTOR ON THE LAW YOU MUST ACCEPT AS CORRECT THE
4 LAW WHICH I CHARGE AND APPLY IT TO THE EVIDENCE AS YOU
5 FIND IT AND REACH A VERDICT

6 IF I SHOULD MAKE AN ERROR IN THE LAW AS I INSTRUCT
7 IT TO YOU, THERE IS ANOTHER TIME AND PLACE THAT ERROR CAN
8 BE CONSIDERED AND, IF NECESSARY, CORRECTED BUT FOR THE
9 PURPOSE OF THIS CASE TODAY, YOU MUST ACCEPT THE LAW AS I
10 CHARGE IT TO BE THE CORRECT LAW

11 THE DEFENDANT HAS PLED NOT GUILTY TO THE INDICTMENT
12 AND THAT PLEA PUTS THE BURDEN ON THE STATE TO PROVE THE
13 DEFENDANT GUILTY A PERSON CHARGED WITH COMMITTING A
14 CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO
15 PROVE HIMSELF INNOCENT I CHARGE YOU THAT IT IS AN
16 IMPORTANT RULE OF THE LAW THAT A DEFENDANT IN A CRIMINAL
17 TRIAL, NO MATTER HOW SERIOUS THE CHARGE MAY BE, WILL
18 ALWAYS BE PRESUMED INNOCENT OF THE CRIME FROM WHICH THE
19 INDICTMENT WAS ISSUED UNLESS GUILT HAS BEEN PROVEN BY
20 EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A REASONABLE
21 DOUBT

22 THIS PRESUMPTION OF INNOCENCE DOES NOT END WHEN YOU
23 BEGIN YOUR DELIBERATIONS, BUT IT ACCOMPANIES THE
24 DEFENDANT THROUGHOUT THE TRIAL UNTIL YOU REACH A VERDICT
25 OF GUILT BEYOND A REASONABLE DOUBT THE PRESUMPTION OF

1 INNOCENCE IS LIKE A ROBE OF RIGHTEOUSNESS PLACED UPON THE
2 SHOULDERS OF THE DEFENDANT WHICH REMAINS WITH THE
3 DEFENDANT UNTIL HE HAS BEEN STRIPPED -- UNTIL IT HAS BEEN
4 STRIPPED FROM THE DEFENDANT BY EVIDENCE SATISFYING YOU OF
5 THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT

6 PRESUMPTION OF INNOCENCE IS NOT A MERE LEGAL THEORY,
7 IT'S NOT A LEGAL PHRASE IT IS A SUBSTANTIAL RIGHT TO
8 WHICH EVERY DEFENDANT IS ENTITLED UNLESS YOU, THE JURY,
9 ARE SATISFIED OF THE EVIDENCE OF THE DEFENDANT'S GUILT
10 BEYOND A REASONABLE DOUBT

11 NOW, I INSTRUCT YOU AND EMPHASIZE THAT THE FACT THE
12 DEFENDANT DID NOT TESTIFY OR PUT UP EVIDENCE IN THIS CASE
13 IS NOT A FACTOR TO BE CONSIDERED BY YOU IN ANY WAY IN
14 YOUR DELIBERATIONS AND IN YOUR CONSIDERATION ON THE
15 QUESTION OF WHETHER OR NOT THE STATE HAS PROVEN THE
16 DEFENDANT IS GUILTY OR NOT GUILTY ON THE CHARGES IN THE
17 INDICTMENT

18 IT MUST NOT BE CONSIDERED BY YOU IN ANY MANNER
19 WHATSOEVER THE DEFENDANT HAS A CONSTITUTIONAL RIGHT TO
20 REMAIN SILENT, AND THE ASSERTION OF THIS RIGHT MUST NOT
21 BE CONSIDERED BY YOU IN YOUR DELIBERATIONS I REPEAT
22 UNDER THE OATH YOU HAVE TAKEN, YOU ARE TO DRAW NO
23 CONCLUSION WHATSOEVER FROM THE FACT THAT THE DEFENDANT IN
24 THIS CASE DID NOT TESTIFY OR PRESENT EVIDENCE THE FACT
25 THAT THIS DEFENDANT DID NOT TESTIFY SHOULD NOT EVEN BE

1 DISCUSSED IN THE JURY ROOM THE BURDEN OF PROOF, AS I
2 STATED TO YOU, IS ON THE STATE THE DEFENDANT IS NOT
3 REQUIRED TO PROVE HIS INNOCENCE THE BURDEN OF PROOF
4 REMAINS ON THE STATE TO PROVE GUILT BEYOND A REASONABLE
5 DOUBT WHAT IS A REASONABLE DOUBT? A REASONABLE DOUBT
6 IS THE KIND OF DOUBT THAT WOULD CAUSE A REASONABLE PERSON
7 TO HESITATE TO ACT

8 NOW, THERE ARE TWO TYPES OF EVIDENCE WHICH ARE
9 GENERALLY PRESENTED DURING A TRIAL DIRECT EVIDENCE AND
10 CIRCUMSTANTIAL EVIDENCE DIRECT EVIDENCE IS THE
11 TESTIMONY OF A PERSON WHO CLAIMS TO HAVE ACTUAL KNOWLEDGE
12 OF A FACT, SUCH AS AN EYEWITNESS IT IS EVIDENCE WHICH
13 IMMEDIATELY ESTABLISHES THE MAIN FACT TO BE PROVED

14 CIRCUMSTANTIAL EVIDENCE IS PROOF OF A CHAIN OF FACTS
15 AND CIRCUMSTANCES INDICATING THE EXISTENCE OF THE FACT
16 IT IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES COLLATERAL
17 FACTS FROM WHICH THE MAIN FACT MAY BE INFERRED
18 CIRCUMSTANTIAL EVIDENCE IS BASED ON INFERENCE, NOT ON
19 PERSONAL KNOWLEDGE OR OBSERVATION IT IS PROOF THAT DOES
20 NOT ACTUALLY ESTABLISH THE FACT IN QUESTION, BUT THAT
21 ASSERTS OR DESCRIBES SOMETHING ELSE FROM WHICH YOU MAY
22 EITHER REASONABLY INFER THE TRUTH OF A FACT, OR AT LEAST
23 REASONABLY INFER AN INCREASE IN THE PROBABILITY THAT THE
24 FACT IS TRUE

25 FOR CIRCUMSTANTIAL EVIDENCE TO BE SUFFICIENT TO

1 WARRANT THE FINDING OF A FACT, THE CIRCUMSTANCES MUST
2 LEAD TO THAT FACT WITH REASONABLE CERTAINTY THE FACTS
3 AND CIRCUMSTANCES SHOULD BE CONSIDERED IN LIGHT WITH
4 ORDINARY EXPERIENCE AND COMMON SENSE THE EXISTENCE OF A
5 FACT CANNOT BE BASED ON SPECULATION, SURMISE OR
6 CONJECTURE THE LAW MAKES ABSOLUTELY NO DISTINCTION
7 BETWEEN THE WEIGHT OR VALUE TO BE GIVEN EITHER DIRECT OR
8 CIRCUMSTANTIAL EVIDENCE THERE IS NO GREATER DEGREE OF
9 CERTAINTY REQUIRED OF CIRCUMSTANTIAL EVIDENCE THAN OF
10 DIRECT EVIDENCE

11 YOU SHOULD WEIGH ALL THE EVIDENCE IN THE CASE
12 AFTER WEIGHING ALL OF THE EVIDENCE, IF YOU ARE NOT
13 CONVINCED OF THE GUILT OF THE DEFENDANT BEYOND A
14 REASONABLE DOUBT, YOU MUST FIND THAT DEFENDANT NOT
15 GUILTY

16 I CHARGE YOU THAT SUSPICION, HOWEVER STRONG, IS NOT
17 ENOUGH TO SUSTAIN A CONVICTION THE EVIDENCE PRESENTED
18 BY THE STATE MUST BE SUBSTANTIAL EVIDENCE THAT TENDS TO
19 PROVE THE GUILT OF THE DEFENDANT BEYOND A REASONABLE
20 DOUBT

21 NOW, CRIMINAL INTENT IS A STATE OF MIND THAT
22 OPERATES JOINTLY WITH AN ACT, OMISSION OR COMMISSION OF A
23 CRIME CRIMINAL INTENT IS A MENTAL STATE CRIMINAL
24 LIABILITY IS NORMALLY BASED ON AN EVIL MEANING MIND AND
25 AN EVIL DOING HAND PROOF OF INTENT NECESSARILY RESTS ON

1 INFERENCES FROM CONDUCT

2 IN ORDER TO ESTABLISH CRIMINAL LIABILITY, CRIMINAL
3 INTENT IS REQUIRED CRIMINAL INTENT MUST BE PROVEN BY
4 THE STATE BEYOND A REASONABLE DOUBT CRIMINAL INTENT IS
5 ALWAYS A MATTER THAT MUST BE DETERMINED BY YOU, THE JURY,
6 THE CIRCUMSTANCES SURROUNDING THE SITUATION THERE IS NO
7 WAY TO PROVE INTENT TO A MATHEMATICAL CERTAINTY THERE
8 IS NO WAY MEDICAL SCIENCE CAN DISSECT A PERSON'S BRAIN TO
9 DETERMINE WHAT THE PERSON HAD IN MIND THE LAW SAYS
10 CRIMINAL INTENT MUST BE INFERRED FROM THE CIRCUMSTANCES
11 SHOWN TO HAVE EXISTED THIS IS HOW YOU MAKE A
12 DETERMINATION OF WHETHER OR NOT THE ELEMENT REQUIRING
13 INTENT IS PRESENT

14 IT'S NOT NECESSARY TO ESTABLISH INTENT BY DIRECT AND
15 POSITIVE EVIDENCE, BUT INTENT MAY BE ESTABLISHED BY
16 INFERENCE IN THE SAME WAY AS ANY OTHER FACT, TAKING INTO
17 CONSIDERATION THE FACTS OF THE PARTIES, OR THE ACTS OF
18 THE PARTIES AND THE FACTS AND CIRCUMSTANCES OF THE CASE
19 CRIMINAL INTENT IS A MENTAL STATE, A CONSCIOUS
20 WRONGDOING IT IS UP TO YOU TO DETERMINE WHAT THE
21 DEFENDANT INTENDED TO DO, BASED ON THE CIRCUMSTANCES
22 SHOWN TO HAVE EXISTED

23 IN INDICTMENT NUMBER 2009-GS-37-820 THE DEFENDANT,
24 TIMOTHY LEE BLASSINGAME, IS CHARGED WITH DISTRIBUTION OF
25 CRACK COCAINE UNDER SOUTH CAROLINA CODE SECTION

1 44-53-370, WHICH PROVIDES IN PERTINENT PART THAT
2 (READING) THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO
3 MANUFACTURE, DISTRIBUTE, DISPENSE, DELIVER, PURCHASE,
4 AID, ABET, ATTEMPT OR CONSPIRE TO MANUFACTURE,
5 DISTRIBUTE, DISPENSE, DELIVER OR PURCHASE OR POSSESS WITH
6 THE INTENT TO MANUFACTURE, DISTRIBUTE, DELIVER OR
7 PURCHASE A CONTROLLED SUBSTANCE OR A CONTROLLED SUBSTANCE
8 ANALOG CRACK COCAINE IS DEFINED AS A CONTROLLED
9 SUBSTANCE PURSUANT TO SOUTH CAROLINA CODE SECTION
10 44-53-110

11 I REMIND YOU THE FACT THAT THE DEFENDANT WAS
12 ARRESTED, CHARGED AND INDICTED IN THIS CASE IS NOT
13 EVIDENCE IN THE CASE AND CANNOT BE CONSIDERED BY YOU AS
14 EVIDENCE OF GUILT THE INDICTMENT IS SIMPLY THE WRITTEN
15 INSTRUMENT WHICH CONTAINS THE CHARGE MADE AGAINST THE
16 DEFENDANT IT IS THE FORMAL DOCUMENT BY WHICH THIS CASE
17 IS BROUGHT INTO THIS COURT

18 TO PROVE A CHARGE OF DISTRIBUTION OF CRACK COCAINE
19 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
20 DEFENDANT DISTRIBUTED CRACK COCAINE DISTRIBUTE MEANS TO
21 DELIVER OR TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO
22 TRANSFER A DRUG OTHER THAN BY ADMINISTERING OR DISPENSING
23 BY A PRESCRIPTION DELIVERY MEANS TO ACTUALLY OR
24 CONSTRUCTIVELY ATTEMPT TO TRANSFER A DRUG TRANSFER CAN
25 INVOLVE AN EXCHANGE FOR MONEY, A BARTER, OR A GIFT

1 THERE DOES NOT HAVE TO BE ANYTHING GIVEN IN EXCHANGE FOR
2 THE DRUG TO CONSTITUTE DISTRIBUTION

3 TO PROVE POSSESSION THE STATE MUST PROVE BEYOND A
4 REASONABLE DOUBT THAT THE DEFENDANT HAD BOTH THE POWER
5 AND INTENT TO CONTROL THE USE OR DISPOSITION OF THE CRACK
6 COCAINE POSSESSION MAY EITHER BE ACTUAL OR
7 CONSTRUCTIVE ACTUAL POSSESSION MEANS THAT THE CRACK
8 COCAINE WAS IN THE ACTUAL PHYSICAL CUSTODY OF THE
9 DEFENDANT CONSTRUCTIVE POSSESSION MEANS THE DEFENDANT
10 HAD DOMINION AND CONTROL OR THE RIGHT TO EXERCISE
11 DOMINION AND CONTROL OVER EITHER THE CRACK COCAINE ITSELF
12 OR THE PROPERTY IN WHICH THE CRACK COCAINE WAS FOUND

13 MERE PRESENCE AT THE SCENE IS NOT ENOUGH TO PROVE
14 POSSESSION ACTUAL KNOWLEDGE OF THE PRESENCE OF CRACK
15 COCAINE IS STRONG EVIDENCE TO CONTROL ITS DISPOSITION AND
16 USE THE DEFENDANT'S KNOWLEDGE AND POSSESSION MAY BE
17 INFERRED WHEN A SUBSTANCE IS FOUND ON THE PROPERTY UNDER
18 THE DEFENDANT'S CONTROL HOWEVER, THIS INFERENCE IS
19 SIMPLY AN EVIDENTIARY FACT TO BE TAKEN IN CONSIDERATION
20 BY YOU ALONG WITH THE OTHER EVIDENCE IN THE CASE AND TO
21 BE GIVEN THE WEIGHT YOU DECIDE IT SHOULD HAVE

22 THE STATE HAS THE BURDEN OF PROOF AND MUST ESTABLISH
23 EACH ELEMENT OF THE CHARGED OFFENSE BEYOND A REASONABLE
24 DOUBT YOU SHOULD ENTER YOUR VERDICT BASED ON WHETHER OR
25 NOT YOU ARE SATISFIED THAT THE STATE HAS ESTABLISHED

1 BEYOND A REASONABLE DOUBT ALL OF THE ELEMENTS OF THE
2 CHARGED OFFENSE IF YOU AS JURORS HAVE A REASONABLE
3 DOUBT AS TO WHETHER THE STATE HAS MET ITS BURDEN OF PROOF
4 AND SHOWN ALL THE ELEMENTS OF THE CHARGED OFFENSE, YOU
5 SHOULD FIND THE DEFENDANT NOT GUILTY UNDER THE
6 INDICTMENT

7 YOU HAVE BEEN SELECTED AS FAIR AND IMPARTIAL JURORS,
8 SWORN TO IMPARTIALLY TRY AND DETERMINE THE FACTS IN THIS
9 CASE, AND WHEN YOU COMPLY WITH YOUR OATH TO DO SO, THEN
10 NO ONE WILL HAVE THE RIGHT TO CRITICIZE YOUR VERDICT, AND
11 YOU WILL HAVE FULLY DISCHARGED YOUR DUTY AS JURORS

12 YOU SHOULD NOT BE INFLUENCED BY OPINIONS OR
13 EXPRESSIONS OF OPINIONS WHICH YOU MAY HAVE HEARD ON THE
14 OUTSIDE YOU ARE TO DECIDE THIS CASE ACCORDING TO THE
15 TESTIMONY THAT YOU HAVE HEARD FROM THE LIPS OF THE SWORN
16 WITNESSES ALONG WITH OTHER EVIDENCE THAT HAS BEEN
17 INTRODUCED

18 AS I SAID EARLIER, YOU ARE THE JUDGES OF THE FACTS
19 IN THIS CASE AND YOU ARE TO DETERMINE ONLY IF THIS
20 DEFENDANT IS GUILTY OR NOT GUILTY BASED UPON THE
21 TESTIMONY AND EVIDENCE PRESENTED IN THE TRIAL AFTER
22 APPLYING THE LAW AS I HAVE GIVEN IT TO YOU IF FROM THE
23 EVIDENCE YOU HAVE A REASONABLE DOUBT AS TO WHETHER OR NOT
24 THE DEFENDANT IS GUILTY, IT IS YOUR DUTY TO ACQUIT HIM
25 AND WRITE THE WORDS "NOT GUILTY " UNDER THE OATH YOU

1 TOOK YOU SWORE TO TRY THIS CASE BASED SOLELY AND ONLY ON
2 THE TESTIMONY AND EVIDENCE AND LAW YOU PRESENTED AND
3 HEARD IN THIS COURTROOM

4 IT IS YOUR DUTY TO LAY ASIDE ALL BIAS, PREJUDICE OR
5 SYMPATHY THAT YOU MAY HAVE IN REACHING YOUR VERDICT YOU
6 HAVE NO FRIENDS TO REWARD OR ENEMIES TO PUNISH IN THIS
7 CASE I MIGHT KNOW THE WORD "VERDICT" IS TAKEN FROM THE
8 LATIN TERM "VEREDICTO" WHICH MEANS TO SPEAK THE TRUTH
9 ABIDE BY YOUR OATH AND RETURN A VERDICT WHICH DOES, IN
10 FACT, SPEAK THE TRUTH

11 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY, I
12 HAVE PREPARED A VERDICT FORM FOR YOU TO USE FOR YOUR
13 DELIBERATIONS AS I MENTIONED AT THE ONSET OF THIS
14 TRIAL, WHATEVER YOUR VERDICT IS, IT HAS TO BE UNANIMOUS,
15 THAT MEANS ALL 12 MEMBERS OF THE JURY THAT SIT ON THE
16 TRIAL OF THIS CASE, THE DETERMINATION OF THE VERDICT MUST
17 BE UNANIMOUS, ALL 12 MEMBERS MUST AGREE TO IT

18 IF YOU WILL NOTICE, IT SAYS INDICTMENT NUMBER
19 2009-GS-37-00820 FOR DISTRIBUTION OF CRACK COCAINE WE,
20 THE JURY, UNANIMOUSLY FIND THAT THE DEFENDANT, TIMOTHY
21 LEE BLASSINGAME, IS EITHER GUILTY OF DISTRIBUTION OF
22 CRACK COCAINE OR NOT GUILTY WHICHEVER IS THE VERDICT,
23 UNANIMOUS VERDICT OF THE JURY, MADAM FORELADY, IF YOU
24 WOULD CHECK THE APPROPRIATE VERDICT, AND ONCE THAT'S BEEN
25 DONE, THEN SIGN YOUR NAME ON THE LINE PROVIDED, KNOCK ON

1 THE DOOR, AND WE WILL RECEIVE YOUR VERDICT AT THAT TIME

2 I'M GOING TO HAVE TO ASK YOU TO RETIRE ONE MORE TIME
3 TO THE JURY ROOM WITHOUT BEGINNING YOUR DELIBERATIONS I
4 HAVE SOME THINGS I NEED TO TAKE UP WITH THE ATTORNEYS
5 BUT ONCE I SEND IN THE VERDICT FORM TOGETHER WITH THE
6 EXHIBITS, THEN YOU WILL BEGIN YOUR DELIBERATIONS ONCE
7 YOU HAVE REACHED YOUR VERDICT AND THE VERDICT FORM HAS
8 BEEN COMPLETED, KNOCK ON THE DOOR AND YOU WILL RETURN AND
9 WE WILL RECEIVE YOUR VERDICT

10 I'M GOING TO ASK THE ALTERNATE TO REMAIN WITH US BUT
11 THE REST OF THE JURY TO RETIRE TO THE JURY ROOM DO NOT
12 BEGIN YOUR DELIBERATIONS UNTIL I SEND IN THE EXHIBITS AND
13 THE VERDICT FORM

14 (THE JURY LEFT THE COURTROOM AT APPROXIMATELY
15 10 38 A M)

16 THE COURT ARE THERE ANY EXCEPTIONS OR REQUESTS
17 FROM THE STATE?

18 MS SIMMONS NO, YOUR HONOR

19 THE COURT FROM THE DEFENDANT?

20 MR SPROUSE NO, YOUR HONOR

21 THE COURT VERY GOOD ALL RIGHT LOOK OVER THE
22 EXHIBITS BE SURE EVERYTHING IS THERE THAT IS SUPPOSED
23 TO GO BACK AND NOTHING THAT WAS NOT TO GO BACK

24 (DISCUSSION OFF THE RECORD)

25 (COURT CONFERRED WITH TWO ALTERNATE JURORS

1 OFF THE RECORD, AFTER WHICH THE ALTERNATE
2 JURORS WERE EXCUSED)

3 THE COURT ALL RIGHT IT'S IN THE JURY'S HANDS
4 WE'LL WAIT FOR THE VERDICT OF THE JURY WE'LL STAND AT
5 EASE

6 (WHEREUPON, THE JURY BEGAN THEIR
7 DELIBERATIONS AT 10 43 A M , WHILE THE COURT
8 CONSIDERED OTHER MATTERS)

9 (THERE WAS A NOTE FROM THE JURY AT
10 APPROXIMATELY 11 18 A M REQUESTING THAT THE
11 VIDEO THAT WAS PLAYED FOR THEM DURING THE
12 TRIAL AND THE TESTIMONY OF OFFICER CRUM
13 DURING THE TRIAL BE REPLAYED)

14 (COURT'S EXHIBIT 4, NOTE FROM JURY, WAS
15 MARKED FOR IDENTIFICATION AND RECEIVED IN
16 COURT'S EVIDENCE)

17 THE COURT ALL RIGHT ANYTHING FROM THE STATE
18 BEFORE WE BRING THE JURY BACK ON THAT QUESTIONS IN STATE
19 VERSUS BLASSINGAME, 2009-GS-37-820

20 MS SIMMONS NO, YOUR HONOR AND I WENT AHEAD AND
21 SET IT UP WE CANNOT FAST-FORWARD OR REWIND OVER THERE,
22 AND WE CAN ON THIS ONE SHOULD THEY CHOOSE TO ---

23 THE COURT ALL RIGHT ANYTHING FROM THE DEFENSE?

24 MR SPROUSE NOTHING FROM THE DEFENSE

25 THE COURT ALL RIGHT, VERY GOOD ASK THE JURY TO

1 JOIN US

2 (THE JURY ENTERED THE COURTROOM AT
3 APPROXIMATELY 11 36 A M)

4 THE COURT MADAM FORELADY, I HAVE TWO NOTES FROM
5 THE JURY ONE WE WOULD LIKE TO HEAR THE AUDIO AND SEE
6 THE VIDEOTAPE AGAIN

7 THAT CAN BE DONE THE ONLY THING I WOULD ASK, I
8 THINK ONE IS 39 MINUTES, ONE IS 36 MINUTES DO YOU HAVE
9 A PARTICULAR AREA THAT YOU WOULD LIKE TO SEE?

10 THE FORELADY YEAH IN THE CAR RIDE

11 THE COURT THE CAR RIDE IS ABOUT THREE MINUTES IS
12 THERE ANY PROBLEM WITH THAT FROM THE STATE?

13 MS SIMMONS NO, YOUR HONOR I'LL BE HAPPY TO CUE
14 IT UP FOR THEM

15 THE COURT ALL RIGHT IS THERE ANYTHING THAT, ANY
16 PROBLEM FROM THE DEFENSE?

17 MR SPROUSE NO PROBLEM, YOUR HONOR

18 THE COURT AND THAT WOULD BE THE VIDEO AND THE
19 AUDIO

20 THE FORELADY THANK YOU

21 THE COURT ALL RIGHT YES, MA'AM

22 AND THEN YOU ALSO WANT -- LET ME TAKE THEM IN ORDER
23 AND THEN IS THERE A TRANSCRIPTION OF THE VIDEO AND
24 AUDIO? NO, MA'AM THERE IS NO TRANSCRIPTION THE ONLY
25 THING WE HAVE ARE THE TAPES THEMSELVES OR THE C D 'S

1 ANOTHER QUESTION CAN WE SEE THE TESTIMONY OF
2 OFFICER CRUM?

3 MADAM COURT REPORTER, DO WE HAVE AN AUDIO ON THAT?

4 COURT REPORTER (NODDED HEAD)

5 THE COURT ALL RIGHT HOW LONG IS THAT? DO YOU
6 HAVE ANY IDEA?

7 IS THERE ANY PARTICULAR PART OF THE

8 BECAUSE WHAT WE DO IS THE COURT REPORTER MAKES A
9 BACKUP TAPE OF THE TRANSCRIPTION

10 THE FORELADY I'M TRYING TO LEARN ABOUT THE WHOLE
11 INFORMANT SITUATION

12 THE COURT SO YOU WANT THE FIRST PART? ALL RIGHT
13 AND THEN, OF COURSE, IF YOU NEED MORE, WE'LL DO IT, BUT
14 WE'LL TRY TO SET IT UP AT THAT

15 ALL RIGHT AT THIS TIME I WILL ASK YOU TO RETIRE TO
16 THE JURY ROOM SO WE CAN SET THOSE MATTERS UP SO THEY'LL
17 BE READY TO PLAY WHEN YOU COME BACK YOU CAN GO AHEAD
18 AND DELIBERATE ON THAT NOW, BUT WE WILL UNDERTAKE THE
19 EFFORT

20 (THE JURY LEFT THE COURTROOM AT
21 APPROXIMATELY 11 38 A M)

22 THE COURT ANYTHING FROM THE STATE BEFORE WE SET UP
23 THE

24 MS SIMMONS JUDGE, WE JUST NEED TO RETRIEVE THOSE
25 TWO ITEMS FROM THE JURY ROOM SO I CAN CUE THEM UP

1 **THE COURT** ALL RIGHT ASK MR BIBB TO BRING US THE
2 TWO VIDEOS -- NOT VIDEOS -- TWO C D 'S

3 **MR SPROUSE** IF I CAN BE HEARD ON THE SECOND
4 REQUEST THE JURY MADE REGARDING THE TESTIMONY OF OFFICER
5 CRUM?

6 **THE COURT** OH, I'M SORRY YES, SIR

7 **MR SPROUSE** I WOULD OBJECT TO THEM JUST HEARING
8 THE DIRECT EXAMINATION OF OFFICER CRUM BECAUSE THERE WAS
9 EXTENSIVE QUESTIONING ON CROSS-EXAMINATION ABOUT THE
10 CONFIDENTIAL INFORMANT

11 **THE COURT** ALL RIGHT ANYTHING FROM YOU, MADAM
12 SOLICITOR?

13 **MS SIMMONS** JUDGE, I THINK WE SHOULD GIVE THEM
14 WHAT THEY PARTICULARLY ASKED FOR

15 **THE COURT** WELL, I THINK WHAT THEY ASKED FOR WAS
16 THE CONFIDENTIAL INFORMANT MATTER, AND THAT WOULD HAVE TO
17 BE FULLY DEVELOPED NOT ONLY ON DIRECT BUT CROSS, SO I'M
18 GOING TO GRANT THE MOTION TO HEAR THAT PORTION DEALING
19 WITH THE CONFIDENTIAL INFORMANT

20 (DISCUSSION OFF THE RECORD)

21 **THE COURT** IS THERE ANYTHING FROM THE STATE BEFORE
22 WE BRING THE JURY BACK?

23 **MS SIMMONS** NO, JUDGE THE VIDEO IS READY AND I
24 CAN GET THE AUDIO THIS WAY

25 **THE COURT** ANYTHING FROM THE DEFENDANT?

1 **MR SPROUSE** NO, SIR

2 **THE COURT** MY FIRST QUESTION IS DO THEY NEED THE
3 WHOLE TAPE OR JUST THAT PORTION, AND I THINK THAT'S GONNA
4 BE THE THREE MINUTES OF THE VIDEO AND THE AUDIO THAT'S
5 WHAT THEY SAID BEFORE

6 **MS SIMMONS** THAT WAS MY UNDERSTANDING, JUDGE, AND
7 THAT'S WHAT I CUED IT TO

8 **THE COURT** ALL RIGHT ON THE TESTIMONY OF SERGEANT
9 CRUM, THAT WILL BE BOTH THE DIRECT AND THE CROSS

10 OKAY VERY WELL ASK THE JURY TO JOIN US, PLEASE

11 (THE JURY RETURNED TO THE COURTROOM AT

12 APPROXIMATELY 11 54 A M)

13 **THE COURT** ALL RIGHT LET THE RECORD REFLECT THE
14 JURY IS IN THE JURY-BOX

15 MADAM FORELADY, WE HAVE NOW PROGRAMMED THE AUDIO AND
16 VIDEO FOR THAT PERIOD OF TIME OF APPROXIMATELY THREE
17 MINUTES WHEN THEY WERE IN THE AUTOMOBILE AND I THINK
18 THAT'S WHAT YOU WANTED, IS THAT CORRECT?

19 **THE FORELADY** YES, PLEASE

20 **THE COURT** THANK YOU, MA'AM

21 ALL RIGHT, MADAM SOLICITOR, IF YOU WOULD

22 **MS SIMMONS** IF SOMEBODY CAN RAISE THEIR HAND WHEN
23 THEY'RE DONE BECAUSE I WON'T BE ABLE TO SEE

24 (WHEREUPON, A PORTION OF THE VIDEOTAPE WAS

25 PLAYED FOR JURY FROM APPROXIMATELY 11 55 P M

1 UNTIL 12,00 P M , AND THEN A PORTION OF AUDIO
2 WAS PLAYED FOR THE JURY FROM APPROXIMATELY
3 12 01 P M UNTIL APPROXIMATELY 12 06 P M)

4 THE COURT ALL RIGHT IS THAT WHAT YOU WANTED TO
5 HEAR, MADAM FORELADY?

6 THE FORELADY YES

7 THE COURT AND NOW WE HAVE THE OFFICER CRUM
8 TESTIMONY

9 (WHEREUPON, THE TESTIMONY OF SERGEANT CRUM
10 WAS PLAYED BACK TO THE JURY FROM
11 APPROXIMATELY 12 06 P M UNTIL APPROXIMATELY
12 12 14 P M , WHEN THE COURT AND COURT REPORTER
13 HELD A DISCUSSION OFF THE RECORD)

14 THE COURT WE'RE GOING TO SKIP THE VIDEO AND THE
15 AUDIO AND JUST LIMIT IT TO THE TESTIMONY

16 (WHEREUPON, THE TESTIMONY OF SERGEANT CRUM
17 CONTINUED TO BE PLAYED BACK TO THE JURY FROM
18 APPROXIMATELY 12 15 P M UNTIL APPROXIMATELY
19 12 21 P M WHEN THE COURT AND COURT REPORTER
20 HELD A DISCUSSION OFF THE RECORD)

21 THE COURT (TO COURT REPORTER) OKAY, YES, IF YOU
22 WOULD, PLEASE

23 APPARENTLY WE DIDN'T RECORD THE TESTIMONY ON THE
24 AUDIO WHEN IT RESUMED AFTER THE C D 'S, BUT WE DO HAVE
25 THE ORIGINAL TRANSCRIPT AS SHE TAKES IT DOWN WHEN IT'S

1 TAKEN, SO THE COURT REPORTER IS NOW GOING TO READ THE
2 TESTIMONY FOLLOWING THE C D 'S

3 (WHEREUPON, THE COURT REPORTER READ A SMALL
4 PORTION OF SERGEANT CRUM'S TESTIMONY TO THE
5 JURY, AFTER WHICH THE AUDIO RESUMED AND THE
6 REMAINDER WAS PLAYED BACK TO THE JURY UNTIL
7 APPROXIMATELY 12 47 P M)

8 THE COURT THAT CONCLUDES THE TESTIMONY OF SERGEANT
9 CRUM IS THERE ANYTHING ELSE THAT WASN'T CLEAR?

10 THE FORELADY MAY WE ASK A SPECIFIC QUESTION THAT
11 WASN'T ANSWERED IN TPAT?

12 THE COURT NO, MA'AM WE CAN ONLY RELY ON WHAT WAS
13 ASKED YOU MAY RETIRE TO THE JURY ROOM THE CLERK WILL
14 COME BACK IN A FEW MINUTES TO ASK YOU ABOUT LUNCH ALL
15 RIGHT VERY GOOD CONTINUE YOUR DELIBERATIONS

16 (THE JURY LEFT THE COURTROOM AT
17 APPROXIMATELY 12 48 P M)

18 THE COURT ANYTHING FROM THE STATE BEFORE WE STAND
19 AT EASE?

20 MS SIMMONS NO, YOUR HONOR

21 THE COURT FROM THE DEFENSE?

22 MR SPROUSE NOTHING, YOUR HONOR..

23 | THE COURT- VERY GOOD WE'LL STAND AT EASE

24 (WHEREUPON, THE JURY CONTINUED THEIR
25 DELIBERATIONS AT APPROXIMATELY 12 48 P M

1 UNTIL APPROXIMATELY 2 45 P M , WHEN THE JURY
2 SENT OUT A NOTE THAT THEY ARE UNABLE TO REACH
3 A VERDICT)

4 (COURT'S EXHIBIT 5, A NOTE FROM THE JURY
5 STATING THEY ARE UNABLE TO REACH A VERDICT,
6 WAS MARKED FOR IDENTIFICATION AND RECEIVED
7 INTO COURT'S EVIDENCE)

8 THE COURT ALL RIGHT IT'S MY UNDERSTANDING THAT
9 THE FORELADY HAS ADVISED THE BAILIFF THAT THE JURY IS
10 HUNG I DON'T KNOW WHAT THE NUMBERS ARE, BUT THEY DIDN'T
11 ASK FOR ANY FURTHER INSTRUCTIONS, SO WHAT I'LL DO IS
12 BRING THEM OUT, GIVE THEM THE ALLEN CHARGE, AND THEN SEND
13 THEM BACK

14 NOW, OF COURSE, UNDER OUR STATUTE, IF THEY COME BACK
15 AGAIN AND SAY THEY CAN'T REACH A VERDICT WITHOUT ASKING
16 FOR FURTHER INSTRUCTION, THEN I WILL HAVE TO DISCHARGE
17 THEM

18 IS THERE ANYTHING FROM THE STATE?

19 MS SIMMONS NO, YOUR HONOR

20 THE COURT FROM THE DEFENSE?

21 MR SPROUSE NO, YOUR HONOR

22 THE COURT VERY GOOD ASK THE JURY TO JOIN US,
23 PLEASE

24 (THE JURY ENTERED THE COURTROOM AT
25 APPROXIMATELY 2 50 P M)

1 **THE COURT** MADAM FORELADY, IT'S MY UNDERSTANDING
2 THAT THE JURY HAS BEEN UNABLE TO REACH A VERDICT I DO
3 NOT WANT TO KNOW HOW THEY MIGHT BE DIVIDED IF THEY ARE
4 DIVIDED BUT IS THAT THE CASE?

5 **THE FORELADY** THAT'S CORRECT
6 ALLEN CHARGE

7 **THE COURT** LADIES AND GENTLEMEN OF THE JURY, YOU
8 HAVE STATED THAT YOU HAVE BEEN UNABLE TO AGREE ON A
9 VERDICT IN THIS CASE AS I INSTRUCTED YOU EARLIER, THE
10 VERDICT OF THE JURY MUST BE UNANIMOUS

11 WHEN A MATTER IS IN DISPUTE, IT ISN'T ALWAYS EASY
12 FOR EVEN TWO PEOPLE TO AGREE, SO WHEN 12 MUST AGREE, IT
13 BECOMES EVEN MORE DIFFICULT IN MOST CASES ABSOLUTE
14 CERTAINTY CANNOT BE REACHED OR EXPECTED HOWEVER, YOU
15 HAVE A DUTY TO MAKE EVERY REASONABLE EFFORT TO REACH A
16 UNANIMOUS VERDICT

17 IN DOING THIS YOU SHOULD CONSULT WITH ONE ANOTHER,
18 EXPRESS YOUR OWN VIEWS AND LISTEN TO THE OPINIONS OF YOUR
19 FELLOW JURORS TELL EACH OTHER HOW YOU FEEL AND WHY YOU
20 FEEL THE WAY YOU DO DISCUSS YOUR DIFFERENCES WITH AN
21 OPEN MIND

22 ALTHOUGH THE VERDICT OF THE JURY MUST BE UNANIMOUS,
23 EVERY ONE OF YOU HAS A RIGHT TO YOUR OWN OPINION, AND THE
24 VERDICT YOU AGREE TO MUST BE YOUR OWN VERDICT, THE RESULT
25 OF YOUR OWN CONVICTIONS, AND YOU SHOULD NOT GIVE UP YOUR

1 FIRMLY HELD BELIEFS MERELY TO BE IN AGREEMENT WITH YOUR
2 FELLOW JURORS

3 THE MAJORITY SHOULD CONSIDER THE MINORITY'S POSITION
4 AND THE MINORITY SHOULD CONSIDER THE MAJORITY'S POSITION
5 YOU SHOULD CAREFULLY CONSIDER AND RESPECT THE OPINIONS OF
6 EACH OTHER AND REEVALUATE YOUR OPINIONS WITH
7 REASONABLENESS, CORRECTNESS, AND IMPARTIALITY YOU MUST
8 LAY ASIDE ALL OUTSIDE MATTERS AND RE-EXAMINE THE
9 QUESTIONS BEFORE YOU, BASED ON THE LAW AND THE EVIDENCE
10 IN THIS CASE

11 IF YOU DO NOT AGREE TO A VERDICT IN THIS CASE, I
12 MUST DECLARE A MISTRIAL IN THAT CASE IT DOES NOT MEAN
13 ANYBODY WINS IT MEANS SIMPLY THAT AT SOME FUTURE TIME I
14 WILL TRY THIS CASE WITH SOME OTHER JURY SITTING WHERE YOU
15 SIT NOW THE SAME PARTICIPANTS WILL COME AND THE SAME
16 LAWYERS WILL ASK BASICALLY THE SAME QUESTIONS AND GET
17 BASICALLY THE SAME ANSWERS AND WE WILL GO THROUGH THE
18 WHOLE PROCESS AGAIN

19 YOU WERE SELECTED IN THE SAME MANNER AND FROM THE
20 SAME SOURCE AS ANY FUTURE JURY WILL BE, AND THERE IS NO
21 REASON FOR ME TO SUPPOSE THAT THE CASE WILL EVER BE
22 SUBMITTED TO 12 MORE INTELLIGENT, IMPARTIAL,
23 CONSCIENTIOUS AND COMPETENT JURORS THAN YOU OR THAT MORE
24 OR CLEARER EVIDENCE WILL BE PRODUCED FROM EITHER SIDE

25 THEREFORE, I ASK YOU TO RETURN TO YOUR DELIBERATIONS

1 WITH THE HOPE THAT YOU CAN ARRIVE AT A VERDICT WITHIN A
2 REASONABLE TIME

3 I'M GOING TO ASK YOU TO RETIRE TO YOUR JURY ROOM ONE
4 MORE TIME AND SEE IF THERE IS SOME WAY THAT YOU CAN REACH
5 A VERDICT WITHIN A REASONABLE TIME VERY GOOD THANK
6 YOU

7 (THE JURY LEFT THE COURTROOM AT APPROXIMATELY
8 2 54 P M)

9 THE COURT ANY EXCEPTIONS OR REQUESTS FROM THE
10 STATE?

11 MS SIMMONS NO, YOUR HONOR

12 THE COURT FROM THE DEFENDANT?

13 MR SPROUSE NO, YOUR HONOR

14 THE COURT VERY GOOD WE'LL STAND AT EASE OR
15 RECESS IN THIS CASE UNTIL WE HEAR FROM THE JURY

16 (WHEREUPON, THE JURY CONTINUED ITS
17 DELIBERATIONS WHILE THE COURT CONSIDERED
18 OTHER MATTERS)

19 (WHEREUPON, THERE WAS ANOTHER NOTE FROM THE
20 JURY AT APPROXIMATELY 3 15 P M)

21 (DISCUSSION OFF THE RECORD)

22 (COURT'S EXHIBIT 6, NOTE FROM JURY, WAS
23 MARKED FOR IDENTIFICATION AND RECEIVED IN
24 COURT'S EVIDENCE)

25 (COURT'S EXHIBIT 7, NOTE FROM JURY, WAS

1 MARKED FOR IDENTIFICATION AND RECEIVED IN
2 COURT'S EVIDENCE)

3 MS SIMMONS OKAY, JUDGE, WE'RE READY

4 THE COURT OKAY WE'RE BACK ON THE RECORD OF THE
5 STATE VERSUS BLASSINGAME I HAVE TWO QUESTIONS FROM THE
6 JURY OR TWO MESSAGES FROM THE JURY ONE IS MARKED AS
7 COURT'S EXHIBIT 7 REITERATE DEFINITION OF DISTRIBUTION
8 SPECIFICALLY DOES THIS INCLUDE INTENT TO DISTRIBUTE?
9 ALSO, RE-READ SECTION ABOUT CIRCUMSTANTIAL EVIDENCE
10 VERSUS ABSOLUTE EVIDENCE, ET CETERA

11 I INTEND, THEN, PURSUANT TO THAT QUESTION, TO READ
12 THE CHARGE ON DIRECT AND CIRCUMSTANTIAL EVIDENCE TO
13 INCLUDE INTENT, CRIMINAL INTENT, AS WELL AS DISTRIBUTION

14 AS FAR AS THE SECOND MESSAGE I HAVE IS, I AM --
15 MARKED COURT'S EXHIBIT 6, IT READS I AM CONCERNED THAT
16 A FEW JURORS WERE UNABLE TO HEAR OR COMPREHEND THE
17 AUDIOTAPE AND ARE DISCOUNTING THAT PART OF EVIDENCE
18 RATHER THAN READING THAT FURTHER INTO THE RECORD, SINCE
19 IT'S NOT A PARTICULAR QUESTION AS MUCH AS A REQUEST, I AM
20 GOING AHEAD AND -- AND IT'S ALSO SIGNED BY A JUROR -- I'M
21 GOING TO JUST PLAY BACK THE AUDIO -- I THINK IT'S THREE
22 MINUTES -- AND ADDRESS IT THAT WAY

23 ANYTHING ELSE FROM THE STATE, OR ANY EXCEPTION?

24 MS SIMMONS NO, YOUR HONOR

25 THE COURT ANYTHING FROM THE DEFENDANT?

1 **MR SPROUSE** YOUR HONOR, THE ONLY THING I WOULD PUT
2 ON THE RECORD IF THERE'S A CONCERN ABOUT ONE JUROR NOT
3 COMPREHENDING, THERE IS NOTHING THE COURT CAN DO ABOUT
4 THAT THAT JUROR OBVIOUSLY IS DISAGREEING WITH SOME OF
5 THE OTHER JURORS, AND

6 **THE COURT** I'M NOT GONNA PUT ANYTHING ABOUT
7 COMPREHEND I THINK THE ONLY THING I WILL DO, THOUGH, IS
8 TO PROVIDE THE PLAYING OF THE AUDIOTAPE BUT I
9 UNDERSTAND YOUR OBJECTION, AND YOUR OBJECTION IS
10 OVERRULED AND NOTED FOR THE RECORD ALL RIGHT ANYTHING
11 ELSE FROM THE DEFENDANT?

12 **MR SPROUSE** NOTHING, YOUR HONOR

13 **THE COURT** ALL RIGHT ASK THE JURY TO JOIN US,
14 PLEASE

15 (THE JURY ENTERED THE COURTROOM AT
16 APPROXIMATELY 3 35 P M)

17 **THE COURT** LET THE RECORD SHOW THAT THE JURY IS IN
18 THE JURY-BOX

19 MADAM FORELADY, MEMBERS OF THE JURY, I HAVE A NOTE
20 THAT REQUESTS TO REITERATE DEFINITION OF DISTRIBUTION
21 SPECIFICALLY DOES THIS INCLUDE INTENT TO DISTRIBUTE?

22 ALSO, RE-READ SECTION ABOUT CIRCUMSTANTIAL EVIDENCE
23 VERSUS ABSOLUTE EVIDENCE, ET CETERA

24 I WILL DO THAT, AS WELL AS I AM GOING TO PLAY BACK
25 THE AUDIO PART OF THE TESTIMONY [SIC] THAT HAS BEEN

1 PLAYED BEFORE, FOR CLARIFICATION

2 THERE ARE TWO TYPES OF EVIDENCE WHICH ARE GENERALLY
3 PRESENTED DURING A TRIAL DIRECT EVIDENCE AND
4 CIRCUMSTANTIAL EVIDENCE DIRECT EVIDENCE IS THE
5 TESTIMONY OF A PERSON WHO CLAIMS TO HAVE ACTUAL KNOWLEDGE
6 OF A FACT, SUCH AS AN EYEWITNESS IT IS EVIDENCE WHICH
7 IMMEDIATELY ESTABLISHES THE MAIN FACT TO BE PROVEN
8 CIRCUMSTANTIAL EVIDENCE IS A PROOF OF A CHAIN OF FACTS
9 AND CIRCUMSTANCES INDICATING THE EXISTENCE OF A FACT IT
10 IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES COLLATERAL
11 FACTS FROM WHICH THE MAIN FACT MAY BE INFERRED

12 CIRCUMSTANTIAL EVIDENCE IS BASED ON INFERENCE AND
13 NOT ON PERSONAL KNOWLEDGE OR OBSERVATION IT IS PROOF
14 THAT DOES NOT ACTUALLY ESTABLISH THE FACT IN QUESTION BUT
15 THAT ASSERTS OR DESCRIBES SOMETHING ELSE FROM WHICH YOU
16 MAY REASONABLY INFER THE TRUTH OF THE FACT, OR AT LEAST
17 REASONABLY INFER AN INCREASE IN THE PROBABILITY THAT THE
18 FACT IS TRUE FOR CIRCUMSTANTIAL EVIDENCE TO BE
19 SUFFICIENT TO WARRANT THE FINDING OF FACT, THE
20 CIRCUMSTANCES MUST LEAD TO THAT FACT WITH REASONABLE
21 CERTAINTY THE FACTS AND CIRCUMSTANCES SHOULD BE
22 CONSIDERED IN LIGHT OF ORDINARY EXPERIENCE AND COMMON
23 SENSE THE EXISTENCE OF A FACT CANNOT BE BASED ON
24 SPECULATION, SURMISE OR CONJECTURE THE LAW MAKES
25 ABSOLUTELY NO DISTINCTION BETWEEN THE WEIGHT OR VALUE TO

1 BE GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE, NOR
2 IS A GREATER DEGREE OF CERTAINTY REQUIRED OF
3 CIRCUMSTANTIAL EVIDENCE THAN OF DIRECT EVIDENCE

4 YOU SHOULD WEIGH ALL OF THE EVIDENCE IN THE CASE
5 AFTER WEIGHING ALL OF THE EVIDENCE, IF YOU ARE NOT
6 CONVINCED OF THE GUILT OF THE DEFENDANT BEYOND A
7 REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT GUILTY

8 IN ORDER TO ESTABLISH CRIMINAL LIABILITY, CRIMINAL
9 INTENT IS REQUIRED CRIMINAL INTENT MUST BE PROVEN BY
10 THE STATE BEYOND A REASONABLE DOUBT CRIMINAL INTENT IS
11 ALWAYS A MATTER THAT MUST BE DETERMINED BY THE JURY FROM
12 THE CIRCUMSTANCES SURROUNDING THE SITUATION THERE IS NO
13 WAY TO PROVE INTENT TO A MATHEMATICAL CERTAINTY THERE
14 IS NO WAY MEDICAL SCIENCE CAN DISSECT A PERSON'S BRAIN
15 AND DETERMINE WHAT THE PERSON HAD IN MIND SO THE LAW
16 SAYS THAT CRIMINAL INTENT MAY BE INFERRED FROM THE
17 CIRCUMSTANCES SHOWN TO HAVE EXISTED THIS IS HOW YOU
18 MAKE A DETERMINATION OF WHETHER OR NOT THE ELEMENT
19 REQUIRING INTENT WAS PRESENT

20 IT IS NOT NECESSARY TO ESTABLISH INTENT BY DIRECT
21 AND POSITIVE EVIDENCE, BUT INTENT MAY BE ESTABLISHED BY
22 INFERENCE IN THE SAME WAY AS ANY OTHER FACT, BY TAKING
23 INTO CONSIDERATION THE ACTS OF THE PARTIES AND ALL THE
24 FACTS AND CIRCUMSTANCES OF THE CASE CRIMINAL INTENT IS
25 A MENTAL STATE, A CONSCIOUS WRONGDOING IT'S UP TO YOU

1 TO DETERMINE WHAT THE DEFENDANT INTENDED TO DO BASED ON
2 THE CIRCUMSTANCES SHOWN TO HAVE EXISTED
3 TO PROVE A CHARGE OF DISTRIBUTION OF CRACK COCAINE
4 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
5 DEFENDANT DISTRIBUTED CRACK COCAINE DISTRIBUTE MEANS TO
6 DELIVER OR TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO
7 TRANSFER A DRUG OTHER THAN BY ADMINISTERING OR DISPENSING
8 SOMETHING THROUGH A PRESCRIPTION DELIVERY MEANS TO
9 ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO TRANSFER A DRUG
10 TRANSFER CAN INVOLVE AN EXCHANGE FOR MONEY, A BARTER OR A
11 GIFT THERE DOES NOT HAVE TO BE ANYTHING GIVEN IN
12 EXCHANGE FOR DRUGS FOR A TRANSFER TO CONSTITUTE
13 DISTRIBUTION

14 ALL RIGHT IS THERE ANYTHING ELSE THAT YOU WOULD
15 REQUEST FROM THE JURY?

16 THE FORELADY NO, SIR

17 THE COURT ALL RIGHT IF YOU WOULD PLEASE
18 RETIRE -- OH, WAIT A MINUTE WE NEED -- I APOLOGIZE

19 MS SIMMONS IF ANYBODY NEEDS IT LOUDER, JUST SPEAK
20 UP WHEN IT STARTS PLAYING

21 (THE VIDEOTAPE WAS RE-PLAYED FOR JURY FROM
22 APPROXIMATELY 3 39 UNTIL 3 43 WHILE THE JURY
23 CONFERRED IN THE JURY-BOX)

24 THE COURT IS THERE ANYTHING ELSE THE JURY
25 REQUIRES? (NO RESPONSE) VERY GOOD IF YOU WOULD

1 PLEASE RETURN TO THE JURY ROOM AND CONTINUE YOUR
2 DELIBERATIONS

3 (THE JURY LEFT THE COURTROOM AT APPROXIMATELY
4 3 44 P M)

5 THE COURT ALL RIGHT ANYTHING FROM THE STATE?

6 MS SIMMONS NO, YOUR HONOR

7 THE COURT ANYTHING FROM THE DEFENSE?

8 MR SPROUSE NOTHING, YOUR HONOR

9 THE COURT VERY GOOD ALL RIGHT WE'LL STAND IN
10 RECESS ON THIS CASE

11 (WHEREUPON, THE COURT AWAITED A VERDICT OF
12 THE JURY WHILE CONSIDERING OTHER MATTERS)

13 (WHEREUPON, THERE WAS ANOTHER NOTE FROM THE
14 JURY AT APPROXIMATELY 4 05 P M)

15 THE COURT BACK TO THE TRIAL OF TIMOTHY LEE
16 BLASSINGAME

17 (COURT'S EXHIBIT 8, COURT'S CHARGE ON
18 DISTRIBUTION OF CRACK COCAINE, WAS MARKED FOR
19 IDENTIFICATION AND RECEIVED IN COURT'S
20 EVIDENCE)

21 (COURT'S EXHIBIT 9, NOTE FROM JURY REQUESTING
22 COURT'S EXHIBIT 8, AMONG OTHER THINGS, WAS
23 MARKED FOR IDENTIFICATION AND RECEIVED IN
24 COURT'S EVIDENCE)

25 THE COURT ALL RIGHT WE NOW HAVE ANOTHER MESSAGE

1 FROM THE JURY CAN WE PLEASE HAVE A COPY OF THE
2 DEFINITION OF DISTRIBUTION OF CRACK COCAINE, I E ,
3 INCLUDING THE WORD "ATTEMPT " THERESA WHICH IS THE
4 FORELADY OF THE JURY

5 I AM GOING TO SEND THEM THE SAME DEFINITION OF
6 DISTRIBUTION OF CRACK COCAINE THAT WE HAVE CHARGED THEM I
7 THINK AT LEAST TWICE, BUT IT WILL BE AT LEAST A COPY OF
8 THAT CHARGE

9 TO PROVE A CHARGE OF DISTRIBUTION OF CRACK COCAINE
10 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
11 DEFENDANT DISTRIBUTED CRACK COCAINE DISTRIBUTED MEANS
12 TO DELIVER OR TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO
13 TRANSFER A DRUG, OTHER THAN BY ADMINISTERING OR
14 DISPENSING

15 DELIVER MEANS TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT
16 TO TRANSFER A DRUG A TRANSFER CAN INVOLVE AN EXCHANGE
17 FOR MONEY, A BARTER OR A GIFT THERE DOES NOT HAVE TO BE
18 ANYTHING GIVEN IN EXCHANGE FOR THE DRUGS FOR A TRANSFER
19 TO CONSTITUTE DISTRIBUTION

20 ALL RIGHT ANYTHING FROM THE STATE?

21 MS SIMMONS NO, YOUR HONOR

22 THE COURT FROM THE DEFENSE?

23 MR SPROUSE NO, YOUR HONOR

24 THE COURT ALL RIGHT ASK THE JURY TO JOIN US,
25 PLEASE

1 (THE JURY ENTERED THE COURTROOM AT
2 APPROXIMATELY 4 12 P M)

3 THE COURT ALL RIGHT MADAM FORELADY, I'VE BEEN
4 PROVIDED A MESSAGE FROM THE JURY CAN WE PLEASE HAVE A
5 COPY OF THE DEFINITION OF "DISTRIBUTION OF CRACK COCAINE"
6 I E , INCLUDING THE WORDS OF "ATTEMPT", CLOSE QUOTE

7 I HAVE MADE A COPY OF THE CHARGE FOR DISTRIBUTION OF
8 CRACK COCAINE THAT HAS BEEN GIVEN TO YOU OR HAS BEEN
9 CHARGED TO YOU BY THE COURT, BUT I WILL SEND THIS BACK TO
10 YOU WHEN YOU RETURN TO THE JURY ROOM

11 IS THERE ANYTHING ELSE THE COURT CAN DO FOR YOU AT
12 THIS TIME?

13 THE FORELADY NO, SIR

14 THE COURT VERY GOOD I'LL ASK YOU TO RETIRE TO
15 THE JURY ROOM AND I'LL SEND THE CHARGE BACK AT THAT TIME

16 (THE JURY LEFT THE COURTROOM AT
17 APPROXIMATELY 4 14 P M)

18 THE COURT ALL RIGHT ANYTHING ELSE FROM THE
19 STATE?

20 MS SIMMONS NO, YOUR HONOR

21 THE COURT FROM THE DEFENDANT?

22 MR SPROUSE NO, YOUR HONOR

23 THE COURT ALL RIGHT LIEUTENANT, IF YOU WOULD
24 SEND THE CHARGE BACK TO THE JURY

25 (WHEREUPON, THE JURY CONTINUED ITS

1 DELIBERATIONS WHILE THE COURT CONSIDERED
2 OTHER MATTERS)
3 VERDICT OF THE JURY
4 (WHEREUPON, A VERDICT WAS REACHED BY THE JURY
5 AT APPROXIMATELY 4 25 P M)
6 **THE COURT** IT'S MY UNDERSTANDING THAT THE JURY HAS
7 REACHED A VERDICT
8 ANYTHING FROM THE STATE?
9 **MS SIMMONS** NO, YOUR HONOR
10 **THE COURT** ANYTHING FROM THE DEFENDANT?
11 **MR SPROUSE** NO, YOUR HONOR
12 **THE COURT** ASK THE JURY TO JOIN US, PLEASE
13 (THE JURY ENTERED THE COURTROOM AT
14 APPROXIMATELY 4 30 P M)
15 **THE COURT** MADAM FORELADY, I UNDERSTAND THE JURY
16 HAS REACHED A VERDICT?
17 **THE FORELADY** YES
18 **THE COURT** IF YOU WOULD PLEASE HAND IT UP TO THE
19 BAILIFF
20 *STATE OF SOUTH CAROLINA VERSUS TIMOTHY LEE*
21 *BLASSINGAME*
22 MR BLASSINGAME, IF YOU WOULD PLEASE STAND AND FACE
23 THE JURY (COMPLIES)
24 INDICTMENT NUMBER 2009-GS-37-820, FOR DISTRIBUTION
25 OF CRACK COCAINE WE, THE JURY, UNANIMOUSLY FIND FOR

1 [SIC] THE DEFENDANT, TIMOTHY LEE BLASSINGAME, IS GUILTY
2 OF DISTRIBUTION OF CRACK COCAINE SIGNED BY THE
3 FORELADY, WALHALLA, SOUTH CAROLINA, OCTOBER 28TH, 2009

4 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY, IS
5 THAT YOUR VERDICT AND EACH OF YOUR VERDICTS AND IS IT
6 STILL YOUR VERDICT? IF SO, INDICATE BY RAISING YOUR
7 RIGHT HANDS VERY GOOD

8 LET THE RECORD REFLECT THAT ALL MEMBERS OF THE JURY
9 AFFIRMED THEIR VERDICT

10 ANYTHING FROM THE JURY BEFORE I RELEASE THEM, MADAM
11 SOLICITOR?

12 MS SIMMONS NO, YOUR HONOR

13 THE COURT THE DEFENDANT?

14 MR SPROUSE NO, SIR

15 THE COURT VERY GOOD

16 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
17 THE COURT OR A JUDGE IS NEVER INTERESTED IN A VERDICT,
18 ONLY HOW THAT VERDICT IS REACHED AND I CAN ASSURE YOU
19 THIS TIME THAT I AM COMPLETELY SATISFIED THAT YOU GAVE
20 BOTH SIDES, ALL THE PARTIES INVOLVED IN THIS CASE, YOUR
21 VERY CAREFUL AND CLOSE ATTENTION AND THAT YOU GAVE,
22 RENDERED A VERDICT OR REACHED A VERDICT THAT YOU FELT WAS
23 APPROPRIATE UNDER THE CASE, AND I CANNOT THANK YOU MORE,
24 BECAUSE YOU HAVE SERVED NOT ONLY THE STATE OF SOUTH
25 CAROLINA BUT OCONEE COUNTY BY YOUR WAY THAT YOU

1 CONSIDERED THIS CASE

2 WE HAVE BEEN HERE A LONG TIME TODAY WE STARTED
3 EARLY IN THE MORNING AND IT'S GONE SOME TIME YOU HAD
4 QUESTIONS, WE HAD REPLAYING OF THE TESTIMONY AND
5 EVIDENCE AS I SAY, I'M SATISFIED AND BY THE WAY, THE
6 CASE WAS VERY PROFESSIONALLY TRIED BY BOTH ATTORNEYS, AND
7 I NOTICED AT NO TIME DID YOUR INTEREST LACK OR WANDER

8 I KNOW NONE OF YOU ASKED TO BE HERE AND YOU WOULD
9 RATHER HAVE BEEN ANYWHERE ELSE EXCEPT WHERE YOU HAVE BEEN
10 THE LAST FEW DAYS BUT LET ME ASSURE YOU THAT OUR SYSTEM
11 OF JUSTICE WOULD NOT SURVIVE OR EVEN BE ABLE TO WORK
12 WITHOUT CITIZEN PARTICIPATION NEEDED AND WE MUST HAVE IT

13 IT COMES TO MY MIND SOMETIMES THAT WINSTON
14 CHURCHILL, THE BRITISH PRIME MINISTER DURING THE SECOND
15 WORLD WAR, ONCE SAID THAT NO GREATER DUTY CAN A CITIZEN
16 PERFORM IN PEACETIME THAN THAT AS A JUROR, BECAUSE YOU
17 ARE THE BACKBONE OF OUR SYSTEM OF JUSTICE AND I THANK YOU
18 FOR THAT

19 I WISH THERE WAS SOMETHING I COULD DO FOR YOU BUT
20 IF YOU REMEMBER ON THE FIRST DAY I ASKED HOW MANY HAD
21 SERVED ON A JURY IN THE LAST THREE YEARS AT LEAST YOU
22 WON'T HAVE TO SERVE FOR ANOTHER THREE YEARS BUT THE
23 FACT IS I HOPE IT HAS NOT BEEN WITHOUT BENEFIT TO YOU AND
24 I THANK YOU SO MUCH, AS I SAID, WE'RE ALL IN YOUR DEBT
25 AND I WANT TO THANK YOU AND I HOPE THAT YOU HAVE A GOOD

1 BALANCE OF THE WEEK BECAUSE THIS WILL BE THE LAST CASE WE
2 TRY AND HAVE A GOOD WEEKEND THANK YOU VERY MUCH
3 ANYTHING FROM THE CLERK?
4 THE CLERK NO, SIR YOUR CHECKS WILL BE IN THE
5 MAIL
6 THE COURT EXCUSE ME THE CHECK'S IN THE MAIL
7 AGAIN, I DO THANK YOU FOR YOUR SERVICE
8 MADAM FORELADY, I WILL NEED TO SEE YOU FOR A MOMENT,
9 PLEASE, IF YOU WOULD COME FORWARD
10 EVERYONE ELSE IS EXCUSED THANK YOU SO MUCH
11 (WHEREUPON, THE COURT CONFERRED WITH THE
12 FORELADY, AFTER WHICH FORELADY WAS EXCUSED)
13 THE COURT ALL RIGHT YOU MAY COME AROUND
14 MS SIMMONS MAY I APPROACH, JUDGE?
15 THE COURT PLEASE MADAM SOLICITOR?
16 MS SIMMONS YOUR HONOR, WOULD YOU BE INTERESTED IN
17 HIS PRIOR RECORD?
18 THE COURT THE INDICTMENT WAS, IN FACT, INDICTMENT
19 FOR DISTRIBUTION OF CRACK COCAINE, COCAINE BASE, THIRD
20 OFFENSE, SO LET ME GO AHEAD AND CONFIRM THE MAXIMUM
21 SENTENCES THE SENTENCE IS UNDER SECTION
22 44-53-0375(B)(3), IS THAT CORRECT, MADAM SOLICITOR?
23 MS SIMMONS YES, YOUR HONOR
24 THE COURT IS THAT CORRECT, MR SPROUSE?
25 MR SPROUSE YES, SIR

1 **THE COURT** AS I UNDERSTAND IT, THE SENTENCE UNDER
2 SECTION 44-53-0375(B)(3) IS NOT LESS THAN 15 YEARS NOR
3 MORE THAN 30 YEARS, OR A FINE OF NOT MORE THAN \$50,000,
4 OR BOTH, IS THAT CORRECT?

5 **MS SIMMONS** YES, YOUR HONOR

6 **THE COURT** IS THAT CORRECT, MR SPOUSE?

7 **MR SPOUSE** YES, YOUR HONOR

8 **THE COURT** ALL RIGHT DO YOU HAVE ENHANCED
9 CONVICTIONS?

10 **MS SIMMONS** YES, YOUR HONOR I'M PASSING UP FOR
11 THE COURT'S INFORMATION SIX PRIOR CERTIFIED DRUG
12 CONVICTIONS ON MR BLASSINGAME I WOULD BE HAPPY TO GIVE
13 YOU HIS ENTIRE CRIMINAL HISTORY

14 **THE COURT** HAVE YOU LOOKED AT THEM, MR SPOUSE?

15 **MR SPOUSE** THOSE APPEAR TO BE ACCURATE COPIES,
16 YOUR HONOR

17 **THE COURT** ALSO, AS I UNDERSTAND UNDER THIS
18 PARTICULAR STATUTE THAT (READING) EXCEPT FOR FIRST
19 OFFENSES PROVIDED IN SUBSECTION (A) OF THIS SECTION,
20 SENTENCES FOR VIOLATION OF PROVISIONS OF THIS SECTION MAY
21 NOT BE SUSPENDED, AND PROBATION MAY NOT BE GRANTED

22 IS THAT CORRECT?

23 **MS SIMMONS** THAT'S CORRECT, YOUR HONOR

24 **THE COURT** IS THAT WHAT YOU UNDERSTAND,
25 MR SPOUSE?

1 **MR SPROUSE** YES, THAT'S MY UNDERSTANDING OF THE
2 STATUTE, YOUR HONOR

3 **THE COURT** ALL RIGHT ANYTHING ON BEHALF OF THE
4 STATE?

5 **MS SIMMONS** YES, YOUR HONOR THE DEFENDANT'S
6 PRIOR RECORD DATES BACK TO 1992 WHERE HE RECEIVED A
7 FRAUDULENT CHECK, 1992, OBTAINING GOODS BY FALSE
8 PRETENSES, 1992, FAILURE TO APPEAR, 1993, TWO DRUG
9 CONVICTIONS FOR CRACK COCAINE, 1994, ANOTHER CRACK
10 COCAINE CONVICTION, ACTUALLY TWO OF THOSE

11 RESISTING ARREST IN 2001, TWO MORE DRUG CONVICTIONS
12 IN 2001, DRIVING UNDER SUSPENSION IN 2005, PETIT LARCENY
13 IN 2005, ASSAULT ON A POLICE OFFICER IN 2008 AND HE HAS
14 AN OUT-OF-STATE CONVICTION FROM THE STATE OF GEORGIA, AND
15 WAS CONVICTED OF ARMED ROBBERY, AGGRAVATED ASSAULT, AND
16 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
17 CRIME

18 JUDGE, THE STATE WOULD RESPECTFULLY REQUEST THAT YOU
19 CONSIDER IMPOSING THE MAXIMUM 30-YEAR SENTENCE ON THIS
20 DEFENDANT HIS CRIMINAL HISTORY DATES BACK TO 1992 HE
21 HAS BEEN A CONTINUOUS PROBLEM IN OUR COMMUNITY HE HAS
22 PRIOR VIOLENT CONVICTIONS, AND I BELIEVE THE FACTS AND
23 CIRCUMSTANCES SURROUNDING HIS RECORDS, COUPLED WITH HIS
24 BEHAVIOR DURING THE COURSE OF THIS TRIAL, WHICH HE HAS
25 ATTEMPTED TO INFLUENCE A WITNESS'S TESTIMONY ---

1 **MR SPROUSE** YOUR HONOR, I WOULD OBJECT TO THAT
2 **THE COURT** THOSE ARE SEPARATE OFFENSES, AND ONCE
3 THEY ARE ESTABLISHED, OF COURSE, WHEN THEY ARE, THEN THAT
4 WILL BE CONSIDERED

5 **MS SIMMONS** IN THAT CASE, JUDGE, BASED ON HIS
6 PRIOR RECORD, I WOULD ASK THAT YOU IMPOSE THE MAXIMUM
7 30-YEAR SENTENCE

8 **THE COURT** ALL RIGHT MR SPROUSE, WHAT DO YOU
9 HAVE TO SAY?

10 **MR SPROUSE** YOUR HONOR, I CAN'T STAND HERE AND
11 TELL YOU THAT TIM HAS BEEN A MODEL CITIZEN BECAUSE HIS
12 RECORD DICTATES OTHERWISE BUT I WOULD POINT OUT THAT
13 THIS MAN HAS HAD A TROUBLED PAST, CAME FROM A DIFFICULT
14 HOME SITUATION HIS DRUG PROBLEM BACK IN THE EARLY
15 NINETIES SENT HIM OFF INTO A SPIRAL OF SORTS THAT HAS
16 MADE IT DIFFICULT FOR HIM TO GET ON HIS FOOTING IN
17 SOCIETY AS FAR AS HAVING A STABLE HOME AND A STABLE PLACE
18 TO LIVE

19 YOU HEARD THE TESTIMONY IN THIS CASE AND YOU WENT
20 OVER IT IN GREAT DETAIL, AS WE ALL DID, AS WE SAW IT OVER
21 THE LAST TWO DAYS AND AS YOUR HONOR WOULD NOTE, THE
22 CIRCUMSTANCES OF THIS CASE, WHILE IT'S CERTAINLY A VERY,
23 VERY SERIOUS OFFENSE THE WAY IT'S CHARGED, HE WAS NOT
24 DOING IT FOR PROFIT AND I REALIZE THAT MAKES NO
25 DISTINCTION AS FAR AS THE CULPABILITY UNDER THE STATUTE

1 BUT I BELIEVE IT'S PROPER FOR THE COURT TO CONSIDER THAT,
2 THAT THIS WAS A TINY' AMOUNT

3 AND THERE WAS RESISTANCE ON HIS PART ON THE TAPE
4 THERE WAS RESISTANCE, THAT IT TOOK A SERIOUS EFFORT BY
5 THE CONFIDENTIAL INFORMANT ON THE TAPE AND THIS WAS NOT
6 A CASH DEAL AS THE CONFIDENTIAL INFORMANT HAD SAID IT
7 WAS

8 AND AGAIN, YOUR HONOR, THE JURY HAS FOUND HIM GUILTY
9 SO I'M NOT GONNA ARGUE THE FACTS AS FAR AS GUILTY OR
10 INNOCENT BUT I WOULD ASK THE COURT TO CONSIDER THAT
11 THIS IS A SERIOUS OFFENSE UNDER OUR LAW, DEFINED AS SUCH
12 MR BLASSINGAME WILL HAVE TO SERVE THE 85 PERCENT, AS
13 UNDER A SERIOUS OFFENSE, AND A 15-YEAR SENTENCE, YOUR
14 HONOR, IS A LOT OF JAIL TIME MR BLASSINGAME WOULD
15 SERVE OVER 12 YEARS WITH -- OVER 13 YEARS, EXCUSE ME
16 AND THAT IS A SIGNIFICANT AMOUNT OF JAIL TIME FOR
17 POINT 04 GRAMS OF COCAINE

18 I WOULD ASK THE COURT TO CONSIDER THAT, ASK THE
19 COURT TO BE MERCIFUL IN THIS SITUATION IT'S NOT ANY WAY
20 TO PUT IT THAT THIS IS A GOOD SITUATION, 'CAUSE IT'S NOT
21 AND THEN THE HISTORY IS NOT GOOD BUT IT'S REALLY
22 SOMETHING THAT I DON'T FEEL THE MAXIMUM SENTENCE IS
23 APPROPRIATE DUE TO THE CIRCUMSTANCES OF THIS PARTICULAR
24 OFFENSE HE'S NOT ON TRIAL FOR THINGS THAT HE'S DONE IN
25 THE PAST

1 AND, YOUR HONOR, I WOULD NOTICE IN THE RECORD AND
2 ALSO NOTE THAT IN THE PAST HE'S PLED GUILTY TO OFFENSES
3 HE HAS NOT RUN FROM THINGS THAT HE'S DONE AND HE
4 LEGITIMATELY CONTESTED THIS CHARGE, AND I WOULD ASK THE
5 COURT TO TAKE THAT INTO CONSIDERATION, THAT EVERYONE IS
6 ENTITLED TO THEIR DAY IN COURT, AND THIS WAS NOT A CASE
7 WHERE DRUGS WERE BEING SOLD

8 NOW, YOUR HONOR, I WOULD ASK, FOR PURPOSES OF THE
9 RECORD, MS SIMMONS STATED AT THE BEGINNING THAT THE TWO
10 OTHER CHARGES THAT WERE PRESENT, WARRANTS 9125023 AND
11 9125025 ARE BEING DISMISSED

12 MS SIMMONS YES, YOUR HONOR HE HAD TWO OTHER
13 DISTRIBUTION CASES PENDING FROM THIS SAME TIME FRAME AND
14 THE STATE WILL DISMISS THOSE AS A RESULT OF THIS
15 CONVICTION

16 MR SPOUSE YES

17 THE COURT VERY WELL

18 MR SPOUSE BUT, YOUR HONOR, I WOULD ASK FOR THE
19 15-YEAR SENTENCE

20 THE COURT ALL RIGHT, MR BLASSINGAME, ANYTHING YOU
21 WOULD LIKE TO SAY?

22 THE DEFENDANT I JUST WANT TO SAY I'M SORRY FOR
23 HAVING THESE PEOPLE OUT OF WORK TO COME UP HERE AND
24 THAT I DIDN'T INTEND FOR THIS TO GO DOWN LIKE THIS I
25 FELT LIKE I DIDN'T DO NOTHING ON THIS PART IT'S LIKE I

1 TOLD MY ATTORNEY, THAT, YOU KNOW, IF I DID SOMETHING, I
2 WOULD PLEAD GUILTY TO IT BUT I DIDN'T FEEL LIKE I WAS
3 IN THE WRONG, BUT AS YOU SEE I PICKED THE 12 PEOPLE AND
4 THEY FOUND ME GUILTY OF IT, AND I'M SORRY FOR WASTING
5 THEIR TIME LIKE THIS BUT I DIDN'T DO IT FOR PROFIT OR
6 NONE OF THAT

7 THE COURT NO PROFIT?

8 THE DEFENDANT NO NO, SIR, NOTHING

9 THE COURT YOU DIDN'T MAKE ANYTHING OFF OF THE
10 DISTRIBUTION?

11 THE DEFENDANT NO NO, SIR IT WASN'T LIKE I'M
12 ONE OF THESE DRUG DEALERS THAT'S OUT SELLING DRUGS TO
13 EVERYBODY

14 MR SPROUSE AND, YOUR HONOR, I WOULD NOTE THAT, AS
15 PUT INTO EVIDENCE, THE MONEY THAT WAS PROVIDED TO THE
16 CONFIDENTIAL INFORMANT WAS RETURNED TO THE POLICE
17 OFFICERS THERE WAS NO MONETARY COMPENSATION IN THIS
18 IT WAS A TINY AMOUNT

19 THE COURT BUT HE DOESN'T DENY HE DID GIVE HIM THE
20 DRUGS?

21 THE DEFENDANT NO I'M STILL SAYING ---

22 MR SPROUSE YOUR HONOR, AGAIN, HE PLED NOT ---

23 THE COURT HE JUST SAID NO PROFIT AND I
24 UNDERSTAND BUT THE JURY HAS DECIDED THE FACTS NOW, AND
25 I CAN ASSURE YOU THIS JURY GAVE THE DEFENDANT EVERY

1 BENEFIT OF THE DOUBT; I'VE NEVER SEEN A JURY STRUGGLE
2 MORE WITH A VERDICT THAN THIS ONE BUT I DO FEEL IN THIS
3 PARTICULAR CASE THEY DID WHAT THE TERM IMPLIES, THEY
4 SPOKE THE TRUTH REGARDLESS OF WHAT THE DEFENDANT WOULD
5 LIKE TO SAY

6 ALL RIGHT ANYTHING ELSE, MR BLASSINGAME?

7 THE DEFENDANT NO, SIR

8 THE COURT WELL, I TELL YOU, LIKE MR SPROUSE SAID,
9 NO ONE IS EVER GOING TO BE PUNISHED, YOU MIGHT SAY, FOR
10 EXERCISING THEIR RIGHT, BECAUSE IF I DID NOT BELIEVE IN
11 THE JUSTICE SYSTEM AND THE PRESUMPTION OF INNOCENCE, I
12 WOULD NOT BE DOING WHAT I DO NOW IT TO ME IS ONE OF THE
13 MOST SACRED THINGS THAT WE CAN HAVE IN OUR CULTURE, AND I
14 HONOR IT AND I RESPECT IT

15 UNFORTUNATELY, THOUGH, IN A TRIAL A LOT COMES OUT
16 THAT I WOULD NOT HAVE KNOWN UNLESS THERE WAS A TRIAL
17 AND IN THIS PARTICULAR CASE, FIRST OF ALL, YOU SAY THERE
18 WAS NO PROFIT BUT I THINK OFFICER HUNNICUTT, WHEN HE
19 WAS TALKING ABOUT IT BEING GIVEN FOR FREE, HE SAYS THAT
20 EQUALS FRONT MONEY OR FRONTING IT TO KEEP COMING BACK
21 IN OTHER WORDS, YOU DON'T BAIT A HOOK WITH A LARGE FISH,
22 YOU BAIT IT WITH A VERY SMALL PIECE OF FISH JUST TO KEEP
23 THE HOOK IN THE FISH

24 AND IN THIS PARTICULAR CASE, MR BLASSINGAME, I HAVE
25 ALL THE COMPASSION IN THE WORLD FOR YOU AND YOUR

1 CIRCUMSTANCES, AND I WISH THAT LIFE HAD BEEN BETTER TO
2 YOU BUT I HATE TO SAY I KNOW A LOT OF PEOPLE THAT
3 HAVEN'T HAD EVEN THE CHANCES THAT YOU HAD

4 AND I GO BACK TO NOVEMBER THE 17TH, 1993, CONSPIRACY
5 TO DISTRIBUTE CRACK COCAINE, AND THERE YOU WERE GIVEN A
6 CONTINUATION ON PROBATION AT THAT SAME TIME YOU WERE
7 GIVEN A SUSPENDED SENTENCE FOR DISTRIBUTION OF CRACK
8 COCAINE JUNE THE 29TH, 1994, YOU WERE GIVEN FIVE YEARS
9 FOR DISTRIBUTION OF CRACK COCAINE ANOTHER FIVE YEARS
10 FOR DISTRIBUTION OF CRACK COCAINE I THINK -- NO -- BOTH
11 OF THOSE WERE FIVE YEARS TO RUN CONCURRENT WITH FIVE
12 YEARS PROBATION

13 AND THEN THE ONE I GUESS THAT SHOULD TROUBLE ME THE
14 MOST, EXCEPT I DON'T REALLY PAY THAT MUCH ATTENTION TO
15 INDIVIDUALS AS MUCH AS I DO THE CASES AND I FIND THAT
16 YOU APPEARED BEFORE THIS COURT ON OCTOBER THE 30TH, 2001,
17 ALMOST EIGHT YEARS TO THE DAY, AND AT THAT TIME I GAVE
18 YOU TWO YEARS

19 THE SAME DAY -- AND BY THE WAY, THAT WAS POSSESSION
20 WITH INTENT TO DISTRIBUTE CRACK COCAINE WITHIN PROXIMITY
21 OF A SCHOOL AND THEN THE SAME DAY I GAVE YOU TWO YEARS
22 RUNNING CONCURRENT WITH THE FIRST SENTENCE, POSSESSION
23 WITH INTENT TO DISTRIBUTE CRACK COCAINE

24 YOU KNOW, THE MAXIMUM SENTENCE IS FOR SOMETHING
25 WHEN THERE IS NO INTENT TO ABIDE BY THE LAW AND TO

1 VIOLATE THE LAW OVER AND OVER AND OVER AND OVER AND OVER
2 AND OVER AND OVER AGAIN, IT'S NECESSARY TO PROTECT
3 SOCIETY FROM THE TYPE OF ACTIVITIES THAT, WITHIN A
4 PROXIMITY OF A SCHOOL,

5 I ASKED ONE GENTLEMAN THIS MORNING, I THINK HE HAD
6 FOUR SONS, AND ONE WAS 13 I SAID, HOW OLD WOULD -- OR
7 WHAT WOULD YOU DO IF YOUR SONS, SOMEBODY WERE GIVING YOUR
8 SONS CRACK COCAINE?

9 AND I DON'T KNOW IF YOU HAVE ANY CHILDREN,
10 MR BLASSINGAME, BUT IF YOU DID, I WONDER WHAT YOU WOULD
11 DO IF SOMEBODY WAS GIVING THEM CRACK COCAINE

12 HAVING SAID ALL OF THAT, AND HAVING, AS I SAY, IT
13 LOOKS LIKE FIVE -- OH, EXCUSE ME -- SIX CHANCES BEFORE,
14 JUDGE BALLENGER GIVING YOU A 15-YEAR SENTENCE SUSPENDED
15 ON FIVE, AND THOSE FIVE YEARS DIDN'T WORK, AND APPARENTLY
16 THE TWO YEARS I GAVE YOU DIDN'T WORK MAYBE THAT'S WHAT
17 THE MAXIMUM SENTENCE IS FOR

18 ANYTHING ELSE, MR BLASSINGAME?

19 **THE DEFENDANT** I JUST ASK YOU TO BE LENIENT ON ME,
20 SIR BECAUSE THIS IS OVER LIKE TEN, 13 YEARS YOU KNOW,
21 IT DID DO ME SOME GOOD YOU KNOW, WHEN I WENT DOWN, I
22 DIDN'T GET BACK OUT AND JUST BACK INTO THE STREET OR
23 SELLING DRUGS OR WHATEVER I WAS USING DRUGS OR WHATEVER
24 AND I GUESS THAT BROUGHT ME, THAT KEPT ME INTO IT, WHERE
25 I HAD TO COME BACK TO IT

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1 BUT AS FAR AS YOU SAYING IT DIDN'T DO ME NO GOOD,
2 BUT IT DID IF YOU LOOK AT THE TIME FRAME FROM THE TIME
3 I GOT OUT AND -- FROM THE TIME I GOT OUT UNTIL THE TIME I
4 COMMITTED THE CHARGES, I DIDN'T, YOU KNOW, IT WASN'T LIKE
5 I GOT OUT AND SAID, WELL, I'M GOING RIGHT BACK ON THE
6 STREETS AND SELLING DRUGS, NOR HAD I WOULD

7 THE COURT IT COULD BE ALSO THAT YOU WEREN'T CAUGHT
8 IN THAT TIME

9 THE DEFENDANT NO, SIR

10 THE COURT MAYBE YOU LEARNED SOMETHING WHILE YOU
11 WERE IN THIS TIME YOU WILL BE IN LONG ENOUGH TO LEARN
12 SOMETHING ELSE ANYTHING ELSE, MR BLASSINGAME?

13 THE DEFENDANT NO, SIR
14 SENTENCE OF THE COURT

15 THE COURT INDICTMENT NUMBER 2009-GS-37-820, THE
16 SENTENCE OF THE COURT IS THAT MR TIMOTHY LEE BLASSINGAME
17 BE COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
18 TERM OF 30 YEARS, PLUS PAY THE COSTS AND ASSESSMENTS AS
19 APPLICABLE GOOD LUCK TO YOU, SIR

20 THE DEFENDANT ALL RIGHT

21 (WHEREUPON, THE TRIAL IN THE MATTER OF THE
22 STATE OF SOUTH CAROLINA VERSUS TIMOTHY LEE
23 BLASSINGAME WAS CONCLUDED AT APPROXIMATELY
24 5 00 P M)

25 (COURT'S EXHIBIT 10, COPIES OF CERTIFIED

1 CONVICTIONS OF DEFENDANT, TIMOTHY LEE
2 BLASSINGAME, WAS MARKED FOR IDENTIFICATION
3 AND RECEIVED IN COURT'S EVIDENCE)
4 ***** END OF REQUESTED TRANSCRIPT OF RECORD *****
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CERTIFICATE OF COURT REPORTER

I, THE UNDERSIGNED, ROBIN SUE HILD, FCRR, RPR,
OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF
THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF
RECORD OF THE PROCEEDINGS HAD AND THE EVIDENCE INTRODUCED
IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL,
IN THE COURT OF GENERAL SESSIONS FOR OCONEE COUNTY, SOUTH
CAROLINA, ON THE 26TH DAY, 27TH DAY, AND 28TH DAY OF
OCTOBER, 2009

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

DECEMBER 31, 2009


ROBIN SUE HILD, FCRR, RPR
CIRCUIT COURT REPORTER

STATE OF SOUTH CAROLINA

COUNTY OF UCONEETIMOTHY BLASSINGAME

Full name and prison number (if any) of Applicant

v

State of South Carolina

FORM 5 SC
CLERK OF COURT

2010 APR 30

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

2010-CP-37-**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

- 1 Place of detention MCCORMICK C.I., 386 REDEMPTION WAY
- 2 Name and location of Court which imposed sentence UCONEE COUNTY COURT OF
- 3 Name(s) of co-defendant(s) (if any) NIA GENERAL SESSIONS
- 4 The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed
 - (a) 2009-65-37-00820
 - (b) DISTRIBUTION OF CRACK COCAINE 3RD OFFENSE
 - (c) _____
- 5 The date upon which sentence was imposed and the terms of the sentence
 - (a) 10-28-09
 - (b) 30 YEARS

- (c) _____
- 6 Check whether a finding of guilty was made
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere _____
- 7 Did you appeal from the judgment of conviction or the imposition of sentence?
YES
- 8 If you answered "yes" to (7), list
- (a) the name of each Court to which you appealed
- 1 S.C. COURT OF APPEALS
- 11 _____
- 111 _____
- (b) the result in each such Court to which you appealed
- 1 VOLUNTARY DISMISSAL
- 11 _____
- 111 _____
- (c) the date of each such result
- 1 4/15/2010
- 11 _____
- 111 _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results
- 1 N/A
- 11 _____
- 111 _____
- 9 If you answered "no" to (7), state your reasons for not so appealing
- (a) DISMISSED, ISSUES NOT PRESERVED FOR APPELLATE REVIEW
- (b) INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL
- (c) _____
- 10 State concisely the grounds on which you base your allegation that you are being held in custody unlawfully
- 1) PROSECUTORIAL MISCONDUCT 1) ILLEGAL USE OF EVIDENCE
VIOLATION OF CHAIN OF CUSTODY, RULE 6 AND 36)
- 2) BRADY VIOLATION 3) ADMISSION OF FALSE TESTIMONY + BOASTERING
OF STATES WITNESSES + VOUCHING FOR STATES WITNESSES, IMPROPER CORRECTIONS
- 3) 6TH AMENDMENT AND DUE PROCESS VIOLATION, DISCRIMINATION OF
JURY VENUE BECAUSE HIS RACE WAS EXCLUDED.

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Failure to object to untimely witness list

FAILURE TO OBJECT TO PRESEAVE FOR APPELLATE REVIEW

- (a) FAILURE TO OBJECT TO STATES EVIDENCE THAT WAS NOT IN THE RECORD
- (b) FAILURE TO OBJECT TO DISCRIMINATORY JURY VENUE
- (c) FAILURE TO SUBPENA WITNESS AND ENTER EXCULPATORY EVIDENCE / FAILURE TO INVESTIGATE case and chain of custody

11 State concisely and in the same order the facts which support each of the grounds set out in (10)

- (a) SEE ATTACHMENTS
- (b) _____
- (c) _____

12 Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? YES
- (d) any other petitions, motions or applications in this or any other Court? NO

13 If you answered "yes" to any part of (12), list with respect to each petition, motion or application

(a) the specific nature thereof

I DIRECT APPEAL

II _____

III _____

IV _____

(b) the name and location of the Court in which each was filed

I S.C. COURT OF APPEALS

II _____

III _____

IV _____

(c) the disposition thereof

I VOLUNTARY DISMISSAL

II _____

III _____

IV _____

(d) the date of each such disposition

I 4/15/2010

II _____

III _____

IV _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition

I _____

II _____

III _____

IV _____

14 Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15 If you answered "yes" to (14) identify

(a) which grounds have been presented

I _____

II N/A

III _____

(b) the proceedings in which each ground was raised

I _____

II N/A

III _____

16 If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented

(a) WAS NOT PRESERVED FOR APPELLATE REVIEW, INEFFECTIVE

(b) TRIAL COUNSEL

(c) _____

17 Were you represented by an attorney at any time during the course of

- (a) your arraignment and plea? X
- (b) your trial, if any? X
- (c) your sentencing? X
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? X
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? X

18 If you answered "yes" to one or more parts of (17), list

- (a) the name and address of each attorney who represented you
- 1 1. ROBERT SPROUSE - P.O. BOX 99, SENACA S.C. 29678
- 11 2. ~~SELBY~~ ROBERTSON, APPELLATE DEFENSE
- 111 P.O. BOX 11589
- COLUMBIA S.C. 29221
- (b) the proceedings at which each such attorney represented you
- 1 TRIAL
- 11 DIRECT APPEAL
- 111

19 State clearly the relief you seek in filing this application

VACATE SENTENCE FOR NEW TRIAL

20 Are you now under sentence from any other court that you have not challenged?

NO

PROSECUTORIAL MISCONDUCT

APPLICANT CONTENDS THAT THE DRUGS SEIZED AND THE WARRANT WAS OBTAINED BASED ON EVIDENCE THAT WOULD HAVE BEEN INADMISSIBLE BASED ON VIOLATIONS OF RULE 6, CHAIN OF CUSTODY AND RULE 36, FORMS USED TO VERIFY CHAIN OF CUSTODY.

APPLICANT CONTENDS THAT FIRST THERE IS A DISCREPANCY OF THE INITIAL CUSTODIAN OF THE DRUGS FROM INFORMANT WALKER. PG 66 LINES 12-16 STATE Q. O KAY WHO DID THE INFORMANT TURN THE NARCOTICS INTO? A IN THE BUILDING HE WOULD HAVE INITIALLY HANDED IT TO OFFICER HUNNICUTT, AND I OBTAINED IT BECAUSE I WAS DRIVING. FURTHER ON LINE 23-25 IT IS ASKED. Q AND HOW DO YOU GO ABOUT MARKING AND IDENTIFYING WHEN DRUGS ARE TURNED IN? A. WE GIVE THEM A LITTLE PLASTIC BAG TO PUT THE DRUGS IN. ETC. PG. 113, LINES 1-17 STATES BY WITNESS OFFICER HUNNICUTT, Q. AFTER THE DEAL DID THE INFORMANT TURN THE NARCOTICS IN TO YOU AND SGT CRUM? A. YES, Q. HOW DID THAT TAKE PLACE? A. HE ENDED UP---SGT. CRUM WAS DRIVING, SO I KIND OF JUST TOOK IT AND HANDED STRAIGHT TO SGT. CRUM. STATES EXHIBIT-5. IS THIS THE SMALL BAGGIE THAT WAS HANDED TO YOU ANSWER. YES Q. AND THAT OCCURRED ON FEB. 24? YES MAIAM. Q. AND WHO DID YOU SAY YOU GAVE IT TO? A. NO RESPONSE. Q. WHO DID YOU SAY YOU GAVE IT TO? A. I PASSED IT ON TO SGT. CRUM.

NOW ACCORDING TO THE STATES INFORMANT PG. 92 LINES 23-25. Q. I'M GONNA SHOW YOU WHAT'S BEEN PREPARED FOR IDENTIFICATION AS STATES EXHIBIT-5. IS THIS THE CRACK COCAINE THAT YOU GAVE BACK TO SGT. CRUM? A. YES, MAIAM.

PURSUANT TO RULE 6, CHAIN OF CUSTODY AND SECTION 73-80 HANDLING OF CONTROLLED SUBSTANCES, DUTIES OF SEIZING OFFICER

THE WRITTEN RECORD OF SEIZED CONTROLLED SUBSTANCES "SHALL" BE CREATED AS SOON AS PRACTICAL AFTER SEIZURE BUT NOT MORE THAN 72 HOURS. FURTHER, THERE WAS NO COMPLETE "FORMS" TO SHOW EACH SUCCESSIVE PERSON HAVING CUSTODY OF THE EVIDENCE. "UNDER RULE 36 FORMS" THE SUPREME COURT SHALL PRESCRIBE THE CONTENT AND FORMAT OF FORMS REQUIRED BY THESE RULES. THE USE OF THE FORMS AS PRESCRIBED IS "MANDATORY".

A - B - C FORMS - CHAIN OF CUSTODY

- 1) CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL CUSTODY OR CONTROL (INITIAL CUSTODY)
- 2) CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL CUSTODY OR CONTROL (SUBSEQUENT CUSTODY)
- 3) THERE MUST BE A FORM "A" AFFIDAVIT OF CHEMIST OR CHEMICAL ANALYSIS.

A COMPLETE CHAIN OF EVIDENCE, TRACING THE INITIAL CONTROL TO ITS FINAL ANALYSIS MUST BE ESTABLISHED

HERE EXISTS NUMEROUS BROKEN CHAIN-OF-CUSTODY VIOLATIONS.

- 1) INFORMANT WALKER INITIALLY GAVE THE DRUGS TO OFFICER HUNNICUTT THEN TRANSFERRED THE DRUGS TO OFFICER CRUM.
- 2) THERE IS NO CHAIN-OF-CUSTODY FOR OFFICER HUNNICUTT.
- 3) ACCORDING TO THE TESTIMONY OF THE INFORMANT HE GAVE SGT. CRUM BACK NARCOTICS THAT WAS GIVEN TO HIM BY SGT. CRUM.
- 4) ON 3-11-09 CR. SMITH ALLEGEDLY SENT NARCOTICS TO J/ED FOR ANALYSIS WITH NO AFFIDAVIT OF CHEMIST OR CHEMICAL ANALYSIS, NO FORM A IS HAVE BEEN SUBMITTED.
- 5) THE ONLY FORMS THAT WERE SHOWN TO BE USED IS FORM (C) NO NOTARY OF PUBLIC VERIFIED THE SIGNATURES ON THIS FORM.

6) ON 6-26-09 IT STATES ON THE OUTBOUND EVIDENCE TRANSFER RECEIPT THAT THE EVIDENCE WAS RELINQUISHED BY MEREDITH L. LANFORD AND RECEIVED BY JOHN CRUM THEN WHO SENT IT TO SGT. MIKE TERRAMANO.

7) NO CHAIN-OF-CUSTODY IS SHOWN FOR THIS INDIVIDUAL AS TO HAVE HIM OBTAIN THE EVIDENCE AS PRESCRIBED BY THE RULES.

8) FURTHER, THE NARCOTICS WAS TURNED OVER TO SGT. CRUM AT 15:09 (3:09 P.M.) FEB 24, 2009. SGT. CRUM PLACED THE NARCOTICS IN EVIDENCE LOCKER ON FEB 25, 2009 AT (17:40 P.M.) (5:40 P.M.). WHICH THE TIME BETWEEN WHEN THE EVIDENCE WAS GIVEN TO HIM THEN PLACED INTO THE EVIDENCE LOCKER WAS 26 HOURS. PG 67 TRANSCRIPT LINES 5-14.

APPLICANT CONTENDS THAT ALL THE VIOLATIONS AND THE FACT THE EVIDENCE WAS NOT TURNED IN AFTER RECEIVING THE DRUGS CREATES A BREAK IN THE LINK OF CHAIN-OF-CUSTODY AND WHAT WAS DONE WITH THE EVIDENCE WITHIN THE 26 HOUR PERIOD. THIS CREATES THE ASSUMPTION OF TAMPERING WITH EVIDENCE. A MISSING LINK IN THE CHAIN-OF-CUSTODY CREATES AN ISSUE OF ADMISSIBILITY. IF A SUBSTANCE HAS PASSED THROUGH MULTIPLE CUSTODIANS, IT MUST NOT BE LEFT TO CONJECTURE WHO HAD THE EVIDENCE AND WHAT WAS DONE WITH IT BETWEEN THE TAKING AND THE ANALYSIS.

240 PROSECUTORIAL MISCONDUCT

RULE - 5, BRADY VIOLATION

THE SOLICITOR COMMITTED MISCONDUCT BY DISCLOSING THE POTENTIAL WITNESS - LIST ON OCT-26TH, 2009 ON THE 1ST DAY OF TRIAL. UNDER RULE 5, IT STATES THAT ANY NAMES AND ADDRESSES OF WITNESSES "SHALL" BE DISCLOSED TO THE DEFENDANT NO LESS THAN 10 DAYS BEFORE TRIAL. HERE THE SOLICITOR GAVE THE DEFENSE THE LIST ON THE DAY OF TRIAL PREVENTING ADEQUATE OPPORTUNITY TO PREPARE A DEFENSE OR FIND WITNESSES TO IMPEACH THE CREDIBILITY OF THE STATES WITNESS, BECAUSE OF THIS THE DEFENSE COULD NOT PROPERLY SUPPRESS ANY TESTIMONY OR DETERMINE WHAT DEFENSE WOULD BE NEEDED AT TRIAL. PROSECUTION GAINED A TACTICAL ADVANTAGE WHICH DENIED APPLICANT DUE PROCESS OF THE LAW. AS SHOWN THE STATES WITNESSES SHOWED DISCREPANCIES TO THE ACTUAL CHAIN-OF-CUSTODY AND WHO GAVE WHO THE NARCOTICS. THE WITNESS HIMSELF STATED SGT. CRUM GAVE HIM DRUGS AND HE GAVE IT BACK TO HIM, THE FACT REMAINS HAVING ALLOWED THIS TESTIMONY IN VIOLATION OF THE CHAIN-OF-CUSTODY SHOWS THAT THE DEFENDANT WAS PREJUDICED. SEE U.S. V. HOGAN, 712 F.2d 757 (2ND CIR. 1983). FURTHER, COUNSEL FAILED TO PLACE INTO EVIDENCE A STATEMENT WRITTEN BY DEFENDANTS INFORMANT STATING HE KNEW THAT HE DIDN'T GIVE HIM ANY DRUGS. AS THIS WOULD HAVE IMPEACHED THE STATES WITNESS AND ATTACKED HIS CREDIBILITY.

FALSE TESTIMONY AND BOLSTERING

A PROSECUTOR MAY NOT KNOWINGLY PRESENT FALSE TESTIMONY. LARRISON V. U.S., 24 F.2d 82 (7TH CIR. 1928). APPLICANT

CONTENDS THAT THE SOLICITOR KNOWINGLY ALLOWED THE STATES WITNESSES TO MAKE FALSE STATEMENTS NOT IN EVIDENCE AND PRESENT THEIR TESTIMONY TO THE JURY. SEE U.S. V. THOMAS, 987 F.2d 1298 (7TH CIR. 1993) "THE GOVERNMENTS KNOWING USE OF PERJURED TESTIMONY AT TRIAL VIOLATES DUE PROCESS WHEN THE PERJURY COULD DECEIVE THE JURY INTO UNJUSTLY CONVICTING DEFENDANT."

AS APPLICANT WILL SHOW THE STATE USED A CONFIDENTIAL INFORMANT, SGT. CRUM AND SGT. HUNNICUTT AS WITNESSES OF THE ALLEGED DRUG TRANSACTION AND IT WAS A CONTROLLED BUY WHICH WAS RECORDED BY AUDIO AND VIDEO. THE TAPE WAS PLAYED IN OPEN COURT.

TESTIMONY BY THE STATES WITNESS PS. 89 LINE 13 - 21
 13) I TOLD HIM I NEEDED A 40, AND HE SAID HE DIDN'T HAVE THAT. SO I TOLD HIM JUST SELL ME A 20 OF CRACK. AND HE SAID HE HAD A PIECE ON HIM, AND I SAID, WELL, SELL ME A DAME, HE SAID, HERE'S MY LAST PIECE OF IT. WE RODE AROUND THE BLOCK AND CAME BACK, AND WHEN I GOT OUT OF THE CAR, HE GAVE ME A PIECE OF DOPE. IN WALKER'S VOLUNTARY STATEMENT HE STATES "I GOT IN THE CAR WITH TIM AND WE CIRCLED THE BLOCK", I TOLD HIM I HAD 40 DOLLARS AND I WANTED A 40. HE SAID HE DIDN'T HAVE THAT MUCH, SO I SAID I WANTED A DUB. HE SAID HE DIDN'T HAVE A DUBS WORTH, SO HE JUST GAVE ME A LITTLE PIECE OF CRACK. HE WOULD NOT LET ME PAY HIM FOR. TIM THEN DROPPED ME BACK OFF ON S. DEPOT ST. THIS STATEMENT CONTRADICTS THE INFORMANTS TESTIMONY. FURTHER, THE AUDIO TAPE, DISTINCTLY STATED DEFENDANT BLASSINGAME SAID I AM NOT GOING TO GIVE YOU MY LAST PIECE. SEE PS. 160 REVIEW VIDEO DISK. FOR ACCURATE STATEMENT. FURTHER, THE DEFENDANT HAD A STATEMENT WRITTEN BY THE INFORMANT RECANTING HIS ORIGINALLY WRITTEN SWORN AFFIDAVIT IMPLIE-

CATING THE DEFENDANT ACTUALLY GAVE HIM NARCOTICS. COUNSEL
 PS 102 - ^{Lines 8-12} FAILED TO PUT THIS IN EVIDENCE TO FURTHER CONTRADICT AND
 IMPEACH THE STATES WITNESS TESTIMONY. PS. 101 - LINE 23-25
 Q. DID YOU WRITE A DOCUMENT SAYING THAT THE REPORT THAT
 YOU HAD GIVEN WAS NOT TRUE? YES SIR. ANSWER. PS. 103, ^{Lines 1-9} Q.
 DID YOU NOT TELL THE STATE SOMETHING DIFFERENT THAN YOU
 SAID IN THIS STATEMENT, Q. WHAT DID YOU TELL HIM? A. WHAT
 DID I TELL HIM? Q. YEAH, A. WHAT DID I TELL TIM? I TOLD
 HIM TO GET SOME REST AND EVERYTHING WOULD BE ALL RIGHT.
 ALSO ON PS. 104 ^{Lines 2-5} HE TELLS A DIFFERENT STORY AGAIN. Q. OKAY.
 WHERE DID YOU PUT THIS SUBSTANCE THAT YOU ALLEGE WAS
 GIVEN TO YOU? A. I HANDED IT OVER WHEN I GOT BACK TO
 THE JEEP WITH CRUM, MR. CRUM. HE PUT IT IN A PLASTIC
 BAG.

NOW THE STATE OFFERS TESTIMONY FROM SGT. CRUM PS. ~~88~~-
 59. WITNESS STATES OF LINE 6-⁸ PS 59 THAT THEY RIDE
 AROUND, AND WHEN IT GETS TO WHERE HE STARTS SAYING,
 THANK YOU, THANK YOU, I APPRECIATE THAT, HE HAD DOPE
 AT THAT POINT. THEN HE'S DROPPED OFF.

HERE HIS TESTIMONY IS FAISIFIED BECAUSE THE AUDIO DOES
 NOT STATE THESE WORDS WERE SAID.

FURTHER, HIS STATEMENT CONTRADICTS WHAT OFFICER
 HUNNICUTT STATED. OFFICER HUNNICUTT STATED, WALKER
 GAVE HIM THE NARCOTICS THAT WAS ALREADY IN THE BAG.
 PS. 113 LINES 5-11. IF TAKEN IN CONTEXT WITH WALKER'S
 TESTIMONY CRUM GAVE WALKER THE ORIGINAL NARCOTICS,
 PS. 92 LINE 22-²⁵ IS THIS THE CRACK COCAINE THAT YOU
 GAVE BACK TO SGT. CRUM? A. YES. MAIAM. PS. 104 - STATES
 MR. CRUM PUT IT IN A PLASTIC BAG. LINES 2-5.

DUE PROCESS BARS A PROSECUTOR FROM MAKING KNOWING USE OF FALSE EVIDENCE. U.S. V. BOOTHE, 994 F.2d 63 (2ND CIR. 1993) PROSECUTION ASKED BOTH SGT. CRUM AND WALKER IS THE VIDEO AND THE AUDIOTAPE IS A FAIR REPRESENTATION OF WHAT HAPPENED PG. 56, LINES 17-18 SGT. CRUM, Q. IS IT A FAIR AND ACCURATE REPRESENTATION OF WHAT OCCURRED THAT DAY? A. YES MA'AM.

PG. 92, LINES 2-4. Q.) THE VIDEO AND THE AUDIOTAPE THAT YOU LISTENED TO, IS THAT A FAIR REPRESENTATION OF WHAT HAPPENED. A) YES MA'AM.

WITHOUT THIS FALSE TESTIMONY THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT. A CONVICTION OBTAINED BY THE KNOWING OF PERJURED TESTIMONY IS FUNDAMENTALLY UNFAIR AND MUST BE SET ASIDE IF THERE IS ANY REASONABLE LIKELIHOOD THAT THE FALSE TESTIMONY COULD HAVE EFFECTED THE JUDGEMENT OF JURY. SEE NAPUE VS. ILLINOIS, 360 U.S. 264, 269 (1959) U.S. V. YOUNG, 17 F.3d 1201, 1203-05 (9TH CIR. 1994). THIS CONSTITUTES REVERSIBLE ERROR.

THE SOLICITOR COMMITTED MISCONDUCT BY KNOWINGLY PRESENTING MISSTATEMENTS OF THE FACTS NOT IN EVIDENCE, THESE MISSTATEMENTS INFLUENCED THE JURY VERDICT AND PREJUDICED THE DEFENDANT.

THE PROSECUTOR MADE IMPROPER COMMENTS TO THE JURY IN CLOSING ARGUMENTS BOLSTERING TESTIMONY THAT WAS NOT FACTUALLY STATED IN THE AUDIOTAPE. ON PG. 160-61, LINES 24-25. MS. SIMMONS. LET'S REVIEW WHAT WE JUST HEARD. THE DEFENDANT SAYS, I GOT SOME MAN. I AINT GONNA GIVE YOU MY 40 - - - GIVE YOU A 40. I DON'T HAVE A DUB BRIGHT NOW. I HAVE PIECES. THESE MISSTATEMENTS PREJUDICED

THE DEFENDANT BECAUSE THEY WERE MATERIALLY UNTRUE. IN FACT THE AUDIOTAPE STATES I'M NOT GOING TO GIVE YOU MY LAST PIECE. REVIEW AUDIOTAPE. "A PROSECUTOR MAY NOT GO BEYOND THE EVIDENCE BEFORE THE JURY DURING CLOSING ARGUMENT. SEE U.S. V. IGLESIAS, 915 F.2d 1524 (11TH CIR. 1990). A PROSECUTOR'S COMMENTS MUST BE CONSIDERED IN CONTEXT TO DETERMINE WHETHER THEY SERVE AS A BASIS FOR REVERSAL OF A CONVICTION. AMONG THE FACTORS TO CONSIDER ARE THE 1) STRENGTH OF THE PROSECUTOR'S CASE⁽²⁾ AND THE POTENTIAL OF THE REMARKS TO PREJUDICE THE DEFENDANT, SEE U.S. V. CUMMINGS, 969 F.2d 223 (6TH CIR. 1992), "TO FIND PROSECUTORIAL MISCONDUCT, A TWO PRONG-TEST MUST BE MET: 1) THE REMARKS MUST BE IMPROPER, AND 2) THE REMARKS MUST PREJUDICIALLY AFFECT THE SUBSTANTIAL RIGHTS OF THE DEFENDANT. HERE THE PROSECUTOR KNOWINGLY MADE FALSE STATEMENTS TO THE JURY STATING THAT DEFENDANT WAS ~~NOT~~ GOING TO GIVE THEM A YO IN FACT DEFENDANT STATED HE WAS NOT GOING TO GIVE THE C.I. HIS LAST PIECE. SINCE THE STATE'S CASE WAS BASED ON THE C.I.'S CREDIBILITY THE PROSECUTOR KNOWINGLY CHANGED WHAT WAS SAID, THE INFERENCE COULD BE DRAWN AGAINST THE DEFENDANT. HERE, THE CUMULATIVE EFFECT OF PROSECUTORIAL ERRORS AND UNCLEAR WITNESS TESTIMONY WARRANTS REVERSAL OF HIS CONVICTION, SEE U.S. V. FREDERICK, 78 F.3d 1370 (9TH CIR. 1996). ALSO SEE U.S. V. FORIORMA, 94 F.3d 91 (1996) (REV ERROR) AND U.S. V. RODRIQUEZ, 968 F.2d 130, CERT. DENIED 113 S CT 139.

JURY VENIRE

APPLICANT CONTENDS HE WAS DENIED EQUAL PROTECTION OF THE LAW BECAUSE HIS RACE WAS EXCLUDED IN THE INITIAL JURY SELECTION. APPLICANT CHALLENGES VENIRE ON EQUAL PROTECTION GROUNDS THAT IT VIOLATED FUNDAMENTAL FAIRNESS UNDER THE DUE PROCESS CLAUSE.

UNDER THE SIXTH AMENDMENT, CRIMINAL DEFENDANTS HAVE A RIGHT TO BE TRIED BY AN IMPARTIAL JURY DRAWN FROM THE STATE AND DISTRICT IN WHICH THE CRIME ALLEGEDLY OCCURRED. JURY SELECTION PROCEDURES IMPLICATE SIXTH AMENDMENT EQUAL PROTECTION, AND DUE PROCESS PRINCIPLES. THE SIXTH AMENDMENT FORBIDS RACIAL DISCRIMINATION IN THE SELECTION OF JURORS AND REQUIRES THAT THE JURY VENIRE FROM THE PETIT JURY SELECTED REPRESENTS A FAIR-CROSS SECTION OF THE COMMUNITY. TAYLOR V. LA, 419 U.S. 522 (1975)

IN DUREN V. MISSOURI, 439 U.S. AT 364, TO ESTABLISH THAT A GROUP WAS NOT FAIRLY REPRESENTED, A DEFENDANT MUST PROFFER STATISTICAL EVIDENCE DEMONSTRATING "THE PERCENTAGE OF THE COMMUNITY MADE UP OF THE ALLEGED TO BE UNDER-REPRESENTED. I.D. AT 364-65, SEE E.G., U.S. V. BENJAMIN, 252 F.3d 1, 12 (1ST CIR. 2001)." TO ESTABLISH A "PRIMA FACIE" VIOLATION OF THE FAIR-CROSS-SECTION REQUIREMENT THE DEFENDANT MUST SHOW THAT 1) THE GROUP ALLEGEDLY EXCLUDED IS A "DISTINCTIVE" GROUP IN THE COMMUNITY. SEE PETERS V. KIEFF, 407 U.S. 493, 498 (1972), AFRICAN AMERICANS A DISTINCTIVE GROUP. 2) THE GROUP WAS NOT FAIRLY REPRESENTED IN THE VENIRE FROM WHICH THE PETIT JURY WAS CHOSEN (SEE PERCENTAGE OF COUNTY AND 3) THE UNDERREPRESENTATION RESULTED FROM A SYSTEMATIC EXCLUSION OF THE GROUP IN

INEFFECTIVENESS OF COUNSEL

APPLICANT CONTENDS THAT COUNSEL WAS INEFFECTIVE FOR FAILING TO CHALLENGE THE JURY VENUE IN WHICH HIS RACE WAS NOT FAIRLY REPRESENTED. SEE TRIAL TRANSCRIPT ^{Pg 3A-3B} PG. 12-19. ONLY ONE FEMALE BLACK ALTERNATE WAS PLACED ON THE JURY. COUNSEL COULD HAVE CHALLENGED THIS UNDER A SIXTH AMENDMENT VIOLATION AND DUE PROCESS VIOLATIONS BECAUSE THE JURY VENUE DID NOT REPRESENT A FAIR-CROSS-SECTION OF THE COMMUNITY.

COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE INTRODUCTION OF EVIDENCE THAT WAS NOT SUPPRESSED BY HIM AS THE CHAIN-OF-CUSTODY WAS VIOLATED BECAUSE THERE WAS BREAKS IN THE CHAIN OF CUSTODY AND THE PROPER FORMS WERE NOT SUBMITTED FOR PROOF OF CHAIN OF CUSTODY.

COUNSEL'S FAILURE TO SUPPRESS THIS EVIDENCE SHOWS INEFFECTIVE ASSISTANCE OF COUNSEL. SEE STATE V. JOHNSON, 456 S.E.2d 442. IF COUNSEL WOULD HAVE ARGUED THAT OFFICER HUNNICUT DID NOT PROPERLY FILE A CHAIN OF CUSTODY REPORT SINCE HE ACTUALLY HAD CONTACT WITH THE NARCOTICS THEN THE EVIDENCE WOULD HAVE BECOME INADMISSIBLE. SEE RULE 6 CRIM R AND 36 CHAIN OF CUSTODY. HAD COUNSEL SUPPRESSED THIS BROKEN CHAIN-OF-CUSTODY ON THE EVIDENCE IT WOULD HAVE BECOME INADMISSIBLE. SEE STATE V. COPELAND, 468 S.E.2d 620 (1996) RULE 404(B) AND CRIMINAL LAW 394 1(3). COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE ADMISSIBILITY OF THIS ILLEGAL EVIDENCE. SEE RICHARDSON V. STATE, 355 S.E.2d 59 (6A APP. 1988).

COUNSEL WAS INEFFECTIVE FOR FAILING TO PUT INTO EVIDENCE THE EXCULPATORY STATEMENT WRITTEN BY THE INFORMANT. ON PG. 26 LINES 24-25 COUNSEL TELLS THE COURT "THERE WAS ALSO A VOLUNTARY STATEMENT GIVEN BY THE CONFIDENTIAL INFORMANT."

AGAIN ON PAGE 33, TRIAL TRANSCRIPT LINES 18-20, MR. SPROUSE, AND WE BELIEVE THE EVIDENCE WILL SHOW THAT MR. WALKER WROTE A LETTER OF HIS OWN FREE WILL TO CLEAR THE AIR ABOUT WHAT HE HAD DONE.

ON PG. 102 OF THE TRIAL TRANSCRIPT, COUNSEL ATTEMPTS TO IMPEACH THE INFORMANTS TESTIMONY BY READING HIS STATEMENT. LINE 2 - IS THIS YOUR SIGNATURE ON IT? A. YES. Q. AND THAT'S IN YOUR HANDWRITING? A. YES SIR. Q. AND DOES THAT HAVE SEPT. THE 28TH? A. YES, SIR. Q. AND YOU SAID (READING) I, JAMES WALKER --, THEN THE SOLICITOR MS. SIMMONS OBJECTS. LINE 9 - MS. SIMMONS: YOUR HONOR, I OBJECT TO HIM READING SOMETHING HE'S NOT GONNA OFFER AS AN EXHIBIT. LINE 11 MR. SPROUSE: I'M MOVING ON TO SOMETHING ELSE, YOUR HONOR.

COUNSEL WAS INEFFECTIVE AND SHOWED A CONFLICT OF INTEREST IN FAILING TO PUT INTO EVIDENCE THIS EXCULPATORY STATEMENT, HAD THE JURY BEEN ABLE TO READ IT THEY COULD DECIDE THE CREDIBILITY OF THIS STATEMENT WHICH TOGETHER WITH THE OTHER MISSTATEMENTS WOULD HAVE PROVIDED REASONABLE DOUBT ON THE WITNESSES CREDIBILITY. COUNSEL'S PERFORMANCE WAS NOT REASONABLE AND MADE NO SENSE THAT THIS STATEMENT WAS EXCULPATORY EVIDENCE. SEE U.S. v. SWANSON, 943 F.2d 1070 (9TH CIR. 1991), RUMMEL v. ESTELLE, 498 F.Supp 793 (W.D TEX 1980). ALSO SEE U.S. v. HANSEL, 70 F.3d 6 (2ND CIR. 1995)

COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE STATE'S WITNESSES MAKING MISSTATEMENTS OF FACT TO THE JURY THAT DID NOT CONFORM TO THE EVIDENCE THAT WAS HEARD ON TAPE. PG 75 ON CROSS-EXAMINATION OF CRUM. LINE 12. Q.) NOW YOU TESTIFY -- WHAT STATEMENT DID HE MAKE THAT MAKES YOU THINK THE TRANSACTION HAD HAPPENED? LINE 14, A.) "THANK YOU I APPRECIATE IT.

LINE 15 - THANK YOU. Q.) WHEN DOES HE SAY THAT. A) RIGHT BEFORE HE PULLS UP TO THE APARTMENT COMPLEX. Q.) THERE IS NO REFERENCE TO DRUGS IN THE STATEMENT. A) CORRECT. CORRECT. AS FAR AS DIRECT STATEMENT, YES.

LINE - 12 Q. NOW YOU TESTIFY -- WHAT STATEMENT DID HE MAKE THAT MAKES YOU THINK THE TRANSACTION HAPPENED? COUNSEL DID NOT FULLY IMPEACH THIS TESTIMONY WITH THE AUDIO. THESE STATEMENTS ARE MATERIALLY UNTRUE. FURTHER, LINE 23 - STATES YOU PUT IN YOUR REPORT UNABLE TO DETERMINE, DID YOU NOT? A.) CORRECT. DUE TO AUDIO.

WHY DID COUNSEL ALLOW THIS TESTIMONY IN THE FIRST PLACE WHEN IT IS MATERIALLY UNTRUE. COUNSEL SHOULD HAVE MOVED TO STRIKE THESE MISLEADING STATEMENTS THAT WERE CONTRADICTED BY THE OTHER AUDIO RECORDING THIS WAS THE BASIS OF THE STATES CASE THAT DRUGS WERE ACTUALLY TRANSFERED. SEE SMITH V. WAINWRIGHT, 777 F.2d 609 (11TH CIR. 1985); ALSO SEE U.S. V. MATOS, 905 F.2d 30 (2ND CIR. 1990). SGT. CRUM COMMITS PERJURY ON PG. 59 FROM HIS STATEMENT. THEY RIDE AROUND, AND WHEN IT GETS TO WHERE HE STARTS SAYING THANK YOU, THANK YOU, I APPRECIATE THAT, HE HAD THE DOPE AT THAT POINT, THIS IS CONTRADICTED IN CROSS EXAMINATION LINE 23 UNABLE TO DETERMINE. FURTHER, THE AUDIO DOES NOT REFLECT THIS TESTIMONY.

COUNSEL WAS INEFFECTIVE FOR FAILING TO PROPERLY IMPEACH THE STATES WITNESSES TO POINT OUT WHO ACTUALLY GAVE WHO THE NARCOTICS.

STARTING WITH JAMES WALKER'S VOLUNTARY STATEMENT HE STATES SPECIFICALLY HE JUST GAVE ME A LITTLE PIECE OF CRACK

HE WOULD NOT LET ME PAY HIM FOR. TIM THEN DROPPED ME OFF ON S. DEPOT ST. WHERE I WALKED BACK TO MEET AGENTS. UPON MEETING BACK WITH AGENTS I TURNED THE CRACK OVER TO SGT. CRUM.

SGT. CRUMS TESTIMONY STATES ON PG. 59 LINES 19-20 THAT I RECEIVED THE DOPE FROM HIM, THE CRACK FROM HIM. PG 66 LINES 12-16 Q) OKAY, WHO DID THE INFORMANT TURN THE NARCOTICS INTO? A.) IN THE BUILDING HE WOULD HAVE INITIALLY HANDED IT TO OFFICER HUNWICUTT, AND I OBTAINED IT BECAUSE I WAS DRIVING. ON REDIRECT ^{PG 83} MS. SIMMONS KNOWINGLY USES FAKE TESTIMONY BOLSTERING FACTS NOT IN RECORD. LINE 14 Q.) SGT. CRUM, YOU INDICATED THAT BASED ON YOUR DEALINGS WITH THE INFORMANT HE SAID, "THANK YOU, I APPRECIATE IT MAN," AT THE END OF THE DEAL? A.) CORRECT, YES MA'AM.

NOW ON PG. 92 ON DIRECT EXAMINATION JAMES WALKER TESTIFIES THAT ALL HE SAID WAS, "I APPRECIATE YOU LOOKING FOR THAT CUZ, AND HE SAID ALL RIGHT, AND I GOT OUT OF THE CAR.

FURTHER, EXAMINATION OF THE RECORD ^{CRACK} SHOWS THAT JAMES WALKER ACTUALLY GIVES BACK THE ~~CRACK~~ HE ORIGINALLY GOT FROM SGT. CRUM. LINE 22, PG. 92 Q.) I'M GONNA SHOW YOU WHAT'S BEEN PREPARED FOR IDENTIFICATION AS STATE'S EXHIBIT - 5. IS THIS THE CRACK COCAINE THAT YOU GAVE BACK TO SGT. CRUM? LINE 25 A) YES, MA'AM. PG. 93 LINE ONE Q) IS THAT THE LITTLE BAGGIE HE GAVE YOU TO PUT IT IN? me- 3) A.) YES, MA'AM. ON PG. 104 WALKER AGAIN TESTIFIES TO WHO PUT THE COCAINE IN THE BAG. 2- Q.) OKAY WHERE DID YOU PUT THIS SUBSTANCE THAT YOU ALLEGE WAS GIVEN TO YOU? A) I HANDED IT OVER WHEN I GOT BACK TO THE JEEP WITH CRUM, MR. CRUM. HE PUT IT IN A PLASTIC BAG. NOW IN A COMPLETE CHANGE OF

TESTIMONY IT IS DISCOVERED THAT ANOTHER OFFICER ACTUALLY HAD INITIAL CUSTODY OF THE DRUGS. SEE PG. 113, LINES - 5 - 10. SGT. HUNNICUTT STATES A) SGT. CRUM WAS DRIVING, SO I KIND OF JUST TOOK IT AND HANDED IT STRAIGHT TO SGT. CRUM. LINES 8-11. LET ME SHOW YOU WHAT'S BEEN PREPARED STATE'S EXHIBIT-5. IS THIS THE SMALL BAGGIE THAT WAS HANDED TO YOU? (LINE 11 A.) YES.

COUNSEL FAILED TO MOVE FOR A DIRECTED VERDICT FOR DISMISSAL FOR A BROKEN CHAIN-OF-CUSTODY. OFFICER HUNNICUTT DID NOT TURN IN A CHAIN-OF-CUSTODY FORM VERIFYING HIS INITIAL CONTACT WITH THE NARCOTICS. ANY LAPSE IN THE CHAIN OF CUSTODY IS GROUNDS FOR DISMISSAL FOR INADMISSIBILITY OF EVIDENCE. FURTHER, THE TESTIMONY SHOWS NUMEROUS CONTRADICTING STATEMENTS OF WHO PUT THE NARCOTICS IN THE BAG. ALSO THE INFERENCE THAT SGT. CRUM ACTUALLY GAVE HIM THE NARCOTICS FROM THE BEGINNING

FAILURE TO SUBPOENA WITNESSES

COUNSEL WAS INEFFECTIVE FOR FAILING TO SUBPOENA THE DEFENDANT'S WITNESSES THAT COULD COLLABORATE THAT THE STATEMENT WAS VOLUNTARILY MADE BY JAMES WALKER AND THAT COUNSEL REFUSED TO INVESTIGATE OR INTERVIEW THE JAIL PERSONNEL CONCERNING THE COMPLAINTS THAT WERE ALLEGEDLY MADE FOR THREATS. SEE CRANDELL V. BUNNEL, 144 F3d 1213 (9TH CIR. 1998); ALSO SEE BAYLOR V. ESTELLE, 94 F3d 1321, 1323 (9TH CIR. 1997), CERT DENIED, 117 S CT 1329. INEFFECTIVE ASSISTANCE WHEN COUNSEL IN RAPE CASE FAILED TO FOLLOW-UP ON EXCULPATORY REPORT, BECAUSE SUCH REPORT MAY HAVE CREATED REASONABLE DOUBT IN MINDS OF JURORS. COUNSEL WAS INEFFECTIVE FOR FAILING TO RAISE OBVIOUS AND

SIGNIFICANT ISSUES WITHOUT LEGITIMATE STRATEGIC PURPOSE. SEE MASON V HANKS, 97 F.3d 887, 894 (7TH CIR. 1996).

REASONABLE DOUBT

THE DUE PROCESS CLAUSE REQUIRES THE GOVERNMENT TO PROVE BEYOND A REASONABLE DOUBT EVERY ELEMENT OF THE CRIME WITH WHICH A DEFENDANT IS CHARGED. IN RE WINSHIP, 397 U.S. 358, 364 (1970); SULLIVAN V. LOUISIANA, 508 U.S. 275, 278 (1993). THE STATE FAILS TO SUSTAIN ITS BURDEN OF PROOF. MCCORMICK, EVIDENCE §§ 336-337 (4TH ED. 1992) THEREFOR, THE COURT WAS IN ERROR FOR REFUSING TO GRANT A DIRECTED VERDICT, BASED ON THE PROSECUTION'S MISCONDUCT, MISSTATEMENTS OF FACT, BROKEN CHAIN OF CUSTODY, NUMEROUS MISTAKES OF COUNSEL THE DEFENDANT IS ENTITLED TO A DISMISSAL OF CHARGES OR DISMISSAL FOR LACK OF EVIDENCE. INSUFFICIENCY OF EVIDENCE RAISES A CONSTITUTIONAL ISSUE. U.S. V. BOUSLEY, 523 U.S. 614, 618-20 (1998).

APPLICANT CONTENDS THAT "COUNSEL'S CONDUCT SO UNDERMINED THE PROPER FUNCTIONING OF THE ADVERSARIAL PROCESS THAT THE TRIAL CANNOT BE RELIED UPON AS HAVING PRODUCED A JUST RESULT" STRICKLAND V. WASHINGTON, 104 S.Ct. 2052, 2064 (1984); BUTLER, 334 S.E.2d 813. COUNSEL'S PERFORMANCE WAS DEFICIENT AND HIS ADVICE WAS NOT "WITHIN THE COMPETENCE DEMANDED OF ATTORNEYS IN CRIMINAL CASES". HILL V. LOCKHART, 106 S.Ct. 366, 369 (1985), AND COUNSEL'S DEFICIENT PERFORMANCE PREJUDICED THE DEFENDANT SUCH THAT "THERE IS A REASONABLE PROBABILITY THAT, BUT FOR COUNSEL'S UNPROFESSIONAL

ERRORS, THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT. CHERRY 300 S.C. 117-18, 386 S.E.2d AT 625. COUNSEL ALSO ~~ADVISED~~^{"FAILED TO"} THE APPLICANT THAT THEY COULD ONLY USE HIS RECORD FOR IMPEACHMENT FROM THE PREVIOUS 10 YEARS. HAD APPLICANT KNOWN THIS HE WOULD HAVE TESTIFIED IN HIS OWN DEFENSE TO IMPEACH THE STATES WITNESSES AND ATTACK THEIR CREDIBILITY.

APPLICANT CAN SATISFY ALL REQUIREMENTS OF STRICKLAND V. WASHINGTON, AND SHOW PREJUDICE. ACCORDINGLY, APPLICANT REQUESTS AND EVIDENTIARY HEARING TO FULLY ADJUCATE HIS CLAIMS AND REQUESTS AND EVIDENTIARY HEARING AND APPOINTMENT OF COUNSEL. SHARPER V. STATE, 305 S.E.2d 247.

4/19/2010
DATE :

RESPECTFULLY SUBMITTED,
X Timothy Blassingame
TIMOTHY BLASSINGAME # 213064
MCCORMICK C.E. F-1-B-
386 REDEMPTION WAY
MCCORMICK S.C. 29889

IMPROPER VOUCHING OF WITNESS

APPLICANT CONTENDS THAT THE STATE IMPROPERLY VOUCHERED FOR ITS WITNESS TESTIMONY IN CLOSING ARGUMENTS. SEE PG. 158, LINES 13-14 AND 16-17 "IF JAMES WILLIE WALKER WAS A LIAR". AND "THAT SPEAKS VOLUMES THAT HE HAS TOLD THE TRUTH THROUGHTOUT THIS WHOLE PROCESS." THIS AMOUNTED TO A PERSONAL ASSURANCE, I.E. WORTHY OF BELIEF THAT ENHANCED THE IMPROPRIETY OF CLOSING ARGUMENT. BECAUSE A JURY MUST MAKE ITS OWN ASSESSMENT ON THE CREDIBILITY OF WITNESSES, IT IS INAPPROPRIATE FOR THE STATE TO ASSURE THE JURY OF A GOVERNMENT WITNESSES CREDIBILITY. STATE V. SHULER, 545 S.E.2d 805, CERT. DENIED, — U.S. — 122 S.Ct. 404 (2001) IMPROPER VOUCHING OCCURS WHEN THE PROSECUTION PLACES THE GOVERNMENT'S PRESTIGE BEHIND A WITNESS BY MAKING EXPLICIT PERSONAL ASSURANCES OF A WITNESSES VERACITY SEE 545 S.E.2d AT 818

SINCE IT IS INAPPROPRIATE FOR THE STATE TO ASSURE THE JURY OF A GOVERNMENT'S WITNESSES CREDIBILITY, APPLICANT'S COUNSEL SHOULD HAVE OBJECTED. SEE SHULA SUPRA, AND STATE V. KELLY, 540 S.E.2d 851 (2001).

AS TO THE PREJUDICIAL IMPACT OF THE FAILURE TO OBJECT, WE FIND THAT PREJUDICE CLEARLY FLOWED FROM COUNSEL'S ERROR. WALKER WAS THE STATE'S KEY WITNESS, AND THEREFORE HIS CREDIBILITY WAS CRUCIAL TO THE GOVERNMENT'S CASE. SINCE WALKER WAS A DRUG USER AND A KNOWN INFORMANT THAT HE CONSTANTLY MADE MONEY FOR BEING A C.F. AND HAD NUMEROUS CONVICTIONS AND WAS RECEIVING A BENEFIT FROM THE GOVERNMENT SHOWS WALKER'S CREDIBILITY WAS QUESTIONABLE. GIVEN WALKER'S OBVIOUS CREDIBILITY PROBLEMS, COUNSEL'S FAILURE TO OBJECT TO THE STATE'S

IMPROPER VOUCHING PREJUDICED APPLICANTS CASE. COUNSEL WAS INEFFECTIVE AND THE STATE COMMITTED PROSECUTORIAL MISCONDUCT. SEE GILCHRIST V STATE, 565 S.E.2d 281 (2002). FURTHER, COUNSEL WAS INEFFECTIVE FOR FAILING TO ASK FOR A CONTINUANCE DUE TO THE FACT HE RELIEVED THE STATES WITNESS LIST THE FIRST DAY OF TRIAL. COUNSEL'S FAILURE TO ASK FOR A CONTINUANCE PREJUDICED APPLICANT THAT HE COULD NOT FULLY INVESTIGATE AND FIND REBUTTAL WITNESSES TO ATTACK THE CREDIBILITY OF THE STATES WITNESSES. A CONTINUANCE WAS WARRANTED IN THIS CASE WHEN CREDIBILITY WAS A MAJOR ISSUE IN THIS CASE. AS SHOWN IN THE TRIAL TRANSCRIPT JAMES WALKER WAS ACTUALLY CONVICTED OF GIVING FALSE INFORMATION. PG 168 LINES 16-17 ALSO PG. 169. SURE, THERE'S A MOTIVE FOR HIM TO LIE. SURE, THERE'S A MOTIVE TO COME AND TRY TO HELP GET A CONVICTION. LINES 19-21. FROM THE BEGINNING IT BOILS DOWN TO ONE THING "THE RELIABILITY OF JAMES WILLIE WALKER". THAT'S WHAT THIS CASE IS GOING TO REST ON. SEE PG. 50 LINES 13-15. BASED ON THE FOREGOING APPLICANT IS ENTITLED TO A NEW TRIAL.

x Timothy Blasingame
TIMOTHY BLASSINGAME # 213064

II. INEFFECTIVENESS OF Counsel

Applicant contend that Counsel was ineffective for failing to investigate. A defense attorney has a general "Duty to make reasonable investigation or to make a reasonable decision that make particular investigation unnecessary/ Strickland, 104 S Ct 2052

Counsel failed to take even the most "Basic" steps to investigate and prepare applicant's defense, Although evidence relevant to the Chain of Custody and the Confidential informant recanting statement was readily available and could have been discovered simply by reading the case file This deficient representation deprived Applicant of the best evidence that he could have presented Also, Counsel failed to interview any of the witnesses that the government planned to call to testify and therefore "could not" know how they would testify and what information, he should try to elicit on cross-examination or would otherwise ~~may~~ need to present in response Counsel cannot make "Informed assessment" of case without ascertaining how government witness will testify Counsel neither investigated, nor made a reasonable decision not to investigate, the state's case through discovery is such a "Complete lack of pretrial preparation" that puts a "Risk" both the defendant's right to an ample opportunity to meet the case of the prosecution and the reliability of the adversarial testing process

When an attorney has made a series of errors that prevents the proper presentation of a defense, it is appropriate to consider the cumulative impact of the errors in assessing prejudice,

This Falls below minimal standards of Competent Representation (SEE Kimmelman, 106 S Ct. 2574, ~~106 S Ct~~)

X Timothy Blasszngame
TIMOTHY BLASSZNGAME #213064

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, TIMOTHY BLASSINGAME, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof

Timothy Blasingame
Applicant

SWORN or affirmed to and subscribed before me this
27 day of April, 2010

Joyce L Young
Notary Public

My Commission Expires 8 28 2011

STATE OF SOUTH CAROLINA

)

VERIFICATION

County of McCollum

)

)

I, TIMOTHY BLASSINGAME, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application, that I know the contents thereof, that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application, and that the matters and allegations therein set forth are true

X ~~Timothy Blasingame~~ Timothy Blasingame

SWORN to and subscribed before me this 27
day of April, 2010

Jersey L Young (LS)
Notary Public

My Commission Expires 8 28 2011

FILED TOULE SC
CLERK OF COURT
2010 APR 30 A 10 15

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT TIMOTHY BLASSINGAME #213064
 DID MAIL TO THE CLERK OF COURT, OCONEE COUNTY, BEVERLY
 H. WHITFIELD, HIS ORIGINAL PCR APPLICATION AND ATTACH-
 MENTS, PLACED IN THE MAIL BY THE NOTARY PUBLIC FOR
 M^CCORMICK C.I., ON THIS 19 DAY OF April 2010
2010, AND MAILED TO P.O. BOX 678, WALLHALLA S.C. 29651
 WITH POSTAGE PREPAID.

SWORN AND SUBSCRIBED BEFORE ME
 THIS 19 DAY OF April, 2010
Donna L. Young
 NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES
8-28-2011

X Timothy Blasingame
 TIMOTHY BLASSINGAME #213064
 M^CCORMICK C.I. F1-B-119
 386 REDEMPTION WAY
 M^CCORMICK S.C. 29899

2010-CP-37-

FILED BY CLERK OF COURT
 BEVERLY H. WHITFIELD
 2010 APR 30 A 10 15

STATE OF South Carolina
County of Oconee

TIMOTHY BLASSINGAME #213064
Applicant

Vs

STATE OF South Carolina
Respondent

CA/NO 2010-CP-37-531

AMENDED (Supplemental)

PCR Application

Brief

16 EXHIBITS

S C R CIV P Rule 15(C)

FILED
JUL 20 2010
CLERK OF COURT
BEVERLY H. WHITEFIELD
SC

Pursuant to the S.C R CIV P 15(C) The applicant submits an Amendment to his Original PCR Application Submitting <added Brief> and 16 EXHIBITS, and Trial Transcript which supports his pleadings and conforms to the evidence.

This Amendment is Timely since no responsive pleading has been made

Date:
July 2, 2010

X Timothy Blasingame

TIMOTHY BLASSINGAME #213064

M^cCORMICK, C I F I-A Rm #187

386 REDEMPTION WAY

M^cCORMICK, SC 29899

CERTIFICATE OF SERVICEFILED DOC. LE. SC
BEVERLY H. WHITFIELD
CLERK OF COURT

2010 JUL 20 A 10:06

This is to certify that Timothy Blassingame did mail
to Attorney Keith G. Denny, Esq. his Amended (PCR) Brief
with 16 EXHIBITS and mailed to po Box 490,
Walhalla, SC 29691 Placed in the mail by the
Notary of M^{rs} McCormick, C.I. ON

This 2 Day of July, 2010 with postage prepaid

Sworn and Subscribed before me
This 2 Day of July, 2010

Joyce L. Young
Notary Public South Carolina
MY Commission Expires
8-28-2011

x Timothy Blassingame
TIMOTHY BLASSINGAME #213064
M^{rs} CORMICK, CI F/A Rm #187
386 REDEMPTION WAY
M^{rs} CORMICK, SC 29899

AMEND BRIEF ~~to~~
TO
ORIGINAL (PCR)
APPLICATION

See/Attachment

Ineffective Assistance of Counsel

Counsel was Ineffective for failing to object to an Erroneous Jury Instruction Defining Distribution of Crack Cocaine

Applicant contends that the State Court gave a Erroneous Jury Instruction Concerning the Statutory Definition of "Distribute" under S.C. Law Code § 44-53-110. The Court Improperly Charged the Jury with the element of "Attempt" which he was not Indicted for, Applicant was Charged with "Distribution" of Crack Cocaine. The Jury requested for a copy of the "Definition of Distribution" The Court included the element "Attempt" as part of the Definition of Distribute. This Does Not Fall within the Statutory Definition of Distribute. pg 184, Line 20-23, (Reads) "Distribute means to deliver or to Actually Constructively, or "Attempt" to transfer a drug other than by Administering or Dispensing by a prescription."

"S.C. Code of Law § 44-53-110, states "Distribute" means to Deliver (other than by Administering or Dispensing) a Controlled Substance."

The Court also Erroneous and Improperly gave a Jury Instruction of the Definition of Delivery

When as shown the Applicant was not charged with such offense pg 184, Line 23-25 (Reads), Delivery means to Actually or Constructively "Attempt to transfer a drug Transfer Can involve an exchange for money, a Barter, or Gift

Applicant Warrant Was for Distribution Not Attempt Distribution or Deliver, The Erroneous Definition Changed what Standard the Jury would have to decide under Because, No proof of the actual Delivery Could be Shown By Law the State would have had to prove beyond a reasonable Doubt Actual Delivery Not An "Attempt"

See Fed. Rules Cr. proc Rules 52(b), *U.S. v. Olano* 113 S. Ct 1779,
U.S. v. Delano, 55 F.3d 720, 726 (2nd Cir. 1995)

Ineffective Assistance of Counsel

Failure to object / Failure to preserve

EXHIBIT 1

Supreme Court will Not Consider issues not raised to or ruled upon by Trial Judge

Defendant Could not Challenge Admission of Alleged prior bad act evidence on appeal, where his Trial Counsel did not Object to admission of evidence, see, *State v Johnson*, 476 S.E.2d 681 (1995)

An issue must be raised to and ruled on by the trial judge to "Preserve" for Appellate review. See, *State v Black*, 462 S.E.2d 311 (Chapp 1992)

Alleged Prior Bad Act Evidence:

- ① "Prosecutorial Misconducts"
 - a) Chain of Custody Violation
 - b) Use of False Misleading Bolstering Testimony
 - c) Improper Bolstering Comments
 - d) Improper Vouching for its Witness
- ② "Plain Error", or Defects
 - a) Erroneous Jury Charge Instructions

failure to suppress/failure to object
to

Chain of Custody Violations EXHIBIT 2

Pursuant to Rule 6, Chain of Custody under Rule, 36 Forms
The Supreme Court shall prescribe the content and format
of forms Required by these Rules

The use of the forms as prescribed is
"MANDATORY"

A-B-C Forms Chain of Custody

"These was the forms that was disclosed in discovery"

- (1) Controlled buy Field Sheet
- (2) Evidence/property <Copy of Best Kit>
- (3) Two Form 'C' /with No Notary public Signature
- (4) Forensics Laboratory Report
- (5) Outbound Evidence Transfer Receipt

"The Discrepancy of a Broken Chain of Custody"

pages from Trial Transcript p 67 Line 5-14

p 66 Line 12-16, 23-25

p 92 Line 23-25

p 113 Line 1-17

p 93 Line 1-3

p 104 Line 2-5

p 59 Line 19-21

Trial Counsel's error in not suppressing the Chain of Custody prejudiced the applicants Case Counsel should have suppress the Chain of Custody Since the party was offering into evidence "fungible" Items

Reasons:

- (1) A-B-C forms was Not properly submitted
- (2) That the surveillance shows the informant come in contact with two other Individuals in a regular drug activity site.
- (3) And, that the surveillance "does not" Show how the informant come into possession of the drug evidence and in what Condition he received it
- (4) Had Counsel move to have a suppress hearing of the evidence Counsel would had known what the State's witness would have testified to As the "record" will show there was alot of "Discrepancys" of the Chain of Custody

See/Attachments (1-4)

(Chain of Custody)

COVER PAGE

(1)

A B-C Forms was Not properly Submitted
in the Applicants Discovery

Seneca Police Department

CRIMINAL INVESTIGATIONS DIVISION

NARCOTICS UNIT

Controlled Buy Field Sheet

Investigation

<u>02/24/09</u> Date	<u>00036</u> Case Number	<u>611500</u> Bestpack Number
<u>Cum, Hancock</u> Officers Involved		
<u>Jim Blessingme</u> Suspect or Targeted Location		
<u>\$40</u> Amount and Type of Funds Used		
Documentation of Funds		
<u>LD 05520711A (20)</u>		
<u>GD 0345101A (20)</u>		

Confidential Informant

<u>James Walker</u> Assumed Name or Number	<u>[REDACTED]</u> Social Security Number
<u>Black pants, Blk shirt, tan shoes</u> Clothing	
<u>1420</u> Time Met with C/I	<u>Crum</u> Briefed By
<u>1425</u> Searched Time (Before)	<u>Jim out</u> Searched By
<u>1516</u> Search Time (After)	<u>Hancock</u> Searched By
<u>1426</u> Wiring Time	<u>Crum</u> Wired By
	<u>Nothing</u> Discovered
	<u>Nothing</u> Discovered

Vehicle Information

Make	Model	Color	Year
<u>Owner</u>		License Plate	State
<u>Searched Time (Before)</u>	<u>Searched By</u>	<u>Discovered</u>	
<u>Searched Time (After)</u>	<u>Searched By</u>	<u>Discovered</u>	
<u>Wiring Time</u>	<u>Wired By</u>		

Target

1454
Time Arrived

Went to store (back street)
Time of Purchase

510-1-1
Location of Purchase

Suspect

Tim / Massif / 12/11
Suspects Name

5'11 / 150 short hair / black hair
Description

blue jeans, light shirt, black shoes, black/white shoes
Clothing

Black Toyota car / Chevrolet
Other

Narcotics

9/13 6654 1500
Time Substance Was Turned Over Sgt. Cunn
Receiving Officer

Black in color like substance
Description of What Was Purchased

1/1
Approximate Weight ~~1/1~~ Price Paid For Substance

Other Narcotics Seen

Comments

1) put CI off 11.02 → CI needs phone call to subject p. 2, 10
dropping him off →

* NO INQUIRY - was done, letter given for free



Anderson-Oconee Regional Forensics Laboratory

DRUG ANALYSIS DEPARTMENT

John Crum
Seneca Police Department
205 North Depot Street
Seneca SC 29678

Date 08/05/2009 ,
Lab Number T 09 000110
Incident Date 02/24/2009
Agency Case # 09000306
Control # C 11800
(S) Blessingame Timothy Lee

This is an official report issued by a certified analyst. The items in this report were examined with the assurance that the submitted specimens have not nor will be submitted to any other laboratory or agency for examination

ITEMS OF EVIDENCE

L09-000110

The following evidence was submitted to the Anderson/Oconee Regional Forensics Laboratory by C R Smith of the Seneca Police Department on 8/11/2009

Item A	Sealed drug evidence kit	Control # C11800

Item A 01	Clear plastic ziploc bag containing rock substance

Results

Cocaine (Base) found	0.04 grams	Schedule II

3 } 2 2

I am a Forensic Chemist employed by the Anderson Oconee Regional Forensics Laboratory at the Anderson County Sheriff's Office and certified by the Anderson Oconee Regional Forensics Laboratory as a chemical analyst qualified to perform testing and analysis for controlled and/or dangerous substances prohibited by law in the State of South Carolina on Title 44 Chapter 33 of the SC Code of Laws and Rule 61.4 of the SC Department of Health and Environmental Control. I have 4 years and 4 months experience and have been justified as an expert witness in criminal courts of law no less than 3 times.

The following legally reliable forensic laboratory procedures were used to conduct this analysis:

UV-Vis Spectroscopy

Mass Spectroscopy

Gas Chromatography

FT-IR Spectroscopy

Color Tests

Meredith Lanford

Meredith Lanford

Forensic Chemist

08/05/2009

Date

-EVIDENCE/PROPERTY-

Submitting Agency Seneca Case No 09 0304
 Location E/ACFL Tag No 0000199
 Date of Collection 2/24/09 Time of Collection 1507
 Collected By J. CRUM Badge No 35
 Court Date Unknown
 Description of Enclosed Evidence/Property _____
Beige in color rock like substance

 Location Where Collected _____
Seneca, SC

 Type of Offense DUI of Crack
 Victim's Full Name State of SC
 Suspect's Full Name Timothy L Blasingame

-CHAIN OF CUSTODY-

From	To	Date/Time
E/PLUCKER	DR EVIDENCE	02-25 09/1740
M. T. MARTIN	Evidence	6 26 09 / 730

CONTROL NO C11800

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED

FORM C (RULE 6)CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL
CUSTODY OR CONTROL
(Subsequent Change of Custody)This is to certify that I CR Smith am employed by
(Name)Sereca PD as EVIDENCE/ID TECH and that on
(Name of Agency or Department) (Capacity of Employment)02 25 09, I received In Person
(Date) (Specify Whether by Mail or in Person)from Secure Evidence Locker of Sereca PD
(Name of Person) (Law Enforcement Agency)

the following substance(s) or container(s) which were originally seized by

UNKNOWN TO ME

(Name of Person Making Original Seizure)

(Describe substance or container with sufficient particularity to distinguish it)

Sealed Evidence BEST Pack C 11800On 02 25 09, I made delivery of the above described
(Date)substance(s) or container(s) to Drug Storage of
(Name)Sereca PD in substantially the same condition
(Law Enforcement Agency)

as when I received it

CR Smith

(Signature)

Place _____
Date _____

Sworn before me on this _____ day of _____

Notary Public for South Carolina
My Commission expires _____

CONTROL NO C11800

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED

FORM C (RULE 6)**CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL
CUSTODY OR CONTROL**

(Subsequent Change of Custody)

This is to certify that I CR Smith am employed by

(Name)

Sereca PD as Evidence / ID Tech and that on

(Name of Agency or Department)

(Capacity of Employment)

03 11 09, I received In Person

(Date)

(Specify Whether by Mail or in Person)

from Drug Storage of Sereca PD

(Name of Person)

(Law Enforcement Agency)

the following substance(s) or container(s) which were originally seized by

UNKNOWN TO ME

(Name of Person Making Original Seizure)

(Describe substance or container with sufficient particularity to distinguish it)

Sealed Evidence BEST Pack C11800On 03-11-09, I made delivery of the above described

(Date)

substance(s) or container(s) to Meredith Lanford of

(Name)

Anderson Oconee Forensics Lab

(Law Enforcement Agency)

in substantially the same condition

as when I received it

CR Smith

(Signature)

Place _____

Date _____

Sworn before me on this _____ day of _____, _____

Notary Public for South Carolina

My Commission expires _____

OUTBOUND EVIDENCE TRANSFER REPORT

EVIDENCE TRANSFER TRANSACTION

Evidence Relinquished By Lanford, Meredith L	Agency [X]	AOFL PIN Entered
Evidence Received By Crum, John	Agency []	SPD PIN Entered
VIA		
Note		
Date & Time	6/26/2009 2 53 56PM Hours	
Operator	Meredith Lanford	

Lab Case #	Evidence #	Evidence Description
L09-000110	A	Sealed drug evidence kit
L09-000110	A 01	Clear plastic ziploc bag containing rock substance
L09-000111	A	Sealed drug evidence kit
L09-000111	A 01	Folded clear plastic bag containing rock substance
L09-000112	A	Sealed drug evidence kit
L09 000112	A 01	Silver and yellow cigarette lighter containing a knotted clear plastic baggie containing rock substance
L09-000226	A	Sealed drug evidence kit
L09-000226	A 01	Clear plastic ziploc bag containing five (5) white, rectangular tablets
L09-000228	A	Sealed drug evidence kit
L09-000228	A 01	Clear plastic ziploc bag containing rock substance
L09-000229	A	Sealed drug evidence kit
L09-000229	A 01	Clear plastic ziploc bag containing knotted clear plastic baggie containing powder substance
L09-000230	A	Sealed drug evidence kit
L09-000230	A 01	Knotted clear plastic baggie containing two (2) pink, round tablets stamped with a "lounging woman" logo
L09 000231	A	Sealed drug evidence kit
L09 000231	A 01	Clear plastic ziploc bag containing rock substance
L09 000232	A	Sealed drug evidence kit
L09 000232	A 01	Clear plastic baggie containing rock substance
L09 000233	A	Sealed drug evidence kit
L09 000233	A 01	Clear plastic ziploc bag containing rock substance

SIGNATURES

Evidence Relinquished By	Evidence Received By
<i>Meredith L. Lanford</i>	<i>John Crum</i> → <i>M. Terzian</i> 6/26/09 1636

(Change of Custody)

COVER PAGE

(2)

Informant came into contact with
two other individuals

Page from Trial Transcript pg 77 Lines 11-26

pg 78 Lines 17-25

pg 79 Lines 5-8, 13-19

37-17

SL

J - -

P - -

C - -

1 IN THE TRANSACTION BETWEEN THE TIME THAT YOU SET IT UP
2 AND THE TIME THE CONFIDENTIAL INFORMANT GETS BACK TO YOU,
3 THEN IT'S WORTHLESS ISN'T THAT CORRECT?

4 A I WOULDN'T SAY WORTHLESS, NO IT THROWS A KINK IN
5 IT BUT IT DOESN'T MAKE THE DEAL WORTHLESS

6 Q IF IT -- YOU WANT TO BE ABLE TO TESTIFY WITH
7 CERTAINTY IN COURT THAT A THIRD PARTY COULD NOT HAVE
8 GIVEN THE DRUGS TO THE CONFIDENTIAL INFORMANT, DO YOU
9 NOT?

10 A CORRECT

11 Q NOW, IN THIS PARTICULAR CASE, MR WALKER EXITED
12 THE VEHICLE AND WENT INTO AN APARTMENT COMPLEX WHERE
13 THERE WERE PEOPLE SITTING OUTSIDE, DID HE NOT?

14 A CORRECT CORRECT

15 Q THESE ARE PEOPLE THAT HE KNEW OBVIOUSLY FROM
16 TALKING TO THEM, DID HE NOT?

17 A I WOULD ASSUME SO

18 Q THIS IS AN APARTMENT COMPLEX, AS YOU TESTIFIED
19 EARLIER, IS A REGULAR DRUG ACTIVITY SITE?

20 A CORRECT

21 Q ALSO IN THE VIDEO MR WALKER WALKS UP TO A
22 WINDOWSILL IN APARTMENT [REDACTED] DOES HE NOT?

23 A UH-HUH

24 Q YOU NEED TO SAY YES OR NO FOR THE COURT REPORTER
25 SHE'S TYPING UP WHAT WE'VE GOT HERE

Reasonable
Doubt

STATE BAR OF CALIFORNIA -- 1983 -- 3

1 A YES

2 Q AND AT THE 20 47 MARK OF THE VIDEO, MR WALKER
3 PEACHES UP ON THE WINDOWSILL WITH HIS HANDS, DOES HE NOT?

4 A I DIDN'T CATCH THAT

5 Q COULD WE REPLAY THE C D TO THE 20 47 MARK?

6 MS SIMMONS JUST HIT PLAY I'LL DO IT FOR YOU

7 MR SPROUSE THANKS JUST TO SAVE TIME

8 (DISCUSSION OFF THE RECORD)

9 MR SPROUSE I'LL GO AHEAD WE'LL COME BACK TO
10 THAT

11 BY MR SPROUSE

12 Q YOU ARE NOT AWARE -- YOU HAVEN'T WATCHED THE VIDEO
13 TO SEE IF HE PUT HIS HANDS UP ON THE WINDOW?

14 A HE WATCHED THROUGH THE WINDOW, I DO KNOW THAT I
15 DIDN'T WATCH IT CLOSE ENOUGH TO SEE IF HE RAISED HIS
16 HANDS

17 Q HE ALSO WALKED UP TO AT LEAST TWO INDIVIDUALS WHO
18 WERE SEATED OUTSIDE OF THE APARTMENT WITHIN HANDSHAKE
19 RANGE, DID HE NOT?

20 A HE WALKED UP IN THE VICINITY HANDSHAKE, I DON'T
21 KNOW

22 Q BUT HE WALKED UP TO THE POINT WHERE, IF THEY ARE
23 SITTING ON THE FRONT STEP AND THE CAMERA IS ON HIS SHIRT,
24 YOU LOSE SIGHT OF THEM --

25 A YES

Reasonable
Doubt

STATE / WALKER -- 27 --

1 Q -- AS HE'S STANDING OVER THEM?

2 A HIS BODY HAS TO - THE CAMERA POINTS UP A LITTLE
3 BIT BUT TO SAY THAT HE'S TWO FEET FROM THEM OR FOUR
4 FEET, I CAN'T SAY

Reasonable
Doubt

5 Q NOW, THERE IS -- WELL, LET ME ASK YOU THIS IT IS
6 PHYSICALLY POSSIBLE FOR HIM TO HAVE GOTTEN A QUANTITY OF
7 NARCOTICS WHILE AT THIS RESIDENCE, IS IT NOT?

8 A IT'S A POSSIBILITY, YES

PLEASE SEE

9 Q AND IF YOU ARE SAYING HE DID NOT GET NARCOTICS AT
10 THIS LOCATION, YOU ARE HAVING TO RELY ON MR WALKER'S
11 WORD TO BELIEVE THAT, IS THAT CORRECT?

12 A CORRECT

13 Q BECAUSE THERE'S NOTHING -- YOU CAN'T SEE HIS HANDS
14 ON THE VIDEO ---

15 A CORRECT

16 Q --- EXCEPT FOR THE WINDOWSILL AND YOU CAN'T SEE
17 WHAT HE'S DOING WITH HIS HANDS WHEN HE'S NEAR THOSE
18 INDIVIDUALS?

19 A CORRECT

20 Q OKAY NOW, MR WALKER TOLD YOU THAT THEY RODE
21 AROUND THE BLOCK?

22 A CORRECT

23 Q YOU SEE IN THE VIDEO POWER LINES AND YOU SEE THEY
24 ARE TURNING AND THEY'RE IN THE CAR OVER THREE MINUTES
25 YOU CAN DRIVE A SIGNIFICANT DISTANCE IN THREE MINUTES IF

(Change of Custody)

COVER PAGE

(3)

No Showing of how the Informant came into possession of the drug evidence and what Condition he received it.

Page from Trial Transcript pg 156 Lines 22-24

pg 164 Lines 16

1 YOU THAT HE'S BEEN WORKING IN NARCOTICS APPROXIMATELY
 2 FIVE YEARS HL HAS USED JAMES WILLIE WALKER SOMEWHERE
 3 BETWEEN 30 AND 40 TIMES HE'S GIVEN HIM RELIABLE
 4 INFORMATION, HE'S BEEN TRUSTWORTHY, HE HASN'T HAD ANY
 5 PROBLEMS OUT OF HIM JAMES WILLIE WALKER HAS A RECORD,
 6 BUT SERGEANT CRUM IS A POLICE OFFICER AND HE HAS HAD
 7 REASONABLE DEALINGS WITH HIM AND HAS GOTTEN RELIABLE
 8 INFORMATION

9 HE ALSO TOLD YOU THAT HE MAKES CONTROLLED BUYS H
 10 DOES EVERYTHING IN HIS POWER TO CONTROL THE ENVIRONMENT
 11 THAT THESE BUYS OCCUR IN HE HAD MORE THAN ONE AUDIO O
 12 MR WALKER HE HAD A VIDEO CAMERA ON HIM HE LISTENS
 13 IT SIMULTANEOUSLY WHILE IT'S HAPPENING THAT IS ABOUT
 14 MUCH CONTROL AS YOU CAN EXERCISE OVER A CONFIDENTIAL
 15 INFORMANT DEAL HE'S LISTENING TO EVERYTHING GOING ON
 16 THROUGH THE PROCESS

17 IN A PERFECT WORLD, SERGEANT CRUM WOULD BE ABLE TO
 18 BE SITTING IN THE CAR WITH HIM, BUT EVERYBODY KNOWS WHO
 19 HE IS OR WE WOULD HAVE SOME GIGANTIC CAMCORDER CATCHING
 20 YOU HAND-TO-HAND ON VIDEO BUT THIS CAMERA IS SMALLER
 21 THAN ONE OF MY BUTTONS HERE SO WE GOT A HEAD SHOT WE
 22 HAVE A HEAD SHOT OF THE DEFENDANT DO WE HAVE A
 23 HAND-TO-HAND ON VIDEO? NO DOES THAT HAPPEN VERY MUCH?
 24 NO WE AREN'T IN A SITUATION WHERE WE CAN HAVE MULTIPLE
 25 CAMERAS WITH GREAT VANTAGE POINTS BUT IT WAS A

No physical
 Evidence
 ↓

STATE V. JAMES WILLIE "J DUB" WALKER -- 11/11/11

1 DEFENDANT COMES TO COURT AND IS INNOCENT UNTIL PROVEN
2 BEYOND A REASONABLE DOUBT THAT HE'S GUILTY

3 NOW, WHAT HAS THE STATE PROVEN HERE TODAY? THE
4 STATE -- WE SPENT A DAY IN TRIAL YESTERDAY, AND THERE ARE
5 THINGS THAT THE STATE HAS PROVED, NO QUESTION ABOUT IT
6 THEY PROVED THAT TIM BLASSINGAME HAS A GIRLFRIEND NAMED
7 CHARLOTTE THEY PROVED THAT CHARLOTTE HAS A CELL PHONE
8 AND THAT SHE DRIVES AN ALTIMA

9 AND WE SPENT A LARGE AMOUNT OF TIME WITH WITNESSES
10 PROVING THAT JAMES WILLIE "J DUB" WALKER HANDED A VERY
11 SMALL QUANTITY OF CRACK COCAINE TO SERGEANT HUNNICUTT IN
12 THE POLICE VAN AND LADIES AND GENTLEMEN, THAT'S WHERE
13 IT STOPS THE STATE HASN'T PROVEN ANYTHING ELSE

14 NOW I WANT TO ASK YOU, DO YOU HESITATE WHEN YOU LOOK
15 AT THE VIDEO AND WHEN YOU LOOK AT THE AUDIO OR WHEN YOU
16 HEAR THE AUDIO? THE VIDEO SHOWED NO TRANSACTION, IT
17 SHOWS NO LOCATION THEY CAN'T EVEN TELL US IF IT WAS IN
18 THE CITY OF SENECA OR NOT WITH CERTAINTY THEY THINK IT
19 WAS BUT AS YOU JUST WATCHED IT, ALL THE VIDEO SHOWS ARE
20 TREETOPS AND POWER LINES

21 THE TESTIMONY WAS THAT THEY DROVE AROUND THE BLOCK
22 WE DON'T KNOW WE DON'T KNOW WHERE THIS ALLEGED
23 TRANSACTION TOOK PLACE

24 WE HEARD TESTIMONY YESTERDAY THAT OFFICER CRUM WAS
25 UNABLE TO LISTEN TO THE AUDIO AND DETERMINE THE EXACT

No physical
evidence →

(Chg. of custody)

Cover Page

(4)

DISCREPANCYS OF A BROKEN CHAIN OF CUSTODY

Pages from Trial Transcript

P 67 Lines 5-14

P 66 Lines 12-16, 23-25

P 92 Lines 22-25

P 113 Lines 1-17

P 93 Lines 1-3

P 104 Lines 2-5

p 59 Lines 19-21

~~SECRET~~

STATE BARRETT -- 37 1 1977

1 IN, AND THEN WHEN I OBTAIN THAT, GET BACK TO MY OFFICE, I
2 PUT THE DATE ON IT AND MY INITIALS ON IT, ON THE BAG

3 Q AND THAT WAS PRESENTED TO YOU AS A CRACK ROCK?

4 A YES, MA'AM

5 Q WHEN DID YOU TURN IT INTO EVIDENCE AT THE SENECA
6 POLICE DEPARTMENT?

7 A ON FEBRUARY 24TH

8 Q OKAY WHERE DO YOU ALL PUT EVIDENCE WHEN YOU TURN
9 IT IN?

10 A WE SEAL IT UP IN A BAG THAT GOES TO THE DRUG LAB
11 AND THEN I PUT IT INTO AN EVIDENCE LOCKER, A LOCKED
12 EVIDENCE LOCKER AT THE POLICE DEPARTMENT

13 Q WHO-ALL HAS KEYS TO THAT LOCKER?

14 A JUST THE EVIDENCE TECHNICIAN

15 Q OKAY AND YOU WERE ABLE TO TIE, JUST SO I
16 UNDERSTAND, YOU WERE ABLE TO TIE CHARLOTTE REED AND THAT
17 PHONE NUMBER TO THIS DEFENDANT THROUGH A FURTHER
18 INVESTIGATION?

19 A CORRECT

20 MS SIMMONS BEG THE COURT'S INDULGENCE FOR ONE
21 SECOND

22 (WHEREUPON, MS SIMMONS AND THE COURT
23 REPORTER CONFERRED OFF THE RECORD)

24 MS SIMMONS I HAVE NO FURTHER QUESTIONS AT THIS
25 TIME WITH THIS WITNESS

CHAIN OF
CUSTODY
VIOLATION

STATE / BLASSI CASE -- 20 FEB 1987 -- 1 11 11

1 A AT THE [REDACTED] AT THE APARTMENT COMPLEX

2 Q AND HE STARTED MAKING HIS WAY BACK TO YOU?

3 A YES, HE HAD TO GO INTO THE COMPLEX FOR A MOMENT
4 HE HAD THE DEFENDANT BELIEVE THAT HE WAS COMING FROM HIS
5 SISTER'S HOUSE AS YOU CAN SEE FROM THE VIDEO, HE WAS
6 STUCK BEHIND THE SCHOOL BUS, SO HE WOULDN'T HAVE BEEN
7 ABLE TO DRIVE AWAY, SO THE INFORMANT HAD TO STALL FOR
8 JUST A MOMENT BEFORE COMING BACK TO MEET US

9 Q SO WHEN WE SEE HIM LOOK AT THAT DOOR AND THAT
10 WINDOW, IS THAT HIS SISTER'S PLACE?

11 A YES, MA'AM

12 Q OKAY WHO DID THE INFORMANT TURN THE NARCOTICS IN
13 TO?

14 A IN THE BUILDING HE WOULD HAVE INITIALLY HANDED IT
15 TO OFFICER HUNNICUTT, AND I OBTAINED IT BECAUSE I WAS
16 DRIVING

17 Q OKAY BUT YOU SAW THAT HAPPEN?

18 A YES

19 Q OKAY I'M GONNA SHOW YOU WHAT HAS BEEN PREVIOUSLY
20 MARKED AS STATE'S EXHIBIT 5 IS THIS WHAT WAS TURNED
21 OVER TO YOU THAT DAY (HANDING)?

22 A YES, MA'AM, IT IS

23 Q OKAY AND HOW DO YOU, HOW DO YOU GO ABOUT MARKING
24 AND IDENTIFYING WHEN DRUGS ARE TURNED IN?

25 A WE GIVE THEM A LITTLE PLASTIC BAG TO PUT THE DRUGS

STATE V GLASSINGME -- WALKER/DIRECT -- 03/27/20

① Q OKAY YOU HAVE BEEN HERE IN COURT ALL MORNING
 ② THE VIDEO AND THE AUDIOTAPE THAT YOU LISTENED TO, IS THAT
 ③ A FAIR REPRESENTATION OF WHAT HAPPENED?

④ A YES, MA'AM

5 Q OKAY WHEN YOU GOT IN THE CAR, WERE YOU ALL IN
 6 THE CITY LIMITS OF SENECA?

7 A YES, MA'AM WE WENT AROUND THE BLOCK FROM [REDACTED]
 8 STREET AROUND TO -- I DON'T KNOW THE STREET NAMES BACK
 9 THERE BUT WE JUST WENT AROUND THE BLOCK IT DIDN'T
 10 TAKE ABOUT JUST TWO OR THREE MINUTES TO GET BACK WHERE WE
 11 WERE WHEN I FIRST GOT UNDERCOVER, AND THAT WAS IN THE
 12 CITY OF SENECA

13 Q OKAY WHEN HE GAVE YOU THE DRUGS, DID HE SAY
 14 ANYTHING? I KNOW YOU ALL TALKED ABOUT 40'S AND DUBS AND
 15 DIMES AND ALL THAT, BUT

①⑥ A ALL I SAID WAS, I APPRECIATE YOU LOOKING FOR THA
 ①⑦ CUZ, AND HE SAID ALL RIGHT, AND I GOT OUT OF THE CAR,

18 Q SO YOU SAY CUZ?

19 A YES, MA'AM

20 Q AND THAT'S BECAUSE HE'S YOUR COUSIN?

21 A YES, MA'AM

②② Q I'M GONNA SHOW YOU WHAT'S BEEN PREMARKED FOR
 ②③ IDENTIFICATION AS STATE'S EXHIBIT 5 IS THIS THE CRACK
 ②④ COCAINE THAT YOU GAVE BACK TO SERGEANT CRUM?
 ②⑤

A YES, MA'AM

IMMEDIATE
 HANDLED
 BY
 [illegible]

Chen
 Custody

Q AFTER THE DEAL DID THE INFORMANT TURN THE
NARCOTICS IN TO YOU AND SERGEANT CRUM?

A YES

Q HOW DID THAT TAKE PLACE?

A HE ENDED UP -- SERGEANT CRUM WAS DRIVING, SO I
KIND OF JUST TOOK IT AND HANDED IT STRAIGHT TO SERGEANT
CRUM

Q LET ME SHOW YOU WHAT'S BEEN PRE-MARKED STATE'S
EXHIBIT 5 IS THIS THE SMALL BAGGIE THAT WAS HANDED TO
YOU?

A YES

Q AND THAT OCCURRED ON FEBRUARY 24TH?

A YES, MA'AM

Q AND WHO DID YOU SAY YOU GAVE IT TO?

A (NO RESPONSE)

Q WHO DID YOU SAY YOU GAVE IT TO?

A I PASSED IT ON TO SERGEANT CRUM

Q OKAY DID YOU LATER ENCOUNTER THIS DEFENDANT ON
OR ABOUT MARCH 5TH, 2009, THAT WOULD BE A COUPLE WEEKS
LATER?

A YES

Q WAS THAT DURING THE COURSE OF YOUR EMPLOYMENT AT
THE SENECA POLICE DEPARTMENT?

A YES, IT WAS

Q DID YOU OBTAIN ANY PERSONAL INFORMATION FROM THE

STATE 3D 11-11-11 11-11-11 11-11-11

Q IS THAT THE LITTLE BAGGIE HE GAVE YOU TO PUT IT
IN?

A YES, MA'AM

Q OKAY AND THAT WAS -- WHAT DATE WAS THAT ON?

A THE 24TH OF FEBRUARY OF '09

Q OKAY DID YOU -- I KNOW THAT AFTER YOU GOT OUT OF
THE CAR, YOU DID TALK TO SOME PEOPLE AT THE APARTMENTS
THERE, RIGHT?

A YES, MA'AM

Q HOW CLOSE DID YOU GET TO THOSE FOLKS?

A ABOUT FROM HERE, OVER HERE TO I'D SAY RIGHT ABOUT
THERE WHERE THE FIRST LADY IS SITTING THERE

Q (TAKES STEPS) RIGHT HERE?

A YES, MA'AM FOUR STEPS AND I JUST WALKED UP TO
THE WINDOW TO SEE WHAT WAS GOING ON

Q OKAY SO YOU JUST PUT YOUR HANDS UP TO YOUR FACE
AND YOU LOOKED THROUGH THE WINDOW LIKE THAT
(DEMONSTRATING)?

MR SPROUSE OBJECT TO THE LEADING, YOUR HONOR

THE COURT ALL RIGHT

MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
THE OBJECTION WAS TO THE LEADING A LEADING QUESTION IS
A QUESTION THAT SUGGESTS AN ANSWER, IN OTHER WORDS, IN
EFFECT THAT THE LAWYER IS TESTIFYING AND THE WITNESS IS
ONLY AGREEING WITH THE LAWYER BUT WHEN IT'S YOUR

CHAD - 12-14-83 - 27

STATE V BLASSINGAME -- WALKER, RECROSS -- 12 27

✓

1 A YES, SIR

2 Q OKAY WHERE DID YOU PUT THIS SUBSTANCE THAT YOU
3 ALLEGE WAS GIVEN TO YOU?

4 A I HANDED IT OVER WHEN I GOT BACK TO THE JEEP WITH
5 CRUM, MR CRUM HE PUT IT IN A PLASTIC BAG

6 MR SPROUSE I ASK THE COURT'S INDULGENCE

7 (THE DEFENDANT CONFERRED WITH COUNSEL OFF THE
8 RECORD)

9 BY MR SPROUSE

10 Q MR WALKER, YOU USE COCAINE, DO YOU NOT?

11 A YES, SIR

12 Q AND YOU WERE USING CRACK AT THE TIME THIS OFFENSE
13 HAPPENED?

14 A NOT AT THE TIME THE OFFENSE HAPPENED PROBABLY A
15 COUPLE DAYS EARLIER

16 Q IF YOU HAD BEEN SENT FOR A DRUG TEST, DO YOU
17 BELIEVE THAT YOU WOULD HAVE SHOWED UP POSITIVE FOR
18 COCAINE?

19 A I KNOW I'M SURE I'M POSITIVE FOR COCAINE. THERE
20 AIN'T NO DOUBT

21 MR SPROUSE OKAY THANK YOU

22 THE COURT REDIRECT?

23 REDIRECT EXAMINATION BY MS SIMMONS

24 Q JAMES WILLIE, JUST A COUPLE FOLLOW-UPS HAVE WE
25 MADE YOU ANY PROMISES IN RETURN FOR YOUR -- YOU DO HAVE

STATE v. BLISS, A.D. -- 57

1 CRACK IN DRUG TERMS

2 HE CONTINUED TO ASK FOR ANOTHER PIECE AND THEN HE
3 GOES DOWN AND ASKS FOR \$10 GIVE ME A 10, \$10 WORTH OF
4 CRACK HE JUST GOES DOWN, HE ASKS HIM FOR SOME KIND OF
5 CRACK

6 THEY RIDE AROUND, AND WHEN IT GETS TO WHERE HE
7 STARTS SAYING, THANK YOU, THANK YOU, I APPRECIATE THAT,
8 HE HAD THE DOPE AT THAT POINT FALSE NOT SUPPORTED BY AUDIO

9 THEN HE'S DROPPED OFF HE HAS TO HANG AROUND THE
10 APARTMENT THERE MOMENTARILY TO LET THE DEFENDANT LEAVE,
11 TO GET OUT, SO HE CAN SAFELY WALK BACK AND MEET US
12 WITHOUT BLOWING HIS COVER ONCE HE GOT BACK TO US, HE
13 WAS DEBRIEFED AGAIN

14 ACTUALLY, PRIOR TO HIM MEETING US HE GAVE US A
15 DESCRIPTION OF THE DEFENDANT WE DO THAT THAT WAY IT'S
16 FRESH IN HIS MIND AND HE CAN EASILY TELL US WHAT THE
17 DEFENDANT LOOKED LIKE, WHAT THE TARGET LOOKED LIKE

18 THEN HE GOT BACK IN THE CAR WITH US, WE PICKED HIM
19 UP WE DO ANOTHER DEBRIEF I RECEIVED THE DOPE FROM
20 HIM, THE CRACK FROM HIM, AND THE WIRE WAS TAKEN OFF OF
21 HIM AT THAT TIME

22 Q AND WHERE WAS THE WIRE PLACED ON HIM? BECAUSE I
23 KNOW WE ALL HEARD A LOT OF BACKGROUND NOISE EXPLAIN
24 THAT

25 A WE HAD TWO WIRES ON HIM WE ALWAYS PUT A BACKUP

M. Sleazy
Testimony

Change
Costly

"Prejudice"

Prejudice clearly flowed from Trial Counsel's error for failure to suppress the chain of custody given the fact that the surveillance shows no transaction of the alleged drug deal between the Applicant and the Confidential Informant, and that the Confidential Informant did come in contact with two other individuals. Furthermore, as shown the proper forms was not submitted, and the State's witnesses showed discrepancies to the actual chain of custody.

This circumstantial evidence does not show how the Informant came into possession of the drug evidence and in what condition he received it. Had counsel suppressed the chain of custody of the evidence it would have been inadmissible. Having allowed the evidence and testimony in violation of the chain of custody prejudiced Applicant's case.

EXHIBIT 3

Counsel failed to move for a Directed Verdict for
Inadmissibility of evidence and a broken chain of custody

page from Trial Transcript pg 92 line 22-25

STATE " BLASTING ME -- WALKER DID -- . 7

① Q OKAY YOU HAVE BEEN HERE IN COURT ALL MORNING
② THE VIDEO AND THE AUDIOTAPE THAT YOU LISTENED TO, IS THAT
③ A FAIR REPRESENTATION OF WHAT HAPPENED?

④ A YES, MA'AM

5 Q OKAY WHEN YOU GOT IN THE CAR, WERE YOU AIL IN
6 THE CITY LIMITS OF SENECA?

7 A YES, MA'AM WE WENT AROUND THE BLOCK FROM [REDACTED]
8 STREET AROUND TO -- I DON'T KNOW THE STREET NAMES BACK
9 THERE BUT WE JUST WENT AROUND THE BLOCK IT DIDN'T
10 TAKE ABOUT JUST TWO OR THREE MINUTES TO GET BACK WHERE WE
11 WERE WHEN I FIRST GOT UNDERCOVER, AND THAT WAS IN THE
12 CITY OF SENECA

13 Q OKAY WHEN HE GAVE YOU THE DRUGS, DID HE SAY
14 ANYTHING? I KNOW YOU ALL TALKED ABOUT 40'S AND DUBS AND
15 DIMS AND ALL THAT, BUT

①⑥ A ALL I SAID WAS, I APPRECIATE YOU LOOKING FOR THAT
①⑦ CUZ, AND HE SAID ALL RIGHT, AND I GOT OUT OF THE CAR

18 Q SO YOU SAY CUZ?

19 A YES, MA'AM

20 Q AND THAT'S BECAUSE HE'S YOUR COUSIN?

21 A YES, MA'AM

②② Q I'M GONNA SHOW YOU WHAT'S BEEN PREMARKED FOR
②③ IDENTIFICATION AS STATE'S EXHIBIT 5 IS THIS THE CRACK
②④ COCAINE THAT YOU GAVE BACK TO SERGEANT CRUM?

②⑤ A YES, MA'AM

impossible
changed
1-27-87
RRHew

Chen
et
C. Sled

EXHIBIT 4

Counsel Knew that the State's case was mainly
based on the Credibility of the State's witnesses
and "Not" OVERWHELMING EVIDENCE

pages from Trial Transcript pg 50 lines 13-19

pg 51 lines 2-6

pg 69 lines 10-17

pg 73 lines 9-11, 22-25

pg 74 lines 9-11, 14-16

pg 76 lines 7-11

pg 82 lines 24-25

pg 83 lines 6-9

pg 167 lines 18-22

pg 169 lines 15

1 THE JUDGE INSTRUCTED YOU AS TO WHAT A REASONABLE DOUBT
 2 IS NOW, THE STATE WILL HAVE TO PROVE TO YOU BEYOND A
 3 REASONABLE DOUBT TODAY THAT IN SENECA THESE OFFICERS SET
 4 UP THIS UNDERCOVER BUY AND THAT TIM BLASSINGAME
 5 DISTRIBUTED CRACK COCAINE THEY'RE GONNA HAVE TO PROVE
 6 THAT BEYOND A REASONABLE DOUBT THEY HAVE TO PROVE EVERY
 7 ELEMENT OF THAT BEYOND A REASONABLE DOUBT

8 WE'RE GONNA HEAR A LOT OF TESTIMONY WE'RE GOING TO
 9 SEE VIDEOS, OR A VIDEO WE'RE GOING TO HEAR AN
 10 AUDIOTAPE YOU'RE GOING TO SEE STILL PHOTOS THAT THE
 11 STATE IS GOING TO INTRODUCE

12 BUT WHEN YOU CUT THROUGH ALL THAT, LADIES AND
 13 GENTLEMEN, THIS CASE IS GOING TO BOIL DOWN TO ONE THING,
 14 AND THAT IS THE RELIABILITY OF JAMES WILLIE WALKER
 15 THAT'S WHAT THIS CASE IS GOING TO REST ON

16 WHEN YOU HEAR THIS EVIDENCE AND WHEN YOU WEIGH IT,
 17 THE FOUNDATION OF THE STATE'S CASE IS NOT VERY STRONG
 18 THE RELIABILITY OF THE PERSON MAKING THE ACCUSATION IS
 19 CENTRAL TO THIS CASE

20 NOW, AS THE TRIAL GOES ON -- AND THE SOLICITOR IS
 21 ABSOLUTELY CORRECT THEY ARE LONG THINGS THESE VIDEOS
 22 ARE PROBABLY 45 MINUTES LONG BUT I ASK YOU TO PLEASE
 23 PAY CLOSE ATTENTION TO THEM BECAUSE, THE OLD SAYING, A
 24 PICTURE IS WORTH A THOUSAND WORDS WHAT CAN BE PROVEN BY
 25 WHAT'S ON TAPE? WHAT CAN BE PROVEN? HOW DOES THAT BACK

S...E B...S D... ..

1 UP WHAT MR WALKER SAYS"

2 AND AGAIN, THIS IS NOT A SITUATION WHERE A POLICE
 3 OFFICER SAW AN INDIVIDUAL COMMITTING A CRIME POLICE
 4 OFFICERS ARE RELYING ON THE WORD OF AN INDIVIDUAL AND
 5 WHEN THE DAY IS DONE, LADIES AND GENTLEMEN, THIS IS A
 6 SHAKY FOUNDATION THEY WILL NOT BE ABLE TO PROVE THEIR
 7 CASE BEYOND A REASONABLE DOUBT

8 I THANK YOU FOR YOUR ATTENTION AND MR BLASSINGAME
 9 THANKS YOU THIS IS HIS DAY IN COURT LIKE ANY OTHER
 10 INDIVIDUAL CHARGED WITH A CRIME, THIS IS HIS DAY IT'S
 11 IN YOUR HANDS NOW, LADIES AND GENTLEMEN THANK YOU

12 THE COURT MADAM SOLICITOR, YOU MAY CALL YOUR FIRST
 13 WITNESS

14 MS SIMMONS THE STATE CALLS SERGEANT JOHN CRUM
 15 WHEREUPON,

16 JOHN MICHAEL CRUM,
 17 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS
 18 DIRECT EXAMINATION BY MS SIMMONS

19 THE COURT IF YOU WOULD, SIR, GIVE US YOUR FULL
 20 NAME FOR THE RECORD, SPELLING YOUR LAST NAME

21 THE WITNESS JOHN MICHAEL CRUM, C-R-U-M

22 THE COURT VERY GOOD THANK YOU, SIR

23 YOU MAY PROCEED

24 BY MS SIMMONS

25 Q GOOD MORNING, SERGEANT CRUM

IT IS PL-151 17 -- 7 1 0 7

1 Q YOU HAVE PEOPLE WHO TRY TO EXPLOIT YOUR OFFICE
2 BECAUSE THEY ARE ON DRUGS OR HAVE PENDING CRIMINAL
3 CHARGES AND TRY TO WORK FOR YOU UNDER THE GUISE OF BEING
4 AN INFORMANT, DO THEY NOT?

5 A OF COURSE

6 Q AND YOU SHOULD ALWAYS AS A POLICE OFFICER TAKE A
7 SKEPTICAL EYE TOWARDS SOMEONE LIKE THAT WHO HAS INCENTIVE
8 TO WORK FOR YOU, SHOULD YOU NOT?

9 A YES

10 Q NOW, IN THIS PARTICULAR CASE YOU WERE CONTACTED BY
11 MR WALKER, IS THAT CORRECT?

12 A YES, SIR

13 Q YOU DIDN'T CONTACT HIM, HE CONTACTED YOU?

14 A CORRECT

15 Q IN WHICH HE WAS ACCUSING TIM BLASSINGAME OF TRYING
16 TO SELL HIM CRACK COCAINE, IS THAT NOT CORRECT?

17 A THAT'S CORRECT

18 Q AND WHAT WAS COMMUNICATED TO YOU FROM MR WALKER
19 WAS THAT A \$40 SALE OF CRACK COCAINE WAS GOING TO TAKE
20 PLACE, IS THAT NOT CORRECT?

21 A HE SAID HE COULD BUY WE DID NOT HAVE A PRICE
22 RANGE AT THAT TIME

23 Q BUT THAT HE WAS GOING TO BUY CRACK COCAINE?

24 A YES

25 Q NOW, WHEN YOU SET UP YOUR BUYS, YOU TESTIFIED

1 A STREET CORNER AND SAY 'GO SELL SOME DRUGS'?

2 A THAT'S RIGHT

3 Q SO THE MORE YOU CAN DEFINE THE PARAMETERS OF THE
4 BUY, THE BETTER YOUR CASE?

5 A RIGHT IT'S MORE OF A CONTROLLED ENVIRONMENT

6 Q SO IN THIS CASE YOU HAD TIM BLASSINGAME AS YOUR
7 PARTICULAR TARGET?

8 A AT THAT TIME, YES

9 Q NOW, THE REASON THAT YOU HAD TIM BLASSINGAME AS
10 YOUR TARGET WAS THE STATEMENT OF JAMES WALKER?

11 A CORRECT

12 Q NOW, AT THAT TIME -- YOU HAVE DEALT WITH
13 MR BLASSINGAME SINCE THEN, BUT AT THAT TIME YOU WOULD
14 NOT HAVE RECOGNIZED TIM BLASSINGAME HAD YOU SEEN HIM ON
15 THE STREET?

16 A I MIGHT -- NO, SIR I'VE DEALT WITH HIM IN THE
17 PAST WOULD I HAVE BEEN A HUNDRED PERCENT SURE? NO, BUT
18 I WOULD HAVE HAD MY THOUGHTS THAT THAT'S WHO HE WAS

19 Q YOU WOULD NOT HAVE BEEN ABLE TO, UNDER OATH,
20 TESTIFY ABOUT HIS IDENTITY?

21 A NO CORRECT

22 Q NOW, SO THE I D IN THIS CASE -- WELL, LET'S BACK
23 UP THE TARGET IN THIS CASE WAS TOTALLY RELIANT ON THE
24 INFORMATION PROVIDED TO YOU BY JAMES WALKER?

25 A CORRECT

STATE V BLASSINGAME -- CRM/UCSS --

1 Q OKAY NOW, YOU FILMED THE TRANSACTIONS THAT'S
2 SOMETHING ELSE THEY TEACH YOU IN FILM ACADEMY IN THE
3 COURSE THAT --

4 A CORRECT

5 Q -- FILM IS THE BEST WAY TO RECORD THIS?

6 A AS MUCH AS WE CAN

7 Q AND WE HAVE AN AUDIO HERE BECAUSE OF PROBLEMS WITH
8 THE MICROPHONE, BUT YOU HAVE THE TRANSACTION ON FILM
9 NOW, THE ACTUAL ALLEGED TRANSFER OF THE SUBSTANCE IS NOT
10 ON FILM, IS THAT NOT CORRECT?

11 A YES *NIP, LEA/LEAD-J.C*

12 Q WHICH WE SPENT AN HOUR AND A HALF LISTENING TO THE
13 TAPE AND LISTENING TO THE AUDIO AND WATCHING THE VIDEO,
14 AND THERE IS NOTHING ON ANY OF THOSE WHICH POINTS TO A
15 SPECIFIC TIME WHEN THE SUBSTANCE WAS TRANSFERRED?

16 A CORRECT

17 Q NOW, YOU DON'T KNOW -- I MEAN YOU KNOW THAT THE
18 INDIVIDUAL THAT WAS SERVING AS YOUR CONFIDENTIAL
19 INFORMANT, MR WALKER, GOT INTO THIS VEHICLE THAT'S UP ON
20 THE SCREEN AT APPROXIMATELY 16 50 ON THE TAPE, YOU KNOW
21 THAT?

22 A YES, SIR

23 Q AND YOU KNOW THAT HE EXITED THAT VEHICLE AT THE
24 APARTMENTS APPROXIMATELY AT THE 20-MINUTE MARK ISN'T
25 THAT SOMEWHERE IN THERE?

OF THE FIELD -- -- --

1 LISTEN TO THE AUDIO

2 Q YOU WERE UNABLE TO DETERMINE ---

3 A IN MY FIELD NOTES, YES

4 Q AND YOU CANNOT UNDER OATH TESTIFY AS TO THE EXACT
5 LOCATION WHERE IT WAS?

6 A CORRECT

7 Q NOW, YOU DO NOT KNOW, BASED ON THIS VIDEO, WHETHER
8 THE DRUGS OR WHETHER THE SUBSTANCE WAS IN THE HAND OF THE
9 INDIVIDUAL ON THE SCREEN OR IN THE CONSOLE OF THE CAR, DO
10 YOU?

11 A NO, SIR

NO PROOF

12 Q IT'S ENTIRELY POSSIBLE THAT MR WALKER PICKED THIS
13 SUBSTANCE UP FROM THE CONSOLE OF THE CAR, ISN'T THAT
14 POSSIBLE?

*DOU - KNOWING / J.C. & SAY
THAT.*

15 A IT'S POSSIBLE

16 Q NOW, WHEN MR WALKER EXITED THE VEHICLE, THE DOOR
17 WAS SHUT, THE VEHICLE -- THERE WAS A SCHOOL BUS STOPPED,
18 AND THE VEHICLE WITH THE OTHER PARTY DROVE OFF, IS THAT
19 CORRECT?

20 A CORRECT

21 Q NOW, ONE IMPORTANT THING IN A CONTROLLED BUY IS TO
22 MAKE SURE THAT THE TRANSACTION IS NOT TAINTED BY THIRD
23 PARTIES, IS THAT NOT CORRECT?

24 A WE TRY TO, YES

25 Q BECAUSE IF A THIRD PARTY IS ALLOWED TO INTERVENE

STATE V BLASSINGAME -- CRUM/CROSS -- 1 7 2

1 HERE, TURNED BACK AND MADE A LOOP BACK AROUND TO THE
2 APARTMENT COMPLEX, IS IT NOT?

3 A NO HE APPROACHED FROM THE -- IF WHERE THE ARROW
4 IS ON THE SCREEN THERE, HE CAME FROM THE SOUTH SIDE
5 THERE THEY CONTINUED STRAIGHT AND THEN HE CIRCLED THE
6 BLOCK ON UP AND CAME BACK FACING THE DIRECTION OF THE
7 ARROW THERE

8 Q HE WOULD HAVE HAD TO -- IF HE WENT THE ROUTE THAT
9 I AM SUGGESTING, HE WOULD HAVE HAD TO HAVE MADE FIVE
10 TURNS, FOUR OR FIVE TURNS, DEPENDING ON THAT LAST CURVE,
11 WOULD HE NOT?

12 A YES

13 Q AND THERE ARE AT LEAST FOUR TURNS IN THE VIDEO?

14 A CORRECT

15 Q AND IF HE MADE THOSE FOUR TURNS THE WAY I SUGGEST
16 HE STILL WOULD HAVE ENDED UP ON THE RIGHT SIDE OF THE
17 ROAD WHERE THE APARTMENT COMPLEX IS ON HIS RIGHT SIDE, I
18 THAT NOT CORRECT?

19 A HE WOULD HAVE HAD TO TURN AROUND TO HAVE DONE
20 THAT, YES

21 Q AND THREE MINUTES IN A CAR AT 35 MILES AN HOUR, I
22 HAD AMPLE TIME TO HAVE MADE THAT LOOP?

23 A CORRECT

24 Q SO IN A NUTSHELL, OFFICER CRUM, IF JAMES WALKER
25 ISN'T TELLING YOU THE TRUTH, THEN YOU CAN'T PROVE TIM

ST-3 SEAL

1 BLASSINGAME COMMITTED THIS CRIME?

2 A THAT ROADWAY ON [REDACTED] [REDACTED] IS IN THE CITY THE
3 PROPERTY IN THE WHITE IS NOT THE CITY LIMITS SO ONLY IF
4 IT WAS THERE ON THE ROADWAY AND IT WAS DONE INSIDE THE
5 CITY LIMITS

6 Q OKAY NOW YOU DIDN'T ANSWER MY QUESTION IF TIM
7 BLASSINGAME IS TO BE PROVEN GUILTY, YOU HAVE TO HAVE
8 JAMES WALKER TELLING YOU THE TRUTH?

9 A CORRECT.

10 Q THANK YOU

11 THE COURT RE-EXAM?

12 MS SIMMONS THANK YOU, JUDGE

13 REDIRECT EXAMINATION BY MS SIMMONS

14 Q SERGEANT CRUM, YOU INDICATED THAT BASED ON YOUR
15 DEALING WITH THIS INFORMANT, HE SAID, "THANK YOU, I
16 APPRECIATE IT, MAN," AT THE END OF THE DEAL?

17 A CORRECT, YES, MA'AM

18 Q AND THAT, THAT STATEMENT FOLLOWS WHAT DISCUSSION?

19 A THAT A PURCHASE HAS BEEN MADE OR A DISTRIBUTION
20 HAS BEEN MADE.

21 Q I DON'T THINK I WAS CLEAR THAT STATEMENT FOLLOWS
22 WHAT DISCUSSION BETWEEN THE DEFENDANT AND THE INFORMANT
23 REGARDING THAT?

24 A ASKING FOR SOME CRACK, THE 40, THE DUB, THE 10,
25 THROUGH THE CONVERSATION THEY HAD

Misleading
Testimony

7-73 11:15 AM - 11:30 AM - 23

1 PREVENT HIM FROM SHAKING HANDS WITH THE PERSON IN FRONT
2 OF HIM

3 YOU ALSO SAW ON THE VIDEO MR WALKER WALKING UP TO A
4 RESIDENCE WHERE HE LIVES, (HIS SISTER'S RESIDENCE)
5 APARTMENT 802, ON THE VIDEO. WHAT DOES HE DO WITH HIS
6 HANDS? THEY'RE UP ON THE WINDOWSILL YOU SAW IT ON THE
7 VIDEO. THE STATE'S EXPLANATION IS, WELL, MR WALKER IS
8 JUST LOOKING IN THE WINDOW WHERE WAS THE CRACK COCAINE
9 WHEN HE GOT INTO THE POLICE VEHICLE? WHERE WAS IT? IT
10 WAS IN HIS HAND IT WAS IN HIS HAND.

11 HE TESTIFIED TO THAT, AND THE REASON I BELIEVE THAT
12 PART OF HIS TESTIMONY IS BECAUSE WE SAW IT ON THE VIDEO
13 AND I SUBMIT TO YOU THAT'S THE ONLY THING YOU CAN BELIEVE
14 ABOUT WHAT MR WALKER SAYS IS WHAT YOU SEE ON THE VIDEO
15 BUT THE SAME HAND THAT HE HAD THIS PIECE OF CRACK COCAINE
16 WAS THE SAME HAND THAT WAS UP ON THAT WINDOWSILL IN THE
17 VIDEO THAT YOU JUST SAW

18 NOW, MR WALKER IS THE BASIS OF THE STATE'S CASE
19 OFFICER CRUM WAS VERY FORTHRIGHT TO ME WHEN I QUESTIONED
20 HIM IT'S THE BASIS OF OUR CASE WITHOUT MR WALKER
21 THEY HAVE NO CASE HE'S THE LINK, HE'S THE BRIDGE
22 BETWEEN THE ACCUSATION, THE CRACK COCAINE AND PROVING
23 BEYOND A REASONABLE DOUBT THAT TIM BLASSINGAME DID THIS,
24 THIS VERY SERIOUS AND GRAVE OFFENSE
25 IF YOU CONVICT TIM BLASSINGAME, YOU HAVE TO BELIEVE

STATE BAR I - 12 -- 1 - - - -

1 GOING UNDER OATH AND TRYING TO CONVICT SOMEONE? DOES IT
 2 CAUSE YOU TO HESITATE WHEN JAMES "J DUB" WILLIE WALKER,
 ③ AN ADMITTED CRACK USER HIMSELF LIVES IN A DRUG-INTERESTED
 4 NEIGHBORHOOD, HAS ACCESS TO THE DRUG AND HE PAYS FOR
 5 THESE TRANSACTIONS? WHAT DO YOU THINK HE'S DOING WITH
 6 THE \$20 THAT HE'S GETTING PER POP WHEN HE CALLS AND TURNS
 7 SOMEONE IN? WHERE DO YOU THINK THAT MONEY'S GOING?

8 HE SAID, OH, I GOT TO PAY CHILD SUPPORT

9 IS HE PAYING CHILD SUPPORT WITH MONEY THAT HE'S
 10 USING TO BUY CRACK COCAINE? LADIES AND GENTLEMEN, THAT
 11 DOESN'T MAKE SENSE JAMES WILLIE WALKER HAS FOUND AN
 12 INCOME SOURCE TO SUPPORT HIS HABIT HE'S A CRACK USER
 13 HE'S A CRACK USER, DOES THAT CAUSE YOU TO HESITATE?

14 DOES IT CAUSE YOU TO HESITATE, LADIES AND GENTLEMEN,
 ① WHEN YOU HAVE TO RELY ON A WITNESS TO CONVICT THIS MAN,
 ② WHO HAS PENDING CHARGES IN THIS COURT, AND TESTIFIED THAT
 ③ HE'S ASKED FOR HELP ON THOSE CHARGES? THE STATE HASN'T
 ④ AGREED BUT HE'S ASKED FOR IT HE THINKS HE'S GONNA GAIN
 ⑤ FAVOR WITH THE PROSECUTION SURE, THERE'S A (MOTIVE) FOR
 ⑥ HIM TO LIE SURE, THERE'S A MOTIVE FOR HIM TO COME AND
 ⑦ TRY TO HELP GET A CONVICTION

22 BUT THE MOST TELLING THING, LADIES AND GENTLEMEN, IS
 23 IT'S FAMILY AND THIS IS WHAT STRUCK ME THE MOST OF ALL
 24 OF JAMES WILLIE WALKER'S ACTIONS HOW DID HE ACT? HOW
 25 DID HE ACT ON THE VIDEO? WAS THERE ANY SENSE OF REMORSE

Ineffective Assistance of Counsel (Failure to Object)

For Prosecutorial Misconduct

For

"Knowingly use of false misleading bolstering testimony"

EXHIBIT 5

"Due Process bars a prosecutor for knowingly use of false evidence"

"Use of false misleading bolstering testimony"

"A Conviction may 'Not' stand if such evidence, 'Could
in any reasonable likelihood have affected the judgement
of the Jury'"

"The prosecutor has a special duty 'Not' to mislead"
<Napue v Illinois, 79 S Ct ¹¹⁷³ ~~763~~, >, (1959)
<Giglio v United States, 154 S Ct 763, 766> (1972)

page from Trial Transcript: p 56 Line 14-19

p 59 Line 6-8

p 83 Line 14-20

p 89 Line 19

p 92 Line 1-4

"~~Here~~ audio for accurate statement"

STATE V BLASSINGAME

1 A TIMOTHY BLASSINGAME

2 Q AND IS THAT SOMEONE YOU -- DID YOU ALREADY KNOW
3 MR BLASSINGAME?

4 A I WAS AWARE OF HIM, YFS ^{11.5?}

5 Q OKAY AND SO YOU MONITOR THE TRANSACTION VIA
6 SIMULTANEOUS TRANSMISSION AS IT OCCURRED?

7 A YES, I DID

8 Q AND YOU ACTUALLY DID THE WIRING OF THIS DEFENDANT
9 FOR VIDEO AND AUDIO?

10 A I DID THE INFORMANT

11 Q I'M SORRY YOU WIRED THE INFORMANT FOR VIDEO AND
12 AUDIO?

13 A YES

14 Q HAVE YOU REVIEWED STATE'S EXHIBITS 1 AND 2, THAT
15 BEING THE AUDIO AND VIDEOTAPE OF THIS TRANSACTION?

16 A YES, MA'AM

17 Q IS IT A FAIR AND ACCURATE REPRESENTATION OF WHAT
18 OCCURRED THAT DAY?

19 A YES, MA'AM

20 MS SIMMONS JUDGE, AT THIS TIME WE WOULD MOVE IN
21 STATE'S 1 AND 2 AND ASK TO PUBLISH THEM TO THE JURY

22 THE COURT ANY OBJECTION TO STATE'S EXHIBITS 1 AND
23 2? HAVE YOU SEEN THEM?

24 MR SPROUSE I HAVE SEEN THEM, YOUR HONOR, AND I
25 DON'T HAVE ANY OBJECTION

1-2 / 11-15 10:15 -- 11:15 -- 12:15

1 CRACK IN DRUG TERMS

2 HE CONTINUED TO ASK FOR ANOTHER PILCE AND THEN HE
3 GOES DOWN AND ASKS FOR \$10 GIVE ME A 10, \$10 WORTH OF
4 CRACK HE JUST GOES DOWN, HE ASKS HIM FOR SOME KIND OF
5 CRACK

6 THEY RIDE AROUND, AND WHEN IT GETS TO WHERE HE
7 STARTS SAYING, THANK YOU, THANK YOU, I APPRECIATE THAT,
8 HE HAD THE DOPE AT THAT POINT *FALSE NOT SUPPORTED BY AUDIO*

9 THEN HE'S DROPPED OFF HE HAS TO HANG AROUND THE
10 APARTMENT THERE MOMENTARILY TO LET THE DEFENDANT LEAVE,
11 TO GET OUT, SO HE CAN SAFELY WALK BACK AND MEET US
12 WITHOUT BLOWING HIS COVER ONCE HE GOT BACK TO US, HE
13 WAS DEBRIEFED AGAIN

14 ACTUALLY, PRIOR TO HIM MEETING US HE GAVE US A
15 DESCRIPTION OF THE DEFENDANT WE DO THAT THAT WAY IT'S
16 FRESH IN HIS MIND AND HE CAN EASILY TELL US WHAT THE
17 DEFENDANT LOOKED LIKE, WHAT THE TARGET LOOKED LIKE

18 THEN HE GOT BACK IN THE CAR WITH US, WE PICKED HIM
19 UP WE DO ANOTHER DEBRIEF I RECEIVED THE DOPE FROM
20 HIM, THE CRACK FROM HIM, AND THE WIRE WAS TAKEN OFF OF
21 HIM AT THAT TIME

22 Q AND WHERE WAS THE WIRE PLACED ON HIM? BECAUSE I
23 KNOW WE ALL HEARD A LOT OF BACKGROUND NOISE EXPLAIN
24 THAT

25 A WE HAD TWO WIRES ON HIM WE ALWAYS PUT A BACKUP

Misleading
Testimony →

Chas not
Cody →

IT IS BLASSINGAME -- CRIMINAL --

1 BLASSINGAME COMMITTED THIS CRIME?

2 A THAT ROADWAY ON [REDACTED] IS IN THE CITY THE
3 PROPERTY IN THE WHITE IS NOT THE CITY LIMITS SO ONLY IF
4 IT WAS THERE ON THE ROADWAY AND IT WAS DONE INSIDE THE
5 CITY LIMITS

6 Q OKAY NOW YOU DIDN'T ANSWER MY QUESTION IF TIM
7 BLASSINGAME IS TO BE PROVEN GUILTY, YOU HAVE TO HAVE
8 JAMES WALKER TELLING YOU THE TRUTH?

9 A CORRECT

10 Q THANK YOU

11 THE COURT RE-EXAM?

12 MS SIMMONS THANK YOU, JUDGE

13 REDIRECT EXAMINATION BY MS SIMMONS

14 Q SERGEANT CRUM, YOU INDICATED THAT BASED ON YOUR
15 DEALING WITH THIS INFORMANT, HE SAID, "THANK YOU, I
16 APPRECIATE IT, MAN," AT THE END OF THE DEAL?

17 A CORRECT, YES, MA'AM

18 Q AND THAT, THAT STATEMENT FOLLOWS WHAT DISCUSSION?

19 A THAT A PURCHASE HAS BEEN MADE OR A DISTRIBUTION
20 HAS BEEN MADE.

21 Q I DON'T THINK I WAS CLEAR THAT STATEMENT FOLLOWS
22 WHAT DISCUSSION BETWEEN THE DEFENDANT AND THE INFORMANT
23 REGARDING THAT?

24 A ASKING FOR SOME CRACK, THE 40, THE DUB, THE 10,
25 THROUGH THE CONVERSATION THEY HAD

Misleading
Testimony

57177 1113357 1 2 -- 1 1 1 1 1 1

1 Q HOW DID THAT GFT SET UP?

2 A I CALLED JOHN WHEN I WOKF UP, I WAS ACTUALLY IN
3 MY, I NEEDED SOME MONEY SO I CALLED HIM AND SAID THAT I
4 HAVE SOME MONEY THAT I CAN GET FOR THEM AND EVERYTHING

5 I MET WITH THEM FOR ABOUT AN HOUR LATER AND I TOLD
6 HIM I COULD GET THEM TIM BLASSINGAME I MET WITH THEM,
7 THEY SEARCHED ME AND WIRED ME UP AND I CALLED TIM AND
8 ASK HIM COULD WE MEET, I ASKED COULD HE COME BY AND HE
9 WAS, YEAH HE WAS TAKING A SHOWER GETTING READY TO GO
10 OVER TO HIS SISTER'S HOUSE HE SAID HE WAS GETTING READY
11 TO PUT WORK CLOTHES ON AND TO CALL HIM BACK WHERE I WAS
12 OVER BY [REDACTED] STREET AT [REDACTED]

13 I TOLD HIM, I TOLD HIM I NEEDED A 40, THAT WOULD
14 BE LIKE A 40 OF DOPE, OF ROCK, AND HE SAID HE DIDN'T HAVE
15 THAT.

16 SO I TOLD HIM JUST SELL ME A 20 OF CRACK AND HE
17 SAID HE HAD A PIECE ON HIM

18 AND I SAID, WELL, SELL ME A DIME

19 → HE SAID HERE'S MY LAST PIECE OF IT.

20 WE RODE AROUND THE BLOCK AND CAME BACK, AND WHEN I
21 GOT OUT OF THE CAR, HE GAVE ME A PIECE OF DOPE

22 Q WHEN YOU SAY "A PIECE," IS THAT LIKE THE CRUMBS
23 THAT ARE LEFT FROM YOUR, FROM BIGGER STUFF?

24 A REALLY, YEAH, JUST A LITTLE NICK THAT HE GAVE ME,
25 A LITTLE PIECE OF DOPE THAT HE, DRUG THAT HE GAVE ME

misled by
Testimony
↓

STATE / BLASSINGALE --

Q OKAY YOU HAVE BEEN HERE IN COURT ALL MORNING
THE VIDEO AND THE AUDIOTAPE THAT YOU LISTENED TO, IS THAT
A FAIR REPRESENTATION OF WHAT HAPPENED?

A YES, MA'AM

Q OKAY WHEN YOU GOT IN THE CAR, WERE YOU ALL IN
THE CITY LIMITS OF SENECA?

A YES, MA'AM WE WENT AROUND THE BLOCK FROM [REDACTED]
STREET AROUND TO -- I DON'T KNOW THE STREET NAMES BACK
THERE BUT WE JUST WENT AROUND THE BLOCK IT DIDN'T
TAKE ABOUT JUST TWO OR THREE MINUTES TO GET BACK WHERE WE
WERE WHEN I FIRST GOT UNDERCOVER, AND THAT WAS IN THE
CITY OF SENECA

Q OKAY WHEN HE GAVE YOU THE DRUGS, DID HE SAY
ANYTHING? I KNOW YOU ALL TALKED ABOUT 40'S AND DUBS AND
DIMS AND ALL THAT, BUT

A ALL I SAID WAS, I APPRECIATE YOU LOOKING FOR THAT
CUZ, AND HE SAID ALL RIGHT, AND I GOT OUT OF THE CAR?

Q SO YOU SAY CUZ?

A YES, MA'AM

Q AND THAT'S BECAUSE HE'S YOUR COUSIN?

A YES, MA'AM

Q I'M GONNA SHOW YOU WHAT'S BEEN PREMARKED FOR
IDENTIFICATION AS STATE'S EXHIBIT 5 IS THIS THE CRACK
COCAINE THAT YOU GAVE BACK TO SERGEANT CRUM?

A YES, MA'AM

IMPELLE
CASA
C-5 JAY
BROOKLYN

VOLUNTARY STATEMENT

DATE 02/24/09 TIME 1520PM PLACE Seneca
 I James Walker, am 36 years old and I live at _____

I am giving this statement to Sgt Crum ID 315 who has identified himself as a Investigator and he has duly warned me that I have the following rights that I have the right to remain silent and not make any statement at all that any statement I make may be used against me at my trial that any statement I make may be used as evidence against me in court that I have the right to have a lawyer present to advise me prior to and during any questioning that if I am unable to employ a lawyer I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time

Prior to and during the making of the statement I have and do hereby knowingly intelligently and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors and without compulsion or persuasion by any person or persons whomsoever

On February 24, 2009 I met with agents of the Seneca Police Dept in which I was searched, wired, briefed, and provided with 40 dollars in documented funds. I then went to S Depot St in Seneca where I met with Tim Blossergame. I got in the car with Tim and we circled the block. I told Tim I had 40 dollars and I wanted a 40. He said he didn't have that much, so I said I wanted a club. He said he didn't have a club worth, so he just gave me a little piece of crack. He could not let me pay him for Tim then dropped me back off on S Depot St where I walked back to meet agents. Upon meeting back with agents I turned the crack over to Sgt Crum. I was searched again and nothing was found. Sgt Crum is writing this statement for me and I have read it and it is true and accurate. End of statement.

X James Walker

SW

SW

I have read this statement consisting of 1 page(s) each page of which bears my signature and I do affirm that all facts and statements contained herein are true and correct

James Walker
 Agent making voluntary statement

"Prejudice"
 Use of false misleading, bolstering testimony

The prejudicial impact clearly flowed from Trial Counsel's error for allowing the prosecutor to knowingly use false misleading bolstering testimony that was materially untrue. Even when Counsel knew that the testimony was false, Counsel should have moved to strike these false misleading testimonies. When given the fact that the State's case was based on credibility by the witnesses and "Not" Overwhelming Evidence, Trial Counsel's failure to object to the false misleading bolstering testimonies prejudiced the Applicant's case.

EXHIBIT ,

Counsel Knew that the State's witness presented false testimony, but Never Objected

pages from Trial Transcript pg 164 Lines 24-25

pg 165 Lines 1-12

STATE / BLASSINGAME -- FILL -

1 DEFENDANT COMES TO COURT AND IS INNOCE IT UNTIL PROVEN
2 BEYOND A REASONABLE DOUBT THAT HE'S GUILTY

3 NOW, WHAT HAS THE STATE PROVEN HERE TODAY? THE
4 STATE -- WE SPENT A DAY IN TRIAL YESTERDAY, AND THERE ARE
5 THINGS THAT THE STATE HAS PROVED, NO QUESTION ABOUT IT
6 THEY PROVED THAT TIM BLASSINGAME HAS A GIRLFRIEND NAMED
7 CHARLOTTE THEY PROVED THAT CHARLOTTE HAS A CELL PHONE
8 AND THAT SHE DRIVES AN ALTIMA

9 AND WE SPENT A LARGE AMOUNT OF TIME WITH WITNESSES
10 PROVING THAT JAMES WILLIE "J DUB" WALKER HANDED A VERY
11 SMALL QUANTITY OF CRACK COCAINE TO SERGEANT HUNNICUTT IN
12 THE POLICE VAN AND LADIES AND GENTLEMEN, THAT'S WHERE
13 IT STOPS THE STATE HASN'T PROVEN ANYTHING ELSE

14 NOW I WANT TO ASK YOU, DO YOU HESITATE WHEN YOU LOOK
15 AT THE VIDEO AND WHEN YOU LOOK AT THE AUDIO OR WHEN YOU
16 HEAR THE AUDIO? THE VIDEO SHOWED NO TRANSACTION, IT
17 SHOWS NO LOCATION THEY CAN'T EVEN TELL US IF IT WAS IN
18 THE CITY OF SENECA OR NOT WITH CERTAINTY THEY THINK IT
19 WAS BUT AS YOU JUST WATCHED IT, ALL THE VIDEO SHOWS ARE
20 TRIFETOPS AND POWER LINES

21 THE TESTIMONY WAS THAT THEY DROVE AROUND THE BLOCK
22 WE DON'T KNOW WE DON'T KNOW WHERE THIS ALLEGED
23 TRANSACTION TOOK PLACE

24 WE HEARD TESTIMONY (YESTERDAY) THAT OFFICER CRUM WAS
25 UNABLE TO LISTEN TO THE AUDIO AND DETERMINE THE EXACT

① TIME THAT THE ALLEGED TRANSACTION TOOK PLACE AND THEN
② HE -- HE SAID BECAUSE HE PUT THAT ON HIS FIELD REPORT
③ BUT THEN HE SAID, WELL, AFTER LISTENING TO IT LATER,
④ THERE WAS THE STATEMENT, THANK YOU VERY MUCH, I
⑤ APPRECIATE IT

⑥ YOU JUST LISTEN TO IT THAT'S NOWHERE ON THE AUDIO
⑦ THERE IS NOTHING ON THAT AUDIO OTHER THAN HIM TELLING
⑧ HIM, I LOVE YOU, MAN

9 NOW, THERE'S A REASON THAT HE SAID THAT, LADIES AND
10 GENTLEMEN, AND WE'RE GONNA TALK ABOUT THAT IN A MINUTE
⑪ BUT THERE'S NOTHING IN THAT AUDIO THAT INDICATES THAT A
⑫ TRANSACTION HAS BEEN MADE THERE'S NOTHING ON THE VIDEO
13 THAT SHOWS THAT THIS POINT 04 GRAMS AMOUNT OF COCAINE,
14 CRACK COCAINE, WHICH, EVEN IF IT CRUMBLED DURING THE
15 ANALYSIS, IF YOU PUT ALL THIS TOGETHER, THIS IS JUST A
16 LITTLE TINY PIECE OF CRACK COCAINE THAT MR WALKER HAD IN
17 HIS HAND WE KNOW WHEN HE WAS IN THE POLICE VAN AND
⑱ LADIES AND GENTLEMEN, THERE'S NO EVIDENCE THAT THIS WAS
⑲ EVER IN THE CAR WE HAVE TO RELY ON MR WALKER TO
⑳ BELIEVE THAT IT WAS IN THE CAR

21 SO WE HAVE GROUNDS TO HESITATE ON WHAT'S ON FILM, WE
22 HAVE GROUNDS TO HESITATE ON WHAT'S ON THE AUDIO, WE HAVE
23 GROUNDS TO HESITATE ON WHERE THE TRANSACTION WAS THAT
24 CAN'T BE PROVEN WE HAVE GROUNDS TO HESITATE ON THE SIZE
25 OF THE AMOUNT LADIES AND GENTLEMEN, CAN A 30-SECOND

for Prosecutorial Misconduct,
 "Prosecutor going beyond the evidence before
 the jury during closing arguments"

EXHIBIT 7

The prosecutor knowingly made "Improper Bolstering Comments,"
 to the jury during Closing Argument, Bolstering testimony that
 was "Not" Factually stated on the audio tape.

See/ Fossick v. State, 453 S.E.2d 899, 317

Reversed, Rehearing Denied

Mincey v. State, 444 S.E.2d 510 (1994)

Simmons v. State, 503 S.E.2d 164 (1998)

Reversed

Page From Trial Transcript: p 160 Line 24-25

p. 161 Line 1-2

"Hear audio for accurate statement"

1 COCAINE SHE TOLD YOU THAT DURING THE PROCESS OF
 2 ANALYZING, I THINK SHE TAKES FOUR TO SIX SAMPLES OFF OF
 3 THE DRUGS THAT ARE NOT GONNA BE IN THIS PACKET SHE
 4 GIVES THE REMAINDER OF WHAT IS LEFT AFTER ANALYSIS
 5 DURING THE PROCESS OF ANALYSIS SHE SAID IT CRUMBLES TO
 6 POWDER-LIKE SUBSTANCE

7 WHICH TELLS YOU A CRACK ROCK, WHEN IT IS CRUSHED,
 8 TOUCHED, WHATEVER, IS GOING TO CRUMBLE TO PIECES, WHICH
 9 CORROBORATES WHAT MR WALKER WAS TELLING YOU I CARRIE
 10 THE CRACK ROCK BACK IN MY HAND AND I DELIVERED ONE PIECE
 11 BACK TO SERGEANT CRUM, THE PIECE I GOT FROM TIM
 12 BLASSINGAME

13 LASTLY WE HEARD AUDIO -- WELL, ALMOST LASTLY WE
 14 HEARD A LOT OF AUDIO EVIDENCE THERE WAS A LOT OF
 15 WALKING AND A LOT OF -- BUT THE MEAT OF THE DEAL COMES
 16 BETWEEN THE 20-MINUTE AND 23-MINUTE MARK AND I
 17 RECOGNIZE THE ACOUSTICS IN THIS COURTROOM ARE NOT REALLY
 18 GOOD, SO I WANT YOU TO LISTEN ONE MORE TIME FOR THAT
 19 THREE MINUTES WHEN JAMES WILLIE WALKER GETS IN THE CAR
 20 WITH TIM BLASSINGAME AND WHAT THEY TALK ABOUT AND THEN
 21 AFTER THAT'S FINISHED WE'LL TALK A LITTLE BIT MORE

22 (PLAYS VIDEO FOR JURY FROM APPROXIMATELY 9
 23 A M UNTIL APPROXIMATELY 9 37 A.M)

24 MS SIMMONS LET'S REVIEW WHAT WE JUST HEARD THE
 25 DEFENDANT SAYS, I GOT SOME, MAN I AIN'T GONNA GIVE YOU

Improper testimony
 Comments

STATE / BIA-57 571 - 11 11 --

1 MY 40 -- GIVE YOU A 40 I DON'T HAVE A DUB RIGHT NOW, I
 2 HAVE PIECES WHEN HE TALKS ABOUT TAKING A RIDL, JAMLS

3 WILLIE TOLD YOU TAKING A PIDE MEANS GOING TO PENDLETON TO
 4 GET MORE, AND HE SAYS WHEN I GET A QUARTER

5 WHILE HE DID NOT SAY, HERE'S YOUR PIECE OF CRACK,
 6 JAMES WILLIE WALKER, HE DID SAY EVERYTHING BUT IT'S
 7 CLEAR THAT THEY ARE TALKING ABOUT CRACK, 10'S, 40'S,
 8 DUBS, QUARTERS, I AIN'T GOT BUT PIECES NOW AND THAT'S
 9 WHAT JAMES WILLIE WALKER DELIVERED TO LAW ENFORCEMENT

10 AND WHEN HE GETS OUT OF THE CAR WITH THEM, HE SAID,
 11 ALL RIGHT, I LOVE YOU FOR THAT, MAN THANKS, COUSIN

12 I LOVE YOU FOR WHAT? I LOVE YOU FOR GIVING ME ONE
 13 OF YOUR LAST PIECES, FOR DISTRIBUTING CRACK COCAINE TO
 14 ME

15 THE LAST THING WE HAVE IS A VIDEOTAPE AND THE STILL
 16 PHOTOGRAPHS WE OBTAINED FROM THAT VIDEOTAPE YOU HAVE
 17 BELN SITTING HERE FOR THE LAST TWO DAYS WITH THE
 18 DEFENDANT THE MAN IN THAT PICTURE IS THE MAN SITTING AT
 19 THAT TABLE IT'S HIS GIRIFRIEND'S CAR, THEY'VE GOT PHONE
 20 NUMBERS BACKING IT UP, WE'VE GOT OFFICERS SAYING THEY
 21 RECOGNIZE THEM WE'VE GOT JAMES WILLIE WALKER GOING,
 22 YEAH, I KNOW HIM, HE'S MY COUSIN

23 AND WE GOT A HEAD SHOT OF HIM ON THAT TAPE HE MADE
 24 THE EFFORT TO DISGUISE HIS APPEARANCE A LITTLE BIT, BUT
 25 IF YOU LOOK AT HIS FACIAL FEATURES, THAT IS THE MAN

'Prejudice'

Improper Misleading of Facts

The prejudicial Impact clearly flowed from Trial Counsel's error for allowing the prosecutor to make improper misleading comments to the jury during closing argument bolstering Walker's credibility, saying that the Applicant said, 'I got some man, I ain't gonna give you my 40 - Give you a 40' which was materially untrue that prejudiced the Applicant's case. Given the fact that Walker's credibility and the State's case was based on that a transaction occurred which was 'Major' issues in this case when there was "No Overwhelming Evidence".

Trial Counsel's failure to object to the Improper Misleading comment of facts prejudice Applicant's case.

affected the judgement of the Jury

EXHIBIT 4

The audio tape was played for the Jury. It is noted that still the Jury says that, A few Jurors were unable to hear or comprehend the audio tape and are Discounting that part of evidence. Given the fact that the State's case was based on Credibility and 'Not' Overwhelming evidence, and due to the fact that Trial Counsel failure to strike the false & misleading bolstering testimony, and Improper misleading bolstering comments. "There is a Reasonable ~~possibility~~ likelihood for Counsel's error that the false & Improper misleading bolstering testimony affected the judgement of the Jury that a transaction had occurred".

"Hearing of the audiotape"

pages from Trial Transcript pg 37 Lines 24-25

pg 63 Lines 2-3

pg 160 Lines 22-23

pg 162 Lines 20-25

pg 194 Lines 1-3

1 THE COURT STATE'S EXHIBITS 1 AND 2 ARE ADMITTED
2 (STATE'S EXHIBIT 1, VIDEO RECORDING OF
3 TRANSACTION, WAS RECEIVED IN EVIDENCE)
4 (STATE'S EXHIBIT 2, RECORDED TRANSACTION, WAS
5 RECEIVED IN EVIDENCE)

6 THE COURT STATE'S 1 IS WHAT?

7 MS SIMMONS STATE'S 1 IS A VIDEO RECORDING OF THIS
8 TRANSACTION STATE'S 2 IS THE RECORDED TRANSACTION

9 THE COURT ALL RIGHT STATE'S 1, A VIDEO, AND
10 STATE'S 2, A VIDEO, ARE ADMITTED

11 MS SIMMONS I'M GOING TO PUBLISH STATE'S 2 TO THE
12 JURY, IT'S FROM THE POCKET RECORDER
13 BY MS SIMMONS

14 Q CAN YOU EXPLAIN HOW THERE CAME TO BE TWO AUDIOS IN
15 THIS CASE?

16 A THE VIDEO RECORDER HAS AN AUDIO RECORDING ON IT,
17 AS WELL, AND IT DOES NOT TRANSMIT BACK TO THE RECEIVER
18 SO WE HAVE TO USE AN AUDIO DEVICE WHICH TRANSMITS BACK TO
19 THE RECEIVER WHICH WE HAVE IN OUR CAR SO WE HAD TWO ON
20 THE INFORMANT THIS DAY THE ONE ON THE VIDEO IS NOT VERY
21 CLEAR, IT'S SENSITIVE TO NOISE, SO WE ALSO LIKE ANOTHER
22 ONE THAT RECORDS INTERNAL THAT IS MUCH CLEARER THAN WHAT
23 THE VIDEO WOULD BE

(D V D AUDIO ONLY PLAYED FOR THE JURY FROM
APPROXIMATELY 10 40 A M UNTIL APPROXIMATELY

Audio played
24
25

1

A CORRECT

(AUDIO AND VIDEO PLAYED FOR JURY FROM
APPROXIMATELY 11 44 UNTIL 12 21 P M)

4

THE COURT YES, MA'AM

5

BY MS SIMMONS

6

Q SERGEANT CRUM, WHAT NUMBER WAS CALLED ALONG THE
7 WAY TO THE INFORMANT, TO THE DEFENDANT'S NUMBER, WHAT
8 NUMBER WAS CALLED?

9

A [REDACTED]

10

Q WERE YOU LATER ABLE TO CONNECT THAT NUMBER TO THE
11 DEFENDANT?

12

A YES, MA'AM, THROUGH HIS GIRLFRIEND

13

Q DID THE DRUG TRANSACTION OCCUR IN OCONEE COUNTY IN
14 THE CITY OF SENECA?

15

A YES

16

Q ON THAT TAPE WHO DID WE SEE?

17

A YOU SAW THE VEHICLE APPROACH, YOU SAW THE
18 DEFENDANT IN THE DRIVER'S SEAT

19

Q YOU HAVE SEEN WHAT'S BEEN PREVIOUSLY MARKED AS
20 STATE'S EXHIBITS 3 AND 4 ARE THESE STILL PHOTOS THAT
21 YOU OBTAINED FROM THE VIDEOTAPE?

22

A YES, MA'AM

23

Q AND ARE THESE THAT A FAIR AND ACCURATE
24 REPRESENTATION OF WHAT IS IN THAT TAPE IN THEIR STILL
25 FORM?

1 COCAINE SHE TOLD YOU THAT DURING THE PROCESS OF
 2 ANALYZING, I THINK SHE TAKES FOUR TO SIX SAMPLES OFF OF
 3 THE DRUGS THAT ARE NOT GONNA BE IN THIS PACKET SHE
 4 GIVES THE REMAINDER OF WHAT IS LEFT AFTER ANALYSIS
 5 DURING THE PROCESS OF ANALYSIS SHE SAID IT CRUMBLES TO
 6 POWDER-LIKE SUBSTANCE

7 WHICH TELLS YOU A CRACK ROCK, WHEN IT IS CRUSHED,
 8 TOUCHED, WHATEVER, IS GOING TO CRUMBLE TO PIECES, WHICH
 9 CORROBORATES WHAT MR WALKER WAS TELLING YOU I CARRIED
 10 THE CRACK ROCK BACK IN MY HAND AND I DELIVERED ONE PIECE
 11 BACK TO SERGEANT CRUM, THE PIECE I GOT FROM TIM
 12 BLASSINGAME

13 LASTLY WE HEARD AUDIO -- WELL, ALMOST LASTLY WE
 14 HEARD A LOT OF AUDIO EVIDENCE THERE WAS A LOT OF
 15 WALKING AND A LOT OF -- BUT THE MEAT OF THE DEAL COMES
 16 BETWEEN THE 20-MINUTE AND 23-MINUTE MARK AND I
 17 RECOGNIZE THE ACOUSTICS IN THIS COURTROOM ARE NOT REALLY
 18 GOOD, SO I WANT YOU TO LISTEN ONE MORE TIME FOR THAT
 19 THREE MINUTES WHEN JAMES WILLIE WALKER GETS IN THE CAR
 20 WITH TIM BLASSINGAME AND WHAT THEY TALK ABOUT AND THEN
 21 AFTER THAT'S FINISHED WE'LL TALK A LITTLE BIT MORE

22 (PLAYS VIDEO FOR JURY FROM APPROXIMATELY 9 30
 23 A M UNTIL APPROXIMATELY 9 37 A M)

24 MS SIMMONS LET'S REVIEW WHAT WE JUST HEARD THE
 25 DEFENDANT SAYS, I GOT SOME, MAN I AIN'T GONNA GIVE YOU

AUDIO
Played

Impulse
Comments

STATE V B ASSI CAL 2 -- F147 -- 11 20 09

1 SITTING RIGHT THERE

2 EVERYTHING YOU HAVE HEARD FROM THE STATE HAS BEEN A
3 PIECE THAT PUTS TOGETHER A PUZZLE WHEN YOU TAKE EVERY
4 SINGLE ONE OF THOSE ITEMS TOGETHER AS A WHOLE, THERE'S
5 ONLY ONE REASONABLE CONCLUSION TIM BLASSINGAME IS
6 GUILTY OF DISTRIBUTION OF CRACK COCAINE

7 WHEN YOU GO INTO THE JURY ROOM, THE MOST IMPORTANT
8 TOOL YOU WILL HAVE IS YOUR COMMON SENSE I PICKED YOU
9 ALL BECAUSE I THINK YOU HAVE GOOD COMMON SENSE YOUR
10 COMMON SENSE, YOU'RE REASONABLE PEOPLE WHEN YOU THINK
11 ABOUT IT AND LOOK AT ALL THE PIECES, LOOK AT THE PUZZLE,
12 AND WHEN ALL THE PIECES COME TOGETHER, THERE'S ONLY ONE
13 REASONABLE CONCLUSION ON FEBRUARY 24TH, 2009, TIM
14 BLASSINGAME DISTRIBUTED CRACK COCAINE TO JAMLS WILLIE
15 WALKER, AND I ASK YOU TO FIND HIM GUILTY THANK YOU

16 THE COURT MR SPROUSE?

17 MR SPROUSE MAY IT PLEASE THE COURT, YOUR HONOR

18 THE COURT MR SPROUSE

19 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

20 MR SPROUSE (PLAYS VIDEO FROM APPROXIMATELY 9 42
21 A M UNTIL 9 47 A M)

22 THE COURT MR SPROUSE, IF YOU COULD STAND BACK

23 MR SPROUSE (COMPLIES)

24 (VIDEO CONTINUES PLAYING UNTIL APPROXIMATELY,
25 9 47 A M)

Audio
played

Audio
played

1
2
3

UNTIL 12 00 P M , AND THEN A PORTION OF AUDIO

WAS PLAYED FOR THE JURY FROM APPROXIMATELY

12 01 P M UNTIL APPROXIMATELY 12 06 P M)

4 THE COURT ALL RIGHT IS THAT WHAT YOU WANTED TO
5 HEAR, MADAM FORELADY?

6 THE FORELADY YES

7 THE COURT AND NOW WE HAVE THE OFFICER CRUM
8 TESTIMONY

9 (WHEREUPON, THE TESTIMONY OF SERGEANT CRUM
10 WAS PLAYED BACK TO THE JURY FROM
11 APPROXIMATELY 12 06 P M UNTIL APPROXIMATELY
12 12 14 P M , WHEN THE COURT AND COURT REPORTER
13 HELD A DISCUSSION OFF THE RECORD)

14 THE COURT WE'RE GOING TO SKIP THE VIDEO AND THE
15 AUDIO AND JUST LIMIT IT TO THE TESTIMONY

16 (WHEREUPON, THE TESTIMONY OF SERGEANT CRUM
17 CONTINUED TO BE PLAYED BACK TO THE JURY FROM
18 APPROXIMATELY 12 15 P M UNTIL APPROXIMATELY
19 12 21 P M WHEN THE COURT AND COURT REPORTER
20 HELD A DISCUSSION OFF THE RECORD)

21 THE COURT (TO COURT REPORTER) OKAY, YES, IF YOU
22 WOULD, PLEASE

23 APPARENTLY WE DIDN'T RECORD THE TESTIMONY ON THE
24 AUDIO WHEN IT RESUMED AFTER THE C D 'S, BUT WE DO HAVE
25 THE ORIGINAL TRANSCRIPT AS SHE TAKES IT DOWN WHEN IT'S

1 MARKED FOR IDENTIFICATION AND RECEIVED IN
2 COURT'S EVIDENCE)

3 MS SIMMONS OKAY, JUDGE, WE'RE READY

4 THE COURT OKAY WE'RE BACK ON THE RECORD OF THE
5 STATE VERSUS BLASSINGAME I HAVE TWO QUESTIONS FROM THE
6 JURY OR TWO MESSAGES FROM THE JURY ONE IS MARKED AS
7 COURT'S EXHIBIT 7 REITERATE DEFINITION OF DISTRIBUTION
8 SPECIFICALLY DOES THIS INCLUDE INTENT TO DISTRIBUTE?
9 ALSO, RE-READ SECTION ABOUT CIRCUMSTANTIAL EVIDENCE
10 VERSUS ABSOLUTE EVIDENCE, ET CETERA

11 I INTEND, THEN, PURSUANT TO THAT QUESTION, TO READ
12 THE CHARGE ON DIRECT AND CIRCUMSTANTIAL EVIDENCE TO
13 INCLUDE INTENT, CRIMINAL INTENT, AS WELL AS DISTRIBUTION

14 AS FAR AS THE SECOND MESSAGE I HAVE IS, I AM --
15 MARKED COURT'S EXHIBIT 6, IT READS I AM CONCERNED THAT
16 A FEW JURORS WERE UNABLE TO HEAR OR COMPREHEND THE
17 AUDIOTAPE AND ARE DISCOUNTING THAT PART OF EVIDENCE
18 RATHER THAN READING THAT FURTHER INTO THE RECORD, SINCE
19 IT'S NOT A PARTICULAR QUESTION AS MUCH AS A REQUEST, I AM
20 GOING AHEAD AND -- AND IT'S ALSO SIGNED BY A JUROR -- I'
21 GOING TO JUST PLAY BACK THE AUDIO -- I THINK IT'S THREE
22 MINUTES -- AND ADDRESS IT THAT WAY

23 ANYTHING ELSE FROM THE STATE, OR ANY EXCEPTION?

24 MS SIMMONS NO, YOUR HONOR

25 THE COURT ANYTHING FROM THE DEFENDANT?

BL Part
A. B. C.
N. B. C.

Ineffective Assistance of Counsel (Failure to object)
 For Prosecutorial Misconduct
 "Improperly Vouching for a Witness Credibility
 during Closing Argument"

EXHIBIT

It is "Inappropriate" for the state to assure the jury of a witness Credibility in Opening or Closing argument, because the jury is Charged with assessing the Credibility of witnesses based on evidence in the record.

See/ Gilchrist V State, 565 S.E.2d 281 (S.C. 2002)
 Matthews V State, 565 S.E.2d 766 (S.C. 2002)
 Reversed,

Page From Trial Transcript: p 158 Line 13-14, 16-17

STATE BLAISE CA 7 -- FBI --

1 THESE THINGS, I'VE TAKEN RESPONSIBILITY FOR THEM HE
2 DIDN'T TRY TO LIE AND HE SAID I -- YOU KNOW, HE'S NOT
3 AN UPSTANDING MEMBER OF THE COMMUNITY

4 BUT LOOK AT ONE THING HE DID HE WAS HARD UP FOR
5 MONEY, HE TOLD YOU THAT HE HAD A NEW BABY, HE DIDN'T
6 HAVE A JOB, HE WAS WORKING DRUG DEALS IS IT A NORMAL
7 JOB? NO BUT HE WAS DOING DRUG DEALS FOR THE CITY TO
8 MAKE MONEY HE NEEDED CASH WHEN THIS DRUG DEAL WENT
9 DOWN, HE GOT THE DRUGS FOR FREE WHAT DID HE DO WITH THE
10 \$40 THAT HE WAS SUPPOSED TO USE FOR THAT DRUG DEAL?

11 HE DIDN'T STASH IT IN HIS UNDERWEAR HE DIDN'T
12 SHOVE IT IN HIS SOCK HE GAVE IT BACK TO SERGEANT CRUM
13 HE SAID, HEY, MAN, HE GAVE IT TO ME FOR FREE? IF JAMES
14 WILLIE WALKER WAS A LIAR, HE WOULD HAVE SHOVED THAT 40
15 BUCKS SOMEWHERE WHERE THEY COULD HAVE NEVER FOUND IT
16 BECAUSE HE NEEDED MONEY THAT SPEAKS VOLUMES THAT HE HA
17 TOLD THE TRUTH THROUGHOUT THIS WHOLE PROCESS

18 MOVING ON TO OFFICER HUNNICUTT'S TESTIMONY HE
19 TESTIFIED ABOUT THE THOROUGHNESS OF HIS SEARCH, THAT HE
20 EMPTIED HIS POCKETS, HE CHANGED HIS SHIRT, HE PAID PEOPLE
21 DOWN, HE CHECKS, HE CHECKS EVERYWHERE THAT YOU CAN PUT
22 DRUGS AND HE PASSED SO IF THE CRACK ROCK HAD BEEN ON
23 HIM, THE CRACK ROCK WOULD HAVE GOTTEN CRUSHED THE
24 SEARCH WAS THOROUGH AND JAMES WALKER DID NOT HAVE CRACK
25 COCAINE ON HIM BEFORE THIS DEAL STARTED

Vouching

Reasons why Trial Counsel Should
have objected and motion for a mistrial
for the Prosecutor Improperly Vouching
for its witness Credibility during closing
argument

SEE/Attachments 1-5

(Vouching)

COVER PAGE

(1)

WALKER'S CREDIBILITY WAS
CRUCIAL TO ^{STIG'S} ~~COVER STORY~~ CASE

P 73 Lines 9-11, 22-25

P 69 Lines 10-17

P 51 Lines 2-6

P 164 Lines 16

P 165 Lines 18-20

P 167 Lines 18-22

P 50 Lines 13-19

1 A STREET CORNER AND SAY "GO SELL SOME DRUGS"?

2 A THAT'S RIGHT

3 Q SO THE MORE YOU CAN DEFINE THE PARAMETERS OF THE
4 BUY, THE BETTER YOUR CASE?

5 A RIGHT IT'S MORE OF A CONTROLLED ENVIRONMENT

6 Q SO IN THIS CASE YOU HAD TIM BLASSINGAME AS YOUR
7 PARTICULAR TARGET?

8 A AT THAT TIME, YES

9 Q NOW, THE REASON THAT YOU HAD TIM BLASSINGAME AS
10 YOUR TARGET WAS THE STATEMENT OF JAMES WALKER?

11 A CORRECT

12 Q NOW, AT THAT TIME -- YOU HAVE DEALT WITH
13 MR BLASSINGAME SINCE THEN, BUT AT THAT TIME YOU WOULD
14 NOT HAVE RECOGNIZED TIM BLASSINGAME HAD YOU SEEN HIM ON
15 THE STREET?

16 A I MIGHT -- NO, SIR I'VE DEALT WITH HIM IN THE
17 PAST WOULD I HAVE BEEN A HUNDRED PERCENT SURE? NO, BUT
18 I WOULD HAVE HAD MY THOUGHTS THAT THAT'S WHO HE WAS

19 Q YOU WOULD NOT HAVE BEEN ABLE TO, UNDER OATH,
20 TESTIFY ABOUT HIS IDENTITY?

21 A NO CORRECT

22 Q NOW, SO THE I D IN THIS CASE -- WELL, LET'S BACK
23 UP THE TARGET IN THIS CASE WAS TOTALLY RELIANT ON THE
24 INFORMATION PROVIDED TO YOU BY JAMES WALKER?

25 A CORRECT

1 Q YOU HAVE PEOPLE WHO TRY TO EXPLOIT YOUR OFFICE
2 BECAUSE THEY ARE ON DRUGS OR HAVE PENDING CRIMINAL
3 CHARGES AND TRY TO WORK FOR YOU UNDER THE CLUISE OF BEING
4 AN INFORMANT, DO THEY NOT?

5 A OF COURSE

6 Q AND YOU SHOULD ALWAYS AS A POLICE OFFICER TAKE A
7 SKEPTICAL EYE TOWARDS SOMEONE LIKE THAT WHO HAS INCENTIVE
8 TO WORK FOR YOU, SHOULD YOU NOT?

9 A YES

10 Q NOW, IN THIS PARTICULAR CASE YOU WERE CONTACTED BY
11 MR WALKER, IS THAT CORRECT?

12 A YES, SIR

13 Q YOU DIDN'T CONTACT HIM, HE CONTACTED YOU?

14 A CORRECT

15 Q IN WHICH HE WAS ACCUSING TIM BLASSINGAME OF TRYING
16 TO SELL HIM CRACK COCAINE, IS THAT NOT CORRECT?

17 A THAT'S CORRECT.

18 Q AND WHAT WAS COMMUNICATED TO YOU FROM MR WALKER
19 WAS THAT A \$40 SALE OF CRACK COCAINE WAS GOING TO TAKE
20 PLACE, IS THAT NOT CORRECT?

21 A HE SAID HE COULD BUY WE DID NOT HAVE A PRICE
22 RANGE AT THAT TIME

23 Q BUT THAT HE WAS GOING TO BUY CRACK COCAINE?

24 A YES

25 Q NOW, WHEN YOU SET UP YOUR BUYS, YOU TESTIFIED

1 UP WHAT MR WALKER SAYS?

2 AND AGAIN, THIS IS NOT A SITUATION WHERE A POLICE
3 OFFICER SAW AN INDIVIDUAL COMMITTING A CRIME POLICE
4 OFFICERS ARE RELYING ON THE WORD OF AN INDIVIDUAL AND
5 WHEN THE DAY IS DONE, LADIES AND GENTLEMEN, THIS IS A
6 SHAKY FOUNDATION THEY WILL NOT BE ABLE TO PROVE THEIR
7 CASE BEYOND A REASONABLE DOUBT

8 I THANK YOU FOR YOUR ATTENTION AND MR BLASSINGAME
9 THANKS YOU THIS IS HIS DAY IN COURT LIKE ANY OTHER
10 INDIVIDUAL CHARGED WITH A CRIME, THIS IS HIS DAY IT'S
11 IN YOUR HANDS NOW, LADIES AND GENTLEMEN THANK YOU

12 THE COURT MADAM SOLICITOR, YOU MAY CALL YOUR FIRST
13 WITNESS

14 MS SIMMONS THE STATE CALLS SERGEANT JOHN CRUM
15 WHEREUPON,

16 JOHN MICHAEL CRUM,
17 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS
18 DIRECT EXAMINATION BY MS SIMMONS

19 THE COURT IF YOU WOULD, SIR, GIVE US YOUR FULL
20 NAME FOR THE RECORD, SPELLING YOUR LAST NAME

21 THE WITNESS JOHN MICHAEL CRUM, C-R-U-M

22 THE COURT VERY GOOD THANK YOU, SIR

23 YOU MAY PROCEED

24 BY MS SIMMONS

25 Q GOOD MORNING, SERGEANT CRUM

ST 3 12 51 0 0 -- 12 1 -- 1 1 , 1

1 DEFENDANT COMES TO COURT AND IS INNOCENT UNTIL PROVEN
2 BEYOND A REASONABLE DOUBT THAT HE'S GUILTY

3 NOW, WHAT WAS THE STATE PROVEN HERE TODAY? THE
4 STATE -- WE SPENT A DAY IN TRIAL YESTERDAY, AND THERE ARE
5 THINGS THAT THE STATE HAS PROVED, NO QUESTION ABOUT IT
6 THEY PROVED THAT TIM BLASSINGAME HAS A GIRLFRIEND NAMED
7 CHARLOTTE. THEY PROVED THAT CHARLOTTE HAS A CELL PHONE
8 AND THAT SHE DRIVES AN ALTIMA

9 AND WE SPENT A LARGE AMOUNT OF TIME WITH WITNESSES
10 PROVING THAT JAMES WILLIE "J DUB" WALKER HANDED A VERY
11 SMALL QUANTITY OF CRACK COCAINE TO SERGEANT HUNNICUTT IN
12 THE POLICE VAN AND LADIES AND GENTLEMEN, THAT'S WHERE
13 IT STOPS THE STATE HASN'T PROVEN ANYTHING ELSE

14 NOW I WANT TO ASK YOU, DO YOU HESITATE WHEN YOU LOOK
15 AT THE VIDEO AND WHEN YOU LOOK AT THE AUDIO OR WHEN YOU
16 HEAR THE AUDIO? THE VIDEO SHOWED NO TRANSACTION, IT
17 SHOWS NO LOCATION THEY CAN'T EVEN TELL US IF IT WAS IN
18 THE CITY OF SENECA OR NOT WITH CERTAINTY THEY THINK IT
19 WAS BUT AS YOU JUST WATCHED IT, ALL THE VIDEO SHOWS ARE
20 TREETOPS AND POWER LINES

21 THE TESTIMONY WAS THAT THEY DROVE AROUND THE BLOCK
22 WE DON'T KNOW WE DON'T KNOW WHERE THIS ALLEGED
23 TRANSACTION TOOK PLACE

24 WE HEARD TESTIMONY YESTERDAY THAT OFFICER CRUM WAS
25 UNABLE TO LISTEN TO THE AUDIO AND DETERMINE THE EXACT

① TIME THAT THE ALLEGED TRANSACTION TOOK PLACE AND THEN
② HE -- HE SAID BECAUSE HE PUT THAT ON HIS FIELD REPORT
③ BUT THEN HE SAID, WELL, AFTER LISTENING TO IT LATER,
④ THERE WAS THE STATEMENT, THANK YOU VERY MUCH, I
⑤ APPRECIATE IT

⑥ YOU JUST LISTEN TO IT THAT'S NOWHERE ON THE AUDIO
⑦ THERE IS NOTHING ON THAT AUDIO OTHER THAN HIM TELLING
⑧ HIM, I LOVE YOU, MAN

9 NOW, THERE'S A REASON THAT HE SAID THAT, LADIES AND
10 GENTLEMEN, AND WE'RE GONNA TALK ABOUT THAT IN A MINUTE
⑪ BUT THERE'S NOTHING IN THAT AUDIO THAT INDICATES THAT A
⑫ TRANSACTION HAS BEEN MADE THERE'S NOTHING ON THE VIDEO
13 THAT SHOWS THAT THIS POINT 04 GRAMS AMOUNT OF COCAINE,
14 CRACK COCAINE, WHICH, EVEN IF IT CRUMBLED DURING THE
15 ANALYSIS, IF YOU PUT ALL THIS TOGETHER, THIS IS JUST A
16 LITTLE TINY PIECE OF CRACK COCAINE THAT MR WALKER HAD IN
17 HIS HAND WE KNOW WHEN HE WAS IN THE POLICE VAN AND
⑱ LADIES AND GENTLEMEN, THERE'S NO EVIDENCE THAT THIS WAS
⑲ EVER IN THE CAR WE HAVE TO RELY ON MR WALKER TO
⑳ BELIEVE THAT IT WAS IN THE CAR

21 SO WE HAVE GROUNDS TO HESITATE ON WHAT'S ON FILM, WE
22 HAVE GROUNDS TO HESITATE ON WHAT'S ON THE AUDIO, WE HAVE
23 GROUNDS TO HESITATE ON WHERE THE TRANSACTION WAS THAT
24 CAN'T BE PROVEN WE HAVE GROUNDS TO HESITATE ON THE SIZE
25 OF THE AMOUNT LADIES AND GENTLEMEN, CAN A 30-SECOND

STATE BASS CASE --

1 PREVENT HIM FROM SHAKING HANDS WITH THE PERSON IN FRONT
2 OF HIM

3 YOU ALSO SAW ON THE VIDEO MR WALKER WALKING UP TO A
4 RESIDENCE WHERE HE LIVES, HIS SISTER'S RESIDENCE,
5 APARTMENT [REDACTED] ON THE VIDEO. WHAT DOES HE DO WITH HIS
6 HANDS? THEY'RE UP ON THE WINDOWSILL YOU SAW IT ON THE
7 VIDEO THE STATE'S EXPLANATION IS, WELL, MR WALKER IS
8 JUST LOOKING IN THE WINDOW WHERE WAS THE CRACK COCAINE
9 WHEN HE GOT INTO THE POLICE VEHICLE? WHERE WAS IT? IT
10 WAS IN HIS HAND IT WAS IN HIS HAND.

11 HE TESTIFIED TO THAT, AND THE REASON I BELIEVE THAT
12 PART OF HIS TESTIMONY IS BECAUSE WE SAW IT ON THE VIDEO
13 AND I SUBMIT TO YOU THAT'S THE ONLY THING YOU CAN BELIEVE
14 ABOUT WHAT MR WALKER SAYS IS WHAT YOU SEE ON THE VIDEO
15 BUT THE SAME HAND THAT HE HAD THIS PIECE OF CRACK COCAINE
16 WAS THE SAME HAND THAT WAS UP ON THAT WINDOWSILL IN THE
17 VIDEO THAT YOU JUST SAW.

18 NOW, MR WALKER IS THE BASIS OF THE STATE'S CASE.
19 OFFICER CRUM WAS VERY FORTHRIGHT TO ME WHEN I QUESTIONED
20 HIM IT'S THE BASIS OF OUR CASE WITHOUT MR WALKER
21 THEY HAVE NO CASE HE'S THE LINK, HE'S THE BRIDGE
22 BETWEEN THE ACCUSATION, THE CRACK COCAINE AND PROVING
23 BEYOND A REASONABLE DOUBT THAT TIM BLASSINGAME DID THIS,
24 THIS VERY SERIOUS AND GRAVE OFFENSE
25 IF YOU CONVICT TIM BLASSINGAME, YOU HAVE TO BELIEVE

1 THE JUDGE INSTRUCTED YOU AS TO WHAT A REASONABLE DOUBT
2 IS NOW, THE STATE WILL HAVE TO PROVE TO YOU BEYOND A
3 REASONABLE DOUBT TODAY THAT IN SENECA THESE OFFICERS SET
4 UP THIS UNDERCOVER BUY AND THAT TIM BLASSINGAME
5 DISTRIBUTED CRACK COCAINE THEY'RE GONNA HAVE TO PROVE
6 THAT BEYOND A REASONABLE DOUBT THEY HAVE TO PROVE EVERY
7 ELEMENT OF THAT BEYOND A REASONABLE DOUBT

8 WE'RE GONNA HEAR A LOT OF TESTIMONY WE'RE GOING TO
9 SEE VIDEOS, OR A VIDEO WE'RE GOING TO HEAR AN
10 AUDIOTAPE YOU'RE GOING TO SEE STILL PHOTOS THAT THE
11 STATE IS GOING TO INTRODUCE

12 BUT WHEN YOU CUT THROUGH ALL THAT, LADIES AND
13 GENTLEMEN, THIS CASE IS GOING TO BOIL DOWN TO ONE THING,
14 AND THAT IS THE RELIABILITY OF JAMES WILLIE WALKER
15 THAT'S WHAT THIS CASE IS GOING TO REST ON

16 WHEN YOU HEAR THIS EVIDENCE AND WHEN YOU WEIGH IT,
17 THE FOUNDATION OF THE STATE'S CASE IS NOT VERY STRONG
18 THE RELIABILITY OF THE PERSON MAKING THE ACCUSATION IS
19 CENTRAL TO THIS CASE

20 NOW, AS THE TRIAL GOES ON -- AND THE SOLICITOR IS
21 ABSOLUTELY CORRECT THEY ARE LONG THINGS THESE VIDEOS
22 ARE PROBABLY 45 MINUTES LONG BUT I ASK YOU TO PLEASE
23 PAY CLOSE ATTENTION TO THEM BECAUSE, THE OLD SAYING, A
24 PICTURE IS WORTH A THOUSAND WORDS WHAT CAN BE PROVEN BY
25 WHAT'S ON TAPE? WHAT CAN BE PROVEN? HOW DOES THAT BACK

(Vouching)
COVER PAGE

(2)

APPLICANT'S CONVICTION
INEXTRICABLE LINKED TO
WALKER'S CREDIBILITY

P 82-83 Lines 24-25, 1, 6-9

P 51 Lines 2-4

P 167 Lines 18-22

P 50 Lines 13-15, 17-19

P 169 Line 15

STATE V BLASBERG -- CRUM/CRC S --

1 HERE, TURNED BACK AND MADE A LOOP BACK AROUND TO THE
2 APARTMENT COMPLEX, IS IT NOT?

3 A NO HE APPROACHED FROM THE -- IF WHERE THE ARROW
4 IS ON THE SCREEN THERE, HE CAME FROM THE SOUTH SIDE
5 THERE THEY CONTINUED STRAIGHT AND THEN HE CIRCLED THE
6 BLOCK ON UP AND CAME BACK FACING THE DIRECTION OF THE
7 ARROW THERE

8 Q HE WOULD HAVE HAD TO -- IF HE WENT THE ROUTE THAT
9 I AM SUGGESTING, HE WOULD HAVE HAD TO HAVE MADE FIVE
10 TURNS, FOUR OR FIVE TURNS, DEPENDING ON THAT LAST CURVE,
11 WOULD HE NOT?

12 A YES

13 Q AND THERE ARE AT LEAST FOUR TURNS IN THE VIDEO?

14 A CORRECT

15 Q AND IF HE MADE THOSE FOUR TURNS THE WAY I SUGGEST,
16 HE STILL WOULD HAVE ENDED UP ON THE RIGHT SIDE OF THE
17 ROAD WHERE THE APARTMENT COMPLEX IS ON HIS RIGHT SIDE, IS
18 THAT NOT CORRECT?

19 A HE WOULD HAVE HAD TO TURN AROUND TO HAVE DONE
20 THAT, YES

21 Q AND THREE MINUTES IN A CAR AT 35 MILES AN HOUR, HE
22 HAD AMPLE TIME TO HAVE MADE THAT LOOP?

23 A CORRECT

24 Q SO IN A NUTSHELL, OFFICER CRUM, IF JAMES WALKER
25 ISN'T TELLING YOU THE TRUTH, THEN YOU CAN'T PROVE TIM

STATE - BASSINGAME - - - - -

1 BLASSINGAME COMMITTED THIS CRIME?

2 A THAT ROADWAY ON [REDACTED] [REDACTED] IS IN THE CITY THE
3 PROPERTY IN THE WHITE IS NOT THE CITY LIMITS SO ONLY IF
4 IT WAS THEFT ON THE ROADWAY AND IT WAS DONE INSIDE THE
5 CITY LIMITS

6 Q OKAY NOW YOU DIDN'T ANSWER MY QUESTION IF TIM
7 BLASSINGAME IS TO BE PROVEN GUILTY, YOU HAVE TO HAVE
8 JAMES WALKER TELLING YOU THE TRUTH?

9 A CORRECT

10 Q THANK YOU

11 THE COURT RE-EXAM?

12 MS SIMMONS THANK YOU, JUDGE

13 REDIRECT EXAMINATION BY MS SIMMONS

14 Q SERGEANT CRUM, YOU INDICATED THAT BASED ON YOUR
15 DEALING WITH THIS INFORMANT, HE SAID, "THANK YOU, I
16 APPRECIATE IT, MAN," AT THE END OF THE DEAL?

17 A CORRECT, YES, MA'AM

18 Q AND THAT, THAT STATEMENT FOLLOWS WHAT DISCUSSION?

19 A THAT A PURCHASE HAS BEEN MADE OR A DISTRIBUTION
20 HAS BEEN MADE.

21 Q I DON'T THINK I WAS CLEAR THAT STATEMENT FOLLOWS
22 WHAT DISCUSSION BETWEEN THE DEFENDANT AND THE INFORMANT
23 REGARDING THAT?

24 A ASKING FOR SOME CRACK, THE 40, THE DUB, THE 10,
25 THROUGH THE CONVERSATION THEY HAD

Misleading
Testimony
↓

1 UP WHAT MR WALKER SAYS?

2 AND AGAIN, THIS IS NOT A SITUATION WHERE A POLICE
 3 OFFICER SAW AN INDIVIDUAL COMMITTING A CRIME POLICE
 4 OFFICERS ARE RELYING ON THE WORD OF AN INDIVIDUAL AND
 5 WHEN THE DAY IS DONE, LADIES AND GENTLEMEN, THIS IS A
 6 SHAKY FOUNDATION THEY WILL NOT BE ABLE TO PROVE THEIR
 7 CASE BEYOND A REASONABLE DOUBT

8 I THANK YOU FOR YOUR ATTENTION AND MR BLASSINGAME
 9 THANKS YOU THIS IS HIS DAY IN COURT LIKE ANY OTHER
 10 INDIVIDUAL CHARGED WITH A CRIME, THIS IS HIS DAY IT'S
 11 IN YOUR HANDS NOW, LADIES AND GENTLEMEN THANK YOU

12 THE COURT MADAM SOLICITOR, YOU MAY CALL YOUR FIRST
 13 WITNESS

14 MS SIMMONS THE STATE CALLS SERGEANT JOHN CRUM
 15 WHEREUPON,

16 JOHN MICHAEL CRUM,
 17 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS
 18 DIRECT EXAMINATION BY MS SIMMONS

19 THE COURT IF YOU WOULD, SIR, GIVE US YOUR FULL
 20 NAME FOR THE RECORD, SPELLING YOUR LAST NAME

21 THE WITNESS JOHN MICHAEL CRUM, C-R-U-M

22 THE COURT VERY GOOD THANK YOU, SIR
 23 YOU MAY PROCEED

24 BY MS SIMMONS

25 Q GOOD MORNING, SERGEANT CRUM

--- 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 ---

1 PREVENT HIM FROM SHAKING HANDS WITH THE PERSON IN FRONT
2 OF HIM

3 YOU ALSO SAW ON THE VIDEO MR WALKER WALKING UP TO A
4 RESIDENCE WHERE HE LIVES, HIS SISTER'S RESIDENCE,
5 APARTMENT [REDACTED] ON THE VIDEO. WHAT DOES HE DO WITH HIS
6 HANDS? THEY'RE UP ON THE WINDOWSILL YOU SAW IT ON THE
7 VIDEO THE STATE'S EXPLANATION IS, WELL, MR WALKER IS
8 JUST LOOKING IN THE WINDOW WHERE WAS THE CRACK COCAINE
9 WHEN HE GOT INTO THE POLICE VEHICLE? WHERE WAS IT? IT
10 WAS IN HIS HAND IT WAS IN HIS HAND

11 HE TESTIFIED TO THAT, AND THE REASON I BELIEVE THAT
12 PART OF HIS TESTIMONY IS BECAUSE WE SAW IT ON THE VIDEO
13 AND I SUBMIT TO YOU THAT'S THE ONLY THING YOU CAN BELIEVE
14 ABOUT WHAT MR WALKER SAYS IS WHAT YOU SEE ON THE VIDEO
15 BUT THE SAME HAND THAT HE HAD THIS PIECE OF CRACK COCAINE
16 WAS THE SAME HAND THAT WAS UP ON THAT WINDOWSILL IN THE
17 VIDEO THAT YOU JUST SAW

18 NOW, MR WALKER IS THE BASIS OF THE STATE'S CASE
19 OFFICER CRUM WAS VERY FORTHRIGHT TO ME WHEN I QUESTIONED
20 HIM IT'S THE BASIS OF OUR CASE WITHOUT MR WALKER
21 THEY HAVE NO CASE HE'S THE LINK, HE'S THE BRIDGE
22 BETWEEN THE ACCUSATION, THE CRACK COCAINE AND PROVING
23 BEYOND A REASONABLE DOUBT THAT TIM BLASSINCAME DID THIS,
24 THIS VERY SERIOUS AND GRAVE OFFENSE
25 IF YOU CONVICT TIM BLASSINGAME, YOU HAVE TO BELIEVE

STATE 3-10-73

1 THE JUDGE INSTRUCTED YOU AS TO WHAT A REASONABLE DOUBT
2 IS NOW, THE STATE WILL HAVE TO PROVE TO YOU BEYOND A
3 REASONABLE DOUBT TODAY THAT IN SENeca THESE OFFICERS SET
4 UP THIS UNDERCOVER BUY AND THAT TIM BLASSINGAME
5 DISTRIBUTED CRACK COCAINE THEY'RE GONNA HAVE TO PROVE
6 THAT BEYOND A REASONABLE DOUBT THEY HAVE TO PROVE EVERY
7 ELEMENT OF THAT BEYOND A REASONABLE DOUBT

8 WE'RE GONNA HEAR A LOT OF TESTIMONY WE'RE GOING TO
9 SEE VIDEOS, OR A VIDEO WE'RE GOING TO HEAR AN
10 AUDIOTAPE YOU'RE GOING TO SEE STILL PHOTOS THAT THE
11 STATE IS GOING TO INTRODUCE

12 BUT WHEN YOU CUT THROUGH ALL THAT, LADIES AND
13 GENTLEMEN, THIS CASE IS GOING TO BOIL DOWN TO ONE THING,
14 AND THAT IS THE RELIABILITY OF JAMES WILLIE WALKER
15 THAT'S WHAT THIS CASE IS GOING TO REST ON

16 WHEN YOU HEAR THIS EVIDENCE AND WHEN YOU WEIGH IT,
17 THE FOUNDATION OF THE STATE'S CASE IS NOT VERY STRONG
18 THE RELIABILITY OF THE PERSON MAKING THE ACCUSATION IS
19 CENTRAL TO THIS CASE

20 NOW, AS THE TRIAL GOES ON -- AND THE SOLICITOR IS
21 ABSOLUTELY CORRECT THEY ARE LONG THINGS THESE VIDEOS
22 ARE PROBABLY 45 MINUTES LONG BUT I ASK YOU TO PLEASE
23 PAY CLOSE ATTENTION TO THEM BECAUSE, THE OLD SAYING, A
24 PICTURE IS WORTH A THOUSAND WORDS WHAT CAN BE PROVEN BY
25 WHAT'S ON TAPE? WHAT CAN BE PROVEN? HOW DOES THAT BACK

STATE / EAR - 3 --

1 GOING UNDER OATH AND TRYING TO CONVICT SOMEONE? DOES IT
 2 CAUSE YOU TO HESITATE WHEN JAMES "J DUR" WILLIE WALKER,
 3 AN ADMITTED CRACK USER HIMSELF, LIVES IN A DRUG-INFESTED
 4 NEIGHBORHOOD, HAS ACCESS TO THE DRUG AND HE PAYS FOR
 5 THESE TRANSACTIONS? WHAT DO YOU THINK HE'S DOING WITH
 6 THE \$20 THAT HE'S GETTING PER POP WHEN HE CALLS AND TURNS
 7 SOMEONE IN? WHERE DO YOU THINK THAT MONEY'S GOING?

8 HE SAID, OH, I GOT TO PAY CHILD SUPPORT

9 IS HE PAYING CHILD SUPPORT WITH MONEY THAT HE'S
 10 USING TO BUY CRACK COCAINE? LADIES AND GENTLEMEN, THAT
 11 DOESN'T MAKE SENSE JAMES WILLIE WALKER HAS FOUND AN
 12 INCOME SOURCE TO SUPPORT HIS HABIT HE'S A CRACK USER
 13 HE'S A CRACK USER DOES THAT CAUSE YOU TO HESITATE?

14 DOES IT CAUSE YOU TO HESITATE, LADIES AND GENTLEMEN,
 15 WHEN YOU HAVE TO RELY ON A WITNESS TO CONVICT THIS MAN,
 16 WHO HAS PENDING CHARGES IN THIS COURT, AND TESTIFIED THAT
 17 HE'S ASKED FOR HELP ON THOSE CHARGES? THE STATE HASN'T
 18 AGREED BUT HE'S ASKED FOR IT HE THINKS HE'S GONNA GAIN
 19 FAVOR WITH THE PROSECUTION SURE, THERE'S A (MOTIVE) FOR
 20 HIM TO LIE SURE, THERE'S A MOTIVE FOR HIM TO COME AND
 21 TRY TO HELP GET A CONVICTION

22 BUT THE MOST TELLING THING, LADIES AND GENTLEMEN, IS
 23 IT'S FAMILY AND THIS IS WHAT STRUCK ME THE MOST OF ALL
 24 OF JAMES WILLIE WALKER'S ACTIONS HOW DID HE ACT? HOW
 25 DID HE ACT ON THE VIDEO? WAS THERE ANY SENSE OF REMORSE

(Vouching)

COVER PAGE

(3)

WALKERS ADMITTED
DRUG USE

P 72 Lines 6-12

P 104 Lines 10-20

1 TAPE, IS THAT NOT CORRECT?

2 A CORRECT

3 Q AND YOU DID NOT PUT MR WALKER'S APPEARANCE WHEN
4 HE CAME TO YOU THAT DAY ON TAPE?

5 A CORRECT

6 Q NOW, MR WALKER IS A DRUG USER, IS HE NOT?

7 A HE HAS BEEN KNOWING HIS PAST HISTORY, YES, SIR

8 Q AND YOU TESTIFIED THAT YOU DIDN'T BELIEVE THAT HE
9 WAS UNDER THE INFLUENCE AT THE TIME BUT CAN YOU ATTEST
10 AS TO THE LAST TIME HE HAD USED DRUGS PRIOR TO THIS
11 TRANSACTION?

12 A NO, SIR, I CANNOT

13 Q YOU SAY THAT YOU SEARCHED HIM AND YOU GAVE HIM A
14 SHIRT HOW LONG WAS THIS SEARCH? HOW LONG DID IT LAST?

15 A 30 SECONDS IT JUST DEPENDS ON HOW MUCH CLOTHING
16 THEY HAVE ON, THE TYPE OF CLOTHING AS WE SAID, IT WAS
17 COLD THAT DAY, WE HAD HIM CHANGE SHIRTS WE PROVIDED HIM
18 WITH A SHIRT THAT DAY

19 Q NOW, WHEN YOU CONDUCT A BUY, MOST TIMES YOU HAVE A
20 SPECIFIC TARGET FOR THAT INVESTIGATION, DO YOU NOT?

21 A CORRECT

22 Q YOU HAVE AN INDIVIDUAL IDENTIFIED THAT YOU WANT TO
23 CATCH, IS THAT RIGHT?

24 A FOR THE MOST PART, YES, SIR

25 Q BUT YOU DON'T NORMALLY GO SEND AN INFORMANT OUT ON

STATE V BLASSINGAME -- W-L- RE: 30 -- -- -- 30

1 A YES, SIR

2 Q OKAY WERE DID YOU PUT THIS SUBSTANCE THAT YOU
3 ALLEGE WAS GIVEN TO YOU?

4 A I HANDED IT OVER WHEN I GOT BACK TO THE JEEP WITH
5 CRUM. MR CRUM HE PUT IT IN A PLASTIC BAG

6 MR SPROUSE I ASK THE COURT'S INDULGENCE

7 (THE DEFENDANT CONFERRED WITH COUNSEL OFF THE
8 RECORD)

9 BY MR SPROUSE

10 Q MR WALKER, YOU USE COCAINE, DO YOU NOT?

11 A YES, SIR

12 Q AND YOU WERE USING CRACK AT THE TIME THIS OFFENSE
13 HAPPENED?

14 A NOT AT THE TIME THE OFFENSE HAPPENED , PROBABLY A
15 COUPLE DAYS EARLIER

16 Q IF YOU HAD BEEN SENT FOR A DRUG TEST, DO YOU
17 BELIEVE THAT YOU WOULD HAVE SHOWED UP POSITIVE FOR
18 COCAINE?

19 A I KNOW I'M SURE I'M POSITIVE FOR COCAINE. THERE
20 AIN'T NO DOUBT

21 MR SPROUSE OKAY THANK YOU

22 THE COURT REDIRECT?

23 REDIRECT EXAMINATION BY MS SIMMONS

24 Q JAMES WILLIE, JUST A COUPLE FOLLOW-UPS. HAVE WE
25 MADE YOU ANY PROMISES IN RETURN FOR YOUR -- YOU DO HAVE

2409
USE

(Vouching)

COVER PAGE

(4)

✓ PRIOR CONVICTIONS
OF DISHONESTY

P 98 Lines 16-25

P 99 Lines 1-25

P 100 Lines 1-19

1 HIM, I GOT A DRUG SALE SET UP WITH TIM BL'SSINCAME, IS
2 THAT WHAT YOU ARE TESTIFYING TO?

3 A YES, SIR YES, SIR

4 Q NOW, THE WAY THAT IT TURNED OUT, IT WAS NOT A DRUG
5 SALE, WAS IT?

6 A NO I WAS GIVEN THE DRUGS

7 Q SO THE INFORMATION YOU GAVE OFFICER CRUM THAT
8 MORNING WAS INACCURATE?

9 A I BRUNG [SIC] HIS MONEY BACK I MEAN, I DIDN'T
10 BUY IT I MEAN, HE GAVE IT TO ME

11 Q THE SENECA POLICE DEPARTMENT ANTICIPATED THAT
12 THERE WOULD BE A DRUG SALE BASED ON WHAT YOU TOLD THEM?

13 A YES, SIR

14 Q NOW, YOU STARTED WORKING FOR THE SENECA POLICE
15 DEPARTMENT AND MS SIMMONS, THE SOLICITOR, ASKED YOU
16 ABOUT YOUR RECORD NOW, YOU HAVE A LONG HISTORY OVER THE
17 LAST TEN YEARS OF CRIMINAL VIOLATIONS

18 A YES, SIR

19 Q YOU HAVE A LONG HISTORY OF VIOLATIONS THAT
20 INVOLVED DISHONESTY OF SOME SORT, DO YOU NOT?

21 A NO, I DON'T

22 Q IS FRAUDULENT CHECK A CHARGE THAT INVOLVES
23 DISHONESTY?

24 A I MEAN, IT WASN'T MY CHECK SIR, BUT I PLEADED
25 GUILTY TO THEM

Q WERE YOU LYINC WHEN YOU PLED CUILTY?

A NO, I WAS TELLING THE TRUTH I MFAN, I DID IT

Q OKAY SO YOU WROTE A FRAUDULENT CHECK?

A YES, SIR

Q AND THAT'S NOT BEING DISHONEST?

A IT WOULD HAVE BEEN DISHONEST ABOUT WRITING A CHECK
THAT WASN'T MINE

Q OKAY WHEN YOU WERE CONVICTED OF FORGERY IN
OCTOBER OF 2005, DID THAT INVOLVE DISHONESTY?

A YES, SIR

Q YQU SIGNED SOMEBODY ELSE'S CHECK?

A YES, SIR

Q THEN, WHEN YOU WERE CONVICTED OF ONE, TWO, THREE, FOUR, FIVE, SIX -- SIX SHOPLIFTING OFFENSES DURING THAT PERIOD OF TIME, FROM 2005 TO THE TIME OF THIS OFFENSE, DID THAT INVOLVE DISHONESTY?

A YES, SIR

Q THAT WAS STEALING

A IT WAS STEALING, YEAH

Q TAKING SOMEBODY ELSE'S STUFF

A EXACTLY

Q AND YOU WERE CONVICTED OF EVERY ONE OF THEM?

A YES, SIR

Q YOU ALSO WERE DISHONEST WHEN YOU GAVE FALSE
INFORMATION AND WAS CONVICTED OF THAT DO YOU REMEMBER

STATE, BE-SS- D-1-1 --

1 THAT ONE?

2 A FALSE INFORMATION? I CAN'T RECALL, NO

3 Q YOU DON'T REMEMBER DECEMBER THE 2ND, 2005, IN A
4 CHARGE BY THE CLEMSON UNIVERSITY POLICE DEPARTMENT?

5 A YES, SIR

6 Q THAT INVOLVED DISHONESTY, TOO?

7 A YES, SIR

8 Q THESE OFFICERS FROM THE OCONEE COUNTY SHERIFF'S
9 OFFICE ARE HERE YOU HAD A NUMBER -- A NUMBER OF THESE
10 CHARGES WERE FOR THE OCONEE COUNTY SHERIFF'S OFFICE, WERE
11 THEY NOT?

12 A YES, SIR

13 Q YOU HAVE PETIT LARCENY, AS WELL, DID YOU NOT?

14 A YES, SIR

15 Q AND YOU ALSO HAVE HAD SEVERAL CHARGES FROM THE
16 SENECA POLICE DEPARTMENT, THE VERY AGENCY YOU WERE
17 WORKING FOR IN THIS TRANSACTION --

18 A YES, SIR

19 Q -- HAVE YOU NOT?

20 NOW, MR WALKER, YOU HAVE PENDING CHARGES, DO YOU
21 NOT?

22 A YES, SIR, I DO

23 Q AND YOU HAVE ASKED FOR HELP ON THE PENDING CHARGE
24 IN RETURN FOR YOUR COOPERATION IN THIS CASE, HAVE YOU
25 NOT?

Dishonesty

(Vouching)
COVER PAGE

(5)

PROVIDING FAVORABLE
TESTIMONY FOR LENIENCY

p 100-101 Lines 20-25, 1

STATE - BLASS - GIVE -- -- -- --

① THAT ONE?

② A FALSE INFORMATION? I CAN'T RECALL, NO

③ Q YOU DON'T REMEMBER DECEMBER THE 2ND, 2005, IN A
④ CHARGE BY THE CLEMSON UNIVERSITY POLICE DEPARTMENT?

⑤ A YES, SIR

⑥ Q THAT INVOLVED DISHONESTY, TOO?

⑦ A YES, SIR

⑧ Q THESE OFFICERS FROM THE OCONEE COUNTY SHERIFF'S
⑨ OFFICE ARE HERE YOU HAD A NUMBER -- A NUMBER OF THESE
⑩ CHARGES WERE FOR THE OCONEE COUNTY SHERIFF'S OFFICE, WER
⑪ THEY NOT?

⑫ A YES, SIR

⑬ Q YOU HAVE PETIT LARCENY, AS WELL, DID YOU NOT?

⑭ A YES, SIR

⑮ Q AND YOU ALSO HAVE HAD SEVERAL CHARGES FROM THE
⑯ SENECA POLICE DEPARTMENT, THE VERY AGENCY YOU WERE
⑰ WORKING FOR IN THIS TRANSACTION --

⑱ A YES, SIR

⑲ Q -- HAVE YOU NOT?

⑳ NOW, MR WALKER, YOU HAVE PENDING CHARGES, DO YOU

㉑ NOT?

㉒ A YES, SIR, I DO

㉓ Q AND YOU HAVE ASKED FOR HELP ON THE PENDING CHARGE
㉔ IN RETURN FOR YOUR COOPERATION IN THIS CASE, HAVE YOU
㉕ NOT?

Larceny

1-2
-7
LUTHER

①

A YES, SIR

2

Q NOW, THIS IS YOUR COUSIN?

3

A YES, SIR

4

Q AND YOU GOT ON THE VIDEO, YOU GOT TO WATCH THE VIDEO WHILE YOU WERE HERE YOU THOUGHT THIS WAS FUNNY AFTER, AFTER YOU DID THIS TRANSACTION, DID YOU NOT?

7

A NOT REALLY THE FIRST TIME I EVER SEEN SOMEBODY GET CHARGES IN MY CAREER I DIDN'T THINK IT WAS FUNNY

9

Q WELL, YOU WERE CALLING, YOU WERE CALLING -- WHO WERE YOU TALKING TO ON THE TELEPHONE WHEN YOU WERE SAYING "HE GAVE IT TO ME"?

12

A I WAS TALKING TO OFFICER CRUM

13

Q I MEAN, IT WAS A BIG JOKE TO YOU, WASN'T IT?

14

A IT WASN'T A JOKE LIKE I WAS SAYING, I AIN'T NEVER SEEN NOBODY GET CHARGES JUST GIVING DRUGS TO SOMEBODY

17

Q SO DID YOU THINK THERE WAS ANYTHING WRONG WITH WHAT HAPPENED?

19

A NO I MEAN

20

Q NOW, WHEN YOU WERE IN JAIL BACK IN SEPTEMBER, YOU SAY YOU WERE IN JAIL TWO MONTHS?

22

A YES, SIR

②③

Q DID YOU WRITE A DOCUMENT SAYING THAT THE REPORT

②④

THAT YOU HAD GIVEN WAS NOT TRUE?

②⑤

A YES, SIR I WROTE -- I DIDN'T WRITE IT BUT I

As to the prejudicial impact of the failure to object, Applicant's claim that prejudice clearly flowed from Counsel's error

(1) In this case Walker was the State's key witness and therefore his credibility was crucial to the ~~prosecution's~~ ^{State's} case

(2) The fact that the applicant's conviction is inextricably linked to Walker's credibility, by believing Walker was the only way the jury could convict if, of course

(3) Walker admitted drug use prior to the alleged crime

(4) Walker's prior convictions of dishonesty

(5) Walker's interest in providing favorable testimony for the State to obtain leniency in his own case

* Given Walker's obvious credibility problems, which was clearly questionable Trial Counsel's failure to object for the State's Improper Vouching prejudiced Applicant's case

~~Walker's credibility problems~~ from which

EXHIBIT #10

Counsel fails adequately to investigate, and to introduce into evidence, records that demonstrate s client's factual innocence, or that raise sufficient doubt as to the question to undermine confidence in the verdict, renders deficient performance

<Hart v Gomez, 174 F3d 1067>

<Strickland v Washington, 104 S Ct 2052>

pages from Trial Transcript pg 26 Lines 24-25

pg 33 Lines 18-20

pg 101 Lines 23-25

pg 102 Lines 1-2, 5-9

pg 103 Lines 2-12

VOLUNTARY STATEMENT

This is a Voluntary written statement.

I James Walker do voluntarily write this statement to Confess that on February 27, 2009 when I was working under the Supervisor of the Agent John Crum as a Confidential Informant I was Supposed to Attempt to make a Purchase of Crack from Tim Blassingame, because that's who I told John Crum who I could make it buy from. James Walker is confessing that it was not Tim Blassingame that I meet with. I Did not Purchase or was given any Crack from Tim Blassingame and am willing to take the stand at a Jury Trial to verify that this State ment is true I am sorry to falsely accuse Mr. Blassingame but so was not him. This is me: James Walker Voluntary written Statement

Witness

Signature James Walker
 James Walker
 September 28 2009
 9/28/2009

Reasons why Counsel should have
admitted the evidence

* would have shown 'Reasonable Doubt'

(1) Counsel address the court about the statement

(2) Counsel primes the jury to hear the statement

SEE/ATTACHMENTS for 1 & 2

Pages from Trial Transcript

pg 26 Lines 24-25

pg 33 Lines 18-20

pg 101 Lines 23-25

pg 102 Lines 2-13

pg 103 Lines 1-9

1 APPROXIMATELY 2 15 P M)

2 ***

3 AFTERNOON PROCEEDINGS

4
5 THE COURT ALL RIGHT IS THE STATE READY?

6 MS SIMMONS YES, YOUR HONOR

7 THE COURT IS THE DEFENSE READY?

8 MR SPROUSE YES

9 THE COURT ALL RIGHT I UNDERSTAND THERE ARE SOME
10 MOTIONS PENDING IN THE MATTER OF STATE VERSUS TIMOTHY LEE
11 BLASSINGAME, 2009-GS-37-820?

12 MOTION FOR CONTINUANCE ON BEHALF OF DEFENDANT

13 MR SPROUSE YES, SIR MAY IT PLEASE THE COURT,
14 YOUR HONOR, I WAS APPOINTED ON THIS CASE ON OCTOBER THE
15 2ND BY COURT ORDER AFTER THE PUBLIC DEFENDER'S OFFICE WAS
16 RELIEVED AND, YOUR HONOR, I WILL SAY MS SIMMONS HAS
17 DONE A GOOD JOB OF GETTING ME WHAT SHE HAD IN THE FILE,
18 SHE AND OFFICER CRUM CAME TO MY OFFICE AND SHOWED ME WHAT
19 THEY HAD AND WHATEVER

20 SINCE THEN THERE HAVE BEEN ITEMS OF EVIDENCE THAT
21 HAVE CROPPED UP MOST RECENTLY A DISK WAS HANDED TO ME
22 THIS MORNING WHICH IS PURPORTED TO BE A TELEPHONE CALL
23 BETWEEN ANOTHER WITNESS AND MY CLIENT AND THE

24 CONFIDENTIAL INFORMANT IN THE CASE THERE WAS ALSO A
25 VOLUNTARY STATEMENT GIVEN BY THE CONFIDENTIAL INFORMANT

1 ON THE RECORD

2 THE COURT CERTAINLY

3 MS SIMMONS WHEN I MET WITH MR SPROUSE PREVIOUSLY
4 AND WE PROVIDED THIS TO HIM, T-ERE WAS A PRIOR EFFORT BY
5 HIS CLIENT TO INFLUENCE MR WALKER'S TESTIMONY WE WILL
6 BE REFERRING TO THAT MR SPROUSE HAD ADEQUATE NOTICE OF
7 THAT

8 THE COURT WHAT WAS THAT, THE PRIOR INSTANCE?

9 MS SIMMONS A NUMBER OF MONTHS AGO THE JAIL
10 INADVERTENTLY PUT BOTH OF THEM IN THE CELL TOGETHER WITH
11 APPROXIMATELY 14 OTHER PEOPLE MR BLASSINGAME WENT TO
12 MR WALKER AND ENCOURAGED HIM TO WRITE A LETTER STATING
13 THAT THIS BASICALLY DIDN'T HAPPEN, HE WAS DRUNK AND HIGH
14 WHEN IT OCCURRED MR WALKER WILL BE DISCUSSING THAT,
15 AND THAT WAS PROVIDED TO MR SPROUSE IN DISCOVERY

16 MR SPROUSE AND, YOUR HONOR, OF COURSE WE DISPUTE,
17 WE HAVE A SIGNIFICANT DISPUTE WITH THE STATE OVER WHAT
18 HAPPENED IN THAT SITUATION, AND WE BELIEVE THE EVIDENCE
19 WILL SHOW THAT MR WALKER WROTE A LETTER OF HIS OWN FREE
20 WILL TO CLEAR THE AIR ABOUT WHAT HE HAD DONE BUT I
21 WOULD AGREE THAT WAS A SEPARATE INCIDENT THAN THIS
22 TELEPHONE CONVERSATION

23 THE COURT VERY WELL ALL RIGHT

24 MS SIMMONS THANK YOU, JUDGE
25 COURT'S RULING ON DEFENSE MOTION

WHY WASN'T IT
ALLOWED INTO
EVIDENCE TO
LET JURY DECIDE
IF IT WAS VOLUNTARY?

① A YES, SIR

2 Q NOW, THIS IS YOUR COUSIN'

3 A YES, SIR

4 Q AND YOU GOT ON THE VIDEO, YOU GOT TO WATCH THE
5 VIDEO WHILE YOU WERE HERE YOU THOUGHT THIS WAS FUNNY
6 AFTER, AFTER YOU DID THIS TRANSACTION, DID YOU NOT?

7 A NOT REALLY THE FIRST TIME I EVER SEEN SOMEBODY
8 GET CHARGES IN MY CAREER I DIDN'T THINK IT WAS FUNNY

9 Q WELL, YOU WERE CALLING, YOU WERE CALLING -- WHO
10 WERE YOU TALKING TO ON THE TELEPHONE WHEN YOU WERE SAYING
11 "HE GAVE IT TO ME"?

12 A I WAS TALKING TO OFFICER CRUM

13 Q I MEAN, IT WAS A BIG JOKE TO YOU, WASN'T IT?

14 A IT WASN'T A JOKE LIKE I WAS SAYING, I AIN'T
15 NEVER SEEN NOBODY GET CHARGES JUST GIVING DRUGS TO
16 SOMEBODY

17 Q SO DID YOU THINK THERE WAS ANYTHING WRONG WITH
18 WHAT HAPPENED?

19 A NO I MEAN

20 Q NOW, WHEN YOU WERE IN JAIL BACK IN SEPTEMBER, YOU
21 SAY YOU WERE IN JAIL TWO MONTHS?

22 A YES, SIR

23 Q DID YOU WRITE A DOCUMENT SAYING THAT THE REPORT
24 THAT YOU HAD GIVEN WAS NOT TRUE?

25 A YES, SIR I WROTE -- I DIDN'T WRITE IT BUT I

1 COPIED IT DOWN FROM WHERE HE WROTE

2 Q IS THAT YOUR SIGNATURE ON IT?

3 A YES, SIR

4 Q AND THAT'S IN YOUR HANDWRITING?

5 A YES, SIR

6 Q AND DOES THAT HAVE SEPTEMBER THE 28TH?

7 A YES, SIR

8 Q AND YOU SAID (READING) I, JAMES WALKER --

9 MS SIMMONS YOUR HONOR, I OBJECT TO HIM READING
10 SOMETHING HE'S NOT GONNA OFFER AS AN EXHIBIT

11 MR SPROUSE I'LL MOVE ON TO SOMETHING ELSE, YOUR
12 HONOR

13 BY MR SPROUSE

14 Q MR WALKER, THE NOTE THAT YOU TESTIFIED ABOUT WAS
15 IN YOUR HANDWRITING?

16 A YEAH, BUT THOSE WORDS, I MEAN, ARE COPIED FROM
17 WHAT HE WROTE

18 Q AND IT'S TRUE THAT AS A RESULT OF THAT INCIDENT
19 THERE WAS NO COMPLAINT BY YOU TO THE JAIL AUTHORITIES?

20 A YEAH THEY GOT COMPLAINTS I MEAN, ROGER FROM
21 THE JAIL ON SECOND SHIFT SUPERVISOR, HE GOT A COMPLAINT,
22 MS GILLISPIE (PHONETIC), BEVERLY ALL OF THEM, ROGER
23 AND ALL OF THEM GOT COMPLAINTS ALL YOU GOT TO DO IS AS
24 THEM AND THEY'LL TELL YOU THE MAJOR GOT THEM, TOO YO
25 CAN ASK HIM, TOO

① Q DID YOU NOT TELL THE STATE SOMETHING DIFFERENT
② THAN YOU SAID IN THIS STATEMENT?

③ A I DON'T UNDERSTAND WHAT YOU ARE SAYING -- ASKING
④ ME

⑤ Q WHAT DID YOU TELL TIM?

⑥ A WHAT DID I TELL TIM?

⑦ Q YEAH

⑧ A WHAT DID I TELL TIM? I TOLD HIM TO GET SOME REST
⑨ AND EVERYTHING WOULD BE ALL RIGHT. I MEAN, I DID THAT --
10 I AIN'T GONNA KILL MYSELF

11 Q NOW, YOU WENT UP TO APARTMENT [REDACTED] --

12 A YES, SIR

13 Q -- WHEN YOU GOT THERE?

14 A YES, SIR

15 Q AND THERE WERE PEOPLE SITTING OUT FRONT?

16 A YES, SIR

17 Q AND YOU WENT UP TO THE WINDOWSILL?

18 A YES, SIR

19 Q AND THE PEOPLE KNEW YOU?

20 A YES, SIR

21 Q YOU SPOKE TO THEM?

22 A YES, SIR

23 Q AND THEN YOU MADE ANOTHER PHONE CALL AS YOU WALKED
24 UP THE ROAD CALLED LAW ENFORCEMENT AND WHO WAS THE
25 OTHER PHONE CALL TO, WAS THAT TO YOUR GIRLFRIEND?

"Prejudice"

The prejudicial impact clearly flowed from Trial Counsel's error - for failing to enter the exculpatory statement into evidence, which would have shown "Reasonable Doubt" in the mind of Jurors. By resting without presenting the evidence in favor of the defense, which at that point letting the jury free to believe that the defense could not support the version and could not live up to the claim, made Trial Counsel chose to gamble on his perception about the weakness of the prosecution's case, which was a very bad decision, that was unprofessional and highly prejudiced the Applicant's case.

EXHIBIT 1'

Reason why ~~general~~^{State} witness have a motive
to come to court to test by against the Applicant

Pages from Trial Transcript pg 100-101 Lines 20-25, 1
pg 169 Lines 16-21

See Attachments

1 THAT ONE?

2 A FALSE INFORMATION? I CAN'T RECALL, NO

3 Q DO YOU DON'T REMEMBER DECEMBER THE 2ND, 2005, IN A
4 CHARGE BY THE CLEMSON UNIVERSITY POLICE DEPARTMENT?

5 A YES, SIR

6 Q THAT INVOLVED DISHONESTY, TOO?

7 A YES, SIR,

8 Q THESE OFFICERS FROM THE OCONEE COUNTY SHERIFF'S
9 OFFICE ARE HERE YOU HAD A NUMBER -- A NUMBER OF THESE
10 CHARGES WERE FOR THE OCONEE COUNTY SHERIFF'S OFFICE, WERE
11 THEY NOT?

12 A YES, SIR

13 Q YOU HAVE PETIT LARCENY, AS WELL, DID YOU NOT?

14 A YES, SIR

15 Q AND YOU ALSO HAVE HAD SEVERAL CHARGES FROM THE
16 SENECA POLICE DEPARTMENT, THE VERY AGENCY YOU WERE
17 WORKING FOR IN THIS TRANSACTION --

18 A YES, SIR

19 Q -- HAVE YOU NOT?

(20) Q NOW, MR WALKER, YOU HAVE PENDING CHARGES, DO YOU

(21) NOT?

(22) A YES, SIR, I DO

(23) Q AND YOU HAVE ASKED FOR HELP ON THE PENDING CHARGE
(24) IN RETURN FOR YOUR COOPERATION IN THIS CASE, HAVE YOU

(25) NOT?

① A YES, SIR

2 Q NOW, THIS IS YOUR COUSIN?

3 A YES, SIR

4 Q AND YOU GOT ON THE VIDEO, YOU GOT TO WATCH THE
5 VIDEO WHILE YOU WERE HERE YOU THOUGHT THIS WAS FUNNY
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18 WHAT HAPPENED?

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21 SAY YOU WERE IN JAIL TWO MONTHS?

22 A YES, SIR

②③ Q DID YOU WRITE A DOCUMENT SAYING THAT THE REPORT
②④ THAT YOU HAD GIVEN WAS NOT TRUE?

②⑤ A YES, SIR I WROTE -- I DIDN'T WRITE IT BUT I

1 GOING UNDER OATH AND TRYING TO CONVICT SOMEONE? DOES IT
2 CAUSE YOU TO HESITATE WHEN JAMES "J DUB" WILLIE WALKER,
3 AN ADMITTED CRACK USER HIMSELF, LIVES IN A DRUG-INTERESTED
4 NEIGHBORHOOD, HAS ACCESS TO THE DRUG AND HE PAYS FOR
5 THESE TRANSACTIONS? WHAT DO YOU THINK HE'S DOING WITH
6 THE \$20 THAT HE'S GETTING PER POP WHEN HE CALLS AND TURNS
7 SOMEONE IN? WHERE DO YOU THINK THAT MONEY'S GOING?

8 HE SAID, OH, I GOT TO PAY CHILD SUPPORT

9 IS HE PAYING CHILD SUPPORT WITH MONEY THAT HE'S
10 USING TO BUY CRACK COCAINE? LADIES AND GENTLEMEN, THAT
11 DOESN'T MAKE SENSE JAMES WILLIE WALKER HAS FOUND AN
12 INCOME SOURCE TO SUPPORT HIS HABIT HE'S A CRACK USER
13 HE'S A CRACK USER DOES THAT CAUSE YOU TO HESITATE?

14 DOES IT CAUSE YOU TO HESITATE, LADIES AND GENTLEMEN,
15 WHEN YOU HAVE TO RELY ON A WITNESS TO CONVICT THIS MAN,
16 WHO HAS PENDING CHARGES IN THIS COURT, AND TESTIFIED THAT
17 HE'S ASKED FOR HELP ON THOSE CHARGES? THE STATE HASN'T
18 AGREED BUT HE'S ASKED FOR IT HE THINKS HE'S GONNA GAIN
19 FAVOR WITH THE PROSECUTION SURE, THERE'S A MOTIVE FOR
20 HIM TO LIE SURE, THERE'S A MOTIVE FOR HIM TO COME AND
21 TRY TO HELP GET A CONVICTION

22 BUT THE MOST TELLING THING, LADIES AND GENTLEMEN, IS
23 IT'S FAMILY AND THIS IS WHAT STRUCK ME THE MOST OF ALL
24 OF JAMES WILLIE WALKER'S ACTIONS HOW DID HE ACT? HOW
25 DID HE ACT ON THE VIDEO? WAS THERE ANY SENSE OF REMORSE

Failure to Subpoena witnesses

EXHIBIT 12

Counsel failed to follow-up on Exculpatory report,
because such report may have created Reasonable Doubt in
minds of Jurors

{Harris v Reed, 894 F2d 871}
{Anderson v Butler, 838 F2d 16, 29}

Pages from Trial Transcript: pg 149 Lines 13 14

1 THE COURT HAVE YOU MADE UP YOUR MIND AS TO WHETHER
2 YOU WISH TO TESTIFY OR NOT?

3 THE DEFENDANT YES, SIR

4 THE COURT AND WHAT IS THAT?

5 THE DEFENDANT NOT TO TESTIFY

6 THE COURT ALL RIGHT I FIND THE DEFENDANT'S
7 DECISION TO EXERCISE HIS RIGHT UNDER THE FIFTH AMENDMENT
8 NOT TO TESTIFY IS FREELY, VOLUNTARILY, KNOWINGLY AND
9 INTELLIGENTLY MADE, AND HE WILL BE ABLE TO EXERCISE THAT
10 RIGHT AND I WILL TELL THE JURY THEY MAY NOT HOLD THAT
11 AGAINST HIM

12 ALL RIGHT YOU MAY BE SEATED

13 DOES THE DEFENSE WISH TO CALL ANY WITNESSES?

14 MR SPROUSE NO, YOUR HONOR

15 THE COURT THAT MEANS THE STATE OPENS AND THEN THE
16 DEFENSE HAS CLOSING?

17 MS SIMMONS YES, YOUR HONOR

18 MR SPROUSE YES, SIR

19 THE COURT ALL RIGHT ANYTHING ELSE FROM THE
20 STATE?

21 MS SIMMONS NO, YOUR HONOR

22 THE COURT FROM THE DEFENSE?

23 MR SPROUSE NOTHING, YOUR HONOR

24 THE COURT ALL RIGHT ASK THE JURY TO JOIN US

25 OH, MR SPROUSE, I'LL RECOGNIZE YOU TO REST ON THE

'Prejudice'

The prejudicial impact clearly flowed from the Counsel's error in not subpoenaing defendant witnesses to testify in the applicant's defense, that the State's witness did actually write a sworn affidavit without threats implicating that the Applicant did not sell or give him any Narcotics. Failure to produce witnesses to support defense theory in argument is a 'Speaking Silence' that is highly prejudicial to the Applicant's case, and prejudicial as a matter of law when such report would have shown Reasonable Doubt in minds of Jurors.

juvenile delinquency

EXHIBIT 13

Under the Sixth Amendment, Criminal Defendants has a right to be tried by an Impartial Jury drawn from the State and District that represent a fair-cross section of the Community

<Taylor v. LA, 419 US 522>

pages from Trial Transcript pg 3A-3B

RANDOM STR. LIST

JUDGE NAME Alexander Stephens Macaulay

Sorted by Random Nbr

TRIAL TYPE Criminal

PANEL ID 2009GS3700820

DESCRIPTION State of SC V Timothy Lee Biaslingame

Trial

COURTROOM CTRM

NAME	JUROR NBR	RACE	SEX	ST	PL	DEF	GRT	REMARKS
1 McClure, Louise B	81	W	F	()	()	()		
2 McKenna, Robert T	84	W	M	()	(X)	()		
3 Rushton, Myra J	104	W	F	()	()	()		
4 Conway, Nancy J	27	W	F	()	(X)	()		
5 Lafaille, Jane K	70	W	F	()	(X)	()		
6 Burns, Vickie H	15	W	F	()	()	()		
7 Christopher, Jean M	20	W	F	()	()	()		
8 Jones, Tina M	66	W	F	(X)	()	()		
9 Lay, Linda C	73	W	F	()	()	()		
10 Atkinson, Walter A	7	W	M	()	()	()		
11 Paessun, Theresa M	95	W	F	()	()	()		Foreperson
12 Powell, Juanita G	100	W	~~MF~~	()	()	()		
13 Meece, Stanley R	86	W	M	()	()	()		
14 Fernia, Peter C	46	W	M	()	(X)	()		
15 Grant, Janice R	49	W	F	()	()	()		
16 Miller, Lex T	88	W	M	()	()	()		
17 Duncan, Kenneth L	43	W	M	()	()	()		
18 Kelly, Colleen	67	W	F	()	(X)	()		
19 Canty, Laura G	18	B	F	()	()	()		
20 Cobb, Jennifer L	24	W	F	()	()	()		
21 Long, Stacey M	76	W	F	()	()	()		
22 Danson, Yvonne D	34	W	F	()	()	()		
23 Phillips, Amanda F	97	W	F	()	()	()		
24 Putnam, Kimberly D	101	W	F	()	()	()		

RANDOM STATE SELECTION

JUDGE NAME Alexander Stephens Maculay

Sorted by Random Nbr

TRIAL TYPE Criminal

ANAL ID 2009GS3700820

DESCRIPTION State of SC V Timothy Lee Blassingame Trial

COURTROOM CTRM

NAME	JUROR NBR	RACE	SEX	ST	PL	DEF	CRT	REMARKS
25 Okelley, Tracey D	94	W	F	()	()	()		
26 Wallace, Debra P	125	W	F	()	()	()		
27 Plumb, Charles R II	98	W	M	()	()	()		
28 Greenlee, Deborah S	51	B	F	()	()	()		
29 Greene, Leanne D	50	W	F	()	()	()		
30 Lee, Stephanie T	74	W	F	()	()	()		
31 Swindle, William C	119	W	M	()	()	()		
32 Armstrong, Sandra J	6	W	F	()	()	()		
33 Ruszkowski, Paul J	105	W	M	()	()	()		
34 Dilworth, Deborah M	37	W	F	()	()	()		
35 Lavelle, Karen S	72	W	F	()	()	()		
36 Knox, Thelma D	68	B	F	()	()	()		

Total Number of Jurors

36

** END OF REPORT **

Ineffective Assistance of Counsel (Failure to object)
 of Prosecutorial Misconduct
 Rule 5, Brady Violation

~~EXHIBIT~~ EXHIBIT -

under Rule 5, It states that any names and address
 of witnesses shall be disclosed to the defendant
 No Less than 10 Days before Trial

"Here, the prosecutor disclosed the 1st on the day of Trial"

See Attachment

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
TENTH JUDICIAL CIRCUIT

State of South Carolina)

2009-GS-37-0820

vs)

State's Potential Witness List

Timothy Lee Blassingame,)

Defendant)
_____)

✓SGT TIM HUNNICUTT

SENECA POLICE DEPARTMENT

✓SGT JOHN CRUM

SENECA POLICE DEPARTMENT

✓SGT MELINDA NICHOLSON

SENECA POLICE DEPARTMENT

✓SGT MIKE TERRAMANO

SENECA POLICE DEPARTMENT

✓RANDY SMITH

SENECA POLICE DEPARTMENT

SGT ROGER FOSTER

OLEC

MAJOR STEVE PRUITT

OLEC

SGT MIKAL FOSTERVALD

OLEC

✓AGENT MEREDITH LANTORD

ANDERSON-OCONEE FORENSICS LAB

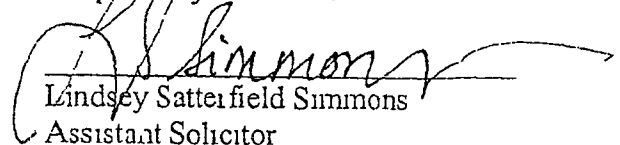
✓OFFICER BENNY OWENS

SCDNR

✓JAMES WILLIE WALKER

RODNEY JOHNSON

Respectfully Submitted


Lindsey Satterfield SimmonsAssistant Solicitor
Tenth Judicial CircuitDated 10/26/09
Walhalla South Carolina

Ineffective Assistance of Counsel

Erroneous Improper Jury
Instructions

EXHIBIT 15

"The Court Charge the jury" twice" with the
Erroneous Improper Jury Instruction

Page from Trial Transcript: p 184 Line 18-25
p 204 Line 3-13

See Attachment

1 44-53-370, WHICH PROVIDES IN PERTINENT PART THAT
2 (READING) THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO
3 MANUFACTURE, DISTRIBUTE, DISPENSE, DELIVER, PURCHASE,
4 AID, ABET, ATTEMPT OR CONSPIRE TO MANUFACTURE,
5 DISTRIBUTE, DISPENSE, DELIVER OR PURCHASE OR POSSESS WITH
6 THE INTENT TO MANUFACTURE, DISTRIBUTE, DELIVER OR
7 PURCHASE A CONTROLLED SUBSTANCE OR A CONTROLLED SUBSTANCE
8 ANALOG CRACK COCAINE IS DEFINED AS A CONTROLLED
9 SUBSTANCE PURSUANT TO SOUTH CAROLINA CODE SECTION
10 44-53-110

11 I REMIND YOU THE FACT THAT THE DEFENDANT WAS
12 ARRESTED, CHARGED AND INDICTED IN THIS CASE IS NOT
13 EVIDENCE IN THE CASE AND CANNOT BE CONSIDERED BY YOU AS
14 EVIDENCE OF GUILT THE INDICTMENT IS SIMPLY THE WRITTEN
15 INSTRUMENT WHICH CONTAINS THE CHARGE MADE AGAINST THE
16 DEFENDANT IT IS THE FORMAL DOCUMENT BY WHICH THIS CASE
17 IS BROUGHT INTO THIS COURT

18 TO PROVE A CHARGE OF DISTRIBUTION OF CRACK COCAINE
19 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
20 DEFENDANT DISTRIBUTED CRACK COCAINE. DISTRIBUTE MEANS TO
21 DELIVER OR TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO
22 TRANSFER A DRUG OTHER THAN BY ADMINISTERING OR DISPENSING
23 BY A PRESCRIPTION DELIVERY MEANS TO ACTUALLY OR
24 CONSTRUCTIVELY ATTEMPT TO TRANSFER A DRUG TRANSFER CAN
25 INVOLVE AN EXCHANGE FOR MONEY, A BARTER, OR A GIFT

1 TO DETERMINE WHAT THE DEFENDANT INTENDED TO DO BASED ON
2 THE CIRCUMSTANCES SHOWN TO HAVE EXISTED

3 TO PROVE A CHARGE OF DISTRIBUTION OF CRACK COCAINE
4 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
5 DEFENDANT DISTRIBUTED CRACK COCAINE, DISTRIBUTE MEANS TO
6 DELIVER OR TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO
7 TRANSFER A DRUG OTHER THAN BY ADMINISTERING OR DISPENSING
8 SOMETHING THROUGH A PRESCRIPTION DELIVERY MEANS TO
9 ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO TRANSFER A DRUG,
10 TRANSFER CAN INVOLVE AN EXCHANGE FOR MONEY, A BARTER OR A
11 GIFT THERE DOES NOT HAVE TO BE ANYTHING GIVEN IN
12 EXCHANGE FOR DRUGS FOR A TRANSFER TO CONSTITUTE
13 DISTRIBUTION

14 ALL RIGHT IS THERE ANYTHING ELSE THAT YOU WOULD
15 REQUEST FROM THE JURY?

16 THE FORELADY NO, SIR

17 THE COURT ALL RIGHT IF YOU WOULD PLEASE
18 RETIRE -- OH, WAIT A MINUTE WE NEED -- I APOLOGIZE

19 MS SIMMONS IF ANYBODY NEEDS IT LOUDER, JUST SPEAK
20 UP WHEN IT STARTS PLAYING

21 (THE VIDEOTAPE WAS RE-PLAYED FOR JURY FROM
22 APPROXIMATELY 3 39 UNTIL 3 43 WHILE THE JURY
23 CONFERRED IN THE JURY-BOX)

24 THE COURT IS THERE ANYTHING ELSE THE JURY
25 REQUIRES? (NO RESPONSE , VERY GOOD IF YOU WOULD

EXHIBIT -

Erroneous Improper Jury Instruction
Affected the Judgment of the Jury to
Wrongful Convicting the Applicant

See Attachment'

Cover Page

(1)

Cover Page

(1)

The jury asked for a copy of the Definition of Distribution of Crack Cocaine including the words of "Attempt" The Court sent back the same "Erroneous Statutory Definition of Distribution that does not fall within the Statutory Definition of "Distribute" which affected the Jury to find the applicant guilty of "Attempt Distribution" instead of Actual Distribution

page from Trial Transcript: p 206 Line 1-14

p 207 Line 3-10

p 208 Line 3-5

p 209 Line 1-2

Sec/Attachments

1 FROM THE JURY CAN WE PLEASE HAVE A COPY OF THE
2 DEFINITION OF DISTRIBUTION OF CRACK COCAINE, I E ,
3 INCLUDING THE WORD "ATTEMPT " THERESA WHICH IS THE
4 FORELADY OF THE JURY

5 I AM GOING TO SEND THEM THE SAME DEFINITION OF
6 DISTRIBUTION OF CRACK COCAINE THAT WE HAVE CHARGED THEM I
7 THINK AT LEAST TWICE, BUT IT WILL BE AT LEAST A COPY OF
8 THAT CHARGE

9 TO PROVE A CHARGE OF DISTRIBUTION OF CRACK COCAINE
10 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
11 DEFENDANT DISTRIBUTED CRACK COCAINE DISTRIBUTED MEANS
12 TO DELIVER OR TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO
13 TRANSFER A DRUG, OTHER THAN BY ADMINISTERING OR
14 DISPENSING

15 DELIVER MEANS TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT
16 TO TRANSFER A DRUG A TRANSFER CAN INVOLVE AN EXCHANGE
17 FOR MONEY, A BARTER OR A GIFT THERE DOES NOT HAVE TO BE
18 ANYTHING GIVEN IN EXCHANGE FOR THE DRUGS FOR A TRANSFER
19 TO CONSTITUTE DISTRIBUTION

20 ALL RIGHT ANYTHING FROM THE STATE?

21 MS SIMMONS NO, YOUR HONOR

22 THE COURT FROM THE DEFENSE?

23 MR SPROUSE NO, YOUR HONOR

24 THE COURT ALL RIGHT ASK THE JURY TO JOIN US,
25 PLEASE

1 (THE JURY ENTERED THE COURTROOM AT
2 APPROXIMATELY 4 12 P M)

3 THE COURT ALL RIGHT MADAM FORELADY, I'VE BEEN
4 PROVIDED A MESSAGE FROM THE JURY CAN WE PLEASE HAVE A
5 COPY OF THE DEFINITION OF "DISTRIBUTION OF CRACK COCAINE"
6 I E , INCLUDING THE WORDS OF "ATTEMPT", CLOSE QUOTE

7 I HAVE MADE A COPY OF THE CHARGE FOR DISTRIBUTION OF
8 CRACK COCAINE THAT HAS BEEN GIVEN TO YOU OR HAS BEEN
9 CHARGED TO YOU BY THE COURT, BUT I WILL SEND THIS BACK TO
10 YOU WHEN YOU RETURN TO THE JURY ROOM

11 IS THERE ANYTHING ELSE THE COURT CAN DO FOR YOU AT
12 THIS TIME?

13 THE FORELADY NO, SIR

14 THE COURT VERY GOOD I'LL ASK YOU TO RETIRE TO
15 THE JURY ROOM AND I'LL SEND THE CHARGE BACK AT THAT TIME

16 (THE JURY LEFT THE COURTROOM AT
17 APPROXIMATELY 4 14 P M)

18 THE COURT ALL RIGHT ANYTHING ELSE FROM THE
19 STATE?

20 MS SIMMONS NO, YOUR HONOR

21 THE COURT FROM THE DEFENDANT?

22 MR SPROUSE NO, YOUR HONOR

23 THE COURT ALL RIGHT LIEUTENANT, IF YOU WOULD
24 SEND THE CHARGE BACK TO THE JURY

25 (WHEREUPON, THE JURY CONTINUED ITS

"Prejudice"

Prejudice Clearly Flowed From Trial Counsel and Court for failure to "Notice" the Erroneous/Improper Jury Charge Instructions, As this Case has shown that the Court and Trial Counsel Violated the Substantial rights under the Fourteenth Amendment of Due process of equal protection of the law, which denied applicant to a fair trial with in the Courts. When such said actions has been proven it's easy to say that the Violations "Prejudiced" the applicant rights and Case to a fair trial by Law.

1 [SIC] THE DEFENDANT, TIMOTHY LEE BIA'SINAME, IS GUILTY
2 OF DISTRIBUTION OF CRACK COCAINE SIGNED BY THE
3 FORELADY, WALHALLA, SOUTH CAROLINA, OCTOBER 28TH, 2009

4 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY, IS
5 THAT YOUR VERDICT AND EACH OF YOUR VERDICTS AND IS IT
6 STILL YOUR VERDICT? IF SO, INDICATE BY RAISING YOUR
7 RIGHT HANDS VERY GOOD

8 LET THE RECORD REFLECT THAT ALL MEMBERS OF THE JURY
9 AFFIRMED THEIR VERDICT

10 ANYTHING FROM THE JURY BEFORE I RELEASE THEM, MADAM
11 SOLICITOR?

12 MS SIMMONS NO, YOUR HONOR

13 THE COURT THE DEFENDANT?

14 MR SPROUSE NO, SIR

15 THE COURT VERY GOOD

16 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
17 THE COURT OR A JUDGE IS NEVER INTERESTED IN A VERDICT,
18 ONLY HOW THAT VERDICT IS REACHED AND I CAN ASSURE YOU
19 THIS TIME THAT I AM COMPLETELY SATISFIED THAT YOU GAVE
20 BOTH SIDES, ALL THE PARTIES INVOLVED IN THIS CASE, YOUR
21 VERY CAREFUL AND CLOSE ATTENTION AND THAT YOU GAVE,
22 RENDERED A VERDICT OR REACHED A VERDICT THAT YOU FELT WAS
23 APPROPRIATE UNDER THE CASE, AND I CANNOT THANK YOU MORE,
24 BECAUSE YOU HAVE SERVED NOT ONLY THE STATE OF SOUTH
25 CAROLINA BUT OCONEE COUNTY BY YOUR WAY THAT YOU

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
Timothy Blassingame,
Plaintiff
vs
State of South Carolina,
Defendant

FILED J. WHITE, SC
BEVERLY H. WHITE, CLERK OF COURT
2010 AUG -3 P 12 12
TENTH JUDICIAL CIRCUIT
C/A No 2010-CP-37- 531
**AMENDED (Supplemental)
PCR Application Brief**

Pursuant to the South Carolina Rules of Civil Procedure, SCRPC 15(c), Plaintiff hereby amends his application for Post Conviction Relief Plaintiff amends his original brief and subsequent amendments by amending his assertion of "Ineffective Assistance of Trial Counsel for Failure to Challenge the Sufficiency of the Indictment "

The Plaintiff asserts that the prosecutor in this matter did not have sufficient time necessary to present evidence to the Grand Jury and obtain an Indictment in this matter Trial counsel did not investigate the indictment nor did trial counsel make any motions during the trial to challenge the sufficiency of the indictment

WHEREFORE, Plaintiff requests that his previously submitted Post Conviction Relief application brief and subsequent amendments be amended as stated above

August 3, 2010
Walhalla South Carolina

KEITH G DENNY, P A



Keith G Denny
30 Short Street
Walhalla, S C 29691
Tel 864-638-2930
Fax 864-638-2922
Attorney for Plaintiff

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF OCONEE	)	
	)	2010-CP-37-0531
Timothy Blessingame #212064	)	
Applicant	)	
	)	
v	)	RETURN
	)	
State of South Carolina	)	
Respondent	)	
_____	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed April 30 2010 would respectfully show this Court

I

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Oconee County Clerk of Court. The Applicant was indicted at the July 20, 2009 term of the Oconee County Grand Jury for Distribution of Crack Cocaine—3rd Offense (2009 GS-37 0820). He was represented by Robert Sprouse, Esquire. On October 27-29 2009, the Applicant underwent trial pursuant to which he was found guilty as charged. He was sentenced by the Honorable Alexander S. Macaulay to confinement for a period of thirty (30) years.

A timely notice of appeal was filed on the Applicant's behalf. The South Carolina Court of Appeals subsequently dismissed the Applicant's appeal by order dated April 15 2010. Remittitur was received May 7 2010.

Attached herewith and incorporated herein are the records of the Oconee County Clerk of Court regarding the subject conviction(s). The Applicant's records from the South Carolina

Department of Corrections and the guilty plea transcript. The Respondent reserves the right to amend and/or supplement this Return upon receipt with any relevant materials.

II

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

- 1 Ineffective assistance of counsel
 - a 'Failure to object to untimely (?) witness list,'
 - b Failure to object to preserve for appellate review,
 - c Failure to object to state's evidence that was not in the record,'
 - d "Failure to object to discriminatory jury venire,"
 - e "Failure to subpoena witness and enter exculpatory evidence,"
 - f Failure to investigate case and chain of custody'
- 2 Prosecutorial Misconduct
 - a "Illegal Use of Evidence violation of chain of custody rule 6 and 36,"
 - b "Brady Violation"
 - c 'Admission of false testimony and bolstering of state's witnesses and vouching for state's witness improper comments
- 3 "6th Amendment and due process violation, discrimination of jury venire because his race was excluded'

The Applicant subsequently filed an Amended Application for Post-Conviction relief, in which he made the following additional claims of ineffective assistance of counsel: 1) Counsel was ineffective for failing to object to an erroneous jury instruction defining distribution of cocaine.

III

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that

"counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 663, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985).

Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. Nevertheless, the allegation of ineffective assistance of counsel probably raises a question of fact which cannot be conclusively refuted by the record and therefore requires that an evidentiary hearing be held. Sharper v. State, 79 S.C. 264, 305 S.E.2d 247 (1983); Delaney v.

State, 264 S.C. 550, 215 S.E.2d 679 (1977).

IV

Respondent submits that the Applicant's second and third allegation raise direct appeal issues that are procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). The Applicant could have raised these issues at trial or on appeal. His failure to do so has waived these allegations as grounds for relief. Therefore, the Court should summarily dismiss this allegation.

V

Each and every allegation contained within the application not hereinbefore expressly admitted, qualified or explained is hereby denied.

VI

WHEREFORE having made its Return the State requests that an evidentiary hearing be
held

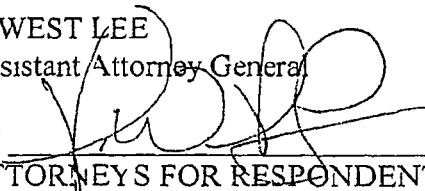
Respectfully submitted

HENRY DARGAN McMASTER
Attorney General

JOHN W McINTOSH
Chief Deputy Attorney General

SALLEY W ELLIOTT
Assistant Deputy Attorney General

A WEST LEE
Assistant Attorney General

By 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P O Box 11549
Columbia, SC 29211
Telephone (803) 734-3737

August 4, 2010

STATE OF SOUTH CAROLINA	NOTARY PUBLIC - COMMISSION
LISA A. SUBER	EXPIRATION DATE 06/05/13
County of Richland	
Applicant	
State of South Carolina	PROOF OF SERVICE BY MAIL
Respondent	

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me Lisa A. Suber who being first duly sworn states

- 1 That I am an employee of the Office of the Attorney General
- 2 That regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail
- 3 That I have this day served a copy of the State's Return of the above captioned matter on the following person by depositing same in the United States mail postage prepaid

Keith Denny, Esquire
30 Short Street
Walhalla South Carolina 29691

DATED this 14th day of August, 2010

Lisa A. Suber
LISA A. SUBER

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

Timothy Blessingame,
Plaintiff

VS

State of South Carolina,
Defendant

IN THE COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT

C/A No: 2010-CP-37-531

Amended (Supplemental)
PCR Application

FILED OCT 27 2010
BEVERLY H. WITFIELD
CLERK OF COURT
2010 AUG 20 A 9 32

Pursuant to the South Carolina Rule of Civil Procedure, SCRPC 15(c), Plaintiff hereby Amends his Application for Post Conviction Relief. Plaintiff Amends his Original Application and Subsequent Amendments by Amending his Assertion of "INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL" For:

- (1) "Failure to suppress Chain of Custody,"
- (2) "Failure to object to "Illegal use of Evidence," Violation of Chain of Custody Rule 6 and 36,"
- (3) "Failure to motion for Direct Verdict for Inadmissibility of evidence and a Broken Chain of Custody"
- (4) "Failure to object to "False testimony and bolstering of State's Witness"
- (5) " Failure to object to "Improper Comment during Closing Argument,"
- (6) " Failure to object to "Vouching for State's Witness during Closing Argument."
- (7) " Failure to motion for Direct Verdict or Mistrial on the Vouching, False testimony, Improper Comment."

Plaintiffs have on Record Brief and Exhibits evidence that prove these Allegation for Ineffective Assistance of Counsel. Please forward a Copy of the Amended (Supplemental) to the Attorney General and send back to me a stamp Clock Copy for my records

Date: Aug 17, 2010

X Timothy Blassingame

TIMOTHY BLASSINGAME

#213064

M^cCORMICK, C.Z F/A RM #187

386 REDEMPTION WAY

M^cCORMICK, SC 29877

FILED 2008 JET 50
SEVERLY H. WHITFIELD
CLERK OF COURT

2010 AUG 20 A 9 33

AMENDMENT (supplemental)
PCR Application Brief
"Exhibit" 17
for

"INEFFECTIVE ASSISTANCE of Trial Counsel
Failure to Challenge the Sufficiency of the
Indictment"

SEE Attachment

Ineffective Assistance of Counsel
 Failure to
 Challenge the Sufficiency of the Indictment

EXHIBIT 11

"A Indictment may not be obtained by violating the Due Process Clause, by the knowing use of "Perjured" testimony or hearsay testimony at the Grand Jury Proceeding"
 (SEE U.S. V. Hogan, 712 F.2d 757) (2nd Cir. 1983)

(Basic) Sufficient Evidence to prove Dist of Crack Cocaine

(1) The video "Must" show the defendant had actual possession of the Controlled Substance, and the video "Must" show the actual Dist of the Controlled Substance to the Informant

(2) The audio "Must" Confirm the distribution

(3) And, upon the analysis the drug substance was in fact Crack Cocaine

SEE, Attachment

Insufficient Evidence

Cover Page

(1)

"Reasons why Counsel should have Challenge the Sufficiency of the Indictment"

(1) The Video do Not Show that the Applicant was in Control of the alleged drug substance, and do Not Show the alleged drug transaction between the Applicant and the Informant

(2) The audio do Not Confirm a distribution

(3) The Charging officer Sgt Crum nor witness the transaction or Can testify to Confirm the Alleged drug transaction

(4) According to the Chemist report the alleged Drug Substance was Not Analyzed until 8/05/2009, After the grand Jury proceeding that Convened on July 20, 2009

(5) The Informant did Not testify at the grand jury proceeding

SEE, Attached paper work, Plus View Audio & Video as Evidence

(1) Pg From Trial Transcript pg 74 line 9-16

(2) View Audio & Video

(3) Controlled buy field Sheet Report

(4) Forensics Laboratory Report

(5) NCIC Report

1 Q OKAY NOW, YOU FILMED THE TRANSACTIONS THAT'S
2 SOMETHING ELSE THEY TEACH YOU IN THE ACADEMY IN THE
3 COURSE THAT --

4 A CORRECT

5 Q -- FILM IS THE BEST WAY TO RECORD THIS?

6 A AS MUCH AS WE CAN

7 Q AND WE HAVE AN AUDIO HERE BECAUSE OF PROBLEMS WITH
8 THE MICROPHONE, BUT YOU HAVE THE TRANSACTION ON FILM
9 NOW, THE ACTUAL ALLEGED TRANSFER OF THE SUBSTANCE IS NOT
10 ON FILM, IS THAT NOT CORRECT?

11 A YES *No physical evidence*

12 Q WHICH WE SPENT AN HOUR AND A HALF LISTENING TO THE
13 TAPE AND LISTENING TO THE AUDIO AND WATCHING THE VIDEO,
14 AND THERE IS "NOTHING" ON "ANY" OF THOSE WHICH POINTS TO A
15 SPECIFIC TIME WHEN THE SUBSTANCE WAS TRANSFERRED?

16 A CORRECT

17 Q NOW, YOU DON'T KNOW -- I MEAN YOU KNOW THAT THE
18 INDIVIDUAL THAT WAS SERVING AS YOUR CONFIDENTIAL
19 INFORMANT, MR WALKER, GOT INTO THIS VEHICLE THAT'S UP ON
20 THE SCREEN AT APPROXIMATELY 16 50 ON THE TAPE, YOU KNOW
21 THAT?

22 A YES, SIR

23 Q AND YOU KNOW THAT HE EXITED THAT VEHICLE AT THE
24 APARTMENTS APPROXIMATELY AT THE 20-MINUTE MARK ISN'T
25 THAT SOMEWHERE IN THERE?

Seneca Police Department
CRIMINAL INVESTIGATIONS DIVISION
NARCOTICS UNIT

Controlled Buy Field Sheet

Investigation

<u>12/24/09</u> Date	<u>14000306</u> Case Number	<u>611800</u> Bestpack Number
<u>Crum, Humeant</u> Officers Involved		
<u>Tim Blessingame</u> Suspect or Targeted Location		
<u>\$70</u> Amount and Type of Funds Used		
Documentation of Funds		
<u>ED0552071A (20)</u>		
<u>GD 05451003A (20)</u>		

Confidential Informant

<u>James Walker</u> Assumed Name or Number	<u>[REDACTED]</u> Social Security Number
<u>Black pants, Blk shirt, terr shoes</u> Clothing	
<u>1420</u> Time Met with C/I	<u>Crum</u> Briefed By
<u>1425</u> Searched Time (Before)	<u>Humeant</u> Searched By
<u>1516</u> Search Time (After)	<u>Humeant</u> Searched By
<u>1426</u> Wiring Time	<u>Crum</u> Wired By
	<u>Nothing</u> Discovered
	<u>Nothing</u> Discovered

Vehicle Information

Make	Model	Color	Year
<u>Owner</u>		<u>License Plate</u>	<u>State</u>
<u>Searched Time (Before)</u>	<u>Searched By</u>	<u>Discovered</u>	
<u>Searched Time (After)</u>	<u>Searched By</u>	<u>Discovered</u>	
<u>Wiring Time</u>	<u>Wired By</u>		

Target

1454
Time Arrived

unable to determine (check signed)
Time of Purchase

S.D. 1st
Location of Purchase

Suspect

Tina Bassittigum 13/M
Suspects Name

5'11 / 180 Sh + hair / facial hair
Description

Blue jeans, Heavy short Brow, Black/white shoes
Clothing

Beige Toyota car Chandler
Other

Narcotics

1529
Time Substance Was Turned Over Sgt Crum
Receiving Officer

Beige in color, 6 like substance
Description of What Was Purchased

1/5
Approximate Weight #215-99 #E 113
Price Paid For Substance

Other Narcotics Seen

Comments

1) per CI off @ 1400 → CI made phone call to Subject prior to
dropping him off →

* No money was spe #, credit given for free

903 6654

PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WALKER, JAMES WILLIE
SC0370000 OCONEE CNTY SO
CASE-091225
ATN-990000473295
WARR-N135153
CIT-16-13-10(B) (2) -FELONY

04/21/2009

ARREST CHARGE 01-FORGERY
LESS THAN \$5 000
OFFENSE DATE-12/06/2008

WARR-N135154
CIT-16-13-510-FELONY

ARREST CHARGE 02-FINANCIAL
IDENTITY FRAUD
OFFENSE DATE-12/06/2008

WALKER, JAMES WILLIE
SC0370000 OCONEE CNTY SO
CASE-092063
ATN-990000483876
WARR-42275DX
CIT-16-13-110(B) (1) -MISDEMEANOR

06/27/2009

ARREST CHARGE 01-SHOPLIFTING
OFFENSE DATE-06/27/2009

CIT--MISDEMEANOR
DOC-37 WARR 42275DX

COURT CHARGE 01-SHOPLIFTING
COURT DISP-CONVICTED, Fine or
Jail time
COURT DATE-07/29/2009
ATN-990000483876

BASED ON SEARCH OF SCIED CJIS CCH FILE USING FBI/668646MA2
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCIED CJIS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION

INQUIRY WILL BE FORWARDED TO NCIC WANTED PERSONS

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS
THEREFORE THIS PERSON IS INELIGIBLE TO SHIP TRANSPORT OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OF FOREIGN COMMERCE AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18 USC 922(G))

** SC CJIS END OF RECORD **



Anderson-Oconee Regional Forensics Laboratory

John Crum
Seneca Police Department
205 North Depot Street
Seneca SC 29678

DRUG ANALYSIS DEPARTMENT

Date 08/05/2009
Lab Number T 09 000110
Incident Date 02/24/2009
Agency Case # 09000306
Control # C11800
(S) Blessingame Timothy Lee

This is an official report issued by a certified analyst. The items in this report were examined with the assurance that the submitted specimens have not, nor will be submitted to any other laboratory or agency for examination.

ITEMS OF EVIDENCE

L09-000110

The following evidence was submitted to the Anderson/Oconee Regional Forensics Laboratory by C R Smith of the Seneca Police Department on 3/11/2009

Item A	Sealed drug evidence kit	Control # C11800

Item A 01	Clear plastic ziploc bag containing rock substance

Results

Cocaine (Base) found	0.04 grams	Schedule II

I am a Forensic Chemist employed by the Anderson Oconee Regional Forensics Laboratory at the Anderson County Sheriff's Office and certified in the Anderson Oconee Regional Forensics Laboratory as a chemical analyst qualified to perform testing and analysis for controlled and/or dangerous substances prohibited by law in the State of South Carolina by Title 44 Chapter 33 of the SC Code of Laws and Rule 61-4 of the SC Department of Health and Environmental Control. I have 4 years and 4 months experience and have been qualified as an expert witness in recognized courts of law no less than 3 times.

The following legally reliable forensic laboratory procedures were used to conduct this analysis:

UV Vis Spectroscopy

Mass Spectroscopy

Gas Chromatography

FT IR Spectroscopy

Color Tests

Meredith Lanford

Meredith Lanford

Forensic Chemist

08/05/2009

Date

'Prejudice.'

The prejudicial Impact Clearly flowed From Trial Counsel's error for failure to Challenge the Sufficiency of the Indictment before trial, which the evidence would have shown that the state did Not have sufficient evidence to present to the grand jury to obtain an Indictment in this case. Although evidence was readily available and could have been discovered simply by reading the Case File. This deficient representation deprived applicant of the best evidence that could have presented Counsel neither investigated; nor made a reasonable decision not to investigate, the state's case through discovery is such a "Complete lack of pretrial preparation" that puts at "Risk" both the defendant's right to an ample opportunity to meet the case of the prosecution and the reliability of the adversarial testing process.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS	
	)		
COUNTY OF OCONEE	)	TENTH JUDICIAL CIRCUIT	
	)		
Timothy Blassingame,	)		
Plaintiff,	)	C/A No 2010-CP-37- 531	2010 OCT 14 A 23
	)		
vs	)		
	)		
State of South Carolina,	)	AMENDED (Supplemental)	
	)	PCR Application Brief	
Defendant	)		

Pursuant to the South Carolina Rules of Civil Procedure SCRPC Rule 15(c), Plaintiff hereby amends his application for Post Conviction Relief. Plaintiff amends his original brief and subsequent amendments by amending his assertion of "Ineffective Assistance of Trial Counsel for Failure to Preserve Prosecutorial Misconduct for Appellate Review." Furthermore, the Plaintiff asserts "Ineffective Assistance of Trial Counsel for Failure to Preserve Court Error."

The Plaintiff asserts that trial counsel did not object to the prosecutor's 1) Illegal Use of Evidence in Violation of Chain of Custody, 2) Violation of the Plaintiff's rights under *Brady v Maryland* 373 U.S. 83, 83 S.Ct. 1194 (1963) and S.C.R. Crim.P. Rule 5 when witness list disclosed on the first day of Plaintiff's trial, 3) Admission of false testimony, bolstering of the State's witnesses, vouching for the State's witness, and making improper comments, and 4) Discriminatory jury venire in violation of Plaintiff's Sixth Amendment and Due Process rights.

Additionally, the Plaintiff asserts that trial counsel failed to preserve court error for appellate review regarding an erroneous jury instruction involving. The Plaintiff asserts that the Court provided an inaccurate definition to the jury when the definition of "distribute" was requested by the jury.

WHEREFORE, Plaintiff requests that his previously submitted Post Conviction Relief application brief and subsequent amendments be amended as stated above

October 13, 2010
Walhalla, South Carolina

KEITH G. DENNY, P A



Keith G Denny
30 Short Street
Walhalla, S C 29691
Tel 864-638-2930
Fax 864-638-2922
Attorney for Plaintiff

Exhibits For Allegation 1

Failure to preserve Issues For Appellate review

- (1) Illegal use of Evidence, Violation of Chain of Custody,
Rule 6, Rule 36 Forms
- (2) Brady violation
- (3) False testimony bolstering of state witnesses
(Trial Transcript pg 83 Line 14-20)
pg 89 Line 19
- b) Vouching for witness credibility
(Trial Transcript pg 158 Line 13-17)
- (c) Improper comments
Trial Transcript pg 160-161, Lines 24-25 1-
- (4) Discrimination Jury Verdict
- (5) Court Error
(Erroneous Jury instruction)

CONTROL NO C11800

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED

FORM C (RULE 6)CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL
CUSTODY OR CONTROL
(Subsequent Change of Custody)This is to certify that I CR Smith am employed by _____
(Name)Sereca PD as EVIDENCE/ID TECH and that on
(Name of Agency or Department) (Capacity of Employment)02 25 09, I received In Person
(Date) (Specify Whether by Mail or in Person)from Secure Evidence Locker of Sereca PD
(Name of Person) (Law Enforcement Agency)

the following substance(s) or container(s) which were originally seized by

UNKNOWN TO ME
(Name of Person Making Original Seizure)

(Describe substance or container with sufficient particularity to distinguish it)

Sealed Evidence BEST Pack C11800

_____On 02 25 09, I made delivery of the above described
(Date)substance(s) or container(s) to Drug Storage of
(Name)Sereca PD in substantially the same condition
(Law Enforcement Agency)

as when I received it

CR Smith
(Signature)Place _____
Date _____

Sworn before me on this _____ day of _____,

Notary Public for South Carolina
My Commission Expires _____

CONTROL NO C 11800

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED

FORM C (RULE 6)

**CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL
CUSTODY OR CONTROL
(Subsequent Change of Custody)**

This is to certify that I

CR Smith

(Name)

am employed by

Sereca PD

(Name of Agency or Department)

as

Evidence / ID Tech

(Capacity of Employment)

and that on

03-11-09

(Date)

, I received

In Person

(Specify Whether by Mail or in Person)

from

Drug Storage

(Name of Person)

of

Sereca PD

(Law Enforcement Agency)

the following substance(s) or container(s) which were originally seized by

UNKNOWN TO ME

(Name of Person Making Original Seizure)

(Describe substance or container with sufficient particularity to distinguish it)

Sealed Evidence BEST Pack C11800

On

03-11-09

(Date)

,

,

I made delivery of the above described

substance(s) or container(s) to

Meredith Lanford

(Name)

of

Anderson - Oconee Forensics Lab

(Law Enforcement Agency)

in substantially the same condition

as when I received it

CR Smith

(Signature)

Place _____

Date _____

Sworn before me on this _____ day of _____,

Notary Public for South Carolina

My Commission expires _____

C 11800

-EVIDENCE/PROPERTY-

Submitting Agency Savannah Case No 09-0306
 Location E/ACFL Tag No 090299
 Date of Collection 2/24/09 Time of Collection 1509
 Collected By J. Crum Badge No 35
 Court Date Unknown
 Description of Enclosed Evidence/Property _____
Be-g in car rock like substance

 Location Where Collected _____
Savannah, SC

 Type of Offense Dst of Crack
 Victim's Full Name State of SC
 Suspect's Full Name Timothy L Blasingame

-CHAIN OF CUSTODY

From	To	Date/Time
E/PLAVER	Q EVIDENCE	02-25 09/1740
M Teramano	Evidence	6 26 09 1730

OUTBOUND EVIDENCE TRANSFER RECEIPT**EVIDENCE TRANSFER TRANSACTION**

Evidence Relinquished By Lanford, Meredith L	Agency [X]	AOFL PIN Entered
Evidence Received By Crum, John	Agency []	SPD PIN Entered
VIA		
Note		
Date & Time	6/26/2009 2 53 56PM Hours	
Operator	Meredith Lanford	

Lab Case #	Evidence #	Evidence Description
L09 000110	A	Sealed drug evidence kit
L09-000110	A 01	Clear plastic ziploc bag containing rock substance
L09 000111	A	Sealed drug evidence kit
L09 000111	A 01	Folded clear plastic bag containing rock substance
L09 000112	A	Sealed drug evidence kit
L09 000112	A 01	Silver and yellow cigarette lighter containing a knotted clear plastic baggie containing rock substance
L09 000226	A	Sealed drug evidence kit
L09 000226	A 01	Clear plastic ziploc bag containing five (5) white, rectangular tablets
L09 000228	A	Sealed drug evidence kit
L09 000228	A 01	Clear plastic ziploc bag containing rock substance
L09-000229	A	Sealed drug evidence kit
L09 000229	A 01	Clear plastic ziploc bag containing knotted clear plastic baggie containing powder substance
L09-000230	A	Sealed drug evidence kit
L09-000230	A 01	Knotted clear plastic baggie containing two (2) pink, round tablets stamped with a "lounging woman" logo
L09 000231	A	Sealed drug evidence kit
L09 000231	A 01	Clear plastic ziploc bag containing rock substance
L09 000232	A	Sealed drug evidence kit
L09 000232	A 01	Clear plastic baggie containing rock substance
L09-000233	A	Sealed drug evidence kit
L09 000233	A 01	Clear plastic ziploc bag containing rock substance

SIGNATURES

Evidence Relinquished By <i>Meredith L. Lanford</i>	Evidence Received By <i>John Crum</i> → <i>M. Terzano</i> <i>06 26 09 1638</i>



Anderson-Oconee Regional Forensics Laboratory

DRUG ANALYSIS DEPARTMENT

John Crum
Seneca Police Department
205 North Depot Street
Seneca SC 29678

Date 08/05/2009
Lab Number T 09 000110
Incident Date 02/24/2009
Agency Case # 09000306
Control # C11800
(S) Blessingame Timothy Lee

Crum

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UV-Vis Spectroscopy Mass Spectroscopy Gas Chromatography
FT IR Spectroscopy Color Tests

Meredith Lanford

Meredith Lanford

Forensic Chemist

08/05/2009

Date

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
TENTH JUDICIAL CIRCUIT

State of South Carolina)

2009-GS-37-0820

vs)

State's Potential Witness List)

Timothy Lee Blassingame,)

Defendant)

✓SGT TIM HUNNICUTT

SENECA POLICE DEPARTMENT

✓SGT JOHN CRUM

SENECA POLICE DEPARTMENT

✓SGT MELINDA NICHOLSON

SENECA POLICE DEPARTMENT

✓SGT MIKE TERRAMANO

SENECA POLICE DEPARTMENT

✓RANDY SMITH

SENECA POLICE DEPARTMENT

SGT ROGER FOSTER

OLEC

MAJOR STEVE PRUITT

OLEC

SGT MIKAL FOSTERVALD

OLEC

✓AGENT MEREDITH LANFORD

ANDERSON-OCONEE FORENSICS LAB

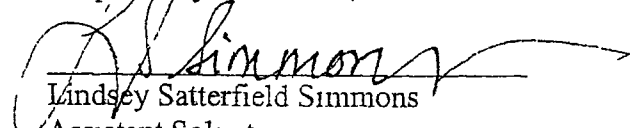
✓OFFICER BENNY OWENS

SCDNR

✓JAMES WILLIE WALKER

RODNEY JOHNSON

Respectfully Submitted,



Lindsey Satterfield Simmons

Assistant Solicitor

Tenth Judicial Circuit

Dated

Watha

5/26/09
South Carolina

1 BLASSINGAME COMMITTFD THIC CRIMF?

2 A THAT ROADWAY ON [REDACTED] [REDACTED] IS IN THE CITY. THE
3 PROPERTY IN THE WHITE IS NOT THE CITY LIMITS. SO ONLY IF
4 IT WAS THERE ON THE ROADWAY AND IT WAS DONE INSIDE THE
5 CITY LIMITS

6 Q OKAY NOW YOU DIDN'T ANSWER MY QUESTION IF TIM
7 BLASSINGAME IS TO BE PROVEN GUILTY, YOU HAVE TO HAVE
8 JAMES WALKER TELLING YOU THE TRUTH?

9 A CORRECT

10 Q THANK YOU

11 THE COURT RE-EXAM?

12 MS SIMMONS THANK YOU, JUDGE

13 REDIRECT EXAMINATION BY MS SIMMONS

14 Q SERGEANT CRUM, YOU INDICATED THAT BASED ON YOUR
15 DEALING WITH THIS INFORMANT, HE SAID, "THANK YOU, I
16 APPRECIATE IT, MAN," AT THE END OF THE DEAL?

17 A CORRECT, YES, MA'AM

18 Q AND THAT, THAT STATEMENT FOLLOWS WHAT DISCUSSION?

19 A THAT A PURCHASE HAS BEEN MADE OR A DISTRIBUTION
20 HAS BEEN MADE

21 Q I DON'T THINK I WAS CLEAR THAT STATEMENT FOLLOWS
22 WHAT DISCUSSION BETWEEN THE DEFENDANT AND THE INFORMANT
23 REGARDING THAT?

24 A ASKING FOR SOME CRACK, THE 40, THE DUB, THE 10,
25 THROUG THE CONVERSATION THEY HAD

156
many

1 Q OKAY SO "THANK YOU, I APPRFCIATE IT" FOLLOWS THE
2 CONVERSATION ABOUT 40'S, DUBS, PIECES AND TAKING A RIDE?

3 A CORRECT

4 Q THE THIRD PARTIES THAT THE INFORMANT ENCOUNTERED
5 WHEN HE GOT OUT OF THE CAR, DID HE HAVE ANY CONVERSATION
6 REGARDING 40'S, DUBS, PIECES OR CRACK COCAINE WITH THOSE
7 PEOPLE?

8 A NO, MA'AM, NOT AT ALL

9 Q AND HOW MANY TIMES WOULD YOU ESTIMATE YOU HAVE
10 PATROLLED THE STREETS OF SENECA?

11 A NUMEROUS TIMES I MEAN, IN FOUR YEARS, JUST
12 CONSISTENTLY

13 Q AND IT'S YOUR TESTIMONY THAT THE ROUTE THAT WAS
14 TAKEN IN THIS CASE IS IN THE CITY LIMITS OF SENECA?

15 A OH, MOST DEFINITELY

16 MS SIMMONS NOTHING FURTHER

17 THE COURT ALL RIGHT YOU MAY STEP DOWN

18 (WITNESS LEAVES STAND)

19 THE COURT WILL COUNSEL APPROACH?

20 (DISCUSSION AT SIDEBAR)

21 THE COURT MADAM FORELADY, LADIES AND GENTLEMEN OF
22 THE JURY, OBVIOUSLY THIS IS A GOOD TIME TO TAKE A LUNCH
23 BREAK IT'S TEN OF ONE NOW BUT I WOULD SUGGEST WE GO
24 TO LUNCH, I DON'T KNOW WHAT'S AVAILABLE, BUT THE THING IS
25 I' CCING TO SUGGEST THAT WE COME BACK AT 2 15 THAT

STATE V BLASSINGAME -- WALKER/DIRECT -- 10/27/2009

89

1 Q HOW DID THAT GET SET UP?

2 A I CALLED JOHN WHEN I WOKE UP, I WAS ACTUALLY IN
3 MY, I NEEDED SOME MONEY SO I CALLED HIM AND SAID THAT I
4 HAVE SOME MONEY THAT I CAN GET FOR THEM AND EVERYTHING

5 I MET WITH THEM FOR ABOUT AN HOUR LATER AND I TOLD
6 HIM I COULD GET THEM TIM BLASSINGAME I MET WITH THEM,
7 THEY SEARCHED ME AND WIRED ME UP AND I CALLED TIM AND
8 ASK HIM COULD WE MEET, I ASKED COULD HE COME BY AND HE
9 WAS, YEAH HE WAS TAKING A SHOWER GETTING READY TO GO
10 OVER TO HIS SISTER'S HOUSE HE SAID HE WAS GETTING READY
11 TO PUT WORK CLOTHES ON AND TO CALL HIM BACK WHERE I WAS
12 OVER BY [REDACTED] STREET AT [REDACTED]

13 I TOLD HIM, I TOLD HIM I NEEDED A 40, THAT WOULD
14 BE LIKE A 40 OF DOPE, OF ROCK, AND HE SAID HE DIDN'T HAVE
15 THAT

16 SO I TOLD HIM JUST SELL ME A 20 OF CRACK AND HE
17 SAID HE HAD A PIECE ON HIM

18 AND I SAID, WELL, SELL ME A DIME

19 HE SAID, HERE'S MY LAST PIECE OF IT

20 WE RODE AROUND THE BLOCK AND CAME BACK, AND WHEN I
21 GOT OUT OF THE CAR, HE GAVE ME A PIECE OF DOPE

22 Q WHEN YOU SAY "A PIECE," IS THAT LIKE THE CRUMBS
23 THAT ARE LEFT FROM YOUR, FROM BIGGER STUFF?

24 A REALLY, YEAH, JUST A LITTLE NICK THAT HE GAVE ME,
25 A LITTLE PIECE OF DOPE THAT HE, DRUG THAT HE GAVE ME

False
Testimony

1 Q OKAY YOU SAID THAT YOU CALLED HIM AND SET UP
2 THIS DEAL, RIGHT?

3 A YES, MA'AM

4 Q DO YOU REMEMBER THE NUMBER THAT YOU CALLED?

5 A [REDACTED]

6 Q OKAY AND THAT WAS THE NUMBER THAT YOU KNEW TO BE
7 HIS?

8 A YES, MA'AM

9 Q WHO DID THAT PHONE ACTUALLY BELONG TO?

10 A IT BELONGED TO CHARLOTTE, HIS GIRLFRIEND AT THE
11 TIME

12 Q OKAY DO YOU KNOW CHARLOTTE'S LAST NAME?

13 A CHARLOTTE REED

14 Q OKAY WHAT KIND OF CAR DID CHARLOTTE DRIVE AT
15 THAT TIME?

16 A IT WAS A, THE ONE THAT SHOWED IN THAT VIDEO RIGHT
17 THERE, IT'S AN ALTIMA, NISSAN ALTIMA

18 Q OKAY I'M GOING TO SHOW YOU THROUGH THE PICTURE
19 IS THAT CHARLOTTE'S CAR?

20 A YES, MA'AM

21 Q IS THAT TIM BLASSINGAME DRIVING IT?

22 A YES, MA'AM

23 Q OKAY SO WHEN YOU MET UP WITH LAW ENFORCEMENT,
24 YOU WERE SEARCHED AND THEY GAVE YOU A SHIRT, RIGHT?

25 A YES, MA'AM

STATE V BLASSINGAME -- TRIAL -- 10/28/2009

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1 THESE THINGS, I'VE TAKEN RESPONSIBILITY FOR THEM. HE
2 DIDN'T TRY TO LIE AND HE SAID I -- YOU KNOW, HE'S NOT
3 AN UPSTANDING MEMBER OF THE COMMUNITY

4 BUT LOOK AT ONE THING HE DID HE WAS HARD UP FOR
5 MONEY, HE TOLD YOU THAT HE HAD A NEW BABY, HE DIDN'T
6 HAVE A JOB, HE WAS WORKING DRUG DEALS IS IT A NORMAL
7 JOB? NO BUT HE WAS DOING DRUG DEALS FOR THE CITY TO
8 MAKE MONEY HE NEEDED CASH WHEN THIS DRUG DEAL WENT
9 DOWN, HE GOT THE DRUGS FOR FREE WHAT DID HE DO WITH THE
10 \$40 THAT HE WAS SUPPOSED TO USE FOR THAT DRUG DEAL?

11 HE DIDN'T STASH IT IN HIS UNDERWEAR HE DIDN'T
12 SHOVE IT IN HIS SOCK HE GAVE IT BACK TO SERGEANT CRUM
13 HE SAID, HEY, MAN, HE GAVE IT TO ME FOR FREE? IF JAMES
14 WILLIE WALKER WAS A LIAR, HE WOULD HAVE SHOVED THAT 40
15 BUCKS SOMEWHERE WHERE THEY COULD HAVE NEVER FOUND IT
16 BECAUSE HE NEEDED MONEY THAT SPEAKS VOLUMES THAT HE HAS
17 TOLD THE TRUTH THROUGHOUT THIS WHOLE PROCESS

18 MOVING ON TO OFFICER HUNNICUTT'S TESTIMONY HE
19 TESTIFIED ABOUT THE THOROUGHNESS OF HIS SEARCH, THAT HE
20 EMPTIED HIS POCKETS, HE CHANGED HIS SHIRT, HE PATS PEOPLE
21 DOWN, HE CHECKS, HE CHECKS EVERYWHERE THAT YOU CAN PUT
22 DRUGS AND HE PASSED SO IF THE CRACK ROCK HAD BEEN ON
23 HIM, THE CRACK ROCK WOULD HAVE GOTTEN CRUSHED THE
24 SEARCH WAS THOROUGH AND JAMES WALKER DID NOT HAVE CRACK
25 COCAINE ON HIM BEFORE THIS DEAL STARTED

Vouching

1 CONTROLLED ENVIRONMENT FROM BEGINNING TO END, THERE
2 WERE SEARCHES, THERE WERE AUDIOTAPES, THERE WERE
3 VIDEOTAPES, THERE WERE DEBRIEFS, THERE WERE BRIEFINGS
4 SERGEANT CRUM WAS IN CONTROL OF THIS TRANSACTION

5 HE ALSO TOLD YOU WHEN HE LOOKED AT THE VIDEO AND
6 WHEN YOU LOOK AT THE STILL PHOTOGRAPH FROM THE TAPE, IT'S
7 TIM BLASSINGAME HE SAID HE KNOWS TIM BLASSINGAME FROM
8 PRIOR DEALINGS AND THAT THIS IS TIM BLASSINGAME HE WENT
9 AS FAR AS GETTING CORROBORATING INFORMATION TO PROVE THAT
10 THIS IS TIM BLASSINGAME

11 HE KNOWS THAT TIM BLASSINGAME'S GIRLFRIEND AT THE
12 TIME WAS CHARLOTTE REED CHARLOTTE REED DROVE A SILVERY
13 COLORED NISSAN ALTIMA, THE CAR THAT'S IN THE DEAL
14 CHARLOTTE REED HAD A PHONE THAT WAS [REDACTED] TIM
15 BLASSINGAME AT THAT TIME WAS GIVING IT OUT AT HIS NUMBER

16 NOW LET'S MOVE ON TO JAMES WILLIE WALKER MOST
17 CONFIDENTIAL INFORMANTS CAN TELL YOU WHERE TO GET CRACK
18 COCAINE IT IS TRUE HE TOLD SERGEANT CRUM, "I CAN GET
19 CRACK COCAINE FROM TIM BLASSINGAME " BUT IT WAS NOT A
20 GRAND SCHEME BY JAMES WILLIE WALKER TO SET UP TIM
21 BLASSINGAME.

22 HE CALLED [REDACTED] TIM BLASSINGAME'S NUMBER TIM
23 BLASSINGAME SHOWED UP, AND THEY HAD A DRUG TRANSACTION
24 TO ME THERE'S ONE TELLING THING ABOUT MR WALKER HE SAT
25 UP HERE AND TOLD YOU I HAVE A RECORD, I'VE DONE ALL

STATE V BLASSINGAME -- TRIAL -- 10/23/2014

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1 COCAINE SHE TOLD YOU THAT DURING THE PROCESS OF
2 ANALYZING, I THINK SHE TAKES FOUR TO SIX SAMPLES OFF OF
3 THE DRUGS THAT ARE NOT GONNA BE IN THIS PACKET SHE
4 GIVES THE REMAINDER OF WHAT IS LEFT AFTER ANALYSIS
5 DURING THE PROCESS OF ANALYSIS SHE SAID IT CRUMBLES TO A
6 POWDER-LIKE SUBSTANCE

7 WHICH TELLS YOU A CRACK ROCK, WHEN IT IS CRUSHED,
8 TOUCHED, WHATEVER, IS GOING TO CRUMBLE TO PIECES, WHICH
9 CORROBORATES WHAT MR WALKER WAS TELLING YOU I CARRIED
10 THE CRACK ROCK BACK IN MY HAND AND I DELIVERED ONE PIECE
11 BACK TO SERGEANT CRUM, THE PIECE I GOT FROM TIM
12 BLASSINGAME

13 LASTLY WE HEARD AUDIO -- WELL, ALMOST LASTLY WE
14 HEARD A LOT OF AUDIO EVIDENCE. THERE WAS A LOT OF
15 WALKING AND A LOT OF -- BUT THE MEAT OF THE DEAL COMES
16 BETWEEN THE 20-MINUTE AND 23-MINUTE MARK AND I
17 RECOGNIZE THE ACOUSTICS IN THIS COURTROOM ARE NOT REALLY
18 GOOD, SO I WANT YOU TO LISTEN ONE MORE TIME FOR THAT
19 THREE MINUTES WHEN JAMES WILLIE WALKER GETS IN THE CAR
20 WITH TIM BLASSINGAME AND WHAT THEY TALK ABOUT AND THEN
21 AFTER THAT'S FINISHED WE'LL TALK A LITTLE BIT MORE

22 (PLAYS VIDEO FOR JURY FROM APPROXIMATELY 9 34
23 A M. UNTIL APPROXIMATELY 9 37 A M)

24 MS SIMMONS LET'S REVIEW WHAT WE JUST HEARD THE
25 DEFENDANT SAYS, I GOT SOME, MAN I AIN'T GONNA GIVE YOU

proper
warning

1 HE ALSO TOLD YOU THAT SOMEWHERE IN THE
2 TEN-DAY-TO-TWO-WEEK PERIOD AFTER THIS DEAL OCCURRED, HE
3 HAD A CONVERSATION WITH TIM BLASSINGAME THEY INDICATED
4 MR BLASSINGAME WANTED OFFICER HUNNICUTT FOR CONTACT
5 INFORMATION HE GAVE HIM THAT CONTACT INFORMATION, AND
6 THEN HE SAID, "I'LL GIVE YOU MY NUMBER "

7 LO AND BEHOLD, IT'S [REDACTED] THE SAME NUMBER THAT
8 JAMES WILLIE WALKER DIALED IN THE PRESENCE OF LAW
9 ENFORCEMENT TO SET UP WHAT HAPPENED ON THAT TAPE, THAT
10 DRUG DEAL

11 THEN ANOTHER CORROBORATING FACTOR WE HAVE IS OFFICER
12 OWENS FROM D N R HE TOLD YOU TWO DAYS, JUST TWO DAYS
13 AFTER THIS OCCURRED HE STOPPED A SILVER-COLORED NISSAN
14 ALTIMA THAT HE IDENTIFIED AS THE SAME OR SUBSTANTIALLY
15 SIMILAR TO THE ONE IN THAT PICTURE BEING DRIVEN BY TIM
16 BLASSINGAME, AND A PASSENGER NAMED CHARLOTTE REED, HIS
17 GIRLFRIEND, WHO THE CAR IS REGISTERED TO

18 TO ME IT'S UNCONTROVERTED THAT THAT'S TIM
19 BLASSINGAME IN THAT CAR, THAT'S CHARLOTTE REED'S CAR, AND
20 THAT'S CHARLOTTE REED'S PHONE NUMBER THAT TIM BLASSINGAME
21 WAS CARRYING

22 THE DRUG ANALYSIS YOU HEARD FROM AGENT LANFORD
23 YESTERDAY SHE'S A FORENSIC CHEMIST SHE HAS A DEGREE
24 IN CHEMISTRY, SHE ANALYZES FIVE OR SIX HUNDRED DRUG CASES
25 A YEAR SHE TOLD YOU ABOUT THE COMPOSITION OF CRACK

STATE V BLASSINGAME -- TRIAL -- 10/28/2009

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Improper Comment

1 MY 40 -- GIVE YOU A 40 I DON'T HAVE A DUB RIGHT NOW, I
2 HAVE PIECES WHEN HE TALKS ABOUT TAKING A RIDE, JAMES
3 WILLIE TOLD YOU TAKING A RIDE MEANS GOING TO PENDLETON TO
4 GET MORE, AND HE SAYS WHEN I GET A QUARTER

5 WHILE HE DID NOT SAY, HERE'S YOUR PIECE OF CRACK,
6 JAMES WILLIE WALKER, HE DID SAY EVERYTHING BUT IT'S
7 CLEAR THAT THEY ARE TALKING ABOUT CRACK, 10'S, 40'S,
8 DUBS, QUARTERS, I AIN'T GOT BUT PIECES NOW AND THAT'S
9 WHAT JAMES WILLIE WALKER DELIVERED TO LAW ENFORCEMENT

10 AND WHEN HE GETS OUT OF THE CAR WITH THEM, HE SAID,
11 ALL RIGHT, I LOVE YOU FOR THAT, MAN THANKS, COUSIN

12 I LOVE YOU FOR WHAT? I LOVE YOU FOR GIVING ME ONE
13 OF YOUR LAS PIECES, FOR DISTRIBUTING CRACK COCAINE TO
14 ME

15 THE LAST THING WE HAVE IS A VIDEOTAPE AND THE STILL
16 PHOTOGRAPHS WE OBTAINED FROM THAT VIDEOTAPE YOU HAVE
17 BEEN SITTING HERE FOR THE LAST TWO DAYS WITH THE
18 DEFENDANT THE MAN IN THAT PICTURE IS THE MAN SITTING AT
19 THAT TABLE IT'S HIS GIRLFRIEND'S CAR, THEY'VE GOT PHONE
20 NUMBERS BACKING IT UP, WE'VE GOT OFFICERS SAYING THEY
21 RECOGNIZE THEM WE'VE GOT JAMES WILLIE WALKER GOING,
22 YEAH, I KNOW HIM, HE'S MY COUSIN

23 AND WE GOT A SHOT OF HIM ON THAT TAPE HE MADE
24 THE EFFORT TO DISGUISE HIS APPEARANCE A LITTLE BIT, BUT
25 IF YOU LOOK AT HIS FACIAL FEATURES, THAT IS THE MAN

1 SITTING RIGHT THERE

2 EVERYTHING YOU HAVE HEARD FROM THE STATE HAS BEEN A
3 PIECE THAT PUTS TOGETHER A PUZZLE WHEN YOU TAKE EVERY
4 SINGLE ONE OF THOSE ITEMS TOGETHER AS A WHOLE, THERE'S
5 ONLY ONE REASONABLE CONCLUSION TIM BLASSINGAME IS
6 GUILTY OF DISTRIBUTION OF CRACK COCAINE

7 WHEN YOU GO INTO THE JURY ROOM, THE MOST IMPORTANT
8 TOOL YOU WILL HAVE IS YOUR COMMON SENSE I PICKED YOU
9 ALL BECAUSE I THINK YOU HAVE GOOD COMMON SENSE YOUR
10 COMMON SENSE, YOU'RE REASONABLE PEOPLE WHEN YOU THINK
11 ABOUT IT AND LOOK AT ALL THE PIECES, LOOK AT THE PUZZLE,
12 AND WHEN ALL THE PIECES COME TOGETHER, THERE'S ONLY ONE
13 REASONABLE CONCLUSION ON FEBRUARY 24TH, 2009, TIM
14 BLASSINGAME DISTRIBUTED CRACK COCAINE TO JAMES WILLIE
15 WALKER, AND I ASK YOU TO FIND HIM GUILTY THANK YOU

16 THE COURT MR SPROUSE?

17 MR SPROUSE MAY IT PLEASE THE COURT, YOUR HONOR

18 THE COURT MR SPROUSE

19 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

20 MR SPROUSE (PLAYS VIDEO FROM APPROXIMATELY 9 42
21 A M UNTIL 9 47 A M)

22 THE COURT MR SPROUSE, IF YOU COULD STAND BACK

23 MR SPROUSE (COMPLIES)

24 (VIDEO CONTINUES PLAYING UNTIL APPROXIMATELY

25 9 47 A M

Oconee County Clerk Of Court RANDOM STRIKE SHEET

Page 3-A

JUDGE NAME Alexander Stephens Macaulay

Sorted by Random Nbr

TRIAL TYPE Criminal

PANEL ID 2009GS3700820

DESCRIPTION State of SC V Timothy Lee Blassingame Trial

COURTROOM CTRM

1	Mcclure, Louise B	81	W	F	()	()	()
2	Mckenna, Robert J	84	W	M	()	∞	()
3	Rushton, Myra J	104	W	F	()	()	()
4	Conway, Nancy J	27	W	F	()	∞	()
5	Lafaille, Jane K	70	W	F	()	∞	()
6	Burns, Vickie H	15	W	F	()	()	()
7	Christopher, Jean M	20	W	F	()	()	()
8	Jones, Tina M	66	W	F	∞	()	()
9	Lay, Linda C	73	W	F	()	()	()
10	Atkinson, Walter A	7	W	M	()	()	()
11	Paessun, Theresa M	95	W	F	()	()	()
12	Powell, Juanita G	100	W	MF	()	()	()
13	Meece, Stanley R	86	W	M	()	()	()
14	Femia, Peter C	46	W	M	()	∞	()
15	Grant, Janice R	49	W	F	()	()	()
16	Miller, Lex T	88	W	M	()	()	()
17	Duncan, Kenneth L	43	W	M	()	()	()
18	Kelly, Colleen	67	W	F	()	∞	()
19	Canty, Laura G	18	B	F	()	()	()
20	Cobb, Jennifer L	24	W	F	()	()	()
21	Long, Stacey M	76	W	F	()	()	()
22	Danson, Yvonne D	34	W	F	()	()	()
23	Phillips, Anna F	97	W	F	()	()	()
24	Phillips, Anna F	97	W	F	()	()	()

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Oconee County Clerk Of Court RANDOM STRIKE SHEET

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JUDGE NAME Alexander Stephens Macaulay

Sorted by Random Nbr

TRIAL TYPE Criminal

PANEL ID 2009GS3700820

DESCRIPTION State of SC V Timothy Lee Blassingame Trial

COURTROOM CTM

NAME	AGE	SEX	RACE	DOB	POB	REMARKS
25 Okelley, Tracey D	94	W	F	()	()	()
26 Wallace, Debra P	125	W	F	()	()	()
27 Plumb, Charles R II	98	W	M	()	()	()
28 Greenlee, Deborah S	51	B	F	()	()	()
29 Greene, Leanne D	50	W	F	()	()	()
30 Lee, Stephanie T	74	W	F	()	()	()
31 Swindle, William C	119	W	M	()	()	()
32 Armstrong, Sandra J	6	W	F	()	()	()
33 Ruszkowski, Paul J	105	W	M	()	()	()
34 Dilworth, Deborah M	37	W	F	()	()	()
35 Lavelle, Karen S	72	W	F	()	()	()
36 Knox, Thelma D	68	B	F	()	()	()

Total Number of Jurors

36

** END OF REPORT **

1 ***** START OF REQUESTED TRANSCRIPT *****
2 (WHEREUPON, THE TRIAL IN THE CASE OF THE
3 STATE OF SOUTH CAROLINA VERSUS TIMOTHY LEE
4 BLASSINGAME COMMENCED ON OCTOBER 26, 2009, AT
5 APPROXIMATELY 12 26 P M)
6 JURY VOIR DIRE
7 THE COURT LADIES AND GENTLEMEN, THIS IS A TERM OF
8 GENERAL SESSIONS COURT, SOMETIMES CALLED CRIMINAL COURT
9 ITS PURPOSE IS TO RESOLVE QUESTIONS OF ALLEGED CRIMINAL
10 CONDUCT ARISING BETWEEN THE STATE OF SOUTH CAROLINA AND
11 THE DEFENDANT IN A FASHION WHICH WILL ENSURE THAT JUSTICE
12 UNDER THE LAW IS ACCOMPLISHED
13 THE TRIAL OF A CASE BEGINS WITH THE SELECTION OF A
14 JURY BOTH THE STATE AND THE DEFENDANT ARE ENTITLED TO
15 JURORS WHO APPROACH THE CASE WITH AN OPEN MIND THE
16 TRIAL JURY MUST BE AS FREE AS HUMANLY POSSIBLE FROM ANY
17 BIAS, PREJUDICE, OR SYMPATHY FOR EITHER SIDE, AND FREE
18 FROM ANY PRECONCEIVED IDEAS ON THE FACTS OF THE CASE OR
19 THE LAW OF THE CASE THEREFORE, CERTAIN QUESTIONS WILL
20 BE ASKED OF YOU, THE PETIT JURY PANEL THE QUESTIONS
21 WHICH WILL BE ASKED ARE DESIGNED TO ASSURE THAT EACH SIDE
22 HAS A FAIR AND IMPARTIAL JURY
23 I MIGHT NOTE, IF ANYONE SHOULD ATTEMPT TO TALK TO
24 YOU ABOUT ANY CASE, OR TALK TO YOU ABOUT ANY CASE THAT
25 MAY BE PENDING IN THIS TERM OF COURT, YOU SHOULD

STATE V BLASSINGAME -- TRIAL -- 10/28/2009

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1 44-53-370, WHICH PROVIDES IN PERTINENT PART THAT
 2 (READING) THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO
 3 MANUFACTURE, DISTRIBUTE, DISPENSE, DELIVER, PURCHASE, - - - - -
 4 AID, ABET, ATTEMPT OR CONSPIRE TO MANUFACTURE,
 5 DISTRIBUTE, DISPENSE, DELIVER OR PURCHASE OR POSSESS WITH
 6 THE INTENT TO MANUFACTURE, DISTRIBUTE, DELIVER OR
 7 PURCHASE A CONTROLLED SUBSTANCE OR A CONTROLLED SUBSTANCE
 8 ANALOG CRACK COCAINE IS DEFINED AS A CONTROLLED
 9 SUBSTANCE PURSUANT TO SOUTH CAROLINA CODE SECTION
 10 44-53-110

11 I REMIND YOU THE FACT THAT THE DEFENDANT WAS
 12 ARRESTED, CHARGED AND INDICTED IN THIS CASE IS NOT
 13 EVIDENCE IN THE CASE AND CANNOT BE CONSIDERED BY YOU AS
 14 EVIDENCE OF GUILT THE INDICTMENT IS SIMPLY THE WRITTEN
 15 INSTRUMENT WHICH CONTAINS THE CHARGE MADE AGAINST THE
 16 DEFENDANT IT IS THE FORMAL DOCUMENT BY WHICH THIS CASE
 17 IS BROUGHT INTO THIS COURT

18 TO PROVE A CHARGE OF DISTRIBUTION OF CRACK COCAINE
 19 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
 20 DEFENDANT DISTRIBUTED CRACK COCAINE DISTRIBUTE MEANS TO
 21 DELIVER OR TO ACTUALLY CONSTRUCTIVELY OR ATTEMPT TO
 22 TRANSFER A DRUG OTHER THAN BY ADMINISTERING OR DISPENSING
 23 BY A PRESCRIPTION DELIVERY MEANS TO ACTUALLY OR
 24 CONSTRUCTIVELY ATTEMPT TO TRANSFER A DRUG TRANSFER CAN
 25 INVOLVE AN EXCHANGE FOR MONEY, A BARRIER, OR A GIFT.

always
jury instruction

1 INFERENCES FROM CONDUCT

2 IN ORDER TO ESTABLISH CRIMINAL LIABILITY, CRIMINAL
3 INTENT IS REQUIRED CRIMINAL INTENT MUST BE PROVEN BY
4 THE STATE BEYOND A REASONABLE DOUBT CRIMINAL INTENT IS
5 ALWAYS A MATTER THAT MUST BE DETERMINED BY YOU, THE JURY,
6 THE CIRCUMSTANCES SURROUNDING THE SITUATION THERE IS NO
7 WAY TO PROVE INTENT TO A MATHEMATICAL CERTAINTY THERE
8 IS NO WAY MEDICAL SCIENCE CAN DISSECT A PERSON'S BRAIN TO
9 DETERMINE WHAT THE PERSON HAD IN MIND THE LAW SAYS
10 CRIMINAL INTENT MUST BE INFERRED FROM THE CIRCUMSTANCES
11 SHOWN TO HAVE EXISTED THIS IS HOW YOU MAKE A
12 DETERMINATION OF WHETHER OR NOT THE ELEMENT REQUIRING
13 INTENT IS PRESENT

14 IT'S NOT NECESSARY TO ESTABLISH INTENT BY DIRECT AND
15 POSITIVE EVIDENCE, BUT INTENT MAY BE ESTABLISHED BY
16 INFERENCE IN THE SAME WAY AS ANY OTHER FACT, TAKING INTO
17 CONSIDERATION THE FACTS OF THE PARTIES, OR THE ACTS OF
18 THE PARTIES AND THE FACTS AND CIRCUMSTANCES OF THE CASE
19 CRIMINAL INTENT IS A MENTAL STATE, A CONSCIOUS
20 WRONGDOING IT IS UP TO YOU TO DETERMINE WHAT THE
21 DEFENDANT INTENDED TO DO, BASED ON THE CIRCUMSTANCES
22 SHOWN TO HAVE EXISTED

23 IN INDICTMENT NUMBER 2009-GS-37-820 THE DEFENDANT,
24 TIMOTHY LEE BLASSINGAME, IS CHARGED WITH DISTRIBUTION OF
25 CPACK COCAINE UNDER SOUTH CAROLINA CODE SECTION

(Cover Page)

NO OVERWHELMING EVIDENCE

Exhibit

Page From Trial Transcript pg 51 Line 2-4

pg 156 Line 22-24

pg 74 Line 9-16

{ pg 76 Line 21-25,
77 Line 1-25,
78 Line 1 }

pg 78 Line 12-25

pg 79 Line 5-19

pg 165 Line 18-20

{ pg 82 Line 24-25,
83 Line 1, 6-9 }

pg 167 Line 18-22

pg 169 Line 11-15

1 UP WHAT MR WALKER SAYS?

2 AND AGAIN, THIS IS NOT A SITUATION WHERE A POLICE
3 OFFICER SAW AN INDIVIDUAL COMMITTING A CRIME POLICE
4 OFFICERS ARE RELYING ON THE WORD OF AN INDIVIDUAL. AND
5 WHEN THE DAY IS DONE, LADIES AND GENTLEMEN, THIS IS A
6 SHAKY FOUNDATION THEY WILL NOT BE ABLE TO PROVE THEIR
7 CASE BEYOND A REASONABLE DOUBT

8 I THANK YOU FOR YOUR ATTENTION AND MR BLASSINGAME
9 THANKS YOU THIS IS HIS DAY IN COURT LIKE ANY OTHER
10 INDIVIDUAL CHARGED WITH A CRIME, THIS IS HIS DAY IT'S
11 IN YOUR HANDS NOW, LADIES AND GENTLEMEN THANK YOU

12 THE COURT MADAM SOLICITOR, YOU MAY CALL YOUR FIRST
13 WITNESS

14 MS SIMMONS THE STATE CALLS SERGEANT JOHN CRUM
15 WHEREUPON,

16 JOHN MICHAEL CRUM,
17 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS
18 DIRECT EXAMINATION BY MS SIMMONS

19 THE COURT IF YOU WOULD, SIR, GIVE US YOUR FULL
20 NAME FOR THE RECORD, SPELLING YOUR LAST NAME

21 THE WITNESS JOHN MICHAEL CRUM, C-R-U-M

22 THE COURT VERY GOOD THANK YOU, SIR
23 YOU MAY PROCEED

24 BY MS SIMMONS

25 Q GOOD MORNING ,SERGEANT CRUM

STATE / 3.-SSINGAME -- FROM 'C' 'CT -- 1 / 27 2009

52

1 A GOOD MORNING

2 Q WHERE ARE YOU CURRENTLY EMPLOYED?

3 A SENECA POLICE DEPARTMENT

4 Q AND HOW LONG HAVE YOU BEEN THERE?

5 A JUST UNDER FIVE YEARS

6 Q IN WHAT CAPACITY HAVE YOU WORKED AT SENECA POLICE
7 DEPARTMENT?

8 A I STARTED OUT ON THE ROAD AND THEN I MOVED INTO
9 NARCOTICS

10 Q OKAY TELL ME A LITTLE BIT ABOUT YOUR EDUCATIONAL
11 BACKGROUND

12 A I HAVE A BACHELOR OF SCIENCE DEGREE FROM ANDERSON
13 COLLEGE, AND THEN I COMPLETED NINE-WEEK ACADEMY TRAINING
14 FROM THE SOUTH CAROLINA CRIMINAL JUSTICE

15 Q AND YOU RECEIVED NARCOTIC AND DRUG INTERDICTION IN
16 YOUR EMPLOYMENT?

17 A YES I PROBABLY HAVE 200 HOURS OR MORE EXTRA

18 Q WHAT ARE YOUR DUTIES AS A NARCOTICS OFFICER WITH
19 THE SENECA POLICE DEPARTMENT?

20 A TO ENFORCE THE DRUG LAWS WITHIN OUR STATE AND
21 WITHIN THE CITY

22 Q AND EXPLAIN TO US, HOW DO UNDERCOVER DRUG
23 TRANSACTIONS WORK?

24 A USUALLY WE MEET WITH A CONFIDENTIAL INFORMANT
25 THAT INFORMANT SOMETIMES MAKES US AWARE OF THINGS THAT WE

1 YOU THAT HE'S BEEN WORKING IN NARCOTICS APPROXIMATELY
2 FIVE YEARS HE HAS USED JAMES WILLIE WALKER SOMEWHERE
3 BETWEEN 30 AND 40 TIMES HE'S GIVEN HIM RELIABLE
4 INFORMATION, HE'S BEEN TRUSTWORTHY, HE HASN'T HAD ANY
5 PROBLEMS OUT OF HIM JAMES WILLIE WALKER HAS A RECORD,
6 BUT SERGEANT CRUM IS A POLICE OFFICER AND HE HAS HAD
7 REASONABLE DEALINGS WITH HIM AND HAS GOTTEN RELIABLE
8 INFORMATION

9 HE ALSO TOLD YOU THAT HE MAKES CONTROLLED BUYS HE
10 DOES EVERYTHING IN HIS POWER TO CONTROL THE ENVIRONMENT
11 THAT THESE BUYS OCCUR IN HE HAD MORE THAN ONE AUDIO ON
12 MR WALKER HE HAD A VIDEO CAMERA ON HIM HE LISTENS TO
13 IT SIMULTANEOUSLY WHILE IT'S HAPPENING THAT IS ABOUT AS
14 MUCH CONTROL AS YOU CAN EXERCISE OVER A CONFIDENTIAL
15 INFORMANT DEAL HE'S LISTENING TO EVERYTHING GOING ON
16 THROUGH THE PROCESS

17 IN A PERFECT WORLD, SERGEANT CRUM WOULD BE ABLE TO
18 BE SITTING IN THE CAR WITH HIM, BUT EVERYBODY KNOWS WHO
19 HE IS OR WE WOULD HAVE SOME GIGANTIC CAMCORDER CATCHING
20 YOU HAND-TO-HAND ON VIDEO BUT THIS CAMERA IS SMALLER
21 THAN ONE OF MY BUTTONS HERE SO WE GOT A HEAD SHOT WE
22 HAVE A HEAD SHOT OF THE DEFENDANT DO WE HAVE A
23 HAND-TO-HAND ON VIDEO? NO DOES THAT HAPPEN VERY MUCH?
24 NO WE AREN'T IN A SITUATION WHERE WE CAN HAVE MULTIPLE
25 CAMERAS WITH GREAT VANTAGE POINTS BUT IT WAS A

1 THERE'S ALSO BEEN A BIG DEAL ABOUT CONFIDENTIAL
2 INFORMANTS THEY'RE A NECESSARY EVIL YOU MAY NOT WANT
3 JAMES WILLIE WALKER TO COME OVER FOR DINNER BUT THEY
4 ARE NECESSARY FOR THE FIGHT AGAINST DRUGS I CAN'T GO TO
5 DOWNTOWN SENECA AND BUY CRACK MOST PEOPLE I KNOW CAN'T
6 I WOULDN'T EVEN KNOW WHERE TO START

7 SERGEANT CRUM CAN'T GO TO DOWNTOWN SENECA AND BUY
8 CRACK BECAUSE EVERY CRACK DEALER IN SENECA KNOWS WHO HE
9 IS YOU HAVE TO USE CONFIDENTIAL INFORMANTS, IT'S JUST
10 SOMETHING, YOU HAVE TO USE THEM YOU PUT THEM IN A
11 CONTROLLED ENVIRONMENT, BUT YOU DO USE THEM

12 AND THEY KNOW WHO HAS CRACK THEY ARE OUT IN THE
13 COMMUNITY, THEY KNOW WHERE TO GET CRACK BECAUSE THEY ARE
14 LIVING IN THAT ENVIRONMENT QUITE FRANKLY, IF YOU'RE
15 GONNA CATCH A CRACK DEALER, YOU GOT TO USE A CRACK HEAD
16 THAT'S THE WAY IT WORKS HE KNOWS THAT ENVIRONMENT, HE
17 KNOWS WHERE TO GET DRUGS, AND HE KNEW TIM BLASSINGAME HAD
18 CRACK COCAINE

19 NOW I WANT TO TURN TO THE STATE'S CASE BECAUSE I'M
20 A VISUAL PERSON AND I HOPE THIS HELPS A LITTLE BIT THIS
21 IS A PUZZLE EACH WITNESS PUTS TOGETHER A PIECE TO A
22 PUZZLE WE'RE GONNA TALK ABOUT EACH PIECE SEPARATELY AND
23 HOW I THINK IN THE END IT ONLY COMES TO ONE REASONABLE
24 CONCLUSION THAT'S TIM BLASSINGAME'S GUILT

25 WE'LL START WITH SERGEANT CRUM'S TESTIMONY HE TOLD

1 Q OKAY NOW, YOU FILMED THE TRANSACTIONS THAT'S
2 SOMETHING ELSE THEY TEACH YOU IN THE ACADEMY IN THE
3 COURSE THAT --

4 A CORRECT

5 Q -- FILM IS THE BEST WAY TO RECORD THIS?

6 A AS MUCH AS WE CAN

7 Q AND WE HAVE AN AUDIO HERE BECAUSE OF PROBLEMS WITH
8 THE MICROPHONE, BUT YOU HAVE THE TRANSACTION ON FILM
9 NOW, THE ACTUAL ALLEGED TRANSFER OF THE SUBSTANCE IS NOT
10 ON FILM, IS THAT NOT CORRECT?

11 A YES

12 Q WHICH WE SPENT AN HOUR AND A HALF LISTENING TO THE
13 TAPE AND LISTENING TO THE AUDIO AND WATCHING THE VIDEO,
14 AND THERE IS NOTHING ON ANY OF THOSE WHICH POINTS TO A
15 SPECIFIC TIME WHEN THE SUBSTANCE WAS TRANSFERRED?

16 A CORRECT

17 Q NOW, YOU DON'T KNOW -- I MEAN YOU KNOW THAT THE
18 INDIVIDUAL THAT WAS SERVING AS YOUR CONFIDENTIAL
19 INFORMANT, MR WALKER, GOT INTO THIS VEHICLE THAT'S UP ON
20 THE SCREEN AT APPROXIMATELY 16 50 ON THE TAPE, YOU KNOW
21 THAT?

22 A YES, SIR

23 Q AND YOU KNOW THAT HE EXITED THAT VEHICLE AT THE
24 APARTMENTS APPROXIMATELY AT THE 20-MINUTE MARK ISN'T
25 THAT SOMEWHERE IN THERE?

STATE V BLASSINGAME -- CR 4/CROSS -- 10 27 - 99

3

1 A STREET CORNER AND SAY "GO SELL SOME DRUGS"?

2 A THAT'S RIGHT

3 Q SO THE MORE YOU CAN DEFINE THE PARAMETERS OF THE
4 BUY, THE BETTER YOUR CASE?

5 A RIGHT IT'S MORE OF A CONTROLLED ENVIRONMENT

6 Q SO IN THIS CASE YOU HAD TIM BLASSINGAME AS YOUR
7 PARTICULAR TARGET?

8 A AT THAT TIME, YES

9 Q NOW, THE REASON THAT YOU HAD TIM BLASSINGAME AS
10 YOUR TARGET WAS THE STATEMENT OF JAMES WALKER?

11 A CORRECT

12 Q NOW, AT THAT TIME -- YOU HAVE DEALT WITH
13 MR BLASSINGAME SINCE THEN, BUT AT THAT TIME YOU WOULD
14 NOT HAVE RECOGNIZED TIM BLASSINGAME HAD YOU SEEN HIM ON
15 THE STREET?

16 A I MIGHT -- NO, SIR I'VE DEALT WITH HIM IN THE
17 PAST WOULD I HAVE BEEN A HUNDRED PERCENT SURE? NO, BUT
18 I WOULD HAVE HAD MY THOUGHTS THAT THAT'S WHO HE WAS

19 Q YOU WOULD NOT HAVE BEEN ABLE TO, UNDER OATH,
20 TESTIFY ABOUT HIS IDENTITY?

21 A NO CORRECT

22 Q NOW, SO THE I D IN THIS CASE -- WELL, LET'S BACK
23 UP THE TARGET IN THIS CASE WAS TOTALLY RELIANT ON THE
24 INFORMATION PROVIDED TO YOU BY JAMES WALKER?

25 A CORRECT

1 LISTEN TO THE AUDIO

2 Q YOU WERE UNABLE TO DETERMINE ---

3 A IN MY FIELD NOTES, YES

4 Q AND YOU CANNOT UNDER OATH TESTIFY AS TO THE EXACT
5 LOCATION WHERE IT WAS?

6 A CORRECT

7 Q NOW, YOU DO NOT KNOW, BASED ON THIS VIDEO, WHETHER
8 THE DRUGS OR WHETHER THE SUBSTANCE WAS IN THE HAND OF THE
9 INDIVIDUAL ON THE SCREEN OR IN THE CONSOLE OF THE CAR, DO
10 YOU?

11 A NO, SIR

12 Q IT'S ENTIRELY POSSIBLE THAT MR WALKER PICKED THIS
13 SUBSTANCE UP FROM THE CONSOLE OF THE CAR, ISN'T THAT
14 POSSIBLE?

15 A IT'S POSSIBLE

16 Q NOW, WHEN MR WALKER EXITED THE VEHICLE, THE DOOR
17 WAS SHUT, THE VEHICLE -- THERE WAS A SCHOOL BUS STOPPED,
18 AND THE VEHICLE WITH THE OTHER PARTY DROVE OFF, IS THAT
19 CORRECT?

20 A CORRECT

21 Q NOW, ONE IMPORTANT THING IN A CONTROLLED BUY IS TO
22 MAKE SURE THAT THE TRANSACTION IS NOT TAINTED BY THIRD
23 PARTIES, IS THAT NOT CORRECT?

24 A WE TRY TO, YES

25 Q BECAUSE IF A THIRD PARTY IS ALLOWED TO INTERVENE

1 A YES

2 Q SO YOU KNOW THAT THEY WERE IN THE VEHICLE AROUND,
3 A LITTLE OVER THREE MINUTES DRIVING AROUND?

4 A THAT'S RIGHT

5 Q AND YOU KNOW THAT SEVERAL TURNS WERE MADE?

6 A CORRECT

7 Q YOU ARE UNABLE THROUGH YOUR INVESTIGATION TO TELL
8 US EXACTLY WHEN AND WHERE THE TRANSACTION ALLEGEDLY
9 OCCURRED?

10 A WITH THIS INFORMANT I KNOW HIS, HIS LANGUAGE FROM
11 WORKING WITH HIM, I KNEW WHEN THAT TRANSACTION WAS MADE

12 Q NOW YOU TESTIFY -- WHAT STATEMENT DID HE MAKE THAT
13 MAKES YOU THINK THE TRANSACTION HAD HAPPENED?

14 A "THANK YOU. I APPRECIATE IT THANK YOU THANK
15 YOU "

16 Q WHEN DOES HE SAY THAT?

17 A RIGHT BEFORE HE PULLS UP TO THE APARTMENT COMPLEX

18 Q THERE IS NO REFERENCE TO DRUGS IN THE STATEMENT?

19 A CORRECT CORRECT AS FAR AS DIRECT STATEMENT,
20 YES

21 Q NOW, YOU PUT IN YOUR REPORT, WHEN YOU SEIZE
22 NARCOTICS, YOU HAVE TO LIST THE TIME THAT YOU ARRIVED AND
23 THE TIME OF PURCHASE YOU PUT IN YOUR REPORT UNABLE TO
24 DETERMINE, DID YOU NOT?

25 A CORRECT DUE TO THE AUDIO I HAD TO GO BACK AND

STATE V BLASSINGAME -- CRUM/CROSS -- 10/27/2009

1 IN THE TRANSACTION BETWEEN THE TIME THAT YOU SET IT UP
2 AND THE TIME THE CONFIDENTIAL INFORMANT GETS BACK TO YOU,
3 THEN IT'S WORTHLESS ISN'T THAT CORRECT?

4 A I WOULDN'T SAY WORTHLESS, NO IT THROWS A KINK IN
5 IT BUT IT DOESN'T MAKE THE DEAL WORTHLESS

6 Q IF IT -- YOU WANT TO BE ABLE TO TESTIFY WITH
7 CERTAINTY IN COURT THAT A THIRD PARTY COULD NOT HAVE
8 GIVEN THE DRUGS TO THE CONFIDENTIAL INFORMANT, DO YOU
9 NOT?

10 A CORRECT

11 Q NOW, IN THIS PARTICULAR CASE, MR WALKER EXITED
12 THE VEHICLE AND WENT INTO AN APARTMENT COMPLEX WHERE
13 THERE WERE PEOPLE SITTING OUTSIDE, DID HE NOT?

14 A CORRECT CORRECT

15 Q THESE ARE PEOPLE THAT HE KNEW OBVIOUSLY FROM
16 TALKING TO THEM, DID HE NOT?

17 A I WOULD ASSUME SO

18 Q THIS IS AN APARTMENT COMPLEX, AS YOU TESTIFIED
19 EARLIER, IS A REGULAR DRUG ACTIVITY SITE?

20 A CORRECT

21 Q ALSO IN THE VIDEO MR WALKER WALKS UP TO A
22 WINDOWSILL IN APARTMENT [REDACTED] DOES HE NOT?

23 A UH-HUH

24 Q YOU NEED TO SAY YES OR NO FOR THE COURT REPORTER
25 SHE'S TYPING UP WHAT WE'VE GOT HERE

STATE v BLASSINGAME -- JURY, CROSS -- 10/27, 2003

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1 A YES

2 Q AND AT THE 20 47 MARK OF THE VIDEO, MR WALKER
3 REACHES UP ON THE WINDOWSILL WITH HIS HANDS, DOES HE NOT?

4 A I DIDN'T CATCH THAT

5 Q COULD WE REPLAY THE C D TO THE 20 47 MARK?

6 MS SIMMONS JUST HIT PLAY I'LL DO IT FOR YOU

7 MR SPROUSE THANKS JUST TO SAVE TIME

8 (DISCUSSION OFF THE RECORD)

9 MR SPROUSE I'LL GO AHEAD WE'LL COME BACK TO
10 THAT

11 BY MR SPROUSE

12 Q YOU ARE NOT AWARE -- YOU HAVEN'T WATCHED THE VIDEO
13 TO SEE IF HE PUT HIS HANDS UP ON THE WINDOW?

14 A HE WATCHED THROUGH THE WINDOW, I DO KNOW THAT I
15 DIDN'T WATCH IT CLOSE ENOUGH TO SEE IF HE RAISED HIS
16 HANDS.

17 Q HE ALSO WALKED UP TO AT LEAST TWO INDIVIDUALS WHO
18 WERE SEATED OUTSIDE OF THE APARTMENT WITHIN HANDSHAKE
19 RANGE, DID HE NOT?

20 A HE WALKED UP IN THE VICINITY HANDSHAKE, I DON'T
21 KNOW

22 Q BUT HE WALKED UP TO THE POINT WHERE, IF THEY ARE
23 SITTING ON THE FRONT STEP AND THE CAMERA IS ON HIS SHIRT,
24 YOU LOSE SIGHT OF THEM --

25 A YES

1 A YES

2 Q AND AT THE 20 47 MARK OF THE VIDEO, MR WALKER
3 REACHES UP ON THE WINDOWSILL WITH HIS HANDS, DOES HE NOT?

4 A I DIDN'T CATCH THAT

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19 RANGE, DID HE NOT?

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21 KNOW

22 Q BUT HE WALKED UP TO THE POINT WHERE, IF THEY ARE
23 SITTING ON THE FRONT STEP AND THE CAMERA IS ON HIS SHIRT,
24 YOU LOSE SIGHT OF THEM --

25 A YES

1 Q -- AS HE'S STANDING OVER THEM?

2 A HIS BODY HAS TO -- THE CAMERA POINTS UP A LITTLE
3 BIT BUT TO SAY THAT HE'S TWO FEET FROM THEM OR FOUR
4 FEET, I CAN'T SAY

5 Q NOW, THERE IS -- WELL, LET ME ASK YOU THIS IT IS
6 PHYSICALLY POSSIBLE FOR HIM TO HAVE GOTTEN A QUANTITY OF
7 NARCOTICS WHILE AT THIS RESIDENCE, IS IT NOT?

8 A IT'S A POSSIBILITY, YES

9 Q AND IF YOU ARE SAYING HE DID NOT GET NARCOTICS AT
10 THIS LOCATION, YOU ARE HAVING TO RELY ON MR. WALKER'S
11 WORD TO BELIEVE THAT, IS THAT CORRECT?

12 A CORRECT

13 Q BECAUSE THERE'S NOTHING -- YOU CAN'T SEE HIS HANDS
14 ON THE VIDEO ---

15 A CORRECT

16 Q --- EXCEPT FOR THE WINDOWSILL AND YOU CAN'T SEE
17 WHAT HE'S DOING WITH HIS HANDS WHEN HE'S NEAR THOSE
18 INDIVIDUALS?

19 A CORRECT.

20 Q OKAY NOW, MR. WALKER TOLD YOU THAT THEY RODE
21 AROUND THE BLOCK?

22 A CORRECT

23 Q YOU SEE IN THE VIDEO POWER LINES AND YOU SEE THEY
24 ARE TURNING AND THEY'RE IN THE CAR OVER THREE MINUTES
25 YOU CAN DRIVE A SIGNIFICANT DISTANCE IN THREE MINUTES IF

1 YOU'RE GOING 35 OR 45 MILES AN HOUR WHAT'S THE SPEED
2 LIMIT IN THAT AREA?

3 A I'D SAY 35

4 Q DOES IT LOOK LIKE IN THE VIDEO THAT HE'S DRIVING
5 AT AN EXCESSIVE RATE OF SPEED?

6 A NO, SIR

7 Q NOW, AGAIN, YOU DON'T KNOW EXACTLY WHAT
8 TRANSACTION TOOK PLACE OTHER THAN IT WAS IN THE [REDACTED]
9 [REDACTED] STREET AREA?

10 A CORPECT

11 Q NOW, PART OF [REDACTED] STREET IS NOT IN THE CITY
12 LIMITS OF SENECA, IS THAT NOT CORRECT?

13 A THE VERY END OF IT, YES

14 Q AND YOU DON'T KNOW IF THEY DROVE DOWN THERE OR
15 NOT, DO YOU?

16 A YES, I DO YOU CAN TELL IN THE VIDEO

17 Q HOW CAN YOU TELL IN THE VIDEO?

18 A HE APPROACHED ,FROM THE SOUTH WHICH IS WHERE, THE
19 SOUTH END IS WHERE THE PART THAT'S OUT OF THE CITY
20 LIMITS, HE CONTINUES NORTH AND HE COMES BACK INTO THE
21 APARTMENT COMPLEX, WHICH HE IS FACING SOUTH NOW

22 Q BUT, OFFICER CRUM, IF YOU LOOP, IF YOU GO TO THE
23 SOUTH END AND MAKE A BIG LOOP AROUND, YOU WILL STILL END
24 UP BY THE RIGHT SIDE OF THE APARTMENT COMPLEX, WOULD YOU
25 NOT?

STATE v. BLASSINGAME -- TRIAL -- 10/28/2009

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1 TIME THAT THE ALLEGED TRANSACTION TOOK PLACE AND THEN
2 HE -- HE SAID BECAUSE HE PUT THAT ON HIS FIELD REPORT
3 BUT THEN HE SAID, WELL, AFTER LISTENING TO IT LATER,
4 THERE WAS THE STATEMENT, THANK YOU VERY MUCH, I
5 APPRECIATE IT

6 YOU JUST LISTEN TO IT THAT'S NOWHERE ON THE AUDIO
7 THERE IS NOTHING ON THAT AUDIO OTHER THAN HIM TELLING
8 HIM, I LOVE YOU, MAN

9 NOW, THERE'S A REASON THAT HE SAID THAT, LADIES AND
10 GENTLEMEN, AND WE'RE GONNA TALK ABOUT THAT IN A MINUTE
11 BUT THERE'S NOTHING IN THAT AUDIO THAT INDICATES THAT A
12 TRANSACTION HAS BEEN MADE THERE'S NOTHING ON THE VIDEO
13 THAT SHOWS THAT THIS POINT 04 GRAMS AMOUNT OF COCAINE,
14 CRACK COCAINE, WHICH, EVEN IF IT CRUMBLED DURING THE
15 ANALYSIS, IF YOU PUT ALL THIS TOGETHER, THIS IS JUST A
16 LITTLE TINY PIECE OF CRACK COCAINE THAT MR WALKER HAD IN
17 HIS HAND WE KNOW WHEN HE WAS IN THE POLICE VAN AND
18 LADIES AND GENTLEMEN, THERE'S NO EVIDENCE THAT THIS WAS
19 EVER IN THE CAR WE HAVE TO RELY ON MR WALKER TO
20 BELIEVE THAT IT WAS IN THE CAR

21 SO WE HAVE GROUNDS TO HESITATE ON WHAT'S ON FILM, WE
22 HAVE GROUNDS TO HESITATE ON WHAT'S ON THE AUDIO, WE HAVE
23 GROUNDS TO HESITATE ON WHERE THE TRANSACTION WAS THAT
24 CAN'T BE PROVEN WE HAVE GROUNDS TO HESITATE ON THE SIZE
25 OF THE AMOUNT LADIES AND GENTLEMEN, CAN A 30-SECOND

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LEFT BLANK**

1 HERE, TURNED BACK AND MADE A LOOP BACK AROUND TO THE
2 APARTMENT COMPLEX, IS IT NOT?

3 A NO HE APPROACHED FROM THE -- IF WHERE THE ARROW
4 IS ON THE SCREEN THERE, HE CAME FROM THE SOUTH SIDE
5 THERE THEY CONTINUED STRAIGHT AND THEN HE CIRCLED THE
6 BLOCK ON UP AND CAME BACK FACING THE DIRECTION OF THE
7 ARROW THERE

8 Q HE WOULD HAVE HAD TO -- IF HE WENT THE ROUTE THAT
9 I AM SUGGESTING, HE WOULD HAVE HAD TO HAVE MADE FIVE
10 TURNS, FOUR OR FIVE TURNS, DEPENDING ON THAT LAST CURVE,
11 WOULD HE NOT?

12 A YES

13 Q AND THERE ARE AT LEAST FOUR TURNS IN THE VIDEO?

14 A CORRECT

15 Q AND IF HE MADE THOSE FOUR TURNS THE WAY I SUGGEST,
16 HE STILL WOULD HAVE ENDED UP ON THE RIGHT SIDE OF THE
17 ROAD WHERE THE APARTMENT COMPLEX IS ON HIS RIGHT SIDE, IS
18 THAT NOT CORRECT?

19 A HE WOULD HAVE HAD TO TURN AROUND TO HAVE DONE
20 THAT, YES

21 Q AND THREE MINUTES IN A CAR AT 35 MILES AN HOUR, HE
22 HAD AMPLE TIME TO HAVE MADE THAT LOOP?

23 A CORRECT

24 Q SO IN A NUTSHELL, OFFICER CRUM, IF JAMES WALKER
25 ISN'T TELLING YOU THE TRUTH, THEN YOU CAN'T PROVE TIM

1 A NO, SIR

2 Q IT'S NOT POSSIBLE TO GO DOWN [REDACTED] [REDACTED] TURN
3 LEFT AND MAKE A LOOP BACK AROUND TO THE APARTMENT
4 COMPLEX?

5 A WELL, YES BUT YOU'RE STILL IN THE CITY LIMITS
6 FAIRFIELD DRIVE TO WHERE YOU ARE TALKING ABOUT, YOU'RE
7 STILL WITHIN THE CITY LIMITS

8 Q THERE IS A TRIANGULAR SHAPED PIECE OF PROPERTY
9 DOWN AT THE END OF [REDACTED] BEFORE YOU WOULD MAKE THAT
10 TURN THAT'S OUTSIDE THE CITY LIMITS, IS IT NOT?

11 A YES BUT HE WAS NOT GOING THAT DIRECTION, HE WAS
12 GOING NORTH

13 Q LET'S SEE IF I CAN GET THIS TO WORK

14 (DISCUSSION OFF THE RECORD)

15 (COUNSEL CONFER)

16 BY MR SPROUSE

17 Q OFFICER CRUM, I'M LOOKING AT THE ZONING MAP FOR
18 THE CITY OF SENECA DO YOU RECOGNIZE [REDACTED] [REDACTED] STREET
19 HERE?

20 A YES, SIR

21 Q AND YOU SEE THE -- IT LOOKS LIKE HALF OF AN
22 ARROWHEAD PIECE OF PROPERTY THAT'S OUTSIDE THE CITY
23 LIMITS?

24 A THAT'S CORRECT

25 Q NOW IT IS POSSIBLE FOR HIM TO HAVE DRIVEN DOWN

ST 2 BLASSINGAME -- CRIMINAL TEST -- 27 2 00

3

1 BLASSINGAME COMMITTED THIS CRIME?

2 A THAT ROADWAY ON [REDACTED] IS IN THE CITY THE
3 PROPERTY IN THE WHITE IS NOT THE CITY LIMITS SO ONLY IF
4 IT WAS THERE ON THE ROADWAY AND IT WAS DONE INSIDE THE
5 CITY LIMITS

6 Q OKAY NOW YOU DIDN'T ANSWER MY QUESTION IF TIM
7 BLASSINGAME IS TO BE PROVEN GUILTY, YOU HAVE TO HAVE
8 JAMES WALKER TELLING YOU THE TRUTH?

9 A CORRECT.

10 Q THANK YOU

11 THE COURT RE-EXAM?

12 MS SIMMONS THANK YOU, JUDGE

13 REDIRECT EXAMINATION BY MS SIMMONS

14 Q SERGEANT CRUM, YOU INDICATED THAT BASED ON YOUR
15 DEALING WITH THIS INFORMANT, HE SAID, "THANK YOU, I
16 APPRECIATE IT, MAN," AT THE END OF THE DEAL?

17 A CORRECT, YES, MA'AM

18 Q AND THAT, THAT STATEMENT FOLLOWS WHAT DISCUSSION?

19 A THAT A PURCHASE HAS BEEN MADE OR A DISTRIBUTION
20 HAS BEEN MADE.

21 Q I DON'T THINK I WAS CLEAR THAT STATEMENT FOLLOWS
22 WHAT DISCUSSION BETWEEN THE DEFENDANT AND THE INFORMANT
23 REGARDING THAT?

24 A ASKING FOR SOME CRACK, THE 40, THE DUB, THE 10,
25 THROUGH THE CONVERSATION THEY HAD

Misleading
Testimony

1 PPEVFNT HIM FROM SHAKING HANDS WITH THE PERSON IN FRONT
2 OF HIM

3 YOU ALSO SAW ON THE VIDEO MR WALKER WALKING UP TO A
4 RESIDENCE WHERE HE LIVTS, HIS SISTER'S RESIDENCE,
5 APARTMENT [REDACTED] ON THE VIDEO WHAT DOES HE DO WITH HIS
6 HANDS? THEY'RE UP ON THE WINDOWSILL YOU SAW IT ON THE
7 VIDEO THE STATE'S EXPLANATION IS, WELL, MR WALKER IS
8 JUST LOOKING IN THE WINDOW WHERE WAS THE CRACK COCAINE
9 WHEN HE GOT INTO THE POLICE VEHICLE? WHERE WAS IT? IT
10 WAS IN HIS HAND IT WAS IN HIS HAND

11 HE TESTIFIED TO THAT, AND THE REASON I BELILVE THAT
12 PART OF HIS TESTIMONY IS BECAUSE WE SAW IT ON THE VIDEO
13 AND I SUBMIT TO YOU THAT'S THE ONLY THING YOU CAN BELIEVE
14 ABOUT WHAT MR WALKER SAYS IS WHAT YOU SEE ON THE VIDEO
15 BUT THE SAME HAND THAT HE HAD THIS PIECE OF CRACK COCAINE
16 WAS THE SAME HAND THAT WAS UP ON THAT WINDOWSILL IN THE
17 VIDEO THAT YOU JUST SAW

18 NOW, MR WALKER IS THE BASIS OF THE STATE'S CASE
19 OFFICER CRUM WAS VERY FORTHRIGHT TO ME WHEN I QUESTIONED
20 HIM IT'S THE BASIS OF OUR CASE WITHOUT MR WALKER
21 THEY HAVE NO CASE HE'S THE LINK, HE'S THE BRIDGE
22 BETWEEN THE ACCUSATION, THE CRACK COCAINE AND PROVING
23 BEYOND A REASONABLE DOUBT THAT TIM BLASSINGAME DID THIS,
24 THIS VERY SERIOUS AND GRAVE OFFENSE

25 IF YOU CONVICT TIM BLASSINGAME, YOU HAVE TO BELIEVE

STATE / BLASSINGAME -- TRIP -- 23/2009

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1 EVERYTHING THAT JAMES "J DUB" WALKER TELLS YOU IF YOU
2 THINK HE'S LYING, THEN THE STATE HAS NOT PROVED ITS CASE

3 NOW, WAS MR WALKER HONEST WITH YOU WHEN HE
4 TESTIFIED? YOU HAVE TO ASK YOURSELVES THAT QUESTION
5 WHAT DID HE SAY WHEN I ASKED HIM HAD HE EVER BEEN
6 CONVICTED OF CRIMES OF DISHONESTY? HE FIRST SAID NO
7 AND THEN I ASKED HIM, WELL, MR WALKER, WERE YOU
8 DISHONEST WHEN YOU HAD MULTIPLE SHOPLIFTING CONVICTIONS?

9 AND THEN, OH, YEAH, WELL, I GUESS I WAS DISHONEST
10 WITH THAT

11 AND THEN, MR WALKER, WERE YOU DISHONEST WHEN YOU
12 HAD MULTIPLE FORGERIES?

13 YEAH, I GUESS SO

14 WERE YOU DISHONEST WHEN YOU HAD FINANCIAL
15 TRANSACTION FRAUD AND YOU HAD FRAUDULENT CHECKS AND
16 LARCENY? AND THE BEST ONE WAS FALSE INFORMATION HE WAS
17 ACTUALLY CONVICTED OF GIVING FALSE INFORMATION

18 AND THE TIME FRAME IS IMPORTANT, TOO, LADIES AND
19 GENTLEMEN BECAUSE IF YOU NOTICE THE QUESTIONS THAT I
20 ASKED HIM, THEY WERE FROM THE LAST FIVE YEARS, THE SAME
21 AMOUNT OF TIME THAT OFFICER CRUM HAS BEEN WORKING AT THE
22 SENECA POLICE DEPARTMENT WE DIDN'T GO INTO ANYTHING
23 BEYOND JUST THE LAST FIVE YEARS

24 NOW, DOES THAT CAUSE YOU TO HESITATE WITH SOMEBODY
25 WITH THAT KIND OF TERRIBLE PUBLIC RECORD OF DISHONESTY,

1 GOING UNDER OATH AND TRYING TO CONVICT SOMEONE? DOES IT
2 CAUSE YOU TO HESITATE WHEN JAMES "J DUB" WILLIE WALKER,
3 AN ADMITTED CRACK USER HIMSELF, LIVES IN A DRUG-INFESTED
4 NEIGHBORHOOD, HAS ACCESS TO THE DRUG AND HE PAYS FOR
5 THESE TRANSACTIONS? WHAT DO YOU THINK HE'S DOING WITH
6 THE \$20 THAT HE'S GETTING PER POP WHEN HE CALLS AND TURNS
7 SOMEONE IN? WHERE DO YOU THINK THAT MONEY'S GOING?

8 HE SAID, OH, I GOT TO PAY CHILD SUPPORT

9 IS HE PAYING CHILD SUPPORT WITH MONEY THAT HE'S
10 USING TO BUY CRACK COCAINE? LADIES AND GENTLEMEN, THAT
11 DOESN'T MAKE SENSE "JAMES WILLIE WALKER HAS FOUND AN
12 INCOME SOURCE TO SUPPORT HIS HABIT HE'S A CRACK USER
13 HE'S A CRACK USER DOES THAT CAUSE YOU TO HESITATE?

14 DOES IT CAUSE YOU TO HESITATE, LADIES AND GENTLEMEN,
15 WHEN YOU HAVE TO RELY ON A WITNESS TO CONVICT THIS MAN,
16 WHO HAS PENDING CHARGES IN THIS COURT, AND TESTIFIED THAT
17 HE'S ASKED FOR HELP ON THOSE CHARGES? THE STATE HASN'T
18 AGREED BUT HE'S ASKED FOR IT HE THINKS HE'S GONNA GAIN
19 FAVOR WITH THE PROSECUTION SURE, THERE'S A MOTIVE FOR
20 HIM TO LIE SURE, THERE'S A MOTIVE FOR HIM TO COME AND
21 TRY TO HELP GET A CONVICTION

22 BUT THE MOST TELLING THING, LADIES AND GENTLEMEN, IS
23 IT'S FAMILY AND THIS IS WHAT STRUCK ME THE MOST OF ALL
24 OF JAMES WILLIE WALKER'S ACTIONS HOW DID HE ACT? HOW
25 DID HE ACT ON THE VIDEO? WAS THERE ANY SENSE OF REMORSE

STATE v BLASSINGAME -- TRIAL -- 10/25, 2009

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1 OR REGRET OR SADNESS? THIS WAS HIS COUSIN, HIS FAMILY
2 MEMBER THAT HE OBVIOUSLY -- THIS IS NOT LIKE A DISTANT
3 COUSIN THAT HE DOESN'T KNOW THIS IS SOMEONE THAT HE
4 KNOWS, SOMEONE HE SPENT OBVIOUSLY A GREATER PART OF HIS
5 LIFE KNOWING THEY WERE ON A FIRST-NAME BASIS BUT
6 THERE WAS NO REGRET AT ALL THAT HE WAS ACCUSING HIS OWN
7 BLOOD, HIS OWN FAMILY, OF SOMETHING THIS AWFUL, THIS
8 SERIOUS

9 AND HOW DID HE ACT ON THE VIDEO? HE WALKED UP THE
10 STREET AND IT WAS A JOKE HE WAS ON THE PHONE IT WAS A
11 JOKE HE WAS LAUGHING ABOUT IT HE CALLED HIS
12 GIRLFRIEND WHAT KIND OF PERSON WOULD DO SOMETHING LIKE
13 THIS? HOW DEBASED CAN A PERSON BE TO DO SOMETHING LIKE
14 THIS TO THEIR OWN FAMILY?

15 NOW, LADIES AND GENTLEMEN, ANYONE, I WOULD SUBMIT TO
16 YOU, WOULD HESITATE TO ACT BEFORE YOU RELY ON A PERSON
17 LIKE THIS TO CONVICT THIS MAN PLEASE DON'T
18 MISUNDERSTAND WHAT I'M SAYING I'M NOT SAYING OFFICER
19 CRUM OR OFFICER HUNNICUTT ARE BAD PEOPLE, BAD OFFICERS
20 NOTHING COULD BE FURTHER FROM THE TRUTH I THINK THEY
21 ARE GOOD PEOPLE, I THINK THEY ARE GOOD YOUNG OFFICERS
22 BUT THEY MADE A MISTAKE IN THIS CASE THEY RELIED ON AN
23 UNTRUSTWORTHY INDIVIDUAL THEY TRUSTED THE
24 UNTRUSTWORTHY

25 AND THAT'S THE BASIS OF THE STATE'S CASE, LADIES AND

Exhibit

Cover Page

A rebuttal exhibit to prove that the
Criminal Informant "Haddo" return the money
back to Law Enforcement

STATE BLASS-VAIVE -- CPUM DIRECT -- 11/27/2001

50

1 EXPERIENCE, DID HE APPEAR TO BE UNDER THE INFLUENCE OF
2 DRUGS OR ALCOHOL THAT DAY?

3 A NO HE WAS VERY COHERENT

4 Q OKAY TELL ME ABOUT THE WIRING PROCESS OF THE
5 UNDERCOVER TRANSACTION

6 A WE HAVE AN AUDIO DEVICE THAT'S PLACED ON THEIR
7 BODY IN SOME FORM IT TRANSMITS BACK TO A SCREEN IN OUR
8 CAR THAT WAS PLACED ON HIM THAT DAY AS WELL AS A VIDEO
9 CAMERA THAT WAS PLACED ON HIS BODY

10 Q AND ARE YOU SIMULTANEOUSLY LISTENING TO EVERYTHING
11 THAT'S GOING ON?

12 A YES, WE CAN LISTEN TO IT, BUT WE CANNOT SEE IT
13 THE VIDEO CAMERA IS AN INTERNAL RECORDING DEVICE

14 Q HOW MUCH MONEY DID YOU PROVIDE HIM ON THAT DAY?

15 A \$40

16 Q AND DID YOU DOCUMENT THOSE FUNDS BEFORE YOU GAVE
17 THEM TO HIM?

18 A YES, THEY WERE

19 Q WERE THEY RECOVERED?

20 A YES, THEY WERE

21 Q HOW DID THAT HAPPEN?

22 A THE INFORMANT BROUGHT IT BACK TO US THEY -- HE
23 ACTUALLY DID NOT HAVE TO PURCHASE THE CRACK IT WAS
24 GIVEN TO HIM

25 Q OKAY WHO WAS THE TARGET OF THIS TRANSACTION?

1 A TIMOTHY BLASSINGAME

2 Q AND IS THAT SOMEONE YOU -- DID YOU ALREADY KNOW
3 MR BLASSINGAME?

4 A I WAS AWARE OF HIM, YES

5 Q OKAY AND SO YOU MONITOR THE TRANSACTION VIA
6 SIMULTANEOUS TRANSMISSION AS IT OCCURRED?

7 A YES, I DID

8 Q AND YOU ACTUALLY DID THE WIRING OF THIS DEFENDANT
9 FOR VIDEO AND AUDIO?

10 A I DID THE INFORMANT

11 Q I'M SORRY YOU WIRED THE INFORMANT FOR VIDEO AND
12 AUDIO?

13 A YES

14 Q HAVE YOU REVIEWED STATE'S EXHIBITS 1 AND 2, THAT
15 BEING THE AUDIO AND VIDEOTAPE OF THIS TRANSACTION?

16 A YES, MA'AM

17 Q IS IT A FAIR AND ACCURATE REPRESENTATION OF WHAT
18 OCCURRED THAT DAY?

19 A YES, MA'AM

20 MS SIMMONS JUDGE, AT THIS TIME WE WOULD MOVE IN
21 STATE'S 1 AND 2 AND ASK TO PUBLISH THEM TO THE JURY

22 THE COURT ANY OBJECTION TO STATE'S EXHIBITS 1 AND
23 2? HAVE YOU SEEN THEM?

24 MR SPROUSE I HAVE SEEN THEM, YOUR HONOR, AND I
25 DON'T HAVE ANY OBJECTION

STATE V BLASSINGAME -- JRM, DIRECT -- 10/20/93

1 11 18 A M)

2 BY MS SIMMONS

3 Q SERGEANT CROM, CAN YOU EXPLAIN FOR US WHAT
4 HAPPENED TO THE POINT WHEN HE GOT IN THE CAR WITH YOU AND
5 KIND OF THE DRUG LANGUAGE THAT WAS USED IN THAT DRUG
6 TRANSACTION?

7 A WE DO OUR BRIEFING, OUR WIRING, FROM KIND OF
8 SOMEWHERE DIFFERENT FROM WHERE WE'RE GONNA DO OUR
9 PURCHASE FROM, FROM ANOTHER SIDE OF TOWN OR SOMETHING OF
10 THAT NATURE SO WE INITIALLY WIRED HIM UP AND SEARCHED
11 THEN WE DROVE ACROSS TOWN TO WHERE WE DROPPED HIM OFF
12 SOMEWHERE IN THE VICINITY OF WHERE HE'S GONNA MEET THE
13 DEFENDANT SO I'D SAY ROUGHLY EIGHT OR NINE MINUTES HE
14 HAS TO WALK TO WHERE HE WAS GOING

15 NEARER TO THAT TIME I MADE A COUPLE PHONE CALLS TO
16 HIM WE HEARD THE CELL PHONE RINGING THAT HE WAS GETTING
17 BY ME SOMETIMES WE HAVE TO MAKE CHANGES DURING THE
18 COURSE OF THINGS GOING ON SO I MADE A PHONE CALL TO HIM
19 AND WE MADE SOME CHANGES AS TO HOW THE DEAL WAS GONNA GO,
20 SO HE STAYS IN THAT CONTROLLED ENVIRONMENT UNDER US

21 HE GETS IN THE CAR, OR HE MAKES A PHONE CALL,
22 FINDS OUT IF HE'S CLOSE, HE GETS IN THE CAR AND ASKS HIM
23 FOR A 40 IN DRUGS TERMS THAT MEANS \$40 WORTH OF CRACK
24 HE DOESN'T HAVE THAT, SO HE ASKS FOR A 20 TWENTY
25 DOLLARS' WORTH OF CRACK IS A DUB, THAT'S \$20 WORTH OF

1 THE COURT STATE'S EXHIBITS 1 AND 2 ARE ADMITTED

2 (STATE'S EXHIBIT 1, VIDEO RECORDING OF
3 TRANSACTION, WAS RECEIVED IN EVIDENCE.)

4 (STATE'S EXHIBIT 2, RECORDED TRANSACTION, WAS
5 RECEIVED IN EVIDENCE)

6 THE COURT STATE'S 1 IS WHAT?

7 MS SIMMONS STATE'S 1 IS A VIDEO RECORDING OF THIS
8 TRANSACTION STATE'S 2 IS THE RECORDED TRANSACTION

9 THE COURT ALL RIGHT STATE'S 1, A VIDEO, AND
10 STATE'S 2, A VIDEO, ARE ADMITTED

11 MS SIMMONS I'M GOING TO PUBLISH STATE'S 2 TO THE
12 JURY, IT'S FROM THE POCKET RECORDER
13 BY MS SIMMONS

14 Q CAN YOU EXPLAIN HOW THERE CAME TO BE TWO AUDIOS IN
15 THIS CASE?

16 A THE VIDEO RECORDER HAS AN AUDIO RECORDING ON IT,
17 AS WELL, AND IT DOES NOT TRANSMIT BACK TO THE RECEIVER
18 SO WE HAVE TO USE AN AUDIO DEVICE WHICH TRANSMITS BACK TO
19 THE RECEIVER WHICH WE HAVE IN OUR CAR SO WE HAD TWO ON
20 THE INFORMANT THIS DAY THE ONE ON THE VIDEO IS NOT VERY
21 CLEAR, IT'S SENSITIVE TO NOISE, SO WE ALSO LIKE ANOTHER
22 ONE THAT RECORDS INTERNAL THAT IS MUCH CLEARER THAN WHAT
23 THE VIDEO WOULD BE

24 (D V D AUDIO ONLY PLAYED FOR THE JURY FROM
25 APPROXIMATELY 10 40 A M UNTIL APPROXIMATELY

1 CRACK IN DRUG TERMS

2 HE CONTINUED TO ASK FOR ANOTHER PIECE AND THEN HE
3 GOES DOWN AND ASKS FOR \$10 GIVE ME A 10, \$10 WORTH OF
4 CRACK HE JUST GOES DOWN, HE ASKS HIM FOR SOME KIND OF
5 CRACK

6 THEY RIDE AROUND, AND WHEN IT GETS TO WHERE HE
7 STARTS SAYING, THANK YOU, THANK YOU, I APPRECIATE THAT,
8 HE HAD THE DOPE AT THAT POINT

9 THEN HE'S DROPPED OFF HE HAS TO HANG AROUND THE
10 APARTMENT THERE MOMENTARILY TO LET THE DEFENDANT LEAVE,
11 TO GET OUT, SO HE CAN SAFELY WALK BACK AND MEET US
12 WITHOUT BLOWING HIS COVER ONCE HE GOT BACK TO US, HE
13 WAS DEBRIEFED AGAIN

14 ACTUALLY, PRIOR TO HIM MEETING US HE GAVE US A
15 DESCRIPTION OF THE DEFENDANT WE DO THAT THAT WAY IT'S
16 FRESH IN HIS MIND AND HE CAN EASILY TELL US WHAT THE
17 DEFENDANT LOOKED LIKE, WHAT THE TARGET LOOKED LIKE

18 THEN HE GOT BACK IN THE CAR WITH US, WE PICKED HIM
19 UP WE DO ANOTHER DEBRIEF I RECEIVED THE DOPE FROM
20 HIM, THE CRACK FROM HIM, AND THE WIRE WAS TAKEN OFF OF
21 HIM AT THAT TIME

22 Q AND WHERE WAS THE WIRE PLACED ON HIM? BECAUSE I
23 KNOW WE ALL HEARD A LOT OF BACKGROUND NOISE EXPLAIN
24 THAT

25 A WE HAD TWO WIPES ON HIM WE ALWAYS PUT A BACKUP

1 ON IN CASE SOMETHING GOES BAD AND ONE WAS IN HIS COAT
2 POCKET AND ONE WAS ON HIS SIDE, WHICH WAS NOT A VERY
3 CLEAR ONE THAT DAY, AND THEN WE HAD THE VIDEO CAMERA ON
4 HIM ALSO

5 Q SO THESE ARE TINY LITTLE RECORDING DEVICES?

6 A YES THEY'RE VERY TINY THEY'RE EASY TO HIDE ON
7 AN INDIVIDUAL

8 Q OKAY YOU'VE LOOKED AT STATE'S EXHIBIT 1 BEFORE

9 A CORRECT

10 Q AND TELL ME WHAT THAT IS

11 A THAT'S THE DVD, THE VIDEO OF THE, THE CAMERA THAT
12 WAS ON HIM IT, IT SHOWS THAT, THE THING THAT'S PULLING
13 UP, THE AUDIO ON THIS ONE IS VERY -- NOT VERY CLEAR IN
14 MY EXPERIENCE SINCE THE NOISE, AND THE AIR NOISE
15 ESPECIALLY, AND I BELIEVE IT PICKED UP A LOT OF AIR NOISE
16 ON THAT DAY

17 Q AND TO GO BACK TO THE AUDIO A LITTLE BIT, THE ONLY
18 PERSON HE KEEPS TALKING TO OTHER THAN THE DEFENDANT IS
19 YOU

20 A CORRECT HE DOES MAKE A CALL I BELIEVE TO HIS
21 GIRLFRIEND AS HE'S WALKING BACK AFTER THE DEAL WAS
22 FINISHED

23 MS SIMMONS JUDGE AT THIS TIME WE MOVE TO
24 PUBLISH WHAT'S PREVIOUSLY ADMITTED AS STATE'S EXHIBIT 1,
25 THE VIDEOTAPE

1 STATE OF SOUTH) IN THE COURT OF GENERAL
CAROLINA) SESSIONS
2)
COUNTY OF OCONEE) INDICTMENT NO 2009-GS-37-820
3
4
5 STATE OF SOUTH)
CAROLINA)
6 PLAINTIFF,)
7 -VS-) TRANSCRIPT OF RECORD
8 TIMOTHY LEE) TRIAL
BLASSINGAME,)
9 DEFENDANT)
10
11 OCTOBER 26, 27, 28, 2009
WALHALLA, SOUTH CAROLINA
12
13
14 B E F O R E
15 THE HONORABLE ALEXANDER S MACAULAY, JUDGE, AND A
JURY
16
17
18 A P P E A R A N C E S
19 CHRISTINA ADAMS, ESQ
10TH CIRCUIT SOLICITOR
20 LINDSEY S SIMMONS, ESQ
ASSISTANT 10TH CIRCUIT SOLICITOR
21 ATTORNEYS FOR THE STATE
22 SCOTT SPROUSE, ESQ
ATTORNEY FOR THE DEFENDANT
23
24 ROBIN SUE HILD, FCRR, RPR
CIRCUIT COURT REPORTER
25 POST OFFICE BOX 9
WALHALLA, SC 29691

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Oconee County Clerk Of Court RANDOM STRIKE SHEET

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JUDGE NAME Alexander Stephens Macaulay

Sorted by Random Nbr

TRIAL TYPE Criminal

PANEL ID 2009GS3700820

DESCRIPTION State of SC V Timothy Lee Blassingame

Trial

COURTROOM CTRM

NAME	AGE	RACE	SEX	STRIKE	DEF	DEF	REMARKS
1 McClure, Louise B	81	W	F	()	()	()	
2 McKenna, Robert J	84	W	M	()	(X)	()	
3 Rushton, Myra J	104	W	F	()	()	()	
4 Conway, Nancy J	27	W	F	()	(X)	()	
5 Lafaille, Jane K	70	W	F	()	(X)	()	
6 Burns, Vickie H	15	W	F	()	()	()	
7 Christopher, Jean M	20	W	F	()	()	()	
8 Jones, Tina M	66	W	F	(X)	()	()	
9 Lay, Linda C	73	W	F	()	()	()	
10 Atkinson, Walter A	7	W	M	()	()	()	
11 Paessun, Theresa M	95	W	F	()	()	()	For person
12 Powell, Juanita G	100	W	X F	()	()	()	
13 Meece, Stanley R	86	W	M	()	()	()	
14 Fernia, Peter C	46	W	M	()	(X)	()	
15 Grant, Janice R	49	W	F	()	()	()	
16 Miller, Lex T	88	W	M	()	()	()	
17 Duncan, Kenneth L	43	W	M	()	()	()	
18 Kelly, Colleen	67	W	F	()	(X)	()	
19 Cauty, Laura G	18	B	F	()	()	()	
20 Cobb, Jennifer L	24	W	F	()	()	()	
21 Long, Stacey M	76	W	F	()	()	()	
22 Danson, Yvonne D	34	W	F	()	()	()	
23 Phillips, Amanda F	97	W	F	()	()	()	
24 Putnam, Kimberly D	101	W	F	()	()	()	

Oconee County Clerk Of Court RANDOM STRIKE SHEET

Page 3-B

DGE NAME Alexander Stephens Macaulay
 TRIAL TYPE Criminal
 PANEL ID 2009GS3700820
 COURTROOM CTRM

DESCRIPTION State of SC V Timothy Lee Blassingame Trial

Sorted by Random Nbr

NAME	JUROR NBR	RACE	SEX	STATUS	DEF	ORT	REMARKS
25 Okelley, Tracey D	94	W	F	()	()	()	
26 Wallace, Debra P	125	W	F	()	()	()	
27 Plumb, Charles R II	98	W	M	()	()	()	
28 Greenlee, Deborah S	51	B	F	()	()	()	
29 Greene, Leanne D	50	W	F	()	()	()	
30 Lee, Stephanie T	74	W	F	()	()	()	
31 Swindle, William C	119	W	M	()	()	()	
32 Armstrong, Sandra J	6	W	F	()	()	()	
33 Ruszkowski, Paul J	105	W	M	()	()	()	
34 Dilworth, Deborah M	37	W	F	()	()	()	
35 Lavelle, Karen S	72	W	F	()	()	()	
36 Knox, Thelma D	68	B	F	()	()	()	

Total Number of Jurors

36

** END OF REPORT **

1 ***** START OF REQUESTED TRANSCRIPT *****

2 (WHEREUPON, THE TRIAL IN THE CASE OF THE
3 STATE OF SOUTH CAROLINA VERSUS TIMOTHY LEE
4 BLASSINGAME COMMENCED ON OCTOBER 26, 2009, AT
5 APPROXIMATELY 12 26 P M)

6 JURY VOIR DIRE

7 **THE COURT** LADIES AND GENTLEMEN, THIS IS A TERM OF
8 GENERAL SESSIONS COURT, SOMETIMES CALLED CRIMINAL COURT
9 ITS PURPOSE IS TO RESOLVE QUESTIONS OF ALLEGED CRIMINAL
10 CONDUCT ARISING BETWEEN THE STATE OF SOUTH CAROLINA AND
11 THE DEFENDANT IN A FASHION WHICH WILL ENSURE THAT JUSTICE
12 UNDER THE LAW IS ACCOMPLISHED

13 THE TRIAL OF A CASE BEGINS WITH THE SELECTION OF A
14 JURY BOTH THE STATE AND THE DEFENDANT ARE ENTITLED TO
15 JURORS WHO APPROACH THE CASE WITH AN OPEN MIND THE
16 TRIAL JURY MUST BE AS FREE AS HUMANLY POSSIBLE FROM ANY
17 BIAS, PREJUDICE, OR SYMPATHY FOR EITHER SIDE, AND FREE
18 FROM ANY PRECONCEIVED IDEAS ON THE FACTS OF THE CASE OR
19 THE LAW OF THE CASE THEREFORE, CERTAIN QUESTIONS WILL
20 BE ASKED OF YOU, THE PETIT JURY PANEL THE QUESTIONS
21 WHICH WILL BE ASKED ARE DESIGNED TO ASSURE THAT EACH SIDE
22 HAS A FAIR AND IMPARTIAL JURY

23 I MIGHT NOTE, IF ANYONE SHOULD ATTEMPT TO TALK TO
24 YOU ABOUT ANY CASE, OR TALK TO YOU ABOUT ANY CASE THAT
25 MAY BE PENDING IN THIS TERM OF COURT, YOU SHOULD

1 IMMEDIATELY REPORT THEM SO I MAY TAKE THE APPROPRIATE
2 ACTION FROM THIS POINT FORWARD YOU ARE THE SWORN JURORS
3 FOR THE COURT OF GENERAL SESSIONS FOR OCONEE COUNTY AND
4 NO ONE IS TO INTERFERE WITH YOUR PROPER EXERCISE OF YOUR
5 DUTIES

6 AGAIN, IF ANYBODY CANNOT HEAR ME, PLEASE IF YOU
7 WOULD RAISE YOUR HAND AND I'LL TRY TO SPEAK LOUDER OR
8 MORE PLAINLY

9 NOW, LADIES AND GENTLEMEN, WE ARE ABOUT TO PROCEED
10 WITH THE TRIAL OF THE CASE ENTITLED *THE STATE OF SOUTH*
11 *CAROLINA VERSUS TIMOTHY LEE BLASSINGAME*, INDICTMENT
12 NUMBER 2009-GS-37-820

13 MS SIMMONS, IF YOU WOULD, PLEASE, YOU MAY CALL YOUR
14 CASE

15 MS SIMMONS THANK YOU, YOUR HONOR THE STATE OF
16 SOUTH CAROLINA CALLS *THE STATE VERSUS TIMOTHY LEE*
17 *BLASSINGAME* ON 2009-GS-37-820, INDICTMENT FOR
18 DISTRIBUTION OF CRACK COCAINE

19 THE COURT VERY GOOD THANK YOU, MA'AM

20 MS SIMMONS MAY I APPROACH, YOUR HONOR? (HANDING)

21 THE COURT CERTAINLY THANK YOU

22 NOW, THE STATE WILL BE REPRESENTED BY MS SIMMONS OF
23 THE SOLICITOR'S OFFICE

24 MS SIMMONS, IS ANYONE ELSE GOING TO ASSIST YOU IN
25 THE TRIAL OF THIS CASE?

1 **MS SIMMONS** YES, YOUR HONOR

2 **THE COURT** ALL RIGHT IF YOU WOULD INTRODUCE THEM,
3 AS WELL

4 **MS SIMMONS** I'M LINDSEY SIMMONS I AM WITH THE
5 SOLICITOR'S OFFICE HERE IN OCONEE COUNTY I HAVE THE
6 PLEASURE OF SERVING FOR YOUR ELECTED SOLICITOR, CHRISSY
7 ADAMS

8 ASSISTING ME IN THIS CASE WILL BE SERGEANT JOHN CRUM
9 FROM THE SENECA POLICE DEPARTMENT

10 **THE COURT** MR CRUM, IF YOU WOULD PLEASE STAND AND
11 LOOK UPON THE JURY (COMPLIES) THANK YOU VERY MUCH

12 THE DEFENDANT, MR TIMOTHY LEE BLASSINGAME, IS
13 REPRESENTED BY MR SPROUSE

14 MR SPROUSE, IF YOU WOULD PLEASE STAND AND INTRODUCE
15 YOURSELF AND YOUR CLIENT

16 **MR SPROUSE** I'M SCOTT SPROUSE I PRACTICE LAW
17 HERE IN OCONEE COUNTY WITH MY PARTNER, JULIAN STOUDEMIRE
18 THIS IS MY CLIENT, TIMOTHY LEE BLASSINGAME, SEATED TO MY
19 RIGHT

20 **THE COURT** THANK YOU, SIRS

21 NOW, LADIES AND GENTLEMEN OF THE PETIT JURY PANEL, I
22 DIRECT YOUR ATTENTION TO THE FOLLOWING QUESTIONS IS
23 THERE ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
24 MARRIAGE, NOW OR FORMERLY, CLOSE PERSONAL FRIEND OR
25 BUSINESS ASSOCIATE OF THE DEFENDANT, MR TIMOTHY LEE

1 BLASSINGAME? IF SO, PLEASE STAND AT THIS TIME ANY
2 MEMBER OF THE JURY PANEL RELATED BY BLOOD OR MARRIAGE,
3 CLOSE PERSONAL FRIEND OR BUSINESS ASSOCIATE OF
4 MR TIMOTHY LEE BLASSINGAME?

5 YES, SIR, YOUR NAME, PLEASE?

6 PROSPECTIVE JUROR KENNETH SPEED

7 THE COURT YES, SIR

8 PROSPECTIVE JUROR I DON'T KNOW THE EXACT RELATION,
9 BUT I AM RELATED TO HIM

10 THE COURT ALL RIGHT WOULD THAT IN ANY WAY
11 INTERFERE WITH YOUR ABILITY TO GIVE BOTH THE STATE AND
12 THE DEFENDANT A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

13 PROSPECTIVE JUROR NO

14 THE COURT VERY GOOD THANK YOU, SIR

15 NOW, LADIES AND GENTLEMEN --

16 YES, MA'AM YOUR NAME, PLEASE

17 PROSPECTIVE JUROR MY NAME IS LAURA CANTY I DON'T
18 KNOW IF I'M RELATED TO HIM OR NOT, BUT MY MAIDEN NAME WAS
19 BLASSINGAME I DON'T KNOW HIM OR KNOW WHO HE'S MARRIED
20 TO OR WHAT

21 THE COURT VERY WELL BUT LET ME ASK YOU THE SAME
22 QUESTION BECAUSE THIS IS GONNA BE THE SAME QUESTION
23 THROUGHOUT WOULD THAT IN ANY WAY INTERFERE WITH YOUR
24 ABILITY TO GIVE BOTH THE STATE AND THE DEFENDANT A FAIR
25 AND IMPARTIAL TRIAL?

1 **PROSPECTIVE JUROR** NO, SIR

2 **THE COURT** VERY GOOD THANK YOU, MA'AM

3 AS I WAS GONNA SAY, IF YOU RESPOND MORE THAN ONE
4 QUESTION, EACH TIME YOU DO RESPOND TO THE QUESTION, I'M
5 GONNA ASK YOU TO STAND AND GIVE ME YOUR NAME THE REASON
6 FOR THAT IS THE COURT REPORTER DOWN HERE TAKES DOWN
7 EVERYTHING THAT'S SAID IN COURT, AND IF WE DON'T HAVE THE
8 INDIVIDUAL IDENTIFIED WHO IS SPEAKING, THEN WE DON'T KNOW
9 WHO IS TO BE REFLECTED IN THE RECORD SO THEREFORE, WHEN
10 I CALL UPON YOU WHEN YOU RESPOND TO A QUESTION, IF YOU
11 WOULD PLEASE GIVE ME YOUR NAME

12 NOW, IS THERE ANY MEMBER OF THE PANEL RELATED BY
13 BLOOD OR MARRIAGE TO -- OR EXCUSE ME -- WAS ANY MEMBER OF
14 THE JURY PANEL A MEMBER OF THE GRAND JURY THAT FOUND AND
15 RETURNED THE INDICTMENT IN THIS CASE? WAS ANY MEMBER OF
16 THE JURY PANEL A MEMBER OF THE GRAND JURY THAT FOUND AND
17 RETURNED THE INDICTMENT IN THIS CASE? IF SO, PLEASE
18 STAND (NO RESPONSE)

19 HAS ANY MEMBER OF THE PANEL FORMED OR EXPRESSED AN
20 OPINION ABOUT THIS CASE? IF SO, PLEASE STAND (NO
21 RESPONSE)

22 NOW I'M GOING TO READ OUT A LIST OF POTENTIAL
23 WITNESSES IN THIS CASE NOW, THESE ARE POTENTIAL
24 WITNESSES THESE ARE WITNESSES THAT CAN BE CALLED BUT DO
25 NOT HAVE TO BE CALLED DURING THE TRIAL OF THE CASE

1 SERGEANT TIM HUNNICUTT WITH THE SENECA POLICE
2 DEPARTMENT --
3 AND IF THEY ARE IN THE COURTROOM AT THE TIME, IF
4 THEY WOULD PLEASE STAND
5 SERGEANT JOHN CRUM OF THE SENECA POLICE DEPARTMENT
6 (SERGEANT CRUM STANDS)
7 VERY GOOD THANK YOU, SIR
8 SERGEANT MELINDA NICHOLSON OF THE SENECA POLICE
9 DEPARTMENT
10 SERGEANT MIKE TERRAMANO OF THE SENECA POLICE
11 DEPARTMENT
12 RANDY SMITH OF THE SENECA POLICE DEPARTMENT
13 SERGEANT ROGER FOSTER OF THE OCONEE LAW ENFORCEMENT
14 CENTER
15 MAJOR STEVE PRUITT OF THE OCONEE LAW ENFORCEMENT
16 CENTER
17 SERGEANT MIKAL FOSTERVOLD OF THE OCONEE LAW
18 ENFORCEMENT CENTER
19 AGENT MEREDITH LANFORD OF THE ANDERSON-OCONEE
20 FORENSICS LAB
21 OFFICER BENNY OWENS OF THE SOUTH CAROLINA DEPARTMENT
22 OF NATURAL RESOURCES
23 JAMES WILLIE WALKER
24 RODNEY JOHNSON
25 AGAIN, I M GOING THROUGH THOSE NAMES ONE MORE TIME

1 IS THERE ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE, CLOSE PERSONAL FRIEND OR BUSINESS ASSOCIATE OF
3 THE DEFENDANT, SERGEANT TIM HUNNICUTT, SERGEANT JOHN
4 CRUM, SERGEANT MELINDA NICHOLSON, SERGEANT MIKE
5 TERRAMANO, MR RANDY SMITH, SERGEANT ROGER FOSTER, MAJOR
6 STEVE PRUITT, SERGEANT MIKAL FOSTERVOLD, AGENT MEREDITH
7 LANFORD, OFFICER BENNY OWENS, MR JAMES WILLIE WALKER,
8 MR RODNEY JOHNSON

9 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
10 MARRIAGE, CLOSE PERSONAL FRIEND OR BUSINESS ASSOCIATES OF
11 THE ANY OF THE POTENTIAL WITNESSES IN THIS CASE, IF YOU
12 WOULD PLEASE STAND AT THIS TIME

13 ALL RIGHT STARTING ON THIS END YES, MA'AM

14 PROSPECTIVE JUROR YVONNE DANSON

15 THE COURT YES, MA'AM

16 PROSPECTIVE JUROR AND I'M A CLOSE PERSONAL FRIEND
17 OF OFFICER NICHOLSON

18 THE COURT ALL RIGHT IF SERGEANT MELINDA
19 NICHOLSON SHOULD BE A WITNESS IN THIS CASE, WOULD THAT
20 AFFECT YOUR ABILITY TO GIVE BOTH THE STATE AND THE
21 DEFENDANT AN IMPARTIAL TRIAL?

22 PROSPECTIVE JUROR NO, SIR

23 THE COURT VERY GOOD THANK YOU, MA'AM

24 MR HARDY?

25 PROSPECTIVE JUROR I'VE WORKED WITH ALL THESE,

1 ABOUT FOUR OR FIVE OF THESE OFFICERS BECAUSE I'M A
2 RETIRED POLICE OFFICER

3 THE COURT ALL RIGHT YOU ARE NO LONGER ACTIVE IN
4 LAW ENFORCEMENT NOW?

5 PROSPECTIVE JUROR NO, SIR, I'M RETIRED NOW

6 THE COURT ALL RIGHT WOULD THAT IN ANY WAY
7 INTERFERE WITH YOUR ABILITY TO GIVE BOTH THE STATE AND
8 THE DEFENDANT A FAIR AND IMPARTIAL TRIAL?

9 PROSPECTIVE JUROR NO, SIR, IT WOULD NOT

10 THE COURT VERY GOOD THANK YOU, SIR ANYONE
11 ELSE? (NO RESPONSE)

12 NOW IS ANY MEMBER OF THE PANEL AWARE OF ANY
13 INTEREST, BIAS OR PREJUDICE TOWARDS EITHER THE DEFENDANT
14 OR THE STATE OF SOUTH CAROLINA? IF SO, PLEASE STAND
15 (NO RESPONSE)

16 DOES ANY MEMBER OF THE PANEL KNOW OF ANY REASON WHY
17 HE OR SHE CANNOT GIVE BOTH THE STATE OF SOUTH CAROLINA
18 AND THE DEFENDANT A FAIR AND IMPARTIAL TRIAL? (NO
19 RESPONSE)

20 ANY ADDITIONAL QUESTIONS FROM THE STATE?

21 MS SIMMONS NO, YOUR HONOR

22 THE COURT FROM THE DEFENSE?

23 MR SPROUSE NO, YOUR HONOR

24 JURY SELECTION

25 THE COURT VERY GOOD MADAM CLERK, IF YOU WOULD

1 PLEASE GIVE US A JURY

2 THERE ARE FIVE AND FIVE IN THIS CASE, IS THAT RIGHT,

3 MS SIMMONS

4 MS SIMMONS YES

5 THE COURT MR SPROUSE?

6 MR SPROUSE YES

7 THE COURT AND ALSO WE WOULD HAVE TWO ALTERNATES,

8 THAT WILL BE TWO AND ONE WITH THE ALTERNATES

9 ON THE JURY WE'LL CONSIDER THE FIRST 20 NAMES

10 CALLED

11 THE CLERK LADIES AND GENTLEMEN, AS I CALL YOUR
12 NAME AND NUMBER, IF YOU WOULD PLEASE COME FORWARD IF
13 YOU WOULD BRING ANY PERSONAL BELONGINGS THAT YOU HAVE
14 WITH YOU YOU WILL COME FORWARD AND STAND AT THIS PODIUM
15 AND FACE THE JURY PANEL AS OUR BAILIFF, MR BIBB, IS
16 DOING

17 THE COURT ALL RIGHT BY THE WAY, THE WAY WE DRAW
18 A JURY IN GENERAL SESSIONS IS THAT WHEN YOUR NAME IS
19 CALLED, AS THE CLERK HAS SAID, COME FORWARD AND STAND
20 WHERE MR BIBB WAS STANDING, FACING TO THE BACK OF THE
21 COURTROOM THE STATE WILL GO FIRST AND WILL EITHER SAY
22 PRESENT THE JUROR OR EXCUSE THE JUROR IF IT'S PRESENT
23 THE JUROR, THEN THE DEFENDANT WILL GO NEXT THE
24 DEFENDANT WILL EITHER SAY SWEAR THE JUROR OR EXCUSE THE
25 JUROR

1 SO MADAM CLERK, IF YOU WOULD PROCEED

2 THE CLERK NUMBER 81, LOUISE MCCLURE (WHITE
3 FEMALE)

4 WHAT SAYETH THE STATE?

5 MS SIMMONS PLEASE PRESENT THE JUROR

6 THE CLERK WHAT SAYETH THE DEFENSE?

7 MR SPROUSE PLEASE SEAT MS MCCLURE

8 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
9 IN THE JURY-BOX

10 NUMBER 84, ROBERT MCKENNA (WHITE MALE)

11 WHAT SAYETH THE STATE?

12 MS SIMMONS PLEASE PRESENT THE JUROR

13 THE CLERK WHAT SAYETH DEFENSE?

14 MR SPROUSE PLEASE EXCUSE MR MCKENNA

15 THE CLERK SIR, YOU HAVE BEEN EXCUSED FROM THIS
16 CASE YOU MAY BE SEATED

17 NUMBER 104, MYRA RUSHTON (WHITE FEMALE)

18 WHAT SAYETH THE STATE?

19 MS SIMMONS PLEASE PRESENT THE JUROR

20 THE CLERK WHAT SAYETH THE DEFENSE?

21 MR SPROUSE PLEASE SEAT HER

22 THE CLERK MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
23 IN THE JURY-BOX

24 NUMBER 27, NANCY CONWAY (WHITE FEMALE)

25 WHAT SAYETH THE STATE?

1 **MS SIMMONS** PLEASE PRESENT THE JUROR

2 **THE CLERK** WHAT SAYETH THE DEFENSE?

3 **MR SPROUSE** PLEASE EXCUSE THIS JUROR FROM THIS
4 CASE

5 **THE CLERK** MA'AM, YOU HAVE BEEN EXCUSED FROM THIS
6 CASE YOU MAY BE SEATED

7 NUMBER 70, JANE LAFAILLE (WHITE FEMALE)
8 WHAT SAYETH THE STATE?

9 **MS SIMMONS** PLEASE PRESENT THE JUROR

10 **THE CLERK** WHAT SAYETH DEFENSE?

11 **MR SPROUSE** PLEASE EXCUSE THE JUROR

12 **THE CLERK** MA'AM, YOU HAVE BEEN EXCUSED FROM THIS
13 CASE YOU MAY BE SEATED

14 NUMBER 15, VICKIE BURNS (WHITE FEMALE)
15 WHAT SAYETH THE STATE?

16 **MS SIMMONS** PLEASE PRESENT THE JUROR

17 **THE CLERK** WHAT SAYETH THE DEFENSE?

18 **MR SPROUSE** PLEASE PRESENT THE JUROR

19 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
20 IN THE JURY BOX

21 NUMBER 20, JEAN CHRISTOPHER (WHITE FEMALE)
22 WHAT SAYETH THE STATE?

23 **MS SIMMONS** PLEASE PRESENT THE JUROR

24 **THE CLERK** WHAT SAYETH THE DEFENSE?

25 **MR SPROUSE** PLEASE PRESENT HER

1 **THE CLERK** MA'AM IF YOU WOULD PLEASE TAKE A SEAT IN
2 THE JURY-BOX

3 NUMBER 66, TINA JONES (WHITE FEMALE)

4 WHAT SAYETH THE STATE?

5 **MS SIMMONS** PLEASE EXCUSE THE JUROR FROM THE TRIAL
6 OF THIS CASE

7 **THE CLERK** MA'AM, YOU HAVE BEEN EXCUSED FROM THIS
8 CASE, YOU MAY BE SEATED

9 NUMBER 73, LINDA LAY (WHITE FEMALE)

10 WHAT SAYETH THE STATE?

11 **MS SIMMONS** PLEASE PRESENT THE JUROR

12 **THE CLERK** WHAT SAY THE DEFENSE?

13 **MR SPROUSE** PRESENT HER, PLEASE

14 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
15 IN THE JURY-BOX

16 NUMBER 7, WALTER ATKINSON (WHITE MALE)

17 WHAT SAYETH THE STATE?

18 **MS SIMMONS** PLEASE PRESENT THE JUROR

19 **THE CLERK** WHAT SAYETH THE DEFENSE?

20 **MR SPROUSE** PRESENT HIM

21 **THE CLERK** SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
22 THE JURY-BOX

23 NUMBER 95, THERESA PAESSUN (WHITE FEMALE)

24 WHAT SAYETH THE STATE?

25 **MS SIMMONS** PLEASE PRESENT THE JUROR

1 **THE CLERK** WHAT SAYETH THE DEFENSE?

2 **MR SPROUSE** PLEASE PRESENT THE JUROR

3 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
4 IN THE JURY BOX

5 NUMBER 100, JUANITA POWELL (WHITE FEMALE)

6 WHAT SAYETH THE STATE?

7 **MS SIMMONS** PLEASE PRESENT THE JUROR

8 **THE CLERK** WHAT SAY THE DEFENSE?

9 **MR SPROUSE** PRESENT THE JUROR

10 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
11 IN THE JURY-BOX

12 NUMBER 86, STANLEY MEECE (WHITE MALE)

13 WHAT SAYETH THE STATE?

14 **MS SIMMONS** PLEASE PRESENT THE JUROR

15 **THE CLERK** WHAT SAY THE DEFENSE?

16 **MR SPROUSE** PRESENT THE JUROR

17 **THE CLERK** SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
18 THE JURY-BOX

19 NUMBER 46, PETER FEMIA (WHITE MALE)

20 WHAT SAYETH THE STATE?

21 **MS SIMMONS** PLEASE PRESENT THE JUROR

22 **THE CLERK** WHAT SAY THE DEFENSE?

23 **MR SPROUSE** PLEASE EXCUSE THIS JUROR

24 **THE CLERK** SIR, YOU HAVE BEEN EXCUSED YOU MAY BE
25 SEATED

1 NUMBER 49, JANICE GRANT (WHITE FEMALE)
2 WHAT SAYETH THE STATE?
3 **MS SIMMONS** PLEASE PRESENT THE JUROR
4 **THE CLERK** WHAT SAYETH DEFENSE?
5 **MR SPROUSE** PLEASE PRESENT THE JUROR
6 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT
7 IN THE JURY-BOX
8 NUMBER 88, LEX MILLER (WHITE MALE)
9 WHAT SAYETH THE STATE?
10 **MS SIMMONS** PLEASE PRESENT THE JUROR
11 **THE CLERK** WHAT SAYETH THE DEFENSE?
12 **MR SPROUSE** PRESENT THE JUROR
13 **THE CLERK** SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
14 THE JURY-BOX
15 NUMBER 43, KENNETH DUNCAN (WHITE MALE)
16 WHAT SAYETH THE STATE?
17 **MS SIMMONS** PLEASE PRESENT THE JUROR
18 **THE CLERK** WHAT SAYETH THE DEFENSE?
19 **MR SPROUSE** PRESENT THE JUROR
20 **THE CLERK** SIR, IF YOU WOULD PLEASE TAKE A SEAT IN
21 THE JURY-BOX
22 AND THIS WILL BE FOR THE ALTERNATES?
23 **THE COURT** TWO ALTERNATES, YES, MA'AM
24 **THE CLERK** AND THIS WILL BE FOR THE ALTERNATES TWO
25 AND ONE?

1 **THE COURT** TWO AND ONE

2 **THE CLERK** NUMBER 67, COLEEN KELLY (WHITE FEMALE)

3 WHAT SAYETH THE STATE?

4 **MS SIMMONS** PLEASE PRESENT THE JUROR

5 **THE CLERK** WHAT SAY THE DEFENSE?

6 **MR SPROUSE** PLEASE STRIKE THIS JUROR

7 **THE CLERK** MA'AM, YOU HAVE BEEN EXCUSED FROM THIS

8 CASE YOU MAY BE SEATED

9 NUMBER 18, LAURA CANTY (BLACK FEMALE)

10 WHAT SAYETH THE STATE?

11 **MS SIMMONS** PLEASE PRESENT THE JUROR

12 **THE CLERK** WHAT SAYETH THE DEFENSE?

13 **MR SPROUSE** PRESENT THE JUROR

14 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT

15 IN THE JURY-BOX

16 AND THIS IS FOR ALTERNATE NUMBER TWO

17 NUMBER 24, JENNIFER COBB (WHITE FEMALE)

18 WHAT SAYETH THE STATE?

19 **MS SIMMONS** PLEASE PRESENT THE JUROR

20 **THE CLERK** WHAT SAYETH THE DEFENSE?

21 **MR SPROUSE** PRESENT THE JUROR

22 **THE CLERK** MA'AM, IF YOU WOULD PLEASE TAKE A SEAT

23 IN THE JURY-BOX

24 JUDGE?

25 **THE COURT** ALL RIGHT THANK YOU VERY MUCH

1 IS THERE ANY REASON THIS JURY CANNOT BE SWORN FOR ,
2 THE TRIAL OF THIS CASE FROM THE STATE?

3 **MS SIMMONS** NOTHING FROM THE STATE, YOUR HONOR

4 **THE COURT** FROM THE DEFENSE? I'M TALKING ABOUT
5 QUALIFICATION, I'M NOT TALKING ABOUT ---

6 **MR SPROUSE** NO OBJECTIONS ON THE QUALIFICATION,
7 YOUR HONOR

8 **THE COURT** ALL RIGHT

9 MS PAESSUN, I'M GONNA ASK YOU TO SERVE AS THE
10 FOREPERSON OF THIS JURY, SO WHEN WE COME BACK TO THE
11 COURTROOM, IF YOU WOULD SIT ON THE FIRST ROW, THE FIRST
12 SEAT ON THE FRONT

13 MS CANTY AND MS COBB, YOU-ALL ARE THE ALTERNATES,
14 SO YOU WILL ALWAYS SIT IN THOSE TWO SEATS THAT YOU ARE
15 SITTING IN NOW

16 EVERYONE ELSE, AS I SAY, CAN SIT ANYWHERE IN THE
17 JURY-BOX, EXCEPT FOR THAT LAST SEAT, THE FIRST SEAT AND
18 THIS LAST SEAT ON THE END BUT IN OTHER WORDS, THE ONES
19 THAT YOU ARE SITTING IN, THE AREA THAT YOU ARE SITTING IN
20 NOW

21 I'M GOING TO ASK YOU TO GO WITH THE BAILIFF HE'LL
22 SHOW YOU THE JURY ROOM THAT YOU WILL BE USING DURING THE
23 TRIAL OF THIS CASE I'VE GOT SOME MATTERS I NEED TO TAKE
24 UP WITH THE ATTORNEYS AND THE BALANCE OF THE JURY PANEL
25 IT WILL ONLY TAKE A FEW MINUTES BUT MY INSTRUCTIONS

1 THROUGHOUT THE TRIAL OF THIS CASE ARE THAT YOU ARE NOT TO
2 UNDERTAKE DISCUSSION OF THIS CASE AMONG YOURSELVES IN ANY
3 WAY I'LL EXPLAIN THAT MORE PARTICULARITY LATER BUT AT
4 THIS POINT, DO NOT DISCUSS ANYTHING ABOUT THE CASE,
5 PERSONALITIES OR ANYTHING ELSE IF YOU WOULD PLEASE JUST
6 GO WITH THE BAILIFF AND HE'LL SHOW YOU YOUR JURY ROOM
7 THAT YOU WILL BE USING
8 (THE TRIAL JURY LEFT THE COURTROOM AT
9 APPROXIMATELY 12 48 P M)
10 **THE COURT** NOW, LADIES AND GENTLEMEN THAT WERE NOT
11 DRAWN ON THE TRIAL OF THIS CASE AS JURORS, I'M GOING TO
12 ASK YOU TO -- I'M GOING TO EXCUSE YOU FOR THE BALANCE OF
13 THE DAY, BUT ASK YOU TO CALL THE TELEPHONE NUMBER. WERE
14 YOU GIVEN A SHEET OF PAPER WHEN YOU CAME IN? THE NUMBER
15 IS [REDACTED] IT SHOULD BE AT THE TOP OF THE PAGE
16 DOES EVERYONE HAVE THAT NUMBER? ANYONE THAT DOES
17 NOT HAVE THE NUMBER, IF YOU WOULD RAISE YOUR HAND,
18 PLEASE VERY GOOD
19 NOW, THAT IS AN ANSWERING MACHINE AND IT WILL BE ON
20 ALL NIGHT, SO IF YOU DON'T GET THROUGH THE FIRST TIME,
21 KEEP CALLING UNTIL YOU DO I'LL EXCUSE YOU FOR THE
22 BALANCE OF THE DAY, AND YOU DON'T HAVE TO CALL THAT
23 NUMBER TONIGHT, BUT DO CALL THE NUMBER TOMORROW NIGHT
24 YOUR CLERK OF COURT HAS MADE IT POSSIBLE SO THAT YOU
25 WOULD NOT HAVE TO REPORT EACH DAY THE ONLY TIME YOU

1 WOULD HAVE TO REPORT IS IF WE NEED YOUR SERVICES AND
2 SO, THEREFORE, CALL TOMORROW NIGHT, THAT WILL BE TUESDAY,
3 OCTOBER THE 27TH, AFTER 6 00 P M , AND THERE WILL BE A
4 MESSAGE ON THERE, EITHER TO CALL BACK OR TO COME IN THE
5 NEXT MORNING, WHICH WOULD BE WEDNESDAY, OR SOME OTHER
6 MESSAGE I WANT YOU TO GET THE MESSAGE FROM THE MACHINE
7 AS I SAY, IT'S ON ALL NIGHT, SO YOU CAN CONTINUE TO CALL
8 BECAUSE IF YOU DON'T, YOU'LL HAVE TO GET IT FROM ME, AND
9 THAT WOULD BE AT 9 00 ON WEDNESDAY MORNING, AND I THINK
10 YOU WOULD RATHER GET THE MESSAGE FROM THE MACHINE.

11 BUT DOES EVERYBODY UNDERSTAND NOW? CALL THE NUMBER
12 AFTER 6 00, TUESDAY NIGHT, OCTOBER THE 27TH, AND DO WHAT
13 THE MESSAGE SAYS ANYBODY THAT HAS ANY QUESTIONS
14 WHATSOEVER, PLEASE RAISE YOUR HAND (NO RESPONSE)

15 ALL RIGHT ANYBODY THAT DOESN'T HAVE THE NUMBER,
16 RAISE YOUR HAND (NO RESPONSE)

17 VERY GOOD AGAIN, I LOOK FORWARD TO WORKING WITH
18 YOU THIS WEEK, AND I DO APPRECIATE YOUR PATIENCE WITH THE
19 COURT THIS MORNING, AND AS I SAY, IF THERE'S ANYTHING
20 THAT THE COURT CAN DO, PLEASE LET ME KNOW OTHERWISE YOU
21 ARE EXCUSED FOR THE BALANCE OF THE DAY

22 EVERYONE ELSE REMAIN SEATED WHILE THE JURY RETYPES
23 FROM THE COURTROOM

24 (THE JURY LEFT THE COURTROOM AT APPROXIMATELY
25 12 52 P M)

1 **THE COURT** ALL RIGHT I'M GOING TO EXCUSE THE JURY
2 FOR THE BALANCE OF THE DAY WE'LL BEGIN AT 10 00 IN THE
3 MORNING, MADAM SOLICITOR?

4 **MS SIMMONS** FINE WITH ME, JUDGE

5 **THE COURT** MR SPROUSE?

6 **MR SPROUSE** YES, SIR

7 **THE COURT** ALL RIGHT NOW, WHEN DO YOU WANT TO
8 TAKE UP THE MOTIONS? DO YOU WANT TO DO IT AT 2 00?

9 **MR SPROUSE** THAT WOULD BE FINE

10 **THE COURT** ALL RIGHT LET'S SAY 2 15 BECAUSE I'VE
11 GOT TO DEAL WITH SOMETHING AT 2 15 WE'LL TAKE UP THE
12 MOTIONS IN THE CASE, AND THEN BASED ON RULINGS ON THE
13 MOTIONS, THEN WE'LL DECIDE HOW WE'RE GOING TO PROCEED

14 I'M ACTUALLY GOING TO TELL THE JURY TO CALL IN
15 TONIGHT JUST TO BE SURE WE ARE READY TO GO FORWARD WITH
16 THEM AT 10 00 IN THE MORNING

17 ANY QUESTIONS?

18 **MS SIMMONS** NO, SIR

19 **THE COURT** ANY QUESTIONS?

20 **MR SPROUSE** NO, SIR

21 **THE COURT** ASK THE JURY TO JOIN US, PLEASE

22 (THE JURY ENTERED THE COURTROOM AT
23 APPROXIMATELY 12 53 P M)

24 **THE COURT** ALL RIGHT LET THE RECORD REFLECT THE
25 JURY AND ALTERNATES ARE IN THE JURY-BOX

1 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY,
2 THERE ARE CERTAIN MATTERS I NEED TO TAKE UP BEFORE WE
3 START THE TRIAL OF THE CASE, AND I DON'T WANT TO HAVE YOU
4 WAIT UNTIL THOSE MATTERS ARE RESOLVED SO I'M GOING TO
5 EXCUSE YOU FOR THE BALANCE OF THE DAY AND I'M GONNA ASK
6 YOU TO CALL IN AFTER 6 00

7 YOU SHOULD HAVE'BEEN GIVEN A PIECE OF PAPER WITH A
8 TFLEPHONE NUMBER ON IT DOES EVERYBODY HAVE THE PAPER
9 AND THE NUMBER? ALL RIGHT I THINK IT'S [REDACTED] NOW,
10 CALL THAT NUMBER AFTER 6 00 THERE WILL BE A MESSAGE ON
11 THE MACHINE THAT WILL EITHER TELL YOU TO COME IN AT 10 00
12 IN THE MORNING OR SOME OTHER INSTRUCTION BUT IN THE
13 EVENT SOMETHING SHOULD HAPPEN OR WHATEVER, AND IT'S NOT
14 NECESSARY FOR YOU IN THE TRIAL OF THIS CASE, THEN OF
15 COURSE I DON'T WANT YOU TO COME IN UNLESS IT'S ABSOLUTELY
16 NECESSARY THIS IS A CONVENIENCE THAT YOUR CLERK OF
17 COURT HAS PROVIDED

18 IN THAT REGARD I DO APPRECIATE YOUR PATIENCE WITH
19 THE COURT THIS MORNING AND I THANK YOU FOR YOUR
20 ATTENDANCE AND I LOOK FORWARD TO WORKING WITH YOU THIS
21 WEEK

22 I TELL JURORS THAT THIS IS PERHAPS THE MOST
23 DIFFICULT TIME OF THE CASE THAT YOU WILL HAVE, BECAUSE
24 YOU'LL GO HOME AND SOMEBODY WILL ASK YOU, WHAT ARE YOU
25 DOING?

1 YOU'RE GOING TO SAY, WELL, I'VE BEEN DRAWN ON THE
2 TRIAL OF A CASE AS A JUROR

3 THEY'LL SAY, WELL, WHAT IS IT ABOUT? OF COURSE YOU
4 REALLY HAVEN'T HEARD SO YOU DON'T KNOW

5 BUT THE FACT IS THAT EVEN DURING THE TRIAL, AS I
6 SAID, MY INSTRUCTION WAS GOING TO BE NOT TO UNDERTAKE
7 DISCUSSION AMONG YOURSELVES EVEN, OR ANYBODY ELSE
8 PARTICULARLY THE REASON FOR THAT IS YOU DON'T KNOW
9 WHAT'S GOING TO BE THE MOST IMPORTANT PART OF THE CASE
10 IT COULD BE THE OPENING STATEMENTS BY THE ATTORNEYS, THE
11 FIRST WITNESS OR THE LAST WITNESS, THE FIRST EXHIBIT OR
12 THE LAST EXHIBIT

13 EVEN IF THERE ARE NO EXHIBITS, THERE'S GOING TO BE
14 CLOSING ARGUMENTS BY THE LAWYERS OR THE CHARGE ON THE LAW
15 BY THE COURT SO YOU NEVER KNOW WHAT'S GOING TO BE THE
16 MOST IMPORTANT PART OF THE CASE AND YOU NEED TO KEEP AN
17 OPEN MIND THROUGHOUT THE TRIAL OF THE CASE

18 NO ONE WHO IS NOT SITTING IN THIS JURY-BOX WHERE YOU
19 ARE NOW OR WILL BE BACK IN THAT JURY ROOM WHEN YOU HAVE
20 TO MAKE YOUR DECISION CAN HELP YOU, BECAUSE THEY HAVE NOT
21 HEARD THE FIRST WITNESS, SEEN THE FIRST EXHIBIT, OR ANY
22 OF THE EVIDENCE THEY CAN ONLY COMPLICATE, OR, IN FACT,
23 INTERFERE WITH THE PROPER RESOLUTION OF THIS CASE, AND I
24 THINK YOU UNDERSTAND IT'S AN IMPORTANT CASE TO EVERYBODY
25 INVOLVED, AND IT NEEDS TO BE RESOLVED IN A PROPER

1 FASHION

2 SO, THEREFORE, IF ANYBODY SHOULD ATTEMPT TO TALK TO
3 YOU ABOUT THE CASE, I'LL BE HERE AT 8 30 IN THE MORNING
4 AND I'LL BE GLAD TO EXPLAIN TO THEM WHY, BUT I THINK YOU
5 UNDERSTAND AND I THANK YOU FOR IT

6 SO WITH THAT I'LL EXCUSE YOU FOR THE BALANCE OF THE
7 DAY BUT DO CALL THE NUMBER AFTER 6 00 AND DO WHAT THE
8 MACHINE SAYS IF THERE IS A MESSAGE ON THERE THANK YOU
9 VERY MUCH

10 EVERYONE ELSE REMAIN SEATED WHILE THE JURY RETIRES
11 FROM THE COURTROOM

12 (THE JURY LEFT THE COURTROOM AT
13 APPROXIMATELY 12 57 P M)

14 **THE COURT** IS THERE ANYTHING FROM THE STATE BEFORE
15 WE RECEDE FOR LUNCH?

16 **MS SIMMONS** NO, YOUR HONOR

17 **THE COURT** FROM THE DEFENDANT?

18 **MR SPROUSE** NOTHING, YOUR HONOR

19 **THE COURT** ALL RIGHT I'LL SEE YOU AT 2 15

20 (WHEREUPON, THE JURY TRIAL OF THE STATE OF
21 SOUTH CAROLINA VERSUS TIMOTHY LEE BLASSINGAME
22 ADJOURNED ON MONDAY, OCTOBER 26, 2009, AT
23 APPROXIMATELY 1 00 P M AND THE COURT
24 CONSIDERED OTHER MATTERS A LUNCHEON RECESS
25 OCCURRED UNTIL THE PRE-TRIAL MOTIONS BEGAN AT

1 APPROXIMATELY 2 15 P M)

2 ***

3 AFTERNOON PROCEEDINGS

4
5 **THE COURT** ALL RIGHT IS THE STATE READY?

6 **MS SIMMONS** YES, YOUR HONOR

7 **THE COURT** IS THE DEFENSE READY?

8 **MR SPROUSE** YES

9 **THE COURT** ALL RIGHT I UNDERSTAND THERE ARE SOME
10 MOTIONS PENDING IN THE MATTER OF *STATE VERSUS TIMOTHY LEE*
11 *BLASSINGAME*, 2009-GS-37-820?
12 MOTION FOR CONTINUANCE ON BEHALF OF DEFENDANT

13 **MR SPROUSE** YES, SIR MAY IT PLEASE THE COURT,
14 YOUR HONOR, I WAS APPOINTED ON THIS CASE ON OCTOBER THE
15 2ND BY COURT ORDER AFTER THE PUBLIC DEFENDER'S OFFICE WAS
16 RELIEVED AND, YOUR HONOR, I WILL SAY MS SIMMONS HAS
17 DONE A GOOD JOB OF GETTING ME WHAT SHE HAD IN THE FILE,
18 SHE AND OFFICER CRUM CAME TO MY OFFICE AND SHOWED ME WHAT
19 THEY HAD AND WHATEVER

20 SINCE THEN THERE HAVE BEEN ITEMS OF EVIDENCE THAT
21 HAVE CROPPED UP MOST RECENTLY A DISK WAS HANDED TO ME
22 THIS MORNING WHICH IS PURPORTED TO BE A TELEPHONE CALL
23 BETWEEN ANOTHER WITNESS AND MY CLIENT AND THE
24 CONFIDENTIAL INFORMANT IN THE CASE THERE WAS ALSO A
25 VOLUNTARY STATEMENT GIVEN BY THE CONFIDENTIAL INFORMANT

1 THESE PIECES OF EVIDENCE ARE HIGHLY PREJUDICIAL TO
2 MY CLIENT, AND I OBVIOUSLY HAVE NOT HAD ANY TIME TO CHECK
3 THESE OUT, AND I WOULD ASK THE COURT FOR A CONTINUANCE ON
4 THIS CASE I'VE BEEN APPOINTED LESS THAN A MONTH AND
5 THESE ARE INFLAMMATORY AND PREJUDICIAL PIECES OF EVIDENCE
6 WHERE THEY ARE TRYING TO BASICALLY SAY THAT MY CLIENT IS
7 TRYING TO ARRANGE PEOPLE TO TESTIFY FRAUDULENTLY OR
8 DISHONESTLY ABOUT THE CASE

9 AND I WOULD ASK THE COURT TO GRANT A CONTINUANCE SO
10 THAT, A CONTINUANCE SO THAT WE CAN INVESTIGATE THE
11 STATE WOULD NOT BE PREJUDICED THERE'S ONLY ABOUT FOUR
12 OR FIVE WITNESSES, AND ALL OF WHOM ARE NOT HERE TODAY
13 AND, YOUR HONOR, I WOULD THINK OUT OF AN ABUNDANCE OF
14 CAUTION AND FAIRNESS TO MY CLIENT, THAT WE HAVE THE TIME
15 TO CHECK OUT THESE ALLEGATIONS THAT IS MY FIRST MOTION
16 IS FOR THIS CASE TO BE CONTINUED TO THE NEXT TERM

17 **THE COURT** ALL RIGHT MADAM SOLICITOR?

18 **MS SIMMONS** YOUR HONOR, THIS COURT APPOINTED
19 MR SPROUSE ON SEPTEMBER 25TH, 2009, I HAVE THAT ORDER
20 SIGNED BY YOU THAT ORDER STATED THIS CASE SHALL BE
21 ELIGIBLE FOR TRIAL DURING THE OCTOBER 26, 2009 TERM OF
22 COURT

23 AT THE TIME WHEN YOU APPOINTED MR SPROUSE, I CALLED
24 HIM, DISCUSSED THE CASE WITH HIM SERGEANT CRUM AND I
25 WENT TO HIS OFFICE, GAVE HIM EVERYTHING WE HAD, DISCUSSED

1 THE CASE WITH HIM AT LENGTH WE HAVE CONTINUED
2 COOPERATING WITH HIM AND SHARING EVIDENCE

3 THE EVIDENCE THAT HE REFERS TO THAT CAME TO LIGHT
4 LAST NIGHT IS, WAS NOT ON ANY PART OF THE STATE TO DELAY
5 HIS CLIENT ACTUALLY CALLED THE CONFIDENTIAL INFORMANT
6 THROUGH A THIRD PARTY SO ANY -- HIS CLIENT INITIATED
7 THESE THINGS THAT OCCURRED YESTERDAY AND THEN HIS
8 GIRLFRIEND ALSO, ALSO CALLED THE CONFIDENTIAL INFORMANT
9 THE CONFIDENTIAL INFORMANT CALLED HER BACK AND WE DO HAVE
10 THAT CONVERSATION ON TAPE

11 THE COURT NOW, WHICH CONVERSATION DO YOU HAVE ON
12 TAPE?

13 MS SIMMONS WE HAVE THE DEFENDANT CALL THROUGH A
14 THIRD-PARTY CALL --

15 THE COURT "THROUGH" A THIRD PARTY OR "TO" A THIRD
16 PARTY?

17 MS SIMMONS THROUGH A THIRD PARTY BECAUSE HE
18 CALLED A PARTY FROM THE JAIL HE THREE-WAYED MR WALKER,
19 THE INFORMANT, AND HAD A CONVERSATION WE DO NOT HAVE
20 THAT ON TAPE THE JAIL IS WORKING ON GETTING THAT TAPE,
21 BUT IT IS NOT AVAILABLE AT THIS POINT IN TIME AND WE
22 DON'T INTEND TO USE THAT TAPE

23 MR WALKER GAVE A VOLUNTARY STATEMENT STATING
24 "MR BLASSINGAME CALLED ME LAST NIGHT AND THIS IS WHAT HE
25 SAID TO ME " LAST NIGHT MR BLASSINGAME'S PRESENT OR

1 FORMER GIRLFRIEND, MS REED, ALSO CALLED THE CONFIDENTIAL
2 INFORMANT WHEN HE ---

3 THE COURT WELL, NOW, YOU HAVE A CONVERSATION YOU
4 SAY IS ON THIS DISK FROM WHOM?

5 MS SIMMONS MS REED CALLED ---

6 THE COURT THAT'S THE ONLY ONE YOU HAVE IS
7 MS REED?

8 MS SIMMONS YES AND WE DON'T INTEND TO USE THAT
9 PHONE CALL IN OUR CASE-IN-CHIEF IF MS REED TESTIFIED
10 FOR THE DEFENSE OR IF WE HAD TO CALL HER AS A REBUTTAL
11 WITNESS, WE WOULD HAVE TO LOOK AT USING THAT PHONE CALL
12 BUT OUR CASE-IN-CHIEF DOES NOT -- THAT'S NOT PART OF IT
13 WE HAVE THESE RECORDINGS FROM LAST NIGHT OUT OF AN
14 ABUNDANCE OF CAUTION, BECAUSE AT THAT POINT IN TIME WE
15 WERE INVESTIGATING THE POSSIBILITY HE WAS ATTEMPTING TO
16 INTIMIDATE OUR WITNESS

17 THE COURT WELL, NOW, AGAIN, WHAT IS ON THE DISK?

18 MS SIMMONS BETWEEN MS REED AND MR WALKER?

19 THE COURT IS THAT THE ONLY THING THAT'S ON THE
20 DISK?

21 MS SIMMONS MS REED AND MR WALKER HAVING A
22 CONVERSATION THEY DISCUSSED THE PHONE NUMBER IN
23 QUESTION IN THIS CASE AND DISCUSSED THE FACT THAT
24 MR BLASSINGAME IS GOING TO TRIAL THERE'S NO SMOKING
25 GUN AS FAR AS I KNOW ON THAT CONVERSATION WHERE -- SHE

1 CERTAINLY CAN'T ADMIT ANYTHING FOR HIM SHE'S NOT, SHE'S
2 NOT LISTED AS A DEFENSE WITNESS, SHE'S NOT LISTED AS A
3 STATE'S WITNESS

4 I GUESS MY PRIMARY POINT IN ANY DELAY THAT WOULD BE
5 CAUSED HAS BEEN CAUSED BY MR BLASSINGAME HIMSELF, NOT
6 THE STATE

7 THE COURT ALL RIGHT, MR SPROUSE

8 MR SPROUSE YOUR HONOR, OF COURSE MY CLIENT IS IN
9 A POSITION HERE TO WHERE HE'S BEING ACCUSED OF AN OFFENSE
10 IN AND OF ITSELF, TAMPERING WITH A WITNESS OR TRYING TO
11 OBTAIN FRAUDULENT ---

12 THE COURT WELL, SHE SAID SHE DIDN'T FIND THEM

13 MR SPROUSE THAT'S NOT ON THE DISK, YOUR HONOR
14 BUT MR WALKER, THE CONFIDENTIAL INFORMANT, IS ON THE
15 WITNESS LIST AND IS GOING TO BE CALLED TO TESTIFY CENTRAL
16 TO THE PROSECUTION'S CASE AND, YOUR HONOR, AGAIN, I
17 THINK THIS ALLEGATION IN AND OF ITSELF IS HIGHLY
18 PREJUDICIAL, AND I WOULD ASK FOR MORE TIME TO BE ABLE TO
19 PREPARE FOR THIS THIS IS SOMETHING NEW THAT WE HAD NOT
20 ANTICIPATED HAVING TO DEAL WITH THIS WEEK

21 THE COURT WHAT ARE YOU GOING TO INVESTIGATE?

22 MR SPROUSE THE CIRCUMSTANCES AROUND MR WALKER,
23 YOUR HONOR APPARENTLY HE HAS OTHER CHARGES THAT -- HIS
24 RECORD HAS BEEN PROVIDED TO US, BUT APPARENTLY HE HAS
25 OTHER PENDING CHARGES THERE ARE OTHER CONVERSATIONS

1 THAT --

2 THE COURT ARE THERE ANY OTHER CHARGES AGAINST
3 MR WALKER THAT YOU HAVEN'T PROVIDED TO THE DEFENSE?

4 MS SIMMONS I PROVIDED HIS RAP SHEET TO
5 MR SPROUSE MR WALKER DOES HAVE PENDING BURGLARY
6 CHARGES THAT ARE TOTALLY UNRELATED TO HIS TESTIMONY IN
7 THIS CASE HE WAS NOT WORKING AS AN INFORMANT RELATED TO
8 THOSE CHARGES MR WAGNER IS PROSECUTING THOSE CHARGES
9 AND NOTHING HAS BEEN PROMISED TO HIM ON THOSE BURGLARY
10 CHARGES IN EXCHANGE FOR HIS TESTIMONY HE'S A PAID
11 CONFIDENTIAL INFORMANT IN THIS CASE

12 MR SPROUSE YES, SIR THAT'S, THAT'S WHAT THEY
13 TOLD ME

14 THE COURT SO YOU KNOW EVERYTHING THEY KNOW

15 MR SPROUSE WELL, YOUR HONOR, THEY DON'T HAVE THE
16 CONVERSATION ON TAPE I HAVE ATTEMPTED TO TALK TO
17 MR WALKER, HOWEVER, THAT HAS BEEN UNSUCCESSFUL SO I
18 WOULD LIKE MORE TIME TO CHECK OUT THE CIRCUMSTANCES
19 SURROUNDING HIM AND THE RESIDENCE OF THIS TELEPHONE
20 NUMBER, BECAUSE AGAIN, WHAT HE'S ACCUSING MY CLIENT OF IS
21 VERY SERIOUS

22 THE COURT SHE'S SAYING THAT THAT'S NOT GONNA BE
23 PART OF THEIR CASE

24 MR SPROUSE THE DISK ISN'T, YOUR HONOR, UNLESS
25 EITHER CHARLOTTE REED WERE CALLED, IT COULD BE USED FOR

1 IMPEACHMENT BUT MR WALKER WILL TESTIFY, AND THEY
2 PROVIDED ME THIS MORNING IN A WRITTEN STATEMENT, THAT HE
3 APPARENTLY GAVE LAST NIGHT, ABOUT ---

4 THE COURT LET ME SEE THE STATEMENT

5 MS SIMMONS YOUR HONOR, IF IT'LL MAKE THIS THING
6 MOVE ALONG ANY FURTHER, I'LL AGREE THAT MR WALKER WILL
7 NOT TESTIFY REGARDING THIS INCIDENT FROM LAST NIGHT

8 THE COURT WELL, LET ME SEE THE STATEMENT SO IF IT
9 DOES COME UP, I'LL KNOW WHAT THEY'RE TALKING ABOUT

10 MR SPROUSE (HANDING)

11 THE COURT ALL RIGHT (HANDING)

12 AND OBVIOUSLY, YOU HAVE THE ORIGINAL OF THAT
13 STATEMENT?

14 MS SIMMONS YES, YOUR HONOR SERGEANT CRUM HAS
15 IT

16 THE COURT VERY GOOD ALL RIGHT NOW, EXACTLY
17 WHAT IS THE CONCERN? IF THEY'RE NOT GONNA USE THAT
18 STATEMENT AND IF THEY'RE NOT GONNA USE THE C D , WHAT'S
19 THE CONCERN?

20 MR SPROUSE WELL, YOUR HONOR, IF THEY'RE NOT GONNA
21 USE THIS NEW INFORMATION, THEN I WOULD HAVE NO CONCERN
22 ABOUT THIS PARTICULAR ISSUE

23 THE COURT ALL RIGHT VERY GOOD WHAT'S YOUR NEXT
24 ONE?

25 MS SIMMONS JUDGE, I HAVE TO MAKE SOMETHING CLEAR

1 ON THE RECORD

2 THE COURT CERTAINLY

3 MS SIMMONS WHEN I MET WITH MR SPROUSE PREVIOUSLY
4 AND WE PROVIDED THIS TO HIM, THERE WAS A PRIOR EFFORT BY
5 HIS CLIENT TO INFLUENCE MR WALKER'S TESTIMONY WE WILL
6 BE REFERRING TO THAT MR SPROUSE HAD ADEQUATE NOTICE OF
7 THAT

8 THE COURT WHAT WAS THAT, THE PRIOR INSTANCE?

9 MS SIMMONS A NUMBER OF MONTHS AGO THE JAIL
10 INADVERTENTLY PUT BOTH OF THEM IN THE CELL TOGETHER WITH
11 APPROXIMATELY 14 OTHER PEOPLE MR BLASSINGAME WENT TO
12 MR WALKER AND ENCOURAGED HIM TO WRITE A LETTER STATING
13 THAT THIS BASICALLY DIDN'T HAPPEN, HE WAS DRUNK AND HIGH
14 WHEN IT OCCURRED MR WALKER WILL BE DISCUSSING THAT,
15 AND THAT WAS PROVIDED TO MR SPROUSE IN DISCOVERY

16 MR SPROUSE AND, YOUR HONOR, OF COURSE WE DISPUTE,
17 WE HAVE A SIGNIFICANT DISPUTE WITH THE STATE OVER WHAT
18 HAPPENED IN THAT SITUATION, AND WE BELIEVE THE EVIDENCE
19 WILL SHOW THAT MR WALKER WROTE A LETTER OF HIS OWN FREE
20 WILL TO CLEAR THE AIR ABOUT WHAT HE HAD DONE BUT I
21 WOULD AGREE THAT WAS A SEPARATE INCIDENT THAN THIS
22 TELEPHONE CONVERSATION

23 THE COURT VERY WELL ALL RIGHT

24 MS SIMMONS THANK YOU, JUDGE
25 COURT'S RULING ON DEFENSE MOTION

1 **THE COURT** ALL RIGHT SO AS FAR AS THE DISK AND
2 AFFIDAVIT OF THE TELEPHONE CONFERENCE -- THAT WAS WHAT,
3 10-18 OR 10-20?

4 **MR SPROUSE** 10-25, YOUR HONOR

5 **THE COURT** 10-25 -- IT'S NOT TO BE ADMITTED AS A
6 PART OF THE CASE-IN-CHIEF, ONLY IN REBUTTAL IF NECESSARY

7 **MR SPROUSE** YES, SIR

8 **THE COURT** AND THEN I'LL RULE ON IT AT THAT TIME

9 **MR SPROUSE** YES, SIR

10 **THE COURT** ALL RIGHT AND THEN THE PRIOR -- WELL,
11 GO AHEAD AND TELL ME WHAT YOUR OTHER MOTION IS
12 MOTION *IN LIMINE* ON BEHALF OF DEFENDANT

13 **MR SPROUSE** THE SECOND MOTION I WOULD LIKE TO MAKE
14 WOULD BE A MOTION *IN LIMINE* TO BAR THE STATE FROM USING
15 THE OFFENSE NUMBER, ANY QUESTIONING, OR ELEMENTS THIS
16 IS A DISTRIBUTION OF CRACK COCAINE THIRD OFFENSE CHARGE,
17 BUT WE WOULD ASK THE STATE TO BE PROHIBITED FROM USING
18 THE OFFENSE NUMBER IN ORDER TO KEEP FROM PREJUDICING THE
19 JURY DURING THE COURSE OF TRIAL

20 **THE COURT** ALL RIGHT

21 **MS SIMMONS** JUDGE, I CERTAINLY UNDERSTAND THAT IF
22 THE JURY KNEW IT WAS A THIRD OFFENSE, IT WOULD BE
23 PREJUDICIAL IN NATURE I WILL AGREE NOT TO REFER TO IT
24 AS THIRD OFFENSE HOWEVER, IN THE EVENT MR BLASSINGAME
25 IS CONVICTED, I WILL BE PRESENTING YOUR HONOR CERTIFIED

1 CONVICTIONS PROVING THAT THIS IS A THIRD OFFENSE

2 THE COURT FOR ENHANCEMENT PURPOSES?

3 MS SIMMONS RIGHT

4 MR SPROUSE YES

5 THE COURT ALL RIGHT DO YOU UNDERSTAND THAT?

6 OTHERWISE THEY WOULD BE ENTITLED TO PROVE THAT IT WAS,

7 INASMUCH AS IT WOULD AFFECT THE SENTENCE

8 MR SPROUSE YES, SIR YOUR HONOR, WE WOULD

9 STIPULATE JURISDICTION OF THE COURT, STIPULATE TO THAT IF

10 THE JURY JUST DOESN'T HEAR THE OFFENSE DURING THE TRIAL

11 THE COURT'S RULING ON DEFENSE MOTION *IN LIMINE*

12 THE COURT VERY GOOD ALL RIGHT WITH THAT

13 STIPULATION, THEN, THE STATE WILL NOT REFER TO ANY PRIOR

14 OFFENSES

15 THIRD MOTION ON BEHALF OF DEFENDANT

16 MR SPROUSE THE NEXT MOTION I HAVE, YOUR HONOR, IS

17 FOR THE STATE TO DECLARE THE STATUS OF TWO ADDITIONAL

18 WARRANTS YOUR HONOR, I WAS APPOINTED ON ALL THREE

19 CHARGES BY THE COURT TO REPRESENT MR BLASSINGAME, BUT

20 THE CHARGE THAT WE ARE PROCEEDING ON IS A CITY OF SENECA

21 CHARGE, WHICH IS OFFICER CRUM'S, BUT OFFICER ROBERTSON OF

22 THE SHERIFF'S DEPARTMENT HAD TWO OTHER WARRANTS, WHICH

23 WAS ALSO ON MY APPOINTMENT, AND IT IS MY UNDERSTANDING

24 THAT WE ARE NOT PROCEEDING ON THOSE WARRANTS IN THIS

25 CASE

1 **MS SIMMONS** JUDGE, THE TRIAL DOCKET WAS PUBLISHED
2 A COUPLE WEEKS AGO IT SPECIFICALLY REFERENCES THAT WE
3 ARE GOING TO TRIAL AT THIS TERM ON 2009-820 THE OTHER
4 TWO WARRANTS ARE OUT THERE TO BE QUITE HONEST WITH YOUR
5 HONOR, IF MR BLASSINGAME WAS CONVICTED ON HIS CHARGE OR
6 PLED GUILTY, I WOULD DISMISS THOSE CHARGES IF SOMETHING
7 HAPPENS AND THERE IS A NON-CONVICTION IN THIS CASE, I
8 WOULD PROCEED ON THOSE WARRANTS, BUT THAT IS NOT
9 SOMETHING WE WOULD BE DOING DURING THIS TERM OF COURT

10 **THE COURT** ALL RIGHT VERY GOOD

11 **MR SPROUSE** AND, YOUR HONOR, THE OTHER MATTER, I
12 BELIEVE IT HAS ALREADY BEEN DEALT WITH, THE QUESTION I
13 WOULD HAVE FOR THE STATE TO DISCLOSE ANY DEALING AND
14 COMPENSATION BETWEEN THE CONFIDENTIAL INFORMANT AND THE
15 STATE AS I UNDERSTAND FROM MS SIMMONS AND
16 OFFICER CRUM, THIS WAS A MONEY COMPENSATION

17 **THE COURT** IS THAT RIGHT?

18 **MS SIMMONS** YES, YOUR HONOR HE WAS PROVIDED \$20
19 FOR THE DEAL HE DID IN QUESTION HE RECEIVED 60 MORE
20 DOLLARS WHEN HE MET WITH US BECAUSE HE DID COME TO MEET
21 WITH US ROUTINELY WE GIVE INFORMANTS MONEY HE'S
22 RECEIVED A TOTAL OF \$80 IN THE CASE HE HAD NO PENDING
23 CHARGES THAT HE RECEIVED ANY CONSIDERATION ON AND, LIKE
24 I SAID, THERE ARE THOSE PENDING BURGLARY CHARGES THAT I
25 AM NOT PROSECUTING, AND I MADE HIM NO PROMISES ON THEM

1 **THE COURT** ALL, RIGHT

2 **MR SPROUSE** THOSE ARE MY PRE-TRIAL MOTIONS, YOUR
3 HONOR

4 THE COURT'S RULING ON ALL PRE-TRIAL MOTIONS

5 **THE COURT** ALL RIGHT WHAT MOTIONS I'VE HEARD
6 WOULD BE DENIED IF THEY ARE PURSUED BUT AS I UNDERSTAND
7 IT, WITH THE STIPULATION AS TO THE PRIOR OFFENSES NOT
8 BEING USED EXCEPT FOR THE PURPOSE OF ENHANCEMENT IF THERE
9 IS A CONVICTION, AND THE MOTION HAS BEEN WITHDRAWN

10 AND A MOTION TO CONTINUE TO INVESTIGATE THE DISK AND
11 THE AFFIDAVIT, INASMUCH AS THEY ARE NOT BEING ADMITTED IN
12 CASE-IN-CHIEF, BUT IF ANY REFERENCE IS TO BE MADE TO
13 THEM, IT WOULD BE ON REBUTTAL OR IMPEACHMENT AND THE
14 COURT WOULD BE NOTIFIED AND WOULD RULE ON THE USE OF THEM
15 AT THAT TIME

16 AND THEN THE MOTION IN *LIMINE* AND MOTION TO
17 CONTINUE, BOTH OF THOSE WOULD HAVE BEEN DENIED
18 VERY GOOD ANYTHING ELSE?

19 **MS SIMMONS** NOT AT THIS TIME, YOUR HONOR

20 **THE COURT** ANYTHING ELSE, MR SPROUSE?

21 **MR SPROUSE** NO, YOUR HONOR

22 **THE COURT** ALL RIGHT SEE YOU ALL AT 10 00 IN THE
23 MORNING

24 **MS SIMMONS** THANK YOU, JUDGE

25 (WHEREUPON, THE TRIAL IN *THE STATE OF SOUTH*

1 CAROLINA' VERSUS TIMOTHY LEE BLASSINGAME WAS
2 ADJOURNED ON OCTOBER 26TH, 2009, AT
3 APPROXIMATELY 2 43 P M , TO BE CONTINUED ON
4 TUESDAY, OCTOBER 27TH, 2009, AT APPROXIMATELY
5 10 00 A M)
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