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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

IN THE COURT'S ORIGINAL JURISDICTION
From Jasper County

Appellate Case No. 2025-002314

THE STATE OF SOUTH CAROLINA,

Plaintiff,

v.

MARK ELLIOTT MARTIN, JR.,

Defendant.

RETURN TO MOTION TO SUPPRESS ORAL COMMUNICATION

Defendant moved to suppress Ring camera videos containing alleged oral communications between Defendant, Darrin Transou (his co-defendant), and Angela Eaton (a third party) concerning illegal drug activity. Defendant based his motion on his belief that these videos were obtained in violation of the South Carolina Homeland Security Act (the "Act").¹ Pursuant to the Act, this Court has exclusive and original jurisdiction to hear Defendant's motion. *See* S.C. Code Ann. § 17-30-110(A)(1) ("Prior to any trial, hearing or proceeding before any court . . . any aggrieved person may move to suppress the contents of any intercepted wire, oral, or electronic communication, or evidence derived therefrom, on the grounds that the . . . communication was unlawfully intercepted."); S.C. Code Ann. § 17-30-110(A) (requiring any such motion to be made

¹ S.C. Code Ann. §§ 17-30-10 to -145.

to a "reviewing authority" before trial "unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion."); S.C. Code Ann. § 17-30-15(9) (defining "[r]eviewing authority" as "a panel of three judges of the South Carolina Court of Appeals designated by the Chief Judge of the South Carolina Court of Appeals").

This Court should deny Defendant's motion because (1) Defendant failed to timely file his motion with this Court as he waited until after the jury was sworn to do so; (2) Defendant did not have a reasonable expectation of privacy *in someone else's home*, meaning the Act does not apply; and (3) even if the Act does apply, the third-party homeowner, who was a party to the overall communication occurring in her residence, made the recording, which was a lawful "interception" under the Act.

STATEMENT OF THE CASE

In May 2025, a Jasper County grand jury indicted Defendant for trafficking methamphetamine or cocaine base; trafficking in morphine, opium, or heroin; and possession of a weapon during the commission of a violent crime. (Ex. A).

Prior to trial, the State filed a motion in limine to admit Ring camera evidence. (Ex. B at 1-4). In the motion, the State indicated that on June 17, 2021, law enforcement executed a search warrant on a particular address in Hardeeville. (Ex. B at 1). Five days later, on June 22, 2021, law enforcement obtained a search warrant directed to Ring LLC seeking footage from 8:00 am to 5:50 pm on June 17, 2021, for a Ring account associated with the targeted address. (Ex. B at 1). Pursuant to the search warrant, Ring electronically provided law enforcement with several short video clips recorded during the specified window, which were received and preserved in their original format by a law enforcement officer. (Ex. B at 1).

The State contended that the video clips depict Defendant inside of the residence at the targeted address handling and packaging narcotics while discussing drug sales with Darrin Transou. (Ex. B at 1). The State asserted the video clips also show Defendant retrieving "bags of narcotics," portioning those narcotics into smaller containers presumably belonging to Transou, and discussing pricing and prior trafficking activity. (Ex. B at 1). The State contended that during the search of the residence later in the day on June 17, 2021, law enforcement recovered containers that appeared to be the same as those in the videos and which bore DNA from both Defendant and Transou either in the vicinity of or inside a safe within the residence. (Ex. B at 1). The State noted that the video clips did not contain visible timestamps but also noted that Ring produced companion metadata that showed all the video clips were recorded on June 17, 2021, between 12:00 pm and 6:00 pm. (Ex. B at 2). Further, several individuals depicted in the video clips were present when law enforcement executed the search warrant for the residence, and those individuals were wearing the same clothing as seen in the video clips. (Ex. B at 2).

The State intended to offer the video clips, which include both video and audio, as evidence during trial. (Ex. B at 1-2). The State argued that the evidence would assist the jury in determining Defendant's identity, his possession of narcotics, and his control of narcotics, as well as corroborate the physical and testimonial evidence recovered during the investigation. (Ex. B at 2). The State asserted that a law enforcement officer would testify as to how the video clips were lawfully obtained, preserved, and maintained, as well as providing authentication testimony. (Ex. B at 2).

The State argued that the video clips were relevant under Rule 401, SCRE, because the clips show Defendant engaging in the charged conduct. (Ex. B at 2). The State argued that under Rule 403, SCRE, the video clips' probative value substantially outweighed any danger of unfair

prejudice because the clips portray Defendant's "own actions during the relevant time frame." (Ex. B at 2).

The State asserted that the video clips could be properly authenticated pursuant to Rule 901, SCRE. (Ex. B at 2). The State intended to offer testimony from a law enforcement officer, who would testify that (1) he executed the search warrant directed to Ring LLC and received the videos directly from Ring's compliance portal; (2) the video clips were transmitted and preserved in their original format without alteration; (3) the residence's interior and furnishings, along with the individual's clothing, as seen in the video clips corresponded to the residence as observed during the search; and (4) individuals seen in the video clips, including Defendant, were present and wearing the same clothing when the search warrant was executed. (Ex. B at 2). The State noted that Rule 901 required only "evidence sufficient to support a finding that the matter in question is what its proponent claims" and that South Carolina court has recognized that testimony explaining how digital images or videos are obtained and verified can satisfy Rule 901's authentication requirements. (Ex. B at 2).

The State also made arguments that the video clips did not constitute inadmissible hearsay under either Rule 801, SCRE, or *Bruton v. United States*.² (Ex. B at 3). Further, the State argued that the video clips satisfied the best evidence rule pursuant to Rules 1001 and 1002, SCRE. (Ex. B at 3-4).

Defendant served his return to the State's motion to admit Ring camera evidence, in which he argued that the State could not authenticate the Ring video clips under Rule 901, SCRE; could not lay a proper foundation; and could not provide a sufficient showing of reliability pursuant to

² 391 U.S. 123 (1968).

standards set forth in *State v. Council*.³ (Ex. C at 1-3). Further, Defendant asserted that the Ring video clips were inadmissible because the State violated the Act in obtaining them. (Ex. C at 1-6).

On November 17, 2025, the State called Defendant's case to trial before the Honorable Charles J. McCutchen. (Ex. D at 1-3). The trial court conducted voir dire, and a jury was selected. (Ex. D at 3-47). The jury was sworn and the trial court gave its opening remarks before the trial court sent the jury home for the day, took a short break, and then heard pretrial motions. (Ex. D at 47-57).

Upon returning from the break, Defendant informed the trial court that he looked into the Act during the break and argued that the trial court was "without subject matter jurisdiction to make a ruling" about the admissibility of Ring camera footage obtained by the State. (Ex. D at 59). Defendant moved for a continuance so that he could file a motion to suppress with this Court. (Ex. D at 59-60). He informed the trial court that should the trial court deny his request for a continuance, his suppression motion at this Court would stay any proceedings of the trial court. (Ex. D at 60). Defendant stated that he normally would not wait until the "eve of trial" to request a continuance but claimed to have just been "educated" about the Act and its provisions. (Ex. D at 60).

The State informed the trial court that the Act primarily deals with wire taps. (Ex. D at 60). The State asserted that this case does not deal with a wire tap or an "interception" pursuant to the Act. (Ex. D at 60). "This is a case about somebody having a recording in their home and that recording was obtained via a lawful search warrant." (Ex. D at 60). The State also noted that the cases Defendant relied upon in requesting a continuance based on his desire to file a suppression motion with this Court were all unpublished, and therefore non-precedential, cases. (Ex. D at 61).

³ 335 S.C. 1, 515 S.E.2d 508 (1999).

The State asserted that the search warrant it sent to Ring was a valid warrant and was "exactly the kind of Court Order contemplated by [sections] 17-30-25 and [-]40" of the South Carolina Code. (Ex. D at 61-62). Therefore, according to the State, the disclosure of the Ring video clips was not prohibited but instead expressly authorized by the Act. (Ex. D at 62). The State reiterated that this was not a wire tap and that this case was not being prosecuted on wiretapping. (Ex. D at 62). The State concluded that the trial court did have subject matter jurisdiction to determine the admissibility of the Ring video clips. (Ex. D at 62).

Defendant asserted that he could not make an argument about the admissibility of the Ring video clips because this Court could determine that he waived his argument on his motion to this Court. (Ex. D at 62). He noted that he was willing to go forward on other pretrial motions and reiterated his intent to file a motion to suppress with this Court. (Ex. D at 62). Defendant stated that if the trial court suppressed the Ring video clips for another reason, then the issue would be moot. (Ex. D at 65). He noted, however, that he was not attempting to have two bites at the apple. (Ex. D at 65).

The trial court stated that if it granted Defendant's motion for a continuance so Defendant could file a suppression motion with this Court, then that motion would stay the proceedings of the trial court anyway. (Ex. D at 65). The trial court then denied Defendant's motion for a continuance. (Ex. D at 66).

Defendant then stated that he was prepared to argue about the authentication of the Ring video clips, but asserted that it would be safer to continue that motion in its entirety pending the outcome of his motion to suppress to this Court. (Ex. D at 66).

After discussions between the trial court and the parties, where no one seemed to know if a motion to suppress filed at this Court would automatically stay the underlying proceedings, the

trial court decided to reconvene the following morning after Defendant had a chance to file his motion and see if this Court issued a stay. (Ex. D at 82-88).

Defendant filed his Motion to Suppress with this Court on November 17, 2025, after the trial court recessed for the day. (Ex. D at 1, 90; Ex. E). In his motion, Defendant argues that the Ring video clips constituted an interception of protected communication and were not procured in accordance with the Act; therefore, the Act mandated exclusion of the video clips. (Ex. E at 1-2). Defendant also asserted that Eaton, the third-party homeowner and Ring camera subscriber, was not a party to the conversation taking place in her residence and mostly in her presence, relying almost exclusively on the State's assertion in its motion to admit the video clips filed with the trial court that the video clips showed Defendant and Darrin Transou, his co-defendant, with no reference to Eaton. (Ex. E at 3-4). Defendant argues that the State's omission of any mention of Eaton in its trial court motion means that the State noted Eaton did not participate or speak, despite the video clips themselves providing otherwise. (Ex. E at 3-4). Interestingly, Defendant asserts that he and Transou had a reasonable expectation of privacy in their oral communication *in someone else's home*, meaning that the Act applied as their recorded conversation amounted to an intercepted oral communication pursuant to the Act. (Ex. E at 4). Defendant contends that because the State did not follow the provisions of the Act in obtaining the video recordings, they may not be received into evidence and must be suppressed by this Court. (Ex. E at 4).

The following morning (Tuesday, November 18, 2025), the State filed its Reply to Defense Motion on Ring Camera and Court of Appeals Filing with the trial court. (Ex. F at 1-3). The State filed this Reply solely to preserve the record at the trial court level. (Ex. F at 1). In its reply, the State asserted that it submitted the Ring video clips to the trial court and to Defendant in a shared electronic folder prior to the beginning of trial. (Ex. F at 1). The State noted that the video clips

show multiple occasions where Defendant, Transou, and Eaton are talking about trafficking of illegal narcotics in Jasper County. (Ex. F at 1-2). The State took issue with Defendant's characterization of the video clips not containing Eaton at all. (Ex. F at 2). The State argued that the video clips contained Eaton numerous times even though the portions of the clips the State intended to introduce did not have Eaton in them. (Ex. F at 2). The State emphasized that Eaton was recorded, both visually and auditorily, in the video clips. (Ex. F at 2). The State asserted that under Defendant's reading and application of the Act, any homeowner with a video security system would be hamstrung in using in-home surveillance footage against any burglar or other criminal if the homeowner was not seen and heard in the surveillance footage. (Ex. F at 3). The State contended that Defendant had years to "conjure up" its argument concerning this issue but failed to do so during the pendency of this case. (Ex. F at 3).

On November 18, 2025, the trial court continued to hear pretrial motions. (Ex. G at 1-2). The State addressed Defendant's suppression motion filed with this Court, stating that Defendant appeared to have contorted and misrepresented the evidence in question. (Ex. G at 3). The State indicated that multiple videos that included Eaton were provided to Defendant as part of discovery. (Ex. G at 3). The State argued that Defendant's framing of the matter consisted of an argument that because Eaton was not in the video clips selected for trial, the video clips somehow violated the Act. (Ex. G at 4). The State mentioned that Defendant's interpretation of the Act would prevent the State from using footage from any homeowner with a video surveillance system unless the homeowner was both visible in and spoke during the relevant portions of the video. (Ex. G at 4). The State also asserted that Defendant did not have any expectation of privacy in someone else's residence. (Ex. G at 4).

Defendant argued that the trial court did not have jurisdiction to hear this motion because his motion vested jurisdiction in this Court. (Ex. G at 5). Defendant stated that his motion stayed all proceedings requiring the use of an intercepted communication that are the subject of his motion. (Ex. G at 5).

Without ruling or commenting on the wire tap suppression issue, the trial court moved to the issue of whether the video clips and other evidence could be authenticated under Rule 901, SCRE. (Ex. G at 6). The trial court stated that because Eaton was deceased, it was unsure how the State could authenticate the video clips. (Ex. G at 7-8). The trial court stated "without addressing any argument as it relates to the [Act], I'm going—unless the State has some witnesses to come in and authenticate these things, I'm going to exclude the Ring camera [clips] . . . based on lack of authentication." (Ex. G at 9). The State asked to proffer the testimony of a law enforcement officer concerning details of the video clips. (Ex. G at 11). The trial court allowed the proffer. (Ex. G at 13).

Joseph Michaud, a lieutenant with the Hardeeville Police Department, testified that he was the primary case officer for this case. (Ex. G at 13-14). Michaud testified that he participated in executing the search warrant at the Colombia Avenue address as part of a narcotics investigation. (Ex. G at 14). When executing that search warrant, a Ring camera was found in the living room area near the front door of the house that overlooked a dining table and a bedroom. (Ex. G at 14). Michaud sent a preservation notice to Ring to hold any data the camera recorded from 8:00 am to 5:50 pm on the date of the incident pending a search warrant. (Ex. G at 14). Michaud stated that he did not speak to anyone at Ring; rather, all of the communication between Ring and Michaud was digital. (Ex. G at 30-31). He received the Ring video clips two days after the initial search warrant for the house was executed. (Ex. G at 15). Michaud testified that State's Exhibits 33 and

34 are documents Ring provided that discuss account holder information, which included Eaton's name and address on Colombia Avenue. (Ex. G at 16-18). Michaud was able to identify Defendant in the video clips due to prior interaction with Defendant. (Ex. G at 19).

Michaud testified that after Defendant was arrested for the charges in this case, law enforcement interviewed him and showed him a screenshot from one of the Ring video clips. (Ex. G at 20). Defendant identified himself in the screenshot, which showed him in the exchange of illegal goods with another person. (Ex. G at 20). Defendant also identified the date of the video based on the video itself. (Ex. G at 21). Michaud also discussed text messages that were extracted from Defendant's cell phone pursuant to a search warrant. (Ex. G at 21-29).

After Michaud's proffered testimony, the State argued that the standard for authentication is not high, citing *State v. Green*.⁴ (Ex. G at 33). The State contended that it provided standardized digital forensic methods used by Ring and law enforcement, which was more than enough to meet the low standard for authentication. (Ex. G at 36).

The trial court once again determined that authentication was lacking for both the Ring video clips and the text messages before excluding these items from being admitted at trial. (Ex. G at 38). Defendant indicated that his wire tap suppression motion to this Court became moot with the trial court's suppression because the automatic stay based on his wire tap suppression motion only applied when the evidence was something needed for trial. (Ex. G at 39).

After a short recess, the State moved for the trial court to reconsider its ruling, and the trial court denied the State's motion. (Ex. G at 41). The State, citing the materiality and negative impact

⁴ 427 S.C. 223, 229-31, 830 S.E.2d 711, 714-16 (Ct. App. 2019) ("The trial judge acts as the authentication gatekeeper, and a party may open the gate by laying a foundation from which a reasonable juror could find the evidence is what the party claims."), *aff'd as modified on other grounds*, 432 S.C. 97, 851 S.E.2d 440 (2020).

of the ruling, informed the trial court that it would immediately appeal the suppression of the video clips and text messages based on lack of authentication.⁵ (Ex. G at 41).

Because the jury had already been sworn, the trial court then declared a mistrial based on manifest necessity. (Ex. G at 42). After discussions with counsel and with Defendant's consent, the trial court withdrew its mistrial ruling, released the jury, and continued the case to another term of court. (Ex. G at 43).

Further, on November 18, 2025, this Court sent a letter to the parties and to the trial court noting that "all proceedings involving the communications at issue are automatically stayed." (Ex. H).

ARGUMENT

I. This motion was not timely filed with this Court as Defendant waited until after the jury was sworn despite Defendant having years' worth of opportunity to make this motion and ample ability to be aware of the grounds of this motion.

Section 17-30-110(A)(1) of the South Carolina Code sets forth, "*Prior to any trial, hearing, or proceeding in or before any court . . . any aggrieved person may move to suppress the contents of any intercepted wire, oral, or electronic communication, or evidence derived therefrom, on the grounds that the . . . communication was unlawfully intercepted . . .*" (emphasis added).

Here, the State does not contest that Defendant filed a motion to suppress evidence of what he believes to be protected oral communication that he asserts was unlawfully intercepted. However, Defendant did not *timely* file his motion. Defendant waited until after the jury was selected, sworn, and impaneled to inform the trial court that he intended to file a suppression motion with this Court. (Ex. D at 1-60). By the time Defendant filed his motion with this court, double jeopardy had attached, the trial court had already given opening remarks to the jury, and

⁵ This State's appeal is also pending with this Court. See *State v. Mark Elliott Martin, Jr.*, App. Case No. 2025-002350.

the trial had started, even if the court was still entertaining pretrial motions. *See State v. Rowlands*, 343 S.C. 454, 457, 539 S.E.2d 717, 718 (Ct. App. 2000) ("Generally, jeopardy attaches when a jury is sworn and impaneled, unless prior to reaching a verdict, the jury is discharged with the defendant's consent or upon some ground of legal necessity."). While the trial court did discharge the jury with Defendant's consent, meaning that double jeopardy would not bar subsequent prosecution, the trial court did not do so *until after Defendant filed his motion with this Court*. (Ex. G at 43). Therefore, when Defendant filed his motion with this Court, trial had already commenced, which made his motion untimely under the Act.

To the extent Defendant argues that he did not have an opportunity to make the motion before trial or that he was not aware of the ground of his motion before trial, these arguments are without merit. *See generally* S.C. Code Ann. § 17-30-110(A) (requiring a motion to suppress made to a "reviewing authority" to be made before trial starts "unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion").

The State filed and served its motion to admit the Ring video clips at least several days before trial. (Ex. B at 1-4). Therefore, Defendant had ample time to make his motion to this Court before the jury was sworn.

Moreover, because the State provided the Ring video clips, the search warrant to Ring, and other related materials to Defendant as part of discovery, Defendant cannot show that he was misled or that any needed information concerning the grounds of his motion was withheld. Therefore, he cannot claim to have been unaware of the ground for his motion until after the trial started because he was well aware of the factual bases he raised in his motion to this Court well before trial started. *See generally United States v. Geelan*, 509 F.2d 737, 740 (8th Cir. 1974) (holding that where there was no showing that defendants were misled or that needed information

was withheld, and where defendants could have ascertained the facts necessary for their motion through a simple inquiry, defendant did not exercise due diligence in discovering the grounds of his motion); *United States v. Echols*, 577 F.2d 308 (5th Cir. 1978) (holding that where facts were apparent on the face of a warrant issued two years prior to trial and where the trial court had set pretrial motion deadline one year prior to defendant's filing of a motion to suppress, defendant's motion to suppress filed six days before trial was properly denied as untimely); *United States v. Williams*, 421 F.2d 529, 532 (8th Cir. 1970) (holding that a defendant's untimely filing was a "dilatory challenge . . . a fishing expedition . . . [and] a diversionary tactic designed to obtain yet another delay").

Defendant could have ascertained the facts and law necessary to make his motion through a simple inquiry. However, Defendant did not exercise due diligence in discovering the grounds of his motion despite ample time and ability to do so. Given that multiple years had already passed by the time this case was called for trial and given that Defendant had access to discovery for a significant period of time prior to trial, the late filing of his motion to this Court was nothing more than a diversionary tactic designed to delay trial.

Therefore, as Defendant cannot show that he did not have any opportunity to make his motion before trial and that he was not aware of the grounds of the motion should he have exercised due diligence before the deadline to do so had passed, Defendant did not timely file this motion. Thus, this Court should dismiss the motion as untimely filed.

II. The Act does not apply to the Ring video clips because Defendant did not have a reasonable expectation of privacy in someone else's home.

Section 17-30-110(A)(1) of the South Carolina Code sets forth, "Prior to any trial, hearing, or proceeding in or before any court . . . any aggrieved person may move to suppress the contents

of any intercepted *wire, oral, or electronic communication*, or evidence derived therefrom, on the grounds that the . . . communication was unlawfully intercepted" (emphasis added).

Here, Defendant contends that the Ring video clips are oral communication. (Ex. E at 1-5). At no point does he contend that the Ring video clips are wire communication or electronic communication as contemplated by the Act.

Section 17-30-15(2) of the South Carolina Code defines oral communication as "any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying the expectation" Given the illicit topics of the conversations and activities contained in the Ring video clips, Defendant likely exhibited an expectation that the communication he uttered would not be subject to interception. However, the circumstances of the communication do not justify any such expectation.

"A legitimate expectation of privacy is both subjective and objective in nature: the defendant must show (1) he had a subjective expectation of not being discovered, and (2) the expectation is one that society recognizes as reasonable. *State v. Missouri*, 361 S.C. 107, 112, 603 S.E.2d 594, 596 (2004). In *State v. Missouri*, our supreme court discussed whether a person has a legitimate expectation of privacy in the home of another. *Id.* Our supreme court, in summarizing case law from the Supreme Court of the United States, determined that an overnight guest has a reasonable expectation of privacy in someone else's home but no reasonable expectation of privacy exists when a defendant's visit was purely commercial, the visit was short, and there was no previous connection between the defendant and the resident. *Id.* at 113-14, 603 S.E.2d at 596-97. Our supreme court discussed *Minnesota v. Carter*, in which the Supreme Court of the United States determined that the defendants did not have a legitimate expectation of privacy in another's home when they were packaging cocaine because the defendants were "essentially present for a business

transaction and were only in the home for a matter of hours." *Id.* at 114, 603 S.E.2d at 597 (quoting *Minnesota v. Carter*, 525 U.S. 83, 90 (1998)).

Here, the Ring video clips show Defendant discussing the trafficking and sale of illegal narcotics while packaging narcotics. (Ex. B at 1; Ex. I). Defendant did not live at the address involved. No evidence presented tends to suggest that he was an overnight guest or otherwise had a non-business connection to the residence or Eaton giving him a reasonable expectation of privacy. In fact, no evidence was presented to suggest that Defendant's visit to Eaton's residence was anything other than his first visit to her home or for any other purpose than to conduct an—albeit illegal—transaction. Moreover, the evidence presented shows he was present at the residence for no more than a few hours. Therefore, Defendant did not have a reasonable expectation of privacy in Eaton's home.

Further, given the illegal nature of Defendant's activities as recorded on the video clips, Defendant had no reasonable expectation of privacy in Eaton's home. *See United States v. White*, 401 U.S. 745, 752 (1971) ("If the law gives no protection to the wrongdoer whose trusted accomplice is or becomes a police agent, neither should it protect him when that same agent has recorded or transmitted the conversations which are later offered in evidence to prove the State's case."); *id.* ("Inescapably, one contemplating illegal activities must realize and risk that his companions may be reporting to the police. If he sufficiently doubts their trustworthiness, the association will very probably end or never materialize. But if he has no doubts, or allays them, or risks what doubt he has, the risk is his.").

Because Defendant cannot show he had a reasonable expectation of privacy in Eaton's home, any communication he partook in at her home does not meet the definition of oral communication as contemplated by the Act. Therefore, the Act does not apply to the Ring video

clips, the State properly executed a search warrant against Ring for the video clips, and the video clips are admissible.

III. To the extent the Ring video clips constitute oral communication under the Act, the third-party homeowner, who was present in most of the video clips, made the recording, which is permissible under the Act.

Section 17-30-110(A)(1) of the South Carolina Code sets forth, "Prior to any trial, hearing, or proceeding in or before any court . . . any aggrieved person may move to suppress the contents of any intercepted wire, oral, or electronic communication, or evidence derived therefrom, on the grounds that the . . . communication was *unlawfully* intercepted" (emphasis added).

Here, Defendant alleges that his oral communication as captured in the Ring video clips was unlawfully intercepted. That argument fails.

According to section 17-30-30(C) of the South Carolina Code, "It is lawful under this chapter for a person not acting under color of law to intercept a[n] . . . oral . . . communication where the person is a party to the communication" In other words, it was lawful for Eaton to record conversations taking place in her home that occurred while she was present in her home.

Defendant asserts that Eaton could not be a party to the communication occurring in her own home because she "(1) was not present during all parts of the offered recorded conversations and (2) did not participate/did not speak." (Ex. E at 4).

Merely because a party to a conversation enters and exits the immediate space where the main conversation occurs does not disqualify that party as a party to the conversation. Eaton could very well have heard most, if not all, of what Defendant and Transou were discussing when she was not sitting at the table with them. Further, the statute does not require active participation to be a party to a conversation; it merely requires inclusion by the other parties to the communication. Afterall, the Act regulates how parties not intended to be included in communication can lawfully intercept and overhear communications. Here, the Ring video clips recorded conversations

Defendant had in Eaton's home, while Eaton was present in the home. (Ex. I). He had no expectation of privacy from Eaton in his communication, which is shown by Eaton actively participating in parts of the conversations. *Cf. Marshall v. Marshall*, 282 S.C. 534, 538, 320 S.E.2d 44, 46-47 (Ct. App. 1984) ("Any voluntary disclosure by a client to a third party waives the attorney-client privilege not only as to the specific communication disclosed but also to all communications between the same attorney and the same client on the same subject.").

Therefore, Eaton lawfully intercepted—by recording with her Ring device—the conversations involving Defendant that occurred in her home while she was present in her home. As this constitutes a lawful interception pursuant to the Act, this Court should deny Defendant's motion because his only ground for suppression is that his oral communication was *unlawfully* intercepted.

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CONCLUSION

Based on the foregoing, the State requests that this Court deny Defendant's request to suppress the Ring video clips and for any such other relief as this Court deems just and proper.

ALAN WILSON
Attorney General

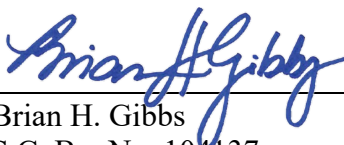
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Attorneys for the State

March 5, 2026
Columbia, South Carolina

EXHIBIT A

Indictments

WITNESSES

Hardeeville Police Department



ARREST WARRANT NUMBER

2021A2720100305

ACTION OF GRAND JURY

~~TRUE BILL~~ ✓
~~NO BILL~~
~~FOREMAN~~ 
~~DATE~~ 5/15/2025

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2021GS2700675

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

May Term 2025

THE STATE

vs.

MARK ELLIOTT MARTIN, Jr.

Indictment For

**Trafficking in Morphine, Opium,
Heroin**

SC Code: 44-53-370(e)(3)(c)

CDR Code: 0149

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

Defendant

I _____

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT

2021GS2700675

At a Court of General Sessions, convened on May 15, 2025, the Grand Jurors of Jasper County present upon their oath:

Trafficking in Morphine, Opium, Heroin

That in Jasper County, South Carolina, on or about June 17, 2021, the Defendant, MARK ELLIOTT MARTIN, Jr., did knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State or provide financial assistance to bring into this State or aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this state or actually or constructively possess or attempt to become in actual or constructive possession of twenty-eight grams or more of a morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 44-53-190 or Section 44-53-210 or a mixture containing any of these substances, all in violation of Section 44-53-370(e)(3)(c), et al. of the Codes of Law of South Carolina.

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



Solicitor

WITNESSES

Hardeeville Police Department



ARREST WARRANT NUMBER

2021A2720100304

ACTION OF GRAND JURY

TRUE BILL ☒

NO BILL ☐

FOREMAN 

DATE 5/15/2025

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2021GS2700674

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

May Term 2025

THE STATE

vs.

MARK ELLIOTT MARTIN, Jr.

Indictment For

**Possession of Weapon During
Violent Crime**

SC Code: 16-23-490

CDR Code: 0549

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT

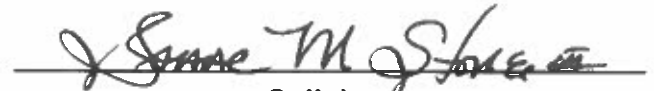
2021GS2700674

At a Court of General Sessions, convened on May 15, 2025, the Grand Jurors of Jasper County present upon their oath:

Possession of Weapon During Violent Crime

That in Jasper County, South Carolina, on or about June 17, 2021, the Defendant, MARK ELLIOTT MARTIN, Jr., did possess a firearm, visibly display what appeared to be a firearm, or visibly display a knife during the commission of a violent crime, to wit: Trafficking in Methamphetamine, more than 400 grams and MARK ELLIOTT MARTIN, Jr. was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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


Solicitor

WITNESSES

Hardeeville Police Department

[Signature]

ARREST WARRANT NUMBER

2021A2720100303

ACTION OF GRAND JURY

TRUE BILL ☒

NO BILL ☐

FOREMAN *[Signature]*

DATE *5/15/2025*

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2021GS2700673

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

May Term 2025

THE STATE

vs.

MARK ELLIOTT MARTIN, Jr.

Indictment For

**Trafficking Methamphetamine or
Cocaine Base**

SC Code: 44-53-375(C)(5)

CDR Code: 0370

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

)
)
)

INDICTMENT

2021GS2700673

At a Court of General Sessions, convened on May 15, 2025, the Grand Jurors of Jasper County present upon their oath:

Trafficking Methamphetamine or Cocaine Base

That in Jasper County, South Carolina, on or about June 17, 2021, the Defendant, MARK ELLIOTT MARTIN, Jr., did knowingly sell, manufacture, deliver, purchase, or otherwise bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession of more than four hundred grams of methamphetamine or cocaine base as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1) or 44-53-210(d)(2), all in violation of Section 44-53-375(C)(5), et al. of the Codes of Law of South Carolina.

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

A handwritten signature in black ink, appearing to read "L. Anne M. Storer", is written over a horizontal line.

Solicitor

EXHIBIT B

The State's Motion in Limine to Admit Ring
Camera Evidence

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF JASPER	)	INDICTMENT NO: 2021GS2700673,
	)	2021GS2700674, 2021GS2700675,
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	
	)	
MARK ELLIOTT MARTIN, JR.	)	
<u>Defendant</u>	)	

STATE’S MOTION IN LIMINE TO ADMIT RING CAMERA EVIDENCE

The State of South Carolina, by and through the undersigned Assistant Solicitor, respectfully moves this Court for an order permitting the admission of Ring security-camera video footage obtained pursuant to a valid search warrant, as relevant, properly authenticated, and admissible evidence under the South Carolina Rules of Evidence.

I. Factual Background

On July 22, 2021, law enforcement obtained a judicially authorized search warrant directed to Ring LLC seeking video footage from the Ring account associated with 206 Colombia Ave, Hardeeville, SC 29927, for June 17, 2021, between 0800 and 1750 hours—the date and time frame of the residential search warrant executed at the same property.

Pursuant to that warrant, Ring electronically provided law enforcement with a series of short video clips recorded on June 17, 2021, within the specified window. Lieutenant Michaud, the case agent, received these files directly from Ring and preserved them in their original digital format.

The footage depicts Defendant, Mark Elliott Martin Jr., inside the residence handling, and packaging narcotics and negotiating drug sales with co-defendant Darrin Transou. The clips include both video and audio; subtitles have been added for clarity, but the unaltered recordings will be offered as the official exhibits. The videos show Martin retrieving plastic bags of narcotics from a backpack, portioning quantities into smaller containers presumably belonging to Transou, and discussing pricing and prior trafficking activity. During the search executed later that day, law enforcement recovered the same containers—bearing DNA from both Martin and Transou—either inside or in the vicinity of a safe in the residence.

Although the clips themselves do not display visible timestamps, Ring produced companion metadata showing that all videos were recorded on June 17 between approximately 12:00 p.m. and 6:00 p.m. Several individuals depicted in the videos were present when the warrant was executed and were wearing the same clothing as seen in the footage.

The State intends to use the Ring footage so that the jury may determine the defendant's identity, possession, and control of the narcotics and to corroborate the physical and testimonial evidence recovered during the investigation. Lieutenant Michaud will testify to how the footage was lawfully obtained, preserved, and maintained, and will authenticate it as a fair and accurate depiction of what it purports to show.

II. Legal Argument

A. The Footage Is Relevant and Highly Probative (Rules 401–403, SCRE).

Under Rule 401, evidence is relevant if it has any tendency to make a fact of consequence more or less probable. The Ring footage directly depicts the defendant engaging in the charged conduct—handling and distributing narcotics—and is therefore highly probative of guilt. Its probative value substantially outweighs any risk of unfair prejudice under Rule 403, as it accurately portrays the defendant's own actions during the relevant time frame and was obtained lawfully.

B. The Footage Is Properly Authenticated (Rule 901, SCRE).

Rule 901(a) requires only “evidence sufficient to support a finding that the matter in question is what its proponent claims.” Lieutenant Michaud will authenticate the recordings by testifying that:

1. He executed the search warrant directed to Ring and received the videos directly from Ring's compliance portal.
2. The videos were transmitted and preserved in their original format without alteration.
3. The interior, clothing, and furnishings visible in the video correspond to the residence as observed during the search.
4. Individuals shown in the videos—including the defendant—were present and wearing the same clothing when the warrant was executed.

South Carolina courts have recognized that testimony explaining how digital images or videos are obtained and verified can satisfy Rule 901's authentication requirement. *State v. Mitchell*, 399 S.C. 410, 731 S.E.2d 889 (Ct. App. 2012) (holding digital photographs

downloaded from a motion-activated deer camera were properly authenticated under Rules 901 and 1001).

C. The Audio and Video Portions Are Not Hearsay and Do Not Violate the Confrontation Clause.

The visual portions of the Ring recordings constitute non-assertive conduct, not “statements” by a declarant, and therefore fall outside Rule 801(c), SCRE. The audio portions include the defendant’s own statements, admissible as party admissions under Rule 801(d)(2)(A), SCRE. Any remarks by co-defendant Darrin Transou or other non-testifying individuals are introduced solely to provide necessary context to the defendant’s admissible statements and to make those statements intelligible to the jury. They are not offered for the truth of any matter asserted and therefore are not hearsay under Rule 801(c). See also Rule 105, SCRE (limiting instructions).

Because the recorded conversations are spontaneous, non-testimonial exchanges between participants engaged in the charged conduct—not formal confessions or statements made to law enforcement—the *Bruton* line of cases is inapplicable. *Bruton v. United States*, 391 U.S. 123 (1968), and its progeny address only testimonial confessions by a non-testifying co-defendant that directly implicate another defendant. Whether tried jointly or separately, the contextual remarks remain admissible for the limited, non-hearsay purpose described above, subject to a Rule 105 limiting instruction.

Machine-generated video data and associated metadata—such as timestamps, filenames, and other information automatically produced by the Ring system—are not hearsay because they are not statements made by a person. Rule 801(c), SCRE, applies only to statements of a “declarant,” meaning a human speaker. Automatically generated data created without human input or assertion fall outside that definition. See *United States v. Khorozian*, 333 F.3d 498, 506 (3d Cir. 2003) (fax-machine header not hearsay); *United States v. Hamilton*, 413 F.3d 1138, 1142 (10th Cir. 2005) (computer-generated Internet headers not hearsay); *United States v. Lizarraga-Tirado*, 789 F.3d 1107, 1110 (9th Cir. 2015) (Google Earth “tack” automatically generated from GPS coordinates not hearsay). The Ring system’s timestamps and metadata are analogous—automatically created contemporaneously with each recording and not through any human assertion.

Because neither the defendant’s recorded conduct nor the system-generated data constitute testimonial statements, the Ring recordings do not implicate the Confrontation Clause. See *Crawford v. Washington*, 541 U.S. 36 (2004) (Clause applies only to testimonial statements made for the purpose of prosecution).

D. The Evidence Satisfies the Best-Evidence Rule (Rules 1001–1002, SCRE).

The State will introduce the original electronic files provided by Ring. Under Rule 1001(3), SCRE, if data are stored in a computer or similar device, “any output readable by sight, shown to reflect the data accurately, is an ‘original.’” *Mitchell*, 399 S.C. at 421–22. Because the videos remain in their native format and have not been altered, Rule 1002’s best-evidence requirement is met. The subtitled version is offered solely as a demonstrative aid for the jury’s convenience.

III. Conclusion

For the foregoing reasons, the State respectfully moves this Court for an order permitting the admission of the Ring camera video footage obtained pursuant to the July 22, 2021 warrant. The State further requests that the Court rule, prior to trial, that the footage is relevant, properly authenticated, non-hearsay, compliant with the Confrontation Clause, and admissible under the South Carolina Rules of Evidence.

Respectfully submitted,

Marshall Frodsham
Assistant Solicitor
Fourteenth Judicial Circuit

EXHIBIT C

Defendant's Return to State Motion to Admit
Ring Camera Evidence

FILED

STATE OF SOUTH CAROLINA)

COURT OF GENERAL SESSIONS

COUNTY OF JASPER)

2025 NOV 18 AM 10:30

JASPER COUNTY, SC
CLERK OF COURT
ROBERT KEITH HORTON

WARRANT NOs: 2021A2720100303-6

STATE OF SOUTH CAROLINA)

INDICTMENT NOs: 2021GS2700673-6

vs.)

DEFENDANT'S RETURN TO STATE
MOTION TO ADMIT RING CAMERA
EVIDENCE

MARK ELLIOTT MARTIN, JR.,)

Defendant)

TO: SOLICITOR DUFFIE STONE, 14TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE

PLEASE TAKE NOTICE that the Defendant above named, by and through the undersigned Counsel, moves this Honorable Court to deny the State's motion to admit Ring camera videos on the basis that the State cannot satisfy the authentication requirements of Rule 901, SCRE; cannot lay a proper foundation; and cannot provide a sufficient showing of reliability under the standards established by *State v. Council*, 335 S.C. 1, 515 S.E.2d 508 (1999), and its progeny. This evidence is inadmissible and prejudicial, and the State's failure to call a custodian or provide required metadata renders the recordings unreliable and incapable of authentication. Additionally the Ring camera videos are inadmissible as violations of the S.C. Homeland Security Act, Section 17-30-10 et seq.

Background

The State's motion to admit Ring camera evidence states as follows regarding the recordings sought to be admitted:

The footage depicts Defendant, Mark Elliot Martin, Jr., inside the residence handling, and packaging narcotics and negotiating drug sales with co-defendant Darrin Transou. The clips include both video and audio . . . [t]he videos show Martin retrieving plastic bags of narcotics from a backpack, portioning quantities into smaller containers presumably belonging to Transou, and discussing pricing and prior trafficking activity.

The search warrant and search warrant return used to obtain the videos in question from Ring, LLC, is attached as Defendant's Return Exhibit A. It lists the Ring customer account holder as "Angela Eaton" with two listed camera locations in Hardeeville, SC. Notably in the videos and the State's summary of the same, Angela Eaton is not listed as a party to the conversation. Although she enters and leaves the recording multiple times, she is not recorded participating the in conversation described as between the Defendant and Darrin Transou.

Legal Analysis

I. AUTHENTICATION.

Rule 901(a), SCRE, provides:

"The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." Before admitting scientific, digital, or technological evidence, the trial court must determine whether the underlying process is reliable. *State v. Council*, 335 S.C. at 8-10.

In this case, the State bears the burden of demonstrating that the videos in sought to be admitted:

1. Are what the State claims they are;
2. Were created by a functioning system;
3. Were preserved in a manner that ensures accuracy; and
4. Have not been altered, corrupted, or modified from time of recording until the time they are offered into evidence.

See Rule 901 (b)(9), SCRE. Where the proponent fails to present testimony explaining the recording process, or fails to establish chain-of-integrity for digital files, authentication fails.

Specifically, The State intends to offer no testimony explaining:

- How Ring cameras initiate recordings (motion activation; person-recognition; infrared triggers);
- How timestamps are generated;
- Whether uploads occur in real time;
- Whether the cloud storage ever overwrites, compresses, or modifies files;
- How integrity is protected from alteration or corruption;
- How the downloaded video files were produced;
- Whether the files remain unaltered compared to originals.

Without a qualified Ring custodian or process-based testimony, the State cannot demonstrate the reliability required by *Council* and Rule 901(b)(9). Mere speculation or assumption that the file “looks real” cannot replace the State’s evidentiary burden. See *Council*, 335 S.C. at 8–10 (requiring foundational reliability).

II. VIOLATION OF SOUTH CAROLINA HOMELAND SECURITY ACT.

The State alleges that the Ring camera recordings at issue capture a conversation between two alleged co-conspirators, the Defendant and a co-defendant inside a private residence. The State seeks to admit video and *audio* recordings of a conversation in which the, and there is *Defendant and co-defendant communicate,* no evidence offered that either of the speakers were aware they were being recorded by a Ring device.

Because the interception violates the South Carolina Homeland Security Act / Electronic Surveillance Act, S.C. Code Ann. § 17-30-10 et seq., the recording is illegal, statutorily inadmissible, and must be suppressed under § 17-30-70. No rule of evidence—including the

co-conspirator/statements against interests hearsay exceptions—can override a legislatively mandated exclusion.

A. THE THRESHOLD ISSUE IS LEGALITY OF THE INTERCEPTION — NOT A RULE 801(d)(2)(E) HEARSAY EXCEPTION.

Under § 17-30-70(A):

“Whenever any wire, oral, or electronic communication has been **unlawfully intercepted**, no part of the contents... **may be received in evidence in any trial, hearing, or other proceeding.**” (Emphasis added). Therefore, the statutory bar applies before any hearsay analysis, the bar is mandatory, not discretionary, as hearsay exceptions cannot override statutory suppression.

B. THE HOMEOWNER/RING CAMERA SUBSCRIBER IS NOT A “PARTY TO THE CONVERSATION” AND THUS CANNOT PROVIDE CONSENT UNDER SC CODE § 17-30-30.

South Carolina is a one-party consent jurisdiction, but only if the consenting party is a participant in the conversation. Section 17-30-30 states that it is unlawful to intercept an oral communication when “none of the parties to the communication has given prior consent.” In this case, as noted by the State, the homeowner/Ring camera subscriber, Angela Eaton, (1) was not present during all parts of the offered recorded conversations and (2) did not participate/ did not speak. South Carolina law does **not** generally recognize vicarious consent for adult-to-adult conversations. *See State v. Whitner*, 399 S.C. 547, 732 S.E.2d 861 (S.C. 2012)(analyzing limited application of vicarious consent).

C. THE SPEAKERS HAD A REASONABLE EXPECTATION OF PRIVACY; THE CAPTURED AUDIO IS AN “ORAL COMMUNICATION”.

Section 17-30-20(2) defines “oral communication” as:

“any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying that expectation.” A private indoor conversation inside a home—*the most protected environment in Fourth Amendment and wiretap jurisprudence*—easily qualifies. Thus, the Ring device intercepted an “oral communication” within the meaning of the Act.

D. A RING CAMERA’S AUDIO PRODUCT IS AN “INTERCEPTION” UNDER § 17-30-20(4).

The Act defines “intercept” as the aural acquisition of an oral communication through any electronic device. A Ring camera records sound via a microphone, converts it to a digital signal, transmits it across the internet, and stores it on Amazon servers. It is precisely the type of device the statute covers. Additionally, there is no “security camera exception”; the statute is technology-neutral.

E. ADMISSION WOULD VIOLATE § 17-30-70’S MANDATORY SUPPRESSION RULE.

Section 17-30-70 provides that the recording “may not be received into evidence,” the contents *must be* suppressed on motion, and derivative evidence may also be suppressed.

Conclusion

Without a qualified Ring custodian or process-based testimony, the State cannot demonstrate the reliability required by *Council* and Rule 901(b)(9) to establish foundational authenticity to admit the subject recordings into evidence. Because the Ring audio constitutes an unlawful interception of an oral communication, it violates South Carolina Code § 17-30-30. There is no evidence that the participants consented to the recording. The homeowner’s potential consent to the recording is legally

ineffective as vicarious consent to the recording. No statutory exception applies, and § 17-30-70 mandates exclusion.

WHEREFORE, the State's Motion to Pre-Admit the Ring audio must be denied, and the recording must be suppressed in its entirety.

Respectfully submitted,

s/ Jeffrey S. Stephens
Jeffrey S. Stephens
Attorney for the Defendant

Ridgeland, South Carolina
November 17, 2025

STATE OF SOUTH CAROLINA

JASPER COUNTY

SEARCH WARRANT

Ring account for 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina 29927

Internal case number (CRIM1136448)

Case: 21-01091

Date: 07/22/2021

Officer:

Det. Michaud J.W.

STATE OF SOUTH CAROLINA)
)
JASPER COUNTY)
)

SEARCH WARRANT

Form Approved by
SC Attorney General
Section 19-13-160
March 15 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY JASPER COUNTY:

It is appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

SEE ATTACHED EXHIBIT C

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

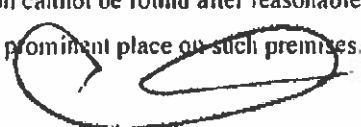
SEE ATTACHED EXHIBIT B

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to Magistrate within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Jasper County, South Carolina



Signature of Judge

Dated: 7/22, 2021

STATE OF SOUTH CAROLINA

JASPER COUNTY

EXHIBIT A

SEARCH WARRANT AFFIDAVIT:

Personally, appeared before, Detective Walker Michaud, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of section 17-13-140, 1976 Code of Law of South Carolina, as amended, is located on the following premises in this Municipality and County.

I have been employed as a certified South Carolina Law Enforcement Officer since 2005. I have participated in and conducted numerous criminal and narcotics investigations for the past eleven (11) years. My investigative experience and training include but is not limited to violent crimes, homicides, prostitution, sex trafficking, drug diversion and drug and narcotics offenses and firearms violations. Numerous investigations that resulted in arrests and seizures of drugs, narcotics, and firearms of which were related to drug activities or violent crime. I am currently assigned as a Detective with the Hardeeville Police Department.

I have attended several law enforcement schools related to the enforcement of controlled substances and other aspects of criminal investigations to include Narcotic Undercover Techniques and Operations training and Narcotics Commander School. I have participated in and conducted numerous pharmaceutical drug diversion investigations. I have participated in and conducted multiple prostitution related investigations. I have worked numerous hours with more tenured Agents and Investigators and participated in and supervised the preparation and execution of criminal and drug related search warrants throughout both Beaufort and Jasper County in the State of South Carolina.

The information provided herein is based upon my own investigation, as well as the investigations of various law enforcement officers with the Hardeeville Police Department and assisting agencies, whose results have been provided to me.

**Reason for Affiant's Belief That The
Property Sought Is within the Subject Premises/Property**

- 1). Beginning in the month of March 2021 Detectives with the Hardeeville Police Department began an investigation into allegations of suspected drug and narcotic distribution involving multiple subjects in the Hardeeville, South Carolina area. Detectives obtained specific information that the residence located at 206 Columbia Avenue, Hardeeville, South Carolina was being utilized to distribute and store large quantities of Methamphetamine and Heroin. Detectives with the Hardeeville Police Department have prior knowledge of a female subject by the name of Angela Christina Eaton (Edenfield) DOB: 04/03/1986 and her boyfriend Darin Terrell Transou DOB: 11/01/1985 residing at 206 Columbia Avenue and having previous drug related incidents involving Methamphetamine and other illegal drugs.
- 2). During the month of March, 2021 Detectives obtained an anonymous complaint of drug activity at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. The complainant advised Detectives that Angela Eaton and her boyfriend Darin Transou were in possession of ounces of Methamphetamine and Heroin at the residence located at 206 Columbia Avenue. Additionally, the complainant stated Eaton and Transou were providing illegal drugs to a female subject by the name of Savannah West DOB: 03/25/2002 who frequents 206 Columbia Avenue, Hardeeville, South Carolina.
- 3). During the course of this investigation Detectives with the Hardeeville Police Department confirmed that Angela Eaton DOB: 04/03/1986 listed an address of 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. Additionally, Detectives confirmed that Eaton was in a relationship with Darin Terrell Transou DOB: 11/01/1985. Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted surveillance on the aforementioned location. While conducting surveillance of the location Detectives observed both Eaton and Transou coming and going from the residence in a black in color 2002 Tahoe bearing South Carolina registration of (RAA-340) which is registered to Darin Transou with an alternate listed address.
- 4). During the month of April 2021 Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted surveillance of the residence located at 206 Columbia Avenue, Hardeeville, South Carolina. During surveillance efforts Detectives noted multiple vehicle and pedestrian traffic coming and going from the residence for short periods of time which is consistent with the distribution of illegal drugs. Multiple subjects coming and going from the residence were identified and have prior involvement in the sale and distribution or possession of illegal drugs or narcotics.
- 5). On 03/31/2021 Detectives observed a black in color Dodge Dakota leaving the residence of 206 Columbia Avenue. Detectives conducted a traffic stop on the suspect vehicle. While making contact with the driver and sole occupant he was identified as Jeffery Bazzle DOB: 02/14/1993. Bazzle was subsequently found to be in possession of a glass Methamphetamine pipe and a quantity of suspected Methamphetamine. During this traffic stop Bazzle confirmed he resided at 206 Columbia Avenue and stated the vehicle he was driving belonged to Angela Eaton. Savannah West who identified herself as Bazzle's girlfriend responded to the scene of the traffic stop to assist Bazzle. The suspected Methamphetamine tested positive during a NIK reagent test and was submitted for further examination.

6). On 04/14/2021, Officers with the Jasper County Sheriff's Office conducted a lawful traffic stop on a vehicle that had been observed at the residence located at 206 Columbia Avenue. During the course of the traffic stop contact was made with Savannah West the driver of the suspect vehicle. During a search of the suspect vehicle Detectives located a glass pipe commonly used to smoke Methamphetamine. West denied knowledge of the suspected Methamphetamine pipe that was intentionally concealed within a fountain drink inside the vehicle.

7). During the month of May 2021 members of the Hardeeville Police Department and the Jasper County Sheriff's Office conducted a separate investigation involving allegations of suspected juvenile prostitution or sex trafficking in the Hardeeville, South Carolina area. During the course of this investigation a juvenile victim was identified. Detectives obtained digital correspondence between the juvenile victim and Eaton in which Eaton agrees to facilitate or distribute suspected illegal drugs or narcotics to the juvenile. Eaton also provides the aforementioned address during the correspondence. This correspondence occurred during the month of April 2021.

8). During the month of May 2021 Detectives with the Hardeeville Police Department obtained information from a confidential informant that a male subject named Jeffery Bazzle was distributing quantities of illegal drugs in the Hardeeville, Jasper County, South Carolina area. Detectives were familiar with Bazzle due to previous drug related interactions. The confidential informant positively identified Bazzle as the subject in which he/she had previously purchased quantities of illegal drugs from specifically Methamphetamine in the recent past.

9). During the month of May 2021 Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted a controlled purchase of a quantity of suspected illegal drugs from Bazzle at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. A confidential and reliable informant working under the direction and control of the Hardeeville Police Department conducted the controlled purchase of suspected illegal drugs from Bazzle. Bazzle retrieved the suspected illegal drugs from within the aforementioned residence and distributed it to the confidential and reliable informant during the controlled purchase. The transaction was monitored by Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office. The suspected illegal drugs gave a positive indication during a NIK reagent test. Bazzle was positively identified as the suspect who distributed the suspected illegal drugs during this controlled purchase.

10). During the month of May 2021 Detectives with the Hardeeville Police Department the Jasper County Sheriff's Office and the South Carolina Law Enforcement Division conducted a controlled purchase of a quantity of suspected illegal drugs from Bazzle in the Hardeeville, Jasper County, South Carolina area. During the course of this controlled purchase Bazzle was positively identified by Detectives and Agents as the subject who sold suspected illegal drugs during this controlled purchase. The suspected illegal drug gave a positive indication during a NIK reagent field test.

11). During the month of June 2021 Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted a controlled purchase of a quantity of suspected illegal drugs from a subject known to as Detectives Quinton Travis Taylor JR DOB: 10/25/2000 at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. A confidential and reliable informant working under the direction and control of Detectives met with Taylor at the aforementioned residence in order to complete the transactions. During the course of the controlled purchase Taylor who is a known associate of the primary resident exited the residence and completed the transaction of suspected illegal drugs with the confidential and reliable informant. This transaction was monitored by Detectives. Additionally, Taylor

was positively identified by both the confidential and reliable informant and Detectives as the subject who distributed the quantity of suspected illegal drugs during this controlled purchase. A white female suspected to be Eaton was observed on the property during the course of the controlled purchase. The suspected illegal drug gave a positive indication during a NIK reagent field test. This controlled purchase occurred within the past seventy-two (72) hours at the residence located at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina.

12). Detectives suspect Eaton and Transou have been allowing co-conspirators or associates of theirs to utilize the residence located at 206 Columbia Avenue, Hardeeville, South Carolina to continue ongoing criminal activity involving the sale distribution and storage of Methamphetamine and other illegal drugs or narcotics. Additionally, Detectives have obtained information from reliable sources that Eaton and Transou are a source of supply for other subjects distributing illegal drugs and narcotics to include Bazzle in the Hardeeville, South Carolina area. Eaton and Transou have also been observed utilizing multiple vehicles during the course of this investigation. The registration from Transou's black in color Tahoe (RAA-340) has been observed displayed on a green in color Volkswagen sedan parked at the residence during the course of a controlled purchase.

13). Bazzle's criminal history that reflects the following arrests or convictions. Arrest for Possession of Methamphetamine on 10/12/2020.

Eaton has a criminal history that reflects the following arrests or convictions. Conviction for simple possession of marijuana 12/02/2009. Criminal Domestic Violence 1st conviction 10/05/2009. Conviction assault and battery 3rd degree, 2017. Arrest for Possession with the Intent to Distribute Methamphetamine 10/26/2018. Arrest for Possession with the Intent to Distribute Methamphetamine 12/11/2018. Arrest for Possession with Intent to Distribute Cocaine and Possession of Methamphetamine 12/04/2020.

Transou has a criminal history that reflects the following arrests or convictions. Conviction Assault with a Dangerous weapon 11/18/2009. Conviction Criminal Domestic Violence 07/06/2016.

Taylor has a criminal history that reflects the following arrests or convictions. Arrest Unlawful Carry of a Weapon 07/18/2018. Arrest Possession with the Intent to Distribute a Controlled Substance 07/18/2018. Arrest Pointing and Presenting a Firearm at a Person 02/18/2020.

14). On 06/11/2021 a search warrant was obtained for the listed residence located at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina 29927. On 06/17/2021 Detectives executed a search warrant at the aforementioned residence making contact with Jeffery Bazzle, Savannah West, William Eaton and Angela Eaton. During the course of this investigation more than 300 grams of suspected Methamphetamine, more than 60 grams of suspected Heroin, more than 5 gram of Crack Cocaine, suspected Marijuana and a stolen handgun were located within the residence to include within a safe located in Angela Eaton's bedroom. Angela Eaton was found to have the keys to the safe and subsequently charges with multiple related drug and narcotics offenses for the substances located within her bedroom. Post Miranda and during the course of interviews with Angela Eaton she initially stated the substances located in her bedroom belonged to Jeffery Bazzle. Later Angela Eaton stated a subject she knows as "Mark" a light skinned black male brought the large quantities of suspected Methamphetamine and Heroin to her residence and left them there and she didn't want to "put that stuff in there anyways" meaning her safe. Angela Eaton indicated this allegation should be captured on her surveillance camera within her residence or Ring camera. Detectives had observed a Ring camera in the living room area within Eaton's residence facing her bedroom on a shelf. Additionally, during a follow up interview of Savannah West, she also stated a light skinned black male who she only knows as "Mark" had dropped off a large quantity of Methamphetamine and Heroin to Angela Eaton approximately two hours prior to

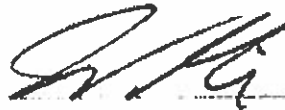
Officers arrival on 06/17/2021. Detectives submitted a preservation request to Ring's legal department on 06/21/2021 for any devices located at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina for content on the incident date from 0800 hours to 1800 hours. Detectives obtained a preservation response confirmation for the information requested from Ring LER Team. Ring internal case number (CRIM1136448).

15). During the month of July 2021 Detectives with the Hardeeville Police Department received information from an anonymous source who advised Detectives that a subject known as "Mark Martin" had dropped off the suspected large quantities of drugs and narcotics to 206 Columbia Avenue a couple of hours before the search warrant to Angela Eaton. Detectives have prior knowledge of a Mark Martin fitting the descriptions provided being involved in the distribution of illegal drugs and narcotics. Based on the information provided by Angela Eaton and witnesses Detectives believe that obtaining the video footage that may be maintained by Ring due to it being a cloud or offsite storage server could further this investigation and identify other suspects in this case or sources of supply of illegal drugs and narcotics and illicit firearms.

It is also the affiant's belief that there is presently concealed within the Ring server related to Angela Eaton's account with internal case number (CRIM1136448), information which constitute evidence of violations of sections 44-53-370 and 44-53-375 and 16-23-0020 of the South Carolina Code of Laws, 1976 as amended.

A search warrant is requested for the Ring account belonging to at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina, 29927 to secure evidence of the outlined offenses to further this investigation.

Affiant



Signature of Judge



(L.S.)

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

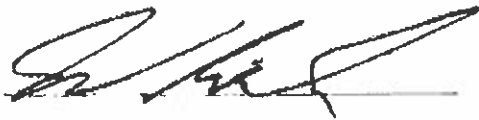
EXHIBIT B

DESCRIPTION OF PROPERTY SOUGHT

Any and all records and account detail information related to Angela Eaton's Ring account for the address of 206 Columbia Avenue, Hardeeville Jasper County, South Carolina. Possible telephone # (843) 949-0720 associated with account. Ring internal case number (CRIM1136448).

Any audio and video evidence obtained during the date and time of 06/17/2021 from 0800 hours to 06/17/2021 at 1750 hours.

Affiant

A handwritten signature in black ink, appearing to be "J. H. F.", written over a horizontal line.

Signature of Judge

A handwritten signature in black ink, appearing to be "C. O.", written over a horizontal line.

(L.S.)

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

EXHIBIT C

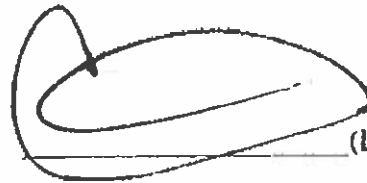
**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

The location or base of operations for Ring LLC is located at 1523 26th Street, Santa Monica, CA 90404. The account Ring account belonging to Angela Eaton or the address of 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina 29927. Related to Ring internal case number (CRIM1136448).

Affiant

A handwritten signature in black ink, appearing to be "R. Smith", written over a horizontal line.

Signature of Judge, .

A large, stylized handwritten signature in black ink, written over a horizontal line.

(L.S.)

7/20/2021

Mail - Joseph Michaud - Outlook

Andrew Maisano <amaisano@hardeevillesc.gov>

To: Joseph Michaud <jmichaud@hardeevillesc.gov>

Outlook for iOS

From: amazon-case-tracker-communications@amazon.com <amazon-case-tracker-communications@amazon.com>

Sent: Monday, June 21, 2021 12:42:26 PM

To: Andrew Maisano <amaisano@hardeevillesc.gov>

Subject: CRIM1136448 - 206 Columbia Ave, Hardeeville, SC 29927

Law Enforcement Guidelines. Ring will notify customers of law enforcement requests seeking the production of content data, unless it is legally prohibited from doing so or has clear indication of illegal conduct in connection with the use of Ring products or services. Such notification may be made as soon as three days after receipt of the request.

subpoenas@ring.com

Ring LER Team

RETURN

I received the attached Search Warrant on 07/22/2021, and have executed it as follows:

On 7/23/21, at 1353 o'clock PM, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with In Evidence / Attached to report.

Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Video from Ring device ID: 55805880 from 6/11/2021. Attached
account information.

This inventory was made in the presence of Cpl. Maisano

AND

I swear that the inventory is a true and detailed account of all the property taken by me on the warrant.

Sworn to and subscribed before me
this _____ day of _____, 2021.

Signature of Judge

(Signature of Officer Executing Warrant)

ACCOUNT INFORMATION

Created At	11/29/2020 9:27:32 PM
Full Name	Angela Eaton
User ID	40544553
Primary Email	angelacedenfield@gmail.com
Phone Number	8439490720
Credit Card Type	Visa
Credit Card Number	4691

DEVICE INFORMATION

DEVICE ID	55805880
MAC ID	54e019336e3f
Kind Type	Stickup cam mini
Description	Edenfield
Location	500 Toomerville Loop, Hardeeville, SC, 29927

DEVICE ID	-
MAC ID	-
Kind Type	-
Description	-
Location	208 Columbia St, Hardeeville, 29927

7/26/2021

Mai - Joseph Michaud - Outlook

amazon-case-tracker-communications@amazon.com <amazon-case-tracker-communications@amazon.com>

To: Joseph Michaud <jvmichaud@harddevillesc.gov>

<https://outlook.office.com/mail/mbx/fd/AAQkADZmMDk3YjJkLWQ3MmY0NDE1ZS1mMmMzLWVhYjcmMTQyNjUxNwAQAG2jW3Vt%ZBoFBuSwjtmOR8%2BFw%3D>

EXHIBIT D

Transcript of Hearing
November 17, 2025

STATE OF SOUTH CAROLINA
COUNTY OF JASPER

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2021GS2700673

State of South Carolina,)
)
Plaintiff,)
)
vs.)
)
Mark Elliott Martin, Jr.,)
)
Defendant.)
-----)

TRANSCRIPT OF HEARING

November 17, 2025
Ridgeland, South Carolina

B E F O R E:

The Honorable Charles McCutchen, Judge Presiding

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

For the State -

Marshall Frodsham, Esquire
Trasi Campbell, Esquire
14th Circuit Solicitors

For the Defendant -

Jeffrey Stephens, Esquire
Quindlen Law Firm
121 Ladys Island Commons
Beaufort, SC 29907

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

I N D E X

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I N D E X O F E X H I B I T S

No exhibits were introduced in this proceeding.

P R O C E E D I N G S

* * * * *

THE COURT: Ladies and gentlemen, I now have certain questions to ask you to determine your qualification as jurors in this Court. These questions determine your general eligibility to serve. State law requires that I ask these questions. Frankly, some of these questions are very personal and you may not want to stand and disclose this information openly in the presence of your fellow jurors. After each question or --- after each question if any juror needs to respond I'll ask you to stand. If you do not want to stand, that's fine, but at the end of the process I'll just ask you to come forward and speak privately with me and the Clerk. We don't want to embarrass anybody if it's something personal you know. We'll deal with it at the end. Just wait till the end and get in line and we'll, we'll do it that way. So, if I ask a question and you don't want to stand up, just make a mental note and we'll bring you up at the end. But it's absolutely critical that we have accurate information. So, whether you stand up or do it at the end, either way is fine.

Is any member of the jury panel not a citizen of the United States? If so, please stand.

(No one stands.)

1 Is any member of the jury panel not a resident
2 and citizen of Jasper County, South Carolina? If so,
3 please stand.

4 (No one stands.)

5 Is any member of the jury panel unable to read,
6 write, speak or understand the English language? If so,
7 please stand.

8 PROSPECTIVE JUROR: Yeah, I speak English, but
9 you know, I don't know the definitions of many things so,
10 you know.

11 THE COURT: Okay, but you can communicate In the
12 English language?

13 PROSPECTIVE JUROR: I can communicate but like I
14 don't know, like you're saying what someone said a jury,
15 and I don't know what does it mean and vice versa. You
16 know, like I don't know definitions.

17 THE COURT: All right. Do you think that would
18 affect your ability to sit and listen to the witnesses and
19 the testimony?

20 PROSPECTIVE JUROR: I can, just not sure I can
21 understand.

22 THE COURT: Okay. All right. Well, just stay
23 with us please.

24 PROSPECTIVE JUROR: Okay.

1 THE COURT: Does any member of the jury panel
2 have less than a sixth-grade education or its equivalent?
3 If so, please stand.

4 (No one stands.)

5 Is any member of the jury panel unable because of
6 mental or physical infirmities to render efficient jury
7 service? For example, does any member of the jury panel
8 have any medical condition that prevents you from serving
9 on this jury this week? Jury service typically runs from
10 nine, nine thirty, maybe until about five every day, and
11 obviously you get normal breaks. You get a lunch break and
12 you'll get a couple of comfort breaks. You won't have to
13 sit here for four or five, six hours at a time. If so,
14 please stand.

15 (No one stands.)

16 All right. Has any member of the jury panel been
17 convicted by guilty plea or trial in state or federal court
18 of record of a crime punishable by imprisonment for more
19 than one year and your civil rights have not been restored
20 by pardon or amnesty, punishable by more than one year
21 means you could have received a sentence of more than one
22 year regardless of what sentence you actually received. If
23 so, please stand.

24 (No one stands.)

1 All right. Is any member of the jury panel a
2 clerk or deputy clerk of court, constable, sheriff or other
3 commission law enforcement officer, probate judge, county
4 commissioner, magistrate or other county officer or
5 employed within the walls of any courthouse, If so, please
6 stand.

7 (No one stands.)

8 Has any member of jury panel who's previously
9 served on a jury or jury duty in circuit court, not city
10 court, magistrate's court or federal court, during this
11 calendar year. If so, please stand.

12 (No one stands.)

13 Has any member of the jury panel served as a
14 member of the Jasper County Grand Jury during the past
15 several years? If so, please stand.

16 (No one stands.)

17 All right. Now we're going to move on to jury
18 exemptions. State law provides several exemptions to jury
19 service. An exemption does not mean you are not qualified
20 to serve, it simply means that you have the right to say I
21 choose not to serve. Those of you who are 65 years of age
22 or older may be exempted from jury service. Those of you
23 65 years of age or older represent a pool of tremendous
24 talent for jury service and we urge you to serve this week
25 if you are inclined to do so. But if you wish to be

1 exempted, you may certainly do so. Is any member of the
2 jury panel who is 65 or older who wishes to be exempted
3 from jury service this week, if so, please stand. Yes,
4 ma'am.

5 PROSPECTIVE JUROR: Yes, sir. I want to be
6 exempted.

7 THE COURT: Are you sure?

8 PROSPECTIVE JUROR: I'm sure.

9 THE COURT: What's your juror number, ma'am?

10 PROSPECTIVE JUROR: 156.

11 THE COURT: All right, ma'am, you're excused.

12 All right. Anybody else?

13 (No one else stands.)

14 All right. Another exemption concerns prior jury
15 service. No person is required to serve as a juror more
16 often than once every three calendar years. Therefore, if
17 any member of the jury panel has served on jury duty during
18 the last two calendar years, you may be exempt from service
19 this week if you choose to be exempt. Please note this
20 exemption does not apply if your jury service was in
21 magistrate's court, city or municipal court or federal
22 court. If this exemption applies to you and you wish to be
23 exempted, please stand.

24 (No one stands.)

1 All right. The next exemption is for people who
2 have served as Grand Jurors in the last five calendar years
3 may also be exempted from jury service. Any member of the
4 jury panel served on a Grand Jury during the last five
5 years, you may be exempt from jury service this week if you
6 choose to. If this exemption applies to you and you wish
7 to be exempted, please stand.

8 (No one stands.)

9 All right, this exemption deals with those of you
10 who have legal custody of young children. Please listen
11 very carefully to this exemption. It has several parts all
12 of which must apply for you to be exempted on this basis.
13 You may be exempted from jury service if you have a child
14 under the age of seven years old, you have legal custody of
15 your child or children, you have the principal care,
16 custody and control of your children and you are unable to
17 make arrangements for the adequate care of your child or
18 children while performing jury duty. If all of these
19 requirements apply, then you may be exempted on this basis.
20 If this exemption applies to you and you wish to be
21 exempted, please stand. Yes, ma'am?

22 PROSPECTIVE JUROR: My son just turned seven two
23 weeks ago. We are actually leaving to go out of the
24 country on Thursday for his birthday.

25 CLERK: What's your juror number?

1 PROSPECTIVE JUROR: 298.

2 THE COURT: All right, if you would stay with us
3 for a while, there's a couple of cases that may go. One
4 may be longer, one may be shorter.

5 PROSPECTIVE JUROR: Okay.

6 THE COURT: I understand that you ---

7 PROSPECTIVE JUROR: I do have to get him from
8 school today. So, I just want to make that clear.

9 THE COURT: Okay. All right. Stay with us for
10 -- what time, what time does he get out of school?

11 PROSPECTIVE JUROR: I have to be there at 3:30 to
12 pick him up.

13 THE COURT: Okay, what's your juror number?

14 PROSPECTIVE JUROR: 298.

15 THE COURT: All right, just stay with us for now
16 and we'll deal with that a little bit later, if that's
17 okay.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: All right. Next exemption is that if
20 you are the primary caretaker of a person 65 years or older
21 and you are unable to provide adequate care for the person
22 while performing jury service, you may be exempt from jury
23 duty. If this exemption applies to you and you wish to be
24 exempted, please stand.

1 PROSPECTIVE JUROR: My father-in-law, we just
2 brought him home with hospice on Saturday from the
3 hospital. My husband is an only child. My husband is
4 sick, so we're keeping him isolated from him, and I'm the
5 only one that can care for him at this point.

6 THE COURT: Okay. You have nobody else that
7 could take care of your father-in-law?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: How old is your father-in-law?

10 PROSPECTIVE JUROR: 72.

11 THE COURT: All right. And what's your jury
12 number, ma'am?

13 PROSPECTIVE JUROR: 70.

14 THE COURT: All right. Juror number 70 is
15 excused.

16 All right, ma'am, what is your juror number?

17 PROSPECTIVE JUROR: 332. Kelly Williams. My
18 husband is 66. He's mentally disabled. I take care of him
19 during the day. I work at night. My granddaughter is with
20 him during the day.

21 THE COURT: Okay, can your granddaughter ---

22 PROSPECTIVE JUROR: I mean she's with him at
23 night, sorry.

24 THE COURT: Okay. But you don't have anybody to
25 take care of him during the day?

1 PROSPECTIVE JUROR: Unfortunately, no.

2 THE COURT: All right.

3 PROSPECTIVE JUROR: I did send some paperwork in.

4 THE COURT: Okay. All right, then that's juror
5 332?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: All right. You're excused. 332 is
8 excused.

9 Next exemption applies if you are the primary
10 caretaker of a severely disabled person who is unable to
11 care for himself or herself and cannot be left unattended
12 and you are unable to provide adequate care for the person
13 while performing jury service, you may be exempted from
14 jury duty. If this exemption applies to you and you wish
15 to be exempted, please stand.

16 (No one stands.)

17 All right, this next exemption applies if you are
18 attending school at this time or working within some
19 capacity within a school. If this exemption applies and
20 you wish to be exempted, we will transfer your service to
21 another term of court which will not conflict with your
22 school responsibilities. Is there any member of the jury
23 panel who is a full-time student, school teacher, school
24 crossing guard, bus driver or serving any other school-

1 related function who is unable to serve on jury duty this
2 week because of school involvement? If so, please stand.

3 (No one stands.)

4 All right. Is any member of the jury panel
5 employed with the Department of Corrections at a
6 penitentiary? If this exemption applies to you, please
7 stand.

8 (No one stands.)

9 All right, is there any juror who performs
10 services for a business, commercial, agricultural
11 enterprise, which are so essential to the operation of the
12 enterprise that if you were required to perform jury duty,
13 the enterprise would have to close or stop functioning.
14 For example, like if you're a farmer and the farm will not
15 operate if you're not there farming it, please stand.

16 PROSPECTIVE JUROR: I'm a commercial driver. I'm
17 the only income earner. If I stop working, then there's no
18 money coming to the house.

19 THE COURT: Okay. What is your juror number?

20 PROSPECTIVE JUROR: 247.

21 THE COURT: Okay. And you're the only driver for
22 that company?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: All right. 247 is excused.

1 PROSPECTIVE JUROR: I'm the main driver for my
2 company as well. If I'm not there ---

3 THE COURT: Okay. What's your juror number?

4 PROSPECTIVE JUROR: 106.

5 THE COURT: All right. Do you own the company?

6 PROSPECTIVE JUROR: I am the main driver and all
7 for the company.

8 THE COURT: Okay. How big is the company?

9 PROSPECTIVE JUROR: It's a small business
10 company.

11 THE COURT: Okay. All right. Would it have to
12 shut down if you weren't there?

13 PROSPECTIVE JUROR: Basically.

14 THE COURT: And is that the sole income for your
15 household?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: All right. Juror number 106 is
18 excused.

19 THE COURT: All right. Ladies and gentlemen,
20 that concludes all of the statutory list of qualifications
21 and exemptions for jury service. It may be that you are
22 qualified and no exemption applies to you, but jury service
23 this week would constitute an extreme hardship on you for a
24 particular reason. For example, like if you work night
25 shift, it's not a specific statutory exclusion. I cannot

1 permanently excuse you who is otherwise qualified for jury
2 service, but under extreme and compelling circumstances, I
3 can excuse a juror from this term of court and transfer you
4 to another term of court, particularly jurors who have not
5 already been transferred at least once. Please understand
6 that general inconvenience is not a sufficient reason to
7 transfer you to another term of court. To justify a
8 transfer to another term, service this week must constitute
9 an extreme hardship on you. Is that -- is there an extreme
10 hardship where this week is just the worst week in the
11 world to serve on jury duty?

12 Yes, sir? What is your juror number?

13 PROSPECTIVE JUROR: Hi, sir. I have a quality
14 assurance training class at work. It took me a year to get
15 into it. It's just affects my job if I don't get it. It's
16 tomorrow and Wednesday. I'd be more than happy to come
17 back at anytime after that, but I would beg the Court if I
18 can ---

19 THE COURT: All right. What is your juror
20 number?

21 PROSPECTIVE JUROR: 291.

22 THE COURT: All right, we'll transfer you to --
23 Madam Clerk, just move him to the next. You just want to
24 be moved to the next term? You don't ---

1 PROSPECTIVE JUROR: I just need to be in class
2 tomorrow and Wednesday. I'll do anything you need.

3 THE COURT: Okay, we will just transfer you to
4 the next term.

5 PROSPECTIVE JUROR: Okay. Thank you, sir. Thank
6 you, Your Honor.

7 THE COURT: Yes, ma'am?

8 PROSPECTIVE JUROR: I have a big project I have
9 been working on the for the last nine months. I have 11
10 people coming in tomorrow and Wednesday.

11 THE COURT: All right. What's your juror number?

12 PROSPECTIVE JUROR: 174.

13 THE COURT: All right. We'll transfer you to the
14 next term.

15 All right, ma'am. What's your juror number?

16 PROSPECTIVE JUROR: 41.

17 THE COURT: All right.

18 PROSPECTIVE JUROR: It's not really a hardship
19 for me, it's the staff that I've left behind. I'm a nurse,
20 an ER nurse case manager and everything was fine. I was
21 given permission to be off, and then last week two other
22 members of our team had to take emergency FMLA. So, we're
23 just extremely short-staffed.

24 THE COURT: Okay. All right. We'll go ahead and
25 transfer you to the next term.

1 THE COURT: Yes, ma'am?

2 PROSPECTIVE JUROR: I -- my parents live with me
3 and to not have income for the rest of the week would be an
4 extreme financial hardship on us.

5 THE COURT: Okay. Is that going to be better if
6 we can transfer you to, say, January? December or January?
7 Because I can only transfer you, I can't exempt you, so ---

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: If it's going to be the same in a
10 month ---

11 PROSPECTIVE JUROR: No. There is a chance it
12 could be better.

13 THE COURT: All right. What's your juror number?

14 PROSPECTIVE JUROR: 201.

15 THE COURT: All right. We'll just transfer you
16 to the next term. All right.

17 All right. Ladies and gentlemen, now is a chance
18 for those of you who did not respond earlier to the
19 questions that I asked who have a compelling reason to
20 request a transfer to another week. If you believe you're
21 disqualified or exempt from jury service and if you want to
22 be transferred to another term, now is the time. Or if you
23 didn't want to answer any of the questions I asked and you
24 want to come up and address them privately, now is the time
25 to do so. So, if you do, just make a line right here.

1 THE COURT: What's your juror number?

2 PROSPECTIVE JUROR: 230. I remember you said a
3 question about if anybody been locked up before for a year
4 -- sentenced for a year. I've gotten sentenced for a year
5 before.

6 THE COURT: What was the charge?

7 PROSPECTIVE JUROR: DUI.

8 THE COURT: Were you found guilty?

9 PROSPECTIVE JUROR: I was found guilty there. I
10 think they dropped my charges down. It was originally two.

11 THE COURT: What was your number?

12 PROSPECTIVE JUROR: 230.

13 THE COURT: I don't think a DUI would disqualify
14 you.

15 PROSPECTIVE JUROR: I forgot there was another
16 charge, too, that I about forgot.

17 MS. CAMPBELL: I think it was driving without a
18 license maybe.

19 PROSPECTIVE JUROR: Yeah. That one and there's
20 another one, traffic, I think, a traffic stop.

21 THE COURT: None of those carry in excess of a
22 year.

23 You're good to go. You can stay with us.

24 PROSPECTIVE JUROR: All right. Thank you.

25 THE COURT: What is your juror number?

1 PROSPECTIVE JUROR: 309, sir.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: I don't know if this would
4 count or anything. I just wanted to bring it up. I do have
5 a chronic illness that for work and school did give me
6 benefits because some days, you know, I'm fine, it doesn't
7 affect me at all. And then other days I can't really get
8 out of bed. I have to go to the bathroom a lot for other
9 stuff. So it might not happen, it might happen, I just
10 wanted to bring it up.

11 THE COURT: Well, and normally, what we do is if
12 you have to go the restroom, I usually give the jury a break
13 about every hour or so anyway, but usually if something
14 happens and you become ill, we can replace you with an
15 alternate worst-case scenario. So I'll do everything in my
16 power to make sure that you are completely comfortable. You
17 can have water. We'll take as many breaks as you need, and
18 you may not get picked.

19 PROSPECTIVE JUROR: Okay. I didn't know if it
20 was an exception or not. I just thought I would bring it
21 up. That's all. I did do that.

22 THE COURT: I appreciate you letting me know. Go
23 ahead and stay with us and -- but if you get picked, then
24 we'll certainly -- we'll certainly accommodate any breaks or
25 restrictions that you need. Okay?

1 PROSPECTIVE JUROR: Okay. Thank you.

2 THE COURT: Thank you, ma'am. She's staying.

3 PROSPECTIVE JUROR: 290. If I can just be
4 transferred, that would be great.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: Okay. Because like Wednesday
7 I have a meeting at my son's school at 1:00. We're trying
8 to get him in an IEP, and then Thursday I have tickets here
9 that we're going out of the country.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: And we won't be back until
12 Monday. So if you would transfer that, I will be ---

13 THE COURT: So I guess Wednesday, she wouldn't be
14 able to start on one of the small ones, so we'll go ahead
15 and transfer 298.

16 PROSPECTIVE JUROR: Okay. Thank you.

17 THE COURT: We'll just go ahead and transfer you.
18 The clerk will get in touch with you.

19 PROSPECTIVE JUROR: Okay. Thank you.

20 THE COURT: How are you doing?

21 PROSPECTIVE JUROR: How are you today, Judge?

22 I'm 162. Common law, I'm with this guy, and I've been with
23 him for five years and his mother just passed away this
24 morning with cancer. So if I could just get another time to
25 come in?

1 THE COURT: Okay. 162?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Are there any arrangements this week,
4 or are they out of town?

5 PROSPECTIVE JUROR: She just passed away in
6 Hampton County this morning at 8:00.

7 THE COURT: Okay. All right. Well, that's
8 pretty clear and compelling, so we'll go ahead and transfer
9 you.

10 PROSPECTIVE JUROR: Okay. Thank you.

11 THE COURT: Sorry for your loss.

12 PROSPECTIVE JUROR: Thank you.

13 THE COURT: How are you doing?

14 PROSPECTIVE JUROR: Hanging on. In 1990 I was
15 arrested for possession of cocaine.

16 THE COURT: In 1990?

17 PROSPECTIVE JUROR: Uh-huh.

18 MS. CAMPBELL: Juror number?

19 PROSPECTIVE JUROR: 29.

20 THE COURT: 29. Okay, so he's stricken for
21 cause.

22 PROSPECTIVE JUROR: Thank you.

23 MS. CAMPBELL: 29 is disqualified.

1 PROSPECTIVE JUROR: I am scheduled to go out of
2 town Thursday. I'm happy to serve this week if it's a
3 smaller -- or I can come back ---

4 THE COURT: All right. What's your number?

5 PROSPECTIVE JUROR: 83.

6 THE COURT: 83. And you have to go out of town
7 Thursday?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Stay with us and we'll see what we've
10 got going on.

11 PROSPECTIVE JUROR: Sure. Sure.

12 THE COURT: We might be able to -- you might not
13 get picked anyway.

14 PROSPECTIVE JUROR: Yeah, but I'd like to be
15 available. I don't want to ---

16 THE COURT: Okay. Just stick with us for now,
17 and we'll deal with it once we figure out which one we're
18 moving forward. Okay?

19 PROSPECTIVE JUROR: No problem. Thank you.

20 THE COURT: What is your juror number?

21 PROSPECTIVE JUROR: 256. In 2015, I was charged
22 with conspiracy to burglary.

23 THE COURT: Ma'am?

1 PROSPECTIVE JUROR: A couple of things. In 2015,
2 I was charged with conspiracy to burglary. I took a
3 deferred.

4 THE COURT: Did you plead guilty or did you ---

5 PROSPECTIVE JUROR: I took a deferred, so I
6 really don't know.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: And I also have panic attacks
9 a lot. I have my meds with me. I see a psychiatrist for
10 that.

11 THE COURT: Are they controlled medications?

12 PROSPECTIVE JUROR: I have to step out for like
13 30 minutes until it kicks in.

14 THE COURT: Would normal breaks -- usually our
15 breaks are like 15 to 20 minutes.

16 PROSPECTIVE JUROR: They are like unpredictable.
17 They just kind of happen.

18 MS. CAMPBELL: I don't have her in a disqualified
19 stack. I can pull ---

20 THE COURT: Okay. I guess you were just charged
21 and it was deferred like through a diversion program or ---

22 PROSPECTIVE JUROR: I honestly don't know. This
23 is in Iowa.

24 THE COURT: Okay. Yeah, you would have to be -
25 what is your juror number?

1 PROSPECTIVE JUROR: 256.

2 THE COURT: 256. Right now I give juror plenty
3 of breaks to decompress and all.

4 PROSPECTIVE JUROR: It's not like a buildup. I'm
5 not trying to be picky. It's really just out of nowhere I
6 just start freaking out and hyperventilating.

7 THE COURT: Okay. Go ahead and stay with us.
8 Hopefully that won't happen, but just stay with us and we
9 will see what happens.

10 PROSPECTIVE JUROR: Okay. Thank you.

11 THE COURT: She's going to stick with us.

12 MS. CAMPBELL: Yeah, everything is showing non-
13 convictions, the arrest but non-conviction.

14 THE COURT: Right. What is your juror number?

15 PROSPECTIVE JUROR: Juror number 55. My son-in-
16 law is with Pardon and Parole in York County. He's second
17 in charge of Pardon and Parole. And also my wife is in
18 television for 37 years, WBCL and WTLC.

19 THE COURT: All right. Would your son-in-law
20 being in Department of Corrections, would that affect your
21 ability to be fair and impartial to facts you hear in a
22 trial?

23 PROSPECTIVE JUROR: It would, I would say,
24 somewhat. He's in York County.

25 THE COURT: In York County?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: All right. Well, I don't think that
3 would disqualify you. You think it would affect your
4 ability to be fair and impartial to both the State and
5 defense in this case?

6 PROSPECTIVE JUROR: Yeah, I think it would.
7 Yeah.

8 THE COURT: All right. I'm going to excuse you
9 for cause then.

10 PROSPECTIVE JUROR: All right.

11 THE COURT: All right.

12 PROSPECTIVE JUROR: Yes, sir, 77, concerning
13 conviction, you know, if you could have been for one year, I
14 was not. I had a DUI and it was reduced to a DUAC.

15 THE COURT: Okay. Yeah, that's not going to
16 disqualify you.

17 PROSPECTIVE JUROR: Okay. I just know a DUI,
18 would that have gotten me a year? I don't know.

19 THE COURT: No, not a first. Thank you.

20 MR. FRODSHAM: What number was that, Your Honor?

21 THE COURT: 77. He's staying.

22 PROSPECTIVE JUROR: I don't understand when
23 people speak with a slurred or heavy accent. I can't
24 understand them. As well as some people use slang. I'm

1 pretty well on technical things, but like I am afraid I
2 won't be able to understand ---

3 THE COURT: Well, it seems like you can
4 communicate pretty well, and I don't think anybody's got
5 really thick accents or all that. I think you will be fine.

6 PROSPECTIVE JUROR: Okay. It's my first time, so
7 I just wanted to be ---

8 THE COURT: No, no, no. I appreciate you letting
9 me know, but go ahead and stay with us. Okay?

10 PROSPECTIVE JUROR: Okay.

11 THE COURT: Thank you, sir. What's your juror
12 number?

13 PROSPECTIVE JUROR: 235.

14 THE COURT: 235. How are you doing? What's your
15 number?

16 PROSPECTIVE JUROR: 328.

17 THE COURT: 328.

18 PROSPECTIVE JUROR: I had a case -- DUI third.

19 THE COURT: Were you found guilty of that
20 offense?

21 PROSPECTIVE JUROR: It had some kind of deal, I'm
22 not sure, but I'm pretty sure it's was still on.

23 THE COURT: Do you have that on your
24 disqualified? 328.

25 MS. CAMPBELL: 328? I can pull that.

1 THE COURT: Cody White. We'll check it real
2 quick.

3 PROSPECTIVE JUROR: Okay, sir.

4 THE COURT: Yeah, go ahead and stay with us at
5 this point.

6 PROSPECTIVE JUROR: Juror number 16. The company
7 that I work with, not the owners, my brother, recently he's
8 trying to switch over to a different career, and he has left
9 me in charge and none of my workers came to work today.

10 THE COURT: All right. So you are telling the
11 business will shut down if you're not here?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: All right. Well, I can't excuse you
14 but I can transfer you. Okay?

15 PROSPECTIVE JUROR: That's fine.

16 THE COURT: All right. So we'll transfer you to
17 the next term.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: 16 is transferred.

20 PROSPECTIVE JUROR: I have a CDV. And I was
21 wondering if I could transfer because I've been out of town
22 two weeks and I'm the only person working.

23 THE COURT: Is that the only income for your
24 household?

1 PROSPECTIVE JUROR: I'm the only one working,
2 yes.

3 THE COURT: All right. We'll transfer 4.

4 MS. CAMPBELL: Judge, Juror 128, 343, and then
5 348 that appear to have disqualifying convictions on the
6 record.

7 THE COURT: All right. Do you want me to call
8 them up here now?

9 MS. CAMPBELL: Yes, sir.

10 THE COURT: Juror 128.

11 PROSPECTIVE JUROR: Come up?

12 THE COURT: Yeah. Are you Mr. Gregory?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: According to our records, is that
15 you? Is that your social?

16 PROSPECTIVE JUROR: Yes, sir.

17 MS. CAMPBELL: You have a conviction, possession
18 of crack cocaine?

19 PROSPECTIVE JUROR: Yes.

20 MS. CAMPBELL: That would be a disqualification.

21 THE COURT: All right. Well, you're excused for
22 cause, sir.

23 PROSPECTIVE JUROR: All right.

24 THE COURT: Juror 343.

1 MS. CAMPBELL: He appears to have a disqualifying
2 conviction in 2009 for armed robbery.

3 THE COURT: Is that your date of birth and
4 social?

5 PROSPECTIVE JUROR: Uh-huh.

6 THE COURT: Did you plead guilty -- you were
7 convicted of a strong-armed robbery?

8 PROSPECTIVE JUROR: A strong-armed robbery.

9 THE COURT: Okay. And then you haven't had your
10 rights restored by amnesty or pardon?

11 PROSPECTIVE JUROR: No.

12 THE COURT: All right. You're excused. 343.

13 MS. CAMPBELL: 348 appears to have a
14 disqualifying conviction out of New Jersey.

15 THE COURT: 348. Ms. York?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Is that your date of birth and
18 social?

19 PROSPECTIVE JUROR: Okay. Yes.

20 THE COURT: Okay.

21 MS. CAMPBELL: Your Honor, it appears that we
22 have a disqualifying conviction out of New Jersey in 1980.

23 PROSPECTIVE JUROR: I didn't put it down because
24 the last time I had somebody do a credit check, nothing came
25 up. So I didn't know ---

1 THE COURT: Okay. Well, no, no, ---

2 PROSPECTIVE JUROR: -- how to answer that.

3 THE COURT: You're not in trouble. But your
4 rights haven't been restored by pardon or amnesty or
5 anything else like that, have they, since that conviction?

6 PROSPECTIVE JUROR: No. As far as I know, I
7 mean -- what conviction was it?

8 MS. CAMPBELL: It looks like to be a burglary
9 conviction out of New Jersey.

10 PROSPECTIVE JUROR: That was back in 1979.

11 THE COURT: Okay. It doesn't matter how old it
12 is, but if you haven't had your rights restored, it would
13 still disqualify you. Okay?

14 PROSPECTIVE JUROR: I do apologize.

15 THE COURT: That's okay. That's all right.

16 PROSPECTIVE JUROR: Do I give both of these back?

17 THE COURT: No, just this is fine. You're
18 excused for cause. Thank you.

19 All right. Thank you, ladies and gentlemen. I
20 find that the jury panel is now qualified.

21 Ladies and gentlemen, just to go over some
22 general rules for jury service this week. When you're in
23 the courtroom or conducting your role as jurors, if you
24 would please turn off all cell phones and other
25 communication devices by putting them on silent mode. If

1 you are selected as a juror, you'll be asked to leave your
2 phone, pager or other communication device with the Clerk
3 when you arrive at the courthouse in the morning. You can
4 get them back during breaks or lunch breaks or at the end of
5 the day. If there's an emergency, if there's some issue
6 with your family, we can arrange that they contact the
7 Clerk's office so you won't be without some emergency
8 communication.

9 Also it is very important in this case that you
10 have no contact at all with the parties, lawyers, the
11 potential witnesses in each of the cases. Even innocent
12 conversations are easily misconstrued. So just avoid
13 contact with folks you don't know because they might be a
14 witness and you not know it. Again, you see a bunch of
15 lawyers in this room. If they see you out in the courtyard
16 or at lunch and they don't talk to you, they're not being
17 rude. They can't talk to you. So, just know that. Next,
18 if you're picked as a juror, please be on time. If we've
19 got to delay the trial because you're running late, you're
20 inconveniencing your other fellow jurors and you're, you
21 know, delaying the trial of the case and the parties here.
22 So, I ask that you just be on time. You know, we normally
23 work bankers' hours. So, you're not going to be here until
24 seven, eight o'clock, at night under -- with rare exception.
25 So, if you'll be on time we can get all our work done here

1 as quickly as possible, You know, if there's an emergency
2 that pops up, if you please, I'm sure Clerk's got a number
3 where you can let the Clerk of Court know that, and we'll
4 deal with that accordingly. Okay. All right, if you are
5 picked as a juror, the Clerk's going to give you specific
6 instructions on where to park and where to gather each day.
7 All right.

8 Ladies and gentlemen, we are going to take about
9 a 15-minute break. I know y'all have been kind of sitting
10 cooped up for a little while and it looks like y'all might
11 want to grab a sip of water or go to the restroom. So,
12 we'll take about a 15-minute break. Just follow the Clerk
13 and then we'll go ahead and try to get the jury selected and
14 we will go from there. Okay.

15 (Recess for 15 minutes.)

16 (Jurors enter courtroom.)

17 THE COURT: All right. Welcome back, ladies and
18 gentlemen of the jury panel. We are about to pick a jury
19 in the case of State of South Carolina vs. Mark Elliott
20 Martin, Jr. Before we select the jury, there are several,
21 additional questions I need to ask you, and Madam Clerk,
22 the jury panel has already been sworn just for the record?

23 CLERK: Yes, Your Honor.

1 THE COURT: All right. So, ladies and gentlemen
2 of the jury, you have already been sworn, so, I'm going to
3 go ahead and ask you these questions.

4 Is any member of the jury panel related by blood
5 or marriage or have a close personal race relationship or
6 social relationship with the defendant, Mr. Mark Elliott
7 Martin, Jr.?

8 (No one stands.)

9 All right. I'm going to read a list of potential
10 witnesses in the case. Sergeant Rob Edwards with Jasper
11 County Sheriff's Office; Sergeant Andrew Maisano,
12 Hardeeville Police Department; Lieutenant Joseph Michaud,
13 and I may have pronounced that wrong, with the Hardeeville
14 Police Department; Lieutenant Scott Melnick with the
15 Hardeeville Police Department; Brittany Luney (Ph) formerly
16 with SLED; Andrew Garinger of the Beaufort County Sheriff's
17 Office. Is any member of the jury panel related by blood
18 or marriage or have a close personal or social relationship
19 with any of the individuals I just listed?

20 PROSPECTIVE JUROR: My son-in-law is employed
21 with the Hardeeville PD.

22 THE COURT: Okay. Do you know Lieutenant Joseph
23 Michaud or Lieutenant Scott Melnick?

24 PROSPECTIVE JUROR: No, not personally.

25 THE COURT: Okay. All right.

1 MR. STEPHENS: Sorry, Your Honor. Can we get her
2 juror number?

3 THE COURT: What is your juror number?

4 PROSPECTIVE JUROR: 22.

5 THE COURT: 22, and you said your son-in-law is
6 employed with the Hardeeville PD?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. All right. I'm going to ask
9 the lawyers to stand up and introduce themselves.

10 CLERK: There is someone else standing.

11 THE COURT: I'm sorry.

12 PROSPECTIVE JUROR: I am a business associate
13 with Michaud and Maisano. They have done career events at
14 my school. I don't know if that counts as a close personal
15 relationship and obviously they work with my husband at
16 Hardeeville Police Department.

17 THE COURT: Okay. So, your husband is employed
18 at the Hardeeville Police Department?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: And I guess they've come to your
21 school and done stuff?

22 PROSPECTIVE JUROR: Correct.

23 THE COURT: Okay. Do you think that relationship
24 would affect your ability to be fair and impartial in this
25 trial?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Okay. All right. Thank you, ma'am.
3 What is your juror number, I'm sorry?

4 PROSPECTIVE JUROR: 153.

5 MR. STEPHENS: Thank you.

6 THE COURT: All right. If the lawyers will now
7 introduce themselves.

8 MR. FRODSHAM: Thank you, Your Honor. My name is
9 Marshall Frodsham. I am an Assistant Solicitor with the
10 Fourteenth Circuit. Sitting next to me is Trasi Campbell
11 who's also an Assistant Solicitor with the Fourteenth
12 Circuit.

13 THE COURT: All right. Mr. Stephens, go ahead.

14 MR. STEPHENS: Thank you. Good, good afternoon,
15 ladies and gentlemen. My name is Jeff Stephens. I'm an
16 attorney with a criminal law firm in Beaufort. I am now
17 representing Mark Martin. Thank you.

18 THE COURT: All right. Has any member of the
19 jury panel ever been represented by any of the attorneys
20 involved in the case or their law firms for that matter?

21 (No one stands.)

22 Is there any member of the jury panel related by
23 blood or marriage or have a close personal or social
24 relationship with any of the attorneys involved in the
25 case? A little bit of a different question, do you know

1 the lawyers, not just have you ever been represented by
2 them.

3 (No one stands.)

4 Does any member of the jury panel have any
5 knowledge about this case or has any member of the jury
6 panel formed or expressed an opinion about any issue or
7 matter involved in this case?

8 (No one stands.)

9 All right. Is any member of the jury panel aware
10 of any bias or prejudice towards either the State or the
11 defendant in this case?

12 (No one stands.)

13 All right. Is any member of the jury panel a
14 member of the grand jury which issued the indictments in
15 this case?

16 (No one stands.)

17 Is there any member of the jury panel a member of
18 or a contributor to any group which has its primary concern
19 the promotion of law enforcement or victims' rights? These
20 groups include but are certainly not limited to MADD, SADD
21 ,which is Mothers Against Drunk Driving and Students
22 Against Drunk Driving, or CAVE which is Citizens Against
23 Violent Crime or any other organization that supports law
24 enforcement or victims' rights.

25 (No one stands.)

1 Has any member of the jury ever worked in law
2 enforcement? All right. Are any of your close personal
3 friends -- I'm sorry.

4 PROSPECTIVE JUROR: I was a correctional officer
5 twenty years ago. I don't know if that counts.

6 THE COURT: I don't think that disqualifies you.
7 Thank you for letting us know. What is your juror number?

8 PROSPECTIVE JUROR: 25.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: I was a correction officer
11 for 14 years with the State of South Carolina.

12 THE COURT: Okay. I don't think that
13 disqualifies you either. You're not there now, are you?

14 PROSPECTIVE JUROR: No, sir. I work for the U.S.
15 Post Office now.

16 THE COURT: Okay. What was your juror number?

17 PROSPECTIVE JUROR: 193.

18 THE COURT: Okay. And ma'am, what was your
19 number again? I'm sorry.

20 PROSPECTIVE JUROR: 25.

21 THE COURT: Are any of your close personal
22 friends former or present law enforcement employees?

23 PROSPECTIVE JUROR: Is it just friends or blood
24 relatives as well?

25 THE COURT: Either or.

1 PROSPECTIVE JUROR: My dad is a current captain
2 with the Beaufort County Sheriff's Department and my Uncle
3 is a Highway Patrolman for the State of South Carolina.

4 THE COURT: Okay. What is your juror number?

5 PROSPECTIVE JUROR: 309.

6 THE COURT: All right. And this question goes
7 for all who were standing, and going back to the last
8 question, I'm sorry I didn't ask you that, to the
9 Department of Corrections Officers as well. Will these
10 relationships that you have, would they affect your ability
11 to be fair and impartial in this trial? So, I'm going to
12 ask you, tell me what your relationship is and then tell me
13 if it would affect your ability to be fair and impartial.

14 PROSPECTIVE JUROR: My daughter works for the
15 Jasper County Detention Center.

16 THE COURT: Would that affect your ability to be
17 fair and impartial?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: Okay. What juror number are you?

20 PROSPECTIVE JUROR: 193.

21 THE COURT: 193. All right. And may I -- yes,
22 ma'am. What is your juror number?

23 PROSPECTIVE JUROR: 309.

24 THE COURT: Okay. And would that relationship
25 affect your ability to be fair and impartial.

1 PROSPECTIVE JUROR: I don't believe it will.

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

3 PROSPECTIVE JUROR: I am 272. My husband is
4 friends with a SLED officer and I do not think it will
5 affect my ability to be fair and impartial.

6 THE COURT: All right. Thank you, ma'am. All
7 right. Your juror number?

8 PROSPECTIVE JUROR: 338. My deceased father was
9 a correction officer, correction sergeant from New York
10 State and my God-daughter's father was Metropolitan Police.
11 I don't think either would affect my ability to serve.

12 THE COURT: Okay. Then it wouldn't affect your
13 ability to be fair and impartial?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Okay. All right, ma'am?

16 PROSPECTIVE JUROR: 224. My cousin is a Bluffton
17 police officer.

18 THE COURT: All right. Again, that wouldn't
19 affect your ability to be fair and impartial?

20 PROSPECTIVE JUROR: No.

21 THE COURT: All right. Anybody else?

22 (No one stands.)

23 And a similar question, are you related to or are
24 close personal friends with an employee or former employee

1 of the Jasper County Sheriff's Office. All right. Have
2 you or any member -- I'm sorry?

3 PROSPECTIVE JUROR: My brother was with the
4 Jasper County Detention Center.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: My number is 193.

7 THE COURT: 93?

8 PROSPECTIVE JUROR: 193.

9 THE COURT: 193. Would that affect your ability
10 to be fair and impartial in this trial.

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: Okay. All right. Thank you, sir.

13 All right. Have you or any member of your immediate family
14 or close, personal friends ever worked for the Solicitor's
15 Office?

16 (No one stands.)

17 Are you or any of your immediate family members
18 or close personal friends a friend or acquaintance of
19 anyone who works at the Solicitor's office?

20 (No one stands.)

21 All right. Are you or any member of your
22 immediate family or close, personal friends ever been a
23 victim of a drug related crime, drug overdose or any
24 similar drug abuse or drug transactional crimes or
25 occurrences?

1 (No one stands.)

2 All right. I have pretty much asked this
3 question but I'll ask it again. Are you or any members of
4 your immediate family a former or present member of a
5 victims' rights organization? Just to give you a few more
6 examples, Child Abuse Prevention Association which is CAPA.
7 Citizens Opposed to Domestic Violence, which is CODA. I
8 have already been through the other ones. Just to give you
9 more examples of victim's rights groups.

10 (No one stands.)

11 All right. Have you or any member of your
12 immediate family or close personal friends participated in
13 any organizations to assist victims of substance abuse?
14 For example, Alcoholics Anonymous which is AA, Narcotics
15 Anonymous which is NA, or Community Anti-Drug Coalitions of
16 America which is CADCA?

17 (No one stands.)

18 Have you formed an opinion about the guilt or
19 innocence of Mr. Mark Martin based on his appearance, race,
20 or the fact that he is a defendant in a criminal case?

21 (No one stands.)

22 All right. Last -- well, getting close to last,
23 given the nature of the allegations in the present case of
24 a drug transaction, would you find it difficult or
25 uncomfortable to serve as a juror in this case?

1 (No one stands.)

2 All right. Does any member of the jury panel
3 know of any reason whatsoever why you should not serve as a
4 juror in this case with particular emphasis being placed on
5 your ability to be fair and impartial to both the State and
6 the defendant?

7 (No one stands.)

8 All right. Anything from the State as it relates
9 to voir dire?

10 MR. FRODHAM: No, Your Honor.

11 THE COURT: Anything from the defense?

12 MR. STEPHENS: No, Your Honor. Thank you.

13 THE COURT: All right. All right, ladies and
14 gentlemen, next we're going to move -- move on and it's
15 going to take the Clerk a minute to get the list of jurors
16 to pop up so, as soon as we get that done, we will go ahead
17 and seat the jury.

18 CLERK: As I call your name, bring your
19 belongings, come up to the front and stand here -- stand
20 right there, I guess, so they can see you.

21 Juror number 207.

22 MR. FRODSHAM: Please present this juror.

23 CLERK: What say ye for the defense?

24 MR. STEPHENS: Please excuse the juror.

1 CLERK: Take a seat back out in the gallery.

2 Juror number 122. What say ye for the State?

3 MR. FRODSHAM: Please present this juror.

4 CLERK: What say ye for the defense?

5 MR. STEPHENS: Please seat the juror.

6 CLERK: Have a seat over in the jury box.

7 Juror number 77. What say ye for the State?

8 MR. FRODSHAM: Please present this juror.

9 CLERK: What say ye for the defense?

10 MR. STEPHENS: Please excuse the juror.

11 CLERK: Juror number 65. What say ye for the
12 State?

13 MR. FRODSHAM: Please present this juror.

14 CLERK: What say ye for the defense?

15 MR. STEPHENS: Please seat the juror.

16 CLERK: Have a seat over there in the jury box.

17 Juror number 83. What say ye for the State?

18 MR. FRODSHAM: Please present this juror.

19 CLERK: What say ye for the defense?

20 MR. STEPHENS: Please seat the juror.

21 CLERK: Have a seat over in the jury box.

22 Juror number 280. What say ye for the State?

23 MR. FRODSHAM: Please present this juror.

24 CLERK: What say ye for the defense?

25 MR. STEPHENS: Please seat the juror.

1 CLERK: Juror number 210. What say ye for the
2 State?

3 MR. FRODSHAM: Please present this juror.

4 CLERK: What say ye for the defense?

5 MR. STEPHENS: Please excuse the juror.

6 CLERK: Juror number 296. What say ye for the
7 State?

8 MR. FRODSHAM: Please excuse this juror.

9 CLERK: You may have a seat.

10 Juror number 318. What say ye for the State?

11 MR. FRODSHAM: Please present this juror.

12 CLERK: What say ye for the defense?

13 MR. STEPHENS: Please seat the juror.

14 CLERK: Have a seat over in the jury box.

15 Juror number 256 -- 256. What say ye for the State?

16 MR. FRODSHAM: Please excuse this juror.

17 CLERK: You may be seated back in the gallery.

18 Juror number 33. What say ye for the State?

19 MR. FRODSHAM: Please present this juror.

20 CLERK: What say ye for the defense?

21 MR. STEPHENS: Please seat the juror.

22 CLERK: Juror number 115. What say ye for the
23 State?

24 MR. FRODSHAM: Please present this juror.

25 CLERK: What say ye for the defense?

1 MR. STEHENS: Please seat the juror.

2 CLERK: Have a seat in the jury box.

3 Juror number 304 -- 304. What say ye for the State?

4 MR. FRODSHAM: Please excuse this juror.

5 CLERK: You may have a seat back out in the
6 gallery.

7 Juror number 119. What say ye for the State?

8 MR. FRODSHAM: Please present this juror.

9 CLERK: What say ye for the defense?

10 MR. STEPHENS: Please seat the juror.

11 CLERK: Juror number 302. What say ye for the
12 State?

13 MR. FRODSHAM: Please present this juror.

14 CLERK: What say ye for the defense?

15 MR. STEPHENS: Please excuse the juror.

16 CLERK: Juror number 268. What say ye for the
17 State?

18 MR. FRODSHAM: Please present this juror.

19 CLERK: What say ye for the defense?

20 MR. STEPHENS: Please seat the juror.

21 CLERK: Juror number 177. What say ye for the
22 State?

23 MR. FRODSHAM: Please present this juror.

24 CLERK: What say ye for the defense?

25 MR. STEPHENS: Please seat the juror.

1 CLERK: Juror number 338. What say ye for the
2 State?

3 MR. FRODSHAM: Please present this juror.

4 CLERK: What say ye for the defense?

5 MR. STEPHENS: Please seat the juror.

6 CLERK: Juror number 178. What say ye for the
7 State?

8 MR. FRODSHAM: Please excuse this juror.

9 CLERK: Juror number 137. What say ye for the
10 State?

11 MR. FRODSHAM: Please present this juror.

12 CLERK: What say ye for the defense?

13 MR. STEPHENS: Please excuse the juror.

14 CLERK: Juror number 254. What say ye for the
15 State?

16 MR. FRODSHAM: Please present this juror.

17 CLERK: Are there any strikes for cause, defense?

18 MR. STEPHENS: No, ma'am. Thank you.

19 CLERK: Have a seat over ---

20 That's the twelve jurors. Now the alternates.

21 Juror number 20 --- sir?

22 THE COURT: Madam Clerk, are you going in order?

23 CLERK: Sir?

24 THE COURT: Are you going in order?

1 CLERK: I'm pulling --- like calling? Like it is
2 on the list.

3 THE COURT: Okay.

4 Counsel, y'all approach.

5 (Bench conference.)

6 CLERK: Juror number 25. What say ye for the
7 State?

8 MR. FRODSHAM: Please present this juror.

9 CLERK: What say ye for the defense?

10 MR. STEPHENS: Please excuse the juror.

11 CLERK: Juror number 53. What say ye for the
12 State?

13 MR. FRODSHAM: Please present this juror.

14 CLERK: What say ye for the defense?

15 MR. STEPHENS: Please seat the juror.

16 CLERK: Juror number 22. What say ye for the
17 State?

18 MR. FRODSHAM: Please present this juror.

19 CLERK: What say ye for the defense?

20 MR. STEPHENS: Please excuse the juror.

21 CLERK: Juror number 66. What say ye for the
22 State?

23 MR. FRODSHAM: Please excuse this juror.

24 CLERK: Juror number 44. What say ye for the
25 State?

1 MR. FRODSHAM: Please present the juror.

2 CLERK: What say ye for the defense?

3 MR. STEPHENS: Please seat the juror.

4 CLERK: Your Honor, the jury has been drawn.

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

6 Counsel, are there any matters that we need to
7 deal with regarding jury selection?

8 MR. FRODSHAM: Not that I am aware of, Your
9 Honor.

10 MR. STEPHENS: Your Honor, I do have a matter I'd
11 like to take up outside the hearing of the jury.

12 THE COURT: All right. All right, ladies and
13 gentlemen, if you were not called, thank you for being
14 here. You are excused for the week.

15 All right, ladies and gentlemen of the jury, we
16 are going to go ahead and swear you in, and then I'm going
17 to let you retire to the jury room for a few minutes. Will
18 you swear the jury?

19 CLERK: Please stand and raise your right hand.
20 (Jury is sworn.)

21 THE COURT: All right, ladies and gentlemen of
22 the jury, we have to do a couple of things. I'm going to
23 ask you to retire to the jury room for a few minutes.
24 While you're back there, don't discuss the case. Don't do
25 any independent legal research. I'll give you a more

1 complete charge on that. But we haven't started the trial
2 yet, and you haven't heard opening arguments, and certainly
3 you haven't heard any testimony or evidence. So, please
4 don't do any research about the case. Don't discuss the
5 case amongst yourselves. But what I do want you to do is,
6 amongst yourselves while you're in the jury room, elect a
7 foreperson and y'all can talk about it. Somebody might
8 want to do it. Somebody might not want to do it, but just
9 make sure it's not one of the alternates, okay? So not
10 number 53 or 44. But y'all elect a foreman. Out of the
11 first twelve that were picked, y'all elect yourselves a
12 foreman, okay. All right, if you will just retire to the
13 jury room for a few minutes. Go ahead and decide who you
14 want the foreman to be and I'll be with you in a few
15 minutes. Okay.

16 (Jury exits the Courtroom)

17 THE COURT: All right, Counsel. I understand you
18 have got a motion.

19 MR. STEPHENS: Yes, Your Honor. Your Honor, the
20 defense has a Batson challenge to two of the four strikes
21 that were made by the State, juror number 296 who was a 22-
22 year-old black female, and juror 304 which, I believe, is a
23 73-year-old black female. I just want to -- would ask for
24 a race neutral non-discriminatory basis for -- for the
25 strikes, Your Honor. I would note that the State struck

1 two out of the three black jurors who were called. And the
2 black jurors amounted for two of their four strikes.

3 THE COURT: All right. Anything from the State?

4 MR. FRODSHAM: Thank you, Your Honor. Yes.

5 Juror number 296 was a black female, was aged 22. She also
6 stated she worked at the Enmarket which is a high crime
7 area. I believe that due to her age she'd have a shorter
8 attention span and we want someone who can focus. We
9 believe that she will probably be reaching for her cell
10 phone, someone of that age, and they would go through cell
11 phone withdrawal if they don't have access to that. And
12 then we have juror number 304 who was a black female. She
13 had a criminal record, Your Honor. The third juror that we
14 did seat was a middle-aged black female who had no prior
15 criminal record which is the reason we sat her.

16 MR. STEPHENS: Your Honor, begging the Court's
17 indulgence for just a moment.

18 THE COURT: That's fine.

19 MR. STEPHENS: I was trying to identify one of
20 the, I believe one of the witnesses, or one of the jurors
21 seated I thought was as young as the twenty-two-year-old
22 black female, but I can't identify that person right now.
23 So, I would just make an argument that the -- that the
24 basis for striking juror 296 appears to be pretextual.
25 That the idea that someone who works at a gas station might

1 be somehow biased because they worked at a gas station,
2 Your Honor, since this case doesn't involve anything that
3 takes place at a gas station, Your Honor. That's all we
4 want to do is put that argument on the record.

5 THE COURT: All right. Well, I find that -- that
6 the State has satisfaction -- satisfactorily given a race
7 neutral explanation for their strikes. So I am going to
8 respectfully deny your motion, Mr. Stephens, at this time.
9 All right. Anything else before we get the jury back out?
10 Well, I don't know. Do y'all need to take a break? They
11 might need a minute to elect a foreman. So if y'all need
12 to grab some water or ---

13 MR. FRODSHAM: I have nothing from the State.

14 MR. STEPHENS: Your Honor, I think if they are
15 just getting preliminary instructions, I think you would
16 want to hold up cutting them loose ---

17 THE COURT: All right. All right, I'll go ahead
18 and get them back in here.

19 BAILIFF: Your Honor, they need another minute to
20 decide who the foreman is.

21 THE COURT: Okay. All right. Just whenever
22 they're ready, we'll get them back in here. While we're on
23 the record, and Mr. Stephens, in regard to your motion,
24 obviously in looking at the law in a Batson motion, the
25 ultimate burden lies with the defense in this case, and I

1 find that based on a totality of the facts and
2 circumstances on the record including credibility and
3 demeanor of the State who offered and struck the proposed
4 juror that they've met the burden. It's not pretextual
5 and, you know, your motion is formally denied.

6 MR. STEPHENS: I understand, Your Honor. Thank
7 you.

8 THE COURT: Okay.

9 BAILIFF: Your Honor, I believe the jury is
10 ready.

11 THE COURT: All right, bring them out.

12 BAILIFF: The jury is entering the Courtroom.

13 THE COURT: All right. Congratulations, juror
14 number 280. Raise your hand. You're the foreman -- or
15 forelady. All right. You will be our foreman.

16 Ladies and gentlemen of the jury, we're about to
17 begin to try the case of State versus Mark Elliot Martin,
18 Jr. I want to say thank you for accepting this important
19 responsibility of jury service and for your contribution to
20 our justice system today. It is the best justice system
21 ever invented in this earth's history, although imperfect,
22 it's still the best, and it still wouldn't work without
23 you. It would come to a halt. Nobody would get their day
24 in court. So thank you for that. These instructions I'm
25 about to give you are a basic introduction of the trial.

1 These remarks are not a charge on the law of the case. I
2 will instruct you on the applicable law of
3 the case at the end of the trial before you consider your
4 verdict. This is merely an explanation of the procedure
5 that we'll follow during the trial to help you better
6 understand what's happening. Please don't take any notes
7 during the trial. A lot of folks ask that question, but I
8 don't think the trial is going to last long enough. I
9 think it's only going to last maybe a couple of days. So
10 don't take notes because I find that if you're writing,
11 you're not listening, and listening is the most important
12 thing you can do.

13 The defendant in this case is charged by warrants
14 and subsequent indictments filed with this Court with the
15 crimes of trafficking methamphetamine or cocaine base and
16 trafficking morphine, opium, or heroin. The elements of
17 which will be explained to you later on when I charge you
18 on the law. The warrants and indictments are simply the
19 charges by which this case is brought into court and they
20 are not in any sense evidence of any of the allegations
21 they contain. The defendant has pled not guilty to these
22 indictments. Therefore the State has the burden of proving
23 each of the elements of the crimes beyond a reasonable
24 doubt, and it is your duty, ladies and gentlemen, to decide
25 whether the State has met that burden. Your purpose as

1 jurors is to find and determine the facts. You are the
2 sole judge of facts. If at any time I make a comment
3 regarding the facts, you must disregard it. You are to
4 determine the facts from the testimony you hear, from the
5 witness stand, and other exhibits that are offered in
6 Court. It's up to you to determine the inferences which
7 you feel may be properly drawn from the evidence. It's
8 especially important for you to perform your duty of
9 determining the facts diligently and conscientiously
10 because ordinarily there's no way to correct an erroneous
11 determination of the facts found by a jury. On the other
12 hand and with equal emphasis, the same rule that make you
13 the judge of the facts make me the judge of the law. The
14 law as given by the Court is the only law you may consider.
15 You must accept and follow it even though you may disagree
16 with it. I cannot tell you what the facts are, and you
17 cannot disagree with me about what the law is or what it
18 should be. Your job is to take the law as I give it to you
19 and apply it to the facts as you find them from the
20 testimony of the witnesses and any other evidence that is
21 introduced in this trial. After doing that, you will
22 render your verdict under the oath that you just took as
23 jurors. Until I advise you to begin your deliberations,
24 you must not discuss this case with anyone, including your
25 fellow jurors, friends, family members or anybody involved

1 in the case. You must decide this case solely on the
2 evidence presented here in this courtroom. This means that
3 during the trial you must not conduct any independent
4 research about this case by searching the media, Internet,
5 websites, blogs, or something called a newspaper, or use
6 any electronic tools to get that information. After the
7 case is submitted to you, you must discuss it only in the
8 jury room with your fellow jurors. The attorneys and
9 parties in this case have been advised that they are not to
10 talk to you at all. So if you -- again, like I told you
11 earlier, if you see anybody and they don't even say hello,
12 they are not being mean, they are not being rude. They are
13 doing what I told them and they're following instructions.
14 It's important that you keep an open mind and not decide
15 any issue in this case until all of the evidence has been
16 presented and the parties have made their closing arguments
17 and I've instructed you on the law. If you become aware of
18 another juror's violation of these instructions, you must
19 inform me immediately. The opening statements in this case
20 that the Solicitor will make -- we're going to start the
21 trial in the morning. But the opening statements the
22 Solicitor makes will simply explain the issues in this
23 case, or at least what the Solicitor thinks the issues are
24 in the case. The attorney for the defendant may also make
25 an opening statement although he is not required to do so.

1 What the attorneys tell you during opening statements is
2 not evidence in this case. It is only their contention as
3 to what the issues are or what the evidence may show. And
4 then after opening statements, the testimony will begin.
5 It is your responsibility to determine the guilt or
6 innocence of the defendant and your verdict must be based
7 solely on the evidence as it is presented to you in this
8 courtroom during this trial and on the law as I instruct
9 you during and at the close of the trial. The evidence in
10 this case will be presented to you by testimony of a sworn
11 witness on this witness stand and by exhibits which may be
12 introduced into evidence. In determining what the facts
13 are in this case, you must decide whether or not the
14 testimony of a witness is believable. It will be my
15 responsibility to rule as a matter of law as to whether
16 certain testimony is admissible. But once the testimony is
17 admitted, it is solely for you to determine the
18 believability of the witness's testimony. In deciding
19 whether to believe a witness you have the right the
20 interest of any witness, the bias of any witness, the
21 prejudice of any witness, the opportunity for the witness
22 to have seen the matters and things about the witness may
23 testify and the way the witness acts on the witness stand.
24 You have a right to consider anything that is in the record
25 that will help you evaluate the testimony of the witnesses.

1 That means that you must pay close attention to the
2 witnesses, observe the witnesses, listen to the witnesses
3 and pay close attention to the attorneys and to the Court.
4 Do not let your thoughts wander, but give strict attention
5 to the testimony in this case so that at the end of the
6 testimony, after the arguments of counsel and my charge on
7 the law, you will then be in a position to determine what
8 the applicable facts are and to apply the law to those
9 facts and render a verdict. From time to time during the
10 trial you may hear one of the lawyers say, Your Honor, I
11 believe we have a question of law or a matter of law to
12 discuss with you, or may we approach the bench. Or
13 sometimes I might find it necessary to excuse you from the
14 courtroom for a short time so the attorneys and I can
15 discuss a matter of law. The reason for this is you are
16 the judges of the facts in this case. And sometimes when
17 I'm discussing matters of law with the attorneys, it may be
18 necessary for them to make some comment as to the facts in
19 connection with ruling whether or not a particular law
20 applies. I'm not supposed to tell you what the facts are
21 or what I think the facts are, so I will excuse you from
22 the courtroom while these discussions take place so that in
23 no way you can be influenced by anything that I might say
24 or do in connection with the facts. Madam forelady, it's
25 your added duty to preside in the jury room and be the

1 juror spokesperson here in the Court. It'll be your duty
2 to write the verdict, but I will give you further
3 instructions on that at a later time and at the conclusion
4 of the case. It doesn't give you an extra vote or any more
5 power, you're just to preside over and then let the Court
6 know anything that you need to let us know on behalf of the
7 jury.

8 Anything else about the preliminary charge from
9 the State?

10 MR. FRODSHAM: None from the State, Your Honor.

11 THE COURT: Anything from the defense?

12 MR. STEPHENS: Nothing from the defense, Your
13 Honor. Thank you.

14 THE COURT: Ladies and gentlemen of the jury, as
15 I told you, we're going to start the trial in the morning,
16 so you have the rest of the day off. I'm going to ask
17 again like I just told you, please don't do any independent
18 research about the case. Don't discuss the case amongst
19 yourselves. You will have plenty of time to do that when
20 the case is over. Don't discuss it with your family
21 members because we haven't started the trial yet. So
22 again, don't do any research, don't discuss the case and
23 let's try to get back here by 9:15 in the morning and we'll
24 start and try to get rolling by 9:30. Okay. All right,
25 y'all have a good afternoon. Thank you.

1 BAILIFF: The jury as left and the door is now
2 closed.

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

4 MR. FRODSHAM: Your Honor, you wanted the copies
5 of my motions in limine?

6 THE COURT: Yeah, if you don't mind.

7 MR. FRODSHAM: I have a copy for the defense as
8 well.

9 MR. STEPHENS: Bear with me for a moment.

10 MR. FRODSHAM: Excuse me?

11 MR. STEPHENS: If you could bear with me for a
12 moment? Your Honor, I also have a copy of the defense
13 motion in limine to exclude testimonial hearsay and these
14 haven't been filed but I will file a copy ---

15 THE COURT: I've got -- yes, just one, right?

16 MR. STEPHENS: Yes, sir. If you already ---

17 THE COURT: I've got that.

18 MR. STEPHENS: Okay. Your Honor, I also have a
19 Return to the State's motion to admit ring camera evidence,
20 that again, I haven't filed these yet, but I will try to
21 get them filed this afternoon.

22 THE COURT: All right. All right, and then do
23 y'all want to hear these -- it's a little after one now,
24 y'all want two or two thirty or what? You tell me.

1 MR. FRODSHAM: Two thirty sounds fine, Your
2 Honor.

3 THE COURT: Two thirty?

4 MR. STEPHENS: Yes, Your Honor. I keep looking
5 for a clock on the wall. That should be enough you're,
6 Your Honor. I just want to make sure you also have time to
7 read through the motions as well.

8 THE COURT: All right. Well, we'll be at recess
9 until two thirty.

10 MR. FRODSHAM: Thank you, Your Honor.

11 MR. STEPHENS: Thank you, Your Honor.

12 (Lunch break until 2:30.)

13 THE COURT: All right, who wants to go first?

14 MR. STEPHENS: Your Honor, I think I've got a
15 threshold matter the Court's got to hear first. I just,
16 for back up from the Court, I was just informed or just
17 educated myself about the South Carolina Homeland Security
18 Act cited in my return to the State's Motion yesterday. My
19 conversation with attorney Dick Whiting, who has written
20 extensively about this sort of thing, with further
21 research, I see that this Court, the Trial Court, is
22 without subject matter jurisdiction to make a ruling about
23 that suppression. There's case law I sent by email and
24 unfortunately I think it requires me to move for a
25 continuance to file the suppression motion with the Court

1 of Appeals. That even I think under State v. Ross your --
2 which I just sent to the Court and the State, even should
3 the Court deny the continuance motion once I file my
4 suppression motion, I think the Court's going to be bound
5 by a stay of proceedings. Now I would not normally do this
6 on the eve of trial, Your Honor, but again I just was
7 educated about the Act, and we had every reason to think
8 that the first case was going forward prior to this case
9 being heard. But at this point, Your Honor, based on the
10 case law I see in State v. Whitner and State v. Rosier, I
11 think I have to move for a continuance so that -- so that I
12 can immediately file that motion for suppression under the
13 South Carolina Homeland Security Act with the Court of
14 Appeals.

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

16 MR. FRODSHAM: Thank you, Your Honor. This is
17 going to be a bit of a response here because I've actually
18 got the case -- the statute that he keeps referencing. The
19 South Carolina Homeland Security, I've got a copy for Your
20 Honor and defense. Your Honor, this Act has to do
21 primarily with wire taps. You'll notice in the motion he
22 talks about interception. This is not a case about
23 interception, Your Honor. This is a case about somebody
24 having a recording in their home and that recording was
25 obtained via a lawful search warrant. Moreover, the -- the

1 law that we would share, the Whitner by example that was
2 just cited, we were not given that case, but the -- the
3 case that we were given, the beginning of it, it says that
4 it has this case has -- this opinion has no precedential
5 value. It should not be cited or relied on as precedent in
6 any proceeding except as provided by Rule 268(d)(2), and
7 then over in the other column it does distinguish that this
8 case, which again should not be relied upon, was a jail
9 call. This is -- this is neither that nor is that an
10 opinion that, that, that should be used to, to base this
11 motion. One second, Your Honor.

12 THE COURT: Yeah.

13 MR. FRODSHAM: But therefore, on that point Your
14 Honor, the Court does have subject matter jurisdiction to
15 rule upon the admissibility of the Ring camera evidence,
16 If you will turn in that section or in the statute I gave
17 you to 17-30-25(b), I believe it's on the fourth -- let's
18 see -- that act states that a provider, which was Ring, may
19 furnish information to facilities or technical assistance
20 to a person authorized by law to quote unquote intercept
21 communications if given, a Court Order directing such
22 assistance or a proper certification. 17-30-40(b) one
23 through two likewise allows the provider to divulge all
24 contents as otherwise authorized by this chapter or with
25 the lawful consent of the originator addressee. So we had

1 a search warrant for the Ring account and that is exactly
2 the kind of Court Order contemplated by 17-30-25 and 40.
3 So the disclosure is, is, is not just prohibited, it's
4 expressly authorized by the statute itself, Your Honor.
5 Once again, Your Honor, this is not an interception. This
6 was a recording that was taken in a home and it was
7 obtained via a lawful search warrant. If this is an
8 interception, then the recordings in other circumstances,
9 for a large portion of the cases that we have, would be
10 deemed an interception, which they are simply not. That
11 would have to do with wiretapping, Your Honor, which I'm
12 not prosecuting the case on wiretapping. Therefore, you do
13 have subject matter jurisdiction, Your Honor, in the
14 opinion of the State.

15 MR. STEPHENS: Your Honor, I can't make an
16 argument about this. My reading of the case law is that
17 should I make argument about this, about this issue, it may
18 be determined to be waived by the Court of Appeals. I just
19 stand on -- the defense is willing to go forward on other
20 issues if the Court denies the motion for continuance, but
21 we are notifying the Court that the defense's intent is to
22 file a motion to suppress with the Court of Appeals
23 electronically after recess this evening, Your Honor.

24 THE COURT: Thank you for that. What's the cite
25 of the case you ---

1 MR. STEPHENS: Your Honor, there are two cites
2 and one was State v. Rosier, which the State is correct is
3 not -- is not reported and the appellate case number for
4 that is 2013-002259. But, there is a reported case State
5 v. Whitner, 399 SC 547, which is 732 S.E. 2d 861, 2012
6 case. It also states that the Court is without
7 jurisdiction to hear motions to suppress for admissibility
8 under the Wiretap Act. That is all I could say about that,
9 Your Honor. Like I said, Rosier is pretty clear that if I
10 place that issue before the Court, I'm going to waive my
11 ability to raise it at the Court -- to the Court of
12 Appeals. That's the Court of first impression on it.

13 MS. CAMPBELL: What's your -- what's the cite
14 again, Jeff?

15 MR. STEPHENS: 399 S.C. 547 it's at 732 S.E. 2d
16 861.

17 MS. CAMPBELL: It's State v. who?

18 MR. STEPHENS: Whitner.

19 MS. CAMPBELL: Thank you.

20 MR. STEPHENS: W h i t n e r.

21 MS. CAMPBELL: Gotcha.

22 MR. FRODSHAM: State v. Whitner?

23 MS. CAMPBELL: Okay.

24 THE COURT: All right. I'm trying to read this
25 case.

1 THE COURT: All right. Mr. Stephens, I was
2 looking at the case and I guess the sentence right here
3 that you are referring to where it says the Court of
4 Appeals correctly granted the State's motion to vacate in
5 final trial court like subject matter jurisdiction because
6 the Wiretap Act required motion to suppress being made
7 before a panel of judges on the Court of Appeals?

8 MR. STEPHENS: Yes, sir, and in Rosier they
9 spelled that language out by saying -- in Rosier, the
10 defense filed this suppression motion and I think a
11 continuance motion. The continuance motion was denied.
12 The Court of Appeals ruled that because they had placed the
13 -- the issue in front of the Trial Court instead of
14 following suppression motion with Court of Appeals, it was
15 deemed waived. And again, for the interest to protect my
16 client's right to have that issue heard, that's why we're
17 going to file a motion to the Court of Appeals prior to
18 the jury being impaneling the hearing that the evidence,
19 which I believe would attach jeopardy, tomorrow morning.
20 Again, I would normally not wait until the last minute, but
21 again, I just became educated on that limitation on the
22 wiretap, excuse me, the wiretap aspects of the Homeland
23 Security Act and the Court of Appeals original jurisdiction
24 to hear the motion to suppress.

1 THE COURT: And Rosier is spelled R O Z or R O S
2 I E R?

3 MR. STEPHENS: I beg the Court's indulgence for
4 just a moment. It is R O S I E R.

5 THE COURT: All right. So you're not arguing the
6 suppression under the ---

7 MR. STEPHENS: No, Your Honor. I'm assuming that
8 if the -- if the Court otherwise suppresses the -- the
9 evidence at issue, not under the Homeland Security Act,
10 then the issue is moot at least at the, the trial -- I
11 think the issue is moot, however, the defense is not trying
12 to play games with the Court to have two bites of the
13 apple. We just want to make sure that we file or follow
14 the Court's guidance with the two cases that we cited.

15 THE COURT: Well, and to be fair, I looked at the
16 Homeland Security Act Wiretap Act during lunch with the
17 limited amount of time I had, but I know you're not arguing
18 that. But at this point, I'm just thinking out loud, I'd
19 grant your motion to continue if you're going to file
20 anyway, which is going to stay the case.

21 MR. STEPHENS: That's correct, Your Honor.

22 THE COURT: It hasn't been done yet,
23 understandably.

24 MR. STEPHENS: It has not, Your Honor.

1 THE COURT: I guess my question is number one, do
2 I have jurisdiction. Number two, is this even something
3 that falls under the statute. But ---

4 MR. STEPHENS: Respectfully, ---

5 THE COURT: -- as a threshold matter, you've got
6 to deal with one first. So at this point, I'm going to
7 respectfully deny your motion to continue it and obviously
8 not argue on that ground. Let's go ahead and deal with the
9 other, other motions in limine.

10 MR. STEPHENS: Yes, Your Honor, and we're still
11 prepared to argue about lack of authentication on the
12 videos if the Court is inclined to hear that or that you
13 could stay that motion as well, Your Honor.

14 THE COURT: The authentication based on the Ring
15 camera that falls under the Wiretap Act?

16 MR. STEPHENS: Yes, sir, but I think that
17 probably the safest option is to stay that motion in its
18 entirety.

19 THE COURT: All right. And then what else do we
20 have to hear?

21 MR. STEPHENS: The defense filed a motion to
22 prohibit where we're alleging it's testimonial hearsay.
23 It's probably not something that the State intends to offer
24 anyway. There are statements from non-testifying
25 witnesses, one of whom is deceased. Another is -- I don't

1 know of her whereabouts, but she's not on the State 's
2 witness list, and we would just move to suppress any
3 mention of those statements either in the openings/closing
4 our case in chiefs since they are not expected to testify
5 and testimonial hearsay is not subject to any hearsay
6 exception, Your Honor. And then there's the State's motion
7 to -- to admit different text messages.

8 THE COURT: All right. And, and then your motion
9 was to suppress the statements of Angela Eaton?

10 MR. STEPHENS: Yes, Your Honor. There is a
11 second witness named Savannah West. I could not tell until
12 I got the State's witness list whether or not she would be
13 on the witness list. In which case I would not include her
14 in the testimony in the hearsay motion. But because the
15 State is not intending to call her, we've also asked to
16 suppress and exclude any statements from Ms. West.

17 THE COURT: Okay. Is that right? You are not
18 calling her as a witness?

19 MR. FRODSHAM: That's correct, Your Honor.

20 THE COURT: Okay. So West is moot. So do you
21 want to go ahead and argue the testimony the hearsay stuff
22 on Eaton?

23 MR. STEPHENS: Not if the -- if the State's
24 conceding that they're, they're not offering any statements
25 or referencing statements from Ms. Eaton or Ms. West. Both

1 of which, I think made statements that drugs in the home
2 have been brought in by Mr. Martin.

3 THE COURT: All right. Did the State's plan
4 on ---

5 MR. FRODSHAM: We will comply with the Rules of
6 Evidence for that, Your Honor. We're not going to offer
7 any statements by them. Any hearsay statements or attempt
8 to.

9 THE COURT: Okay. So no statements by Eaton or
10 West.

11 MR. FRODSHAM: Correct, Your Honor.

12 THE COURT: All right.

13 MR. STEPHENS: I think that moots my motion, Your
14 Honor.

15 THE COURT: All right. Yeah, because that was on
16 a -- that was a recorded interview by Ms. Eaton, right?

17 MR. STEPHENS: Yes, Your Honor. I believe that
18 -- I don't recall by Ms. West, but I believe Ms. Eaton was
19 recorded at the jail.

20 THE COURT: Right. So y'all are offering that
21 video recording as evidence?

22 MR. FRODSHAM: Correct, Your Honor. We are not.

23 THE COURT: All right. And I guess the State's
24 motion on the defendant's text messages?

25 MR. FRODSHAM: Yes, Honor.

1 THE COURT: All right. I will be glad to hear
2 from you on that.

3 MR. FRODSHAM: Okay. Thank you, Your Honor.
4 Your Honor, I beg the Court's indulgence.

5 THE COURT: Yeah.

6 MR. FRODSHAM: Your Honor, I beg the Court's
7 indulgence.

8 THE COURT: Yeah.

9 MR. FRODSHAM: Your Honor, I'm going to go
10 through the motion in limine that I gave to defense counsel
11 and yourself.

12 THE COURT: All right.

13 MR. FRODSHAM: So we would seek to admit certain
14 text message communications that were taken via lawful -- a
15 lawful search warrant dated between January 2020 and
16 September 2021 in which the defendant is the declarant on
17 those. Those text messages were obtained via a search
18 warrant. Mr. Martin was involved in other investigation
19 elsewhere and officers did what's called a phone dump, but
20 after that, our law enforcement did a secondary search
21 warrant to obtain those text messages with their own
22 factual basis and probable cause and justification. The
23 extracted text message data includes messages spanning, I'd
24 say, between January 2020 and September 2021 and it
25 contains numerous drug related communications in which the

1 defendant coordinated the sale and movement of controlled
2 substances using coded terminology like food and cold and
3 other slang commonly associated with heroin and
4 methamphetamine. It also shows that two days after the
5 search warrant, he says that my people got busted with half
6 my food and half my cold two days ago and also that he was
7 engaging -- engaging in ongoing drug distribution activity
8 with multiple individuals throughout Jasper County and the
9 surrounding counties. Now, there are several cases that
10 support the admission of this evidence of prior -- evidence
11 of prior drug distribution activity may be admitted for
12 purposes such as intent, knowledge, identity and absence of
13 mistakes so long as it bears logical relevance to the
14 charged offense. I have a case to hand up, Your Honor.

15 THE COURT: All right.

16 MR. FRODSHAM: Your Honor, I am handing you State
17 v. King. You can turn with me to -- you can turn to page
18 9, Your Honor. Right above note 13. So the Court in this
19 case, the Court of Appeals for South Carolina, ruled that
20 the defendant's previous distribution of drugs is a past
21 bad act. They obtained the information about the
22 defendant's previous distribution of drugs through
23 testimonial statement. That's under the column to the
24 right of that. The State contended that Kirkland's (Ph)
25 testimony concerning her purchases of drugs from King and

1 her observations of King's during other drug transactions,
2 was admissible to show King's intent to distribute the
3 drugs during the search. And they concluded the testimony
4 related to a defendant's past drug distribution activities
5 is admissible to establish the element of intent. And that
6 is testimony, Your Honor. This is actual evidence. This
7 is -- these are statements from the defendant himself.
8 Going forward, the defendant's messages demonstrate his
9 ongoing drug distribution activity, his familiarity with
10 the terminology and mechanics of narcotics trafficking and
11 his direct connection to the narcotics found at 206
12 Columbia Avenue, the residence where the search warrant was
13 executed and it is logically relevant to and highly
14 probative of intent, knowledge and identity under Rule
15 404(B). Likewise, Your Honor, to satisfy the Lyle
16 requirement, the Lyle framework of prior act must be
17 supported by clear and convincing proof.

18 I have another case for Your Honor. This is
19 State v. Wilson decided by the Supreme Court in 2001. So
20 if you turn to page three on the bottom right, the very
21 last paragraph, the Court explained that to be admissible,
22 other crimes that are not the subject of conviction, must
23 be proved by clear and convincing evidence. We believe
24 that we have met that burden. If you go to the next page,
25 the second paragraph, beginning in "criminal cases," Your

1 Honor, the opposite page, excuse me, Your Honor, the
2 opposite column, if you go down to "we have held that," we
3 have held that evidence of a prior drug transaction is
4 relevant on the issue of intent when the defendant has been
5 charged with possession of a controlled substance with
6 intent to distribute. Here, defendant is charged with
7 trafficking. It's merely a higher weight threshold for
8 that and this is clear evidence that there were prior deals
9 or transactions that were ongoing. I might have text
10 messages here, Your Honor. I could show them to you. I
11 had planned to admit them as exhibits. I included them in
12 the -- in the discovery that I sent you on Thursday. They
13 show the defendant once again using those slang words and
14 arranging times for the drugs.

15 THE COURT: And these messages were how long
16 before what was charged?

17 MR. FRODSHAM: Sure. So the search warrant was
18 executed on June 17th. The text messages spanned from
19 between, I believe it is January 2020 through September
20 2021. So, there are six months prior to it and three
21 months subsequent. They are authored by the defendant. We
22 have an authentication record from his phone that shows all
23 the accounts originating from that device. They were
24 recovered via forensic extraction pursuant to a valid
25 search warrant. They are internally self-authenticating

1 with distinctive content. They're corroborated by the June
2 2021 execution of the search warrant, execution of the
3 search warrant, and the investigation that followed. Not
4 only that, but they are consistent with the defendant's
5 later admission to the Detective Michaud that he supplied
6 narcotics to the address on June 17, 2021. We believe,
7 Your Honor, this constitutes clear and convincing proof
8 under Wilson to admit this. Moreover, the probative value
9 substantially outweighs any danger of unfair prejudice.
10 Under Rule 403, relevant evidence should be admitted unless
11 it's probative value is substantially outweighed by the --
12 by the danger of unfair prejudice. The defendant's
13 prejudices are highly probative because they involve the
14 same drugs, the same slang, and the same distribution
15 practices reflected in the charged conduct. They spanned
16 the months surrounding the trafficking activity and
17 uncovered during the execution of the June 17th search
18 warrant. They were directly -- they directly referenced
19 the June 2021 drug bust at that residence, and they provide
20 crucial context regarding the defendant's motive, knowledge
21 and intent. There is a threat of text messages, Your
22 Honor, that the defendant sends to the homeowner that says
23 I'll be there, and then after he leaves she says thanks.
24 These are, these are very contextually probative. So in
25 conclusion, Your Honor, for the foregoing reasons the State

1 respectfully moves this Court for an Order permitting the
2 admission of the defendant's drug related text messages
3 dated January 20 -- January 2020 through September 2021.
4 The State further requests that the Court rule, prior to
5 trial, that these messages are relevant, properly
6 authenticated and admissible under Rule 404(b) supported by
7 clear and convincing evidence under Wilson and not unduly
8 prejudicial under 403. Thank you, Your Honor.

9 THE COURT: All right.

10 MR. STEPHENS: Thank you, Your Honor. There are
11 at least two separate things that play first in the case.
12 The State was saying that the -- they want a ruling from
13 the Court that these are properly authenticated, but
14 there's been nothing offered to authenticate these. The
15 first issue is authentication. The defense contends that
16 there's a few ways to authenticate text messages. One of
17 which is to have the, the sender or recipient testify I
18 sent this text or I received this text and that's some
19 information that they had received it and you asked them is
20 -- is it substantially the same as the text message print
21 out here? Yes, it is. Does appear altered in any way? No
22 it does not. That is testimony under South Carolina Rule
23 of Evidence 901(b)(1), personal knowledge. Another way is
24 a cell phone extraction that these purport to be here but
25 that would require authentication under South Carolina Rule

1 of Evidence 901(b)(9) testimony about a system or process,
2 and it would have to be something found to be reliable
3 under State v. Council, Your Honor. I don't believe the
4 technician who did the -- I'm sure the State can correct me
5 if I'm wrong, I don't believe that the technician who did
6 the cell phone extraction is on their witness list. So, I
7 don't know how they get to authentication that -- that
8 these were text messages extracted from the defendant's
9 phone in evidence and that these are reliable reproductions
10 of the electronic data from that phone. They haven't been
11 altered in any way without having the, the person involved
12 in the extraction testify. Again, I may be incorrect on
13 that, but I believe they only have the -- the officers
14 involved in the investigation and not the person involved
15 in the extraction to testify about this. What the State is
16 asking for, basically, is to sidestep and abrogate the
17 rules on authentication to just have an officer involved in
18 the investigation testify about something someone else
19 produced, skips a portion of the chain of custody and skips
20 authentication. They have to be shown to be accurate and
21 reliable and, again, I don't believe that there is any
22 basis offered by the State to authenticate these. Although
23 that's certainly something that could be revisited if there
24 was some -- a witness I'm unaware of involved in, in the
25 case, Your Honor. Second, as to content, the -- the

1 initial text messages date from five months before the
2 search warrant was executed on the home in this case, I
3 don't fully understand the relevance under 404(b) to show
4 that they are relevant to drugs that were seized five
5 months later. Additionally, looking at what purports to be
6 the persons that these messages are sent to, I don't see
7 Angelique, the homeowner of the home in question, as the
8 recipient of these text messages, Your Honor. But, as
9 again, something I could ask the -- the person who did the
10 extraction should they testify. As to the contemporaneous
11 text messages, contemporaneous with the date of the
12 execution of the search warrant, if they were able to show
13 the, the linkage, if they were able to lay the foundation
14 with authentication and have the technician who did the
15 extraction testify that the from and to sender and
16 recipient are based on information in the defendant's
17 phone, I believe they would have met the threshold for
18 relevance after they get through authentication, but I
19 don't think they're there yet, Your Honor. Lastly, and
20 that is only regarding what's been marked as State's
21 Exhibit 101.A in the -- in the pretrial evidence that was
22 provided to the Court. The remainder of the text messages
23 provided by the State are not related to the -- to the
24 search of this home. They are alleged to be, purported to
25 be, general text messages about drug transactions, Your

1 Honor. These aren't even prior bad acts, but alleged acts
2 afterwards and I haven't heard any testimony to establish
3 the relevance of subsequent testimony other than to violate
4 404(b) to show that bad acts in his -- that the charges
5 allege are inconsistent, are consistent with these other
6 subsequent bad acts. So just to summarize briefly, Your
7 Honor, I believe for authentication they need to have the
8 technician who did the extraction. We know nothing about
9 Cellebrite and I don't believe there's a witness on the, on
10 the list to explain the link between a phone being taken
11 and extraction being done on Cellebrite to then testifying
12 to counsel that these are accurate -- accurate and reliable
13 messages and then all the information contained in the
14 messages were from the defendant's phone. Secondly, Your
15 Honor, even were they to provide that authentication, I
16 would argue that the -- the initial text messages marked as
17 State's Exhibit 101 precede the search of the house in this
18 case by over -- by five months and they are not addressed
19 to the homeowner. They have no bearing on the -- on the
20 drugs that were located in that home at all. As to State's
21 Exhibits 102 and, and on those are subsequent acts that
22 again are sent -- text messages sent to other people about,
23 one could argue, unrelated if they're not drug
24 transactions, they're completely unrelated. They have
25 nothing to do with the allegations in this case except to

1 paint Mr. Martin as a drug dealer which would be a clear
2 violation of 404(b), Your Honor. And that's all the
3 defense has on that.

4 THE COURT: All right. Any response from the
5 State?

6 MR. FRODSHAM: Thank you, Your Honor. Yes. It's
7 my last case I'll hand out today. The ATL Private Equity
8 Group. If you could turn Your Honor, to page seven. I'd
9 like to address the standard for authentication of the Rule
10 901. It's going to be the second paragraph down in the
11 left-hand column.

12 THE COURT: What page did you say it was?

13 MR. FRODSHAM: Page seven of twelve, Your Honor.

14 THE COURT: All right.

15 MR. FRODSHAM: In this case they were trying to
16 see the authenticity of loan documents but they outlined
17 the standard here, Your Honor. I'll read beginning at
18 second. Second DPO authenticated the loan documents under
19 Rule 901(4)(b)(4) which provides that evidence may be
20 authenticated based upon "appearance, contents, substance,
21 internal patterns, or other distinctive characteristics
22 taken in conjunction with the circumstances." Your Honor,
23 this is a low threshold. We have in this case, Your
24 Honor, the affiant to provide testimony, if needed, about
25 the receipt of the -- of the text messages phone dump.

1 There are distinctive characteristics of the phone dump
2 that make it seem authentic. We have, that I'm going to
3 admit into evidence, what is from the phone. The user
4 information for all the outgoing accounts. All the
5 accounts from this device which may originate messages. We
6 have a list of all those accounts. Every single sender in
7 this is Mr. Martin. That is a distinctive characteristic.
8 It's an internal pattern and in conjunction with the
9 circumstances, the text messages reference this specific
10 instance and repeatedly used the same terminology that was
11 used to refer to the drugs found in this specific instance.
12 Your Honor, to say the least, that that is sufficient to
13 meet the objectively low bar of authentication. As far as
14 the other points the defense raised, Your Honor, I believe
15 I have already addressed those in my initial argument.

16 MR. STEPHENS: If I may be heard briefly?

17 THE COURT: All right.

18 MR. STEPHENS: Your Honor, this isn't a pile of
19 text messages found in the back seat of the defendant's
20 car. These -- this is manipulated electronic data that
21 somebody had to pull from the phone and they're not trying
22 to offer any information about how these were pulled and
23 that these are what the text messages look like or anything
24 like that. There is a difference between identifying
25 something based on its characteristics. It's not a picture

1 of a porch. They're -- they're alleged to be electronic
2 messages. They at least have to jump through a very low
3 hurdle of having the person who does the extraction
4 testify. It's present in every case, Your Honor. There's
5 no appellate cases on this sort of admission because it's
6 just not done. That you get in, that you skip a step in
7 how you got the information. The same would be true -- I'm
8 not arguing about the videos, but the same would be true.
9 You just can't say here's evidence I have and it looks, it
10 looks real. There has to be some reliability. I'd refer
11 the Court to pages, I think seven and eight, of State v.
12 Council about reliability as a precedent to admissibility
13 and I would say that it goes to authentication. That's
14 all, Your Honor. Thank you.

15 MR. FRODSHAM: Your Honor, if I may briefly?

16 THE COURT: Yeah.

17 MR. FRODSHAM: If we're going to rely upon State
18 v. Council, I'd love a copy of that. Did he give a copy to
19 Your Honor?

20 THE COURT: Sure.

21 MR. STEPHENS: No. I don't have a copy of it as
22 well.

23 MR. FRODSHAM: Okay.

24 THE COURT: I've got some other cases that in my
25 book kind of go to a ---

1 MR. FRODSHAM: Because I believe that it refers
2 to scientific findings ---

3 THE COURT: Yeah. State v. Council does in some
4 regard deal with expert testimony and ---

5 MR. FRODSHAM: Yeah, and then ---

6 THE COURT: -- I guess authentication of stuff.

7 MR. FRODSHAM: All right, Your Honor. Thank you.

8 THE COURT: Thanks. All Right. What I'll do --
9 obviously there is a low standard in authentication. I'm
10 going to take this under advisement and I'll get with you
11 guys first thing in the morning on that. I guess Ring
12 camera deal -- so the third issue we had is moot because
13 you're not calling any witnesses, the statement from
14 Angelique Eaton and Savannah West, that the defense filed.
15 So we don't even need to deal with that.

16 MR. FRODSHAM: Certainly, Your Honor. Yeah.

17 MR. STEPHENS: That's correct, Your Honor.

18 THE COURT: So we've got the text message of the
19 of the defendant. Well, I want to go back and look at
20 these cases. I tried to skim them but as you well know,
21 you can't really read them.

22 MR. FRODSHAM: I gotcha.

23 THE COURT: And then we can deal with that first
24 thing in the morning. I guess getting back to my original
25 concern. If you are filing a motion with the Court of

1 Appeals this afternoon, realistically how's that going to
2 affect this case?

3 MR. STEPHENS: I'll have to ask the Court, Your
4 Honor. I don't know when or how quickly they issue a stay
5 because frankly I've never done it before. I've done
6 interlocutory appeals but not an evidentiary motion like
7 this but they -- under the statute they're the ones that
8 have jurisdiction. I don't know whether they'll issue a
9 stay. All you do is make the attempt to preserve the
10 issue, file the motion and then see prior to us going on
11 the record, Your Honor.

12 THE COURT: All right. Yeah, I don't know the
13 answer to that question either.

14 MR. FRODSHAM: Okay, Your Honor. The defendant's
15 inculpatory statements require a Denno hearing. That's a
16 different matter than what we're discussing now, but absent
17 a conclusion on this matter, I suppose we can do that.

18 THE COURT: I mean, I don't have a problem with
19 that. I'm just -- you know, if this case gets stayed,
20 number one, when are we going to know. I don't want the
21 jury sitting here all day and then just from a practical
22 standpoint, say it gets stayed, I mean, when does the jury
23 come back? We just wait to get an Order?

24 MR. STEPHENS: Yes, Your Honor. I mean if I -
25 again, I'm not sure of the process but obviously I will ask

1 the Court of Appeals Clerk whether this -- the issuance of
2 the stay order is automatic, and I will clearly copy the
3 Court and counsel when I make the electronic filing of the
4 motion.

5 THE COURT: All right. Yeah. I'm just -- again
6 I'm just thinking out loud. I'm not making any rulings.
7 I'm just trying to -- if we get here, assuming nothing goes
8 haywire and you get your motion filed, then obviously the
9 State is not just going to start with opening statements.
10 I'm trying to figure out what we're going to do with the
11 jury.

12 MR. FRODSHAM: It's in your discretion, Your
13 Honor. We once again maintain our argument that this is
14 not a wiretap. It has to be an oral or written
15 communication between two parties and one party is trying
16 to intercept that. This is neither of those things. In
17 the definition on the first page of the statute, it will
18 outline what interception applies to and that which is
19 found in this case is not listed. I mean I -- if we are
20 uncertain about whether or not we can even move forward
21 with this, then I understand your hesitancy, Your Honor.

22 THE COURT: Yeah. I mean that's my thing. If I
23 make a ruling, on it, then obviously he's got a right to
24 have it heard by the appropriate tribunal.

25 MR. FRODSHAM: Certainly.

1 THE COURT: I have some question in my mind as to
2 whether it even -- whether this was a wiretap. I mean I
3 always thought it was, you know, that that's statute dealt
4 with recording somebody's telephone conversations.

5 MR. STEPHENS: Your Honor, I can tell you that's
6 why I educated myself this weekend. You know, I defer to
7 the opinion of some smarter more educated persons when --
8 when I make the argument than myself, and so all I can do
9 is file the motion with the appropriate tribunal, as the
10 Court said and if they grant the stay, that issue is moot,
11 and if not, I'm not really sure what the proper procedure
12 is, Your Honor. But that's why I'll seek guidance from the
13 Court of Appeals after I file the motion or when I file the
14 motion.

15 MS. CAMPBELL: If I might just interject, Your
16 Honor.

17 THE COURT: Sure, certainly.

18 MS. CAMPBELL: So, if -- would Mr. Stephens then
19 think that he would be in a position to -- to know what the
20 Court of Appeals is going to do sometime tomorrow? Because
21 we could alert the jury and begin the trial Wednesday
22 morning. That could be a solution that might solve the
23 problem of not knowing what the Court of Appeals is going
24 to do.

1 THE COURT: Right. Well and that would at least
2 give us a day to find out and we don't have the jury ---

3 MS. CAMPBELL: Correct.

4 THE COURT: -- locked in a room all day long.

5 MS. CAMPBELL: Yes, sir.

6 MR. STEPHENS: Yes, sir. I would be attempting
7 to get an answer on that before close of business today,
8 but obviously I don't control things ---

9 THE COURT: You can't do that while you're in
10 here with me.

11 MR. STEPHENS: Pardon, Your Honor?

12 THE COURT: You can't do that while you're in
13 here with me.

14 MS. CAMPBELL: No.

15 MR. STEPHENS: Your Honor, I'm at the Court's
16 discretion, but I will certainly find out as soon as I can
17 as to what their procedure is. It's a new one for me as
18 well, which is why I didn't understand the interpretation
19 until I put the research in.

20 MS. CAMPBELL: Well, and again, I mean, as I said
21 in working with Mr. Frodsham, in that scenario that Mr.
22 Stephen's pictures, every single surveillance video on
23 every single situation involving criminal trials would have
24 to be stayed and gone up to the Court of Appeals. I mean
25 that is -- that is essentially what he's asking to do here.

1 So that aside, I think maybe if we just take the day
2 tomorrow, and Mr. Clerk, if -- I'm going to leave it up to
3 his Honor, but we could certainly start this trial. We
4 have plenty of time. We can start it Wednesday morning and
5 -- and then everybody's clear what the Court of Appeals
6 thinks about staying this -- this proceeding and, and that
7 you don't have subject matter jurisdiction.

8 THE COURT: Well, all I need is something from
9 them saying you've got subject matter jurisdiction and
10 we'll try it.

11 MS. CAMPBELL: Exactly. Right. So ---

12 THE COURT: But I don't want to start the trial
13 and then tell me I don't.

14 MS. CAMPBELL: Right.

15 MR. FRODSHAM: I don't think anyone does, Your
16 Honor.

17 MS. CAMPBELL: So again, I mean I think we'll
18 have an answer tomorrow. We could start the trial
19 Wednesday morning.

20 MR. STEPHENS: I think the jury -- I think they
21 weren't told to call in so I think they're going to show up
22 tomorrow morning regardless.

23 MS. CAMPBELL: They can reach them, they can
24 reach them. Seems to me that would solve all of Mr.
25 Stephens' issues and the Court's issues with subject matter

1 jurisdiction. We just bring the jury in Wednesday morning
2 and if, if the Court of Appeals says, you know, you don't
3 have subject matter jurisdiction then, you know, we go that
4 way and if they say carry on, then we carry on Wednesday.

5 MR. STEPHENS: I have no issue with that either,
6 Your Honor, and I think if they are not going to issue a
7 stay, then we still have to have the Jackson v. Denno
8 hearing and a determination about -- otherwise
9 determination on the, on the videos for any matters not
10 relating to the Homeland Security or Wiretap Act.

11 MS. CAMPBELL: All right.

12 THE COURT: Well, do y'all want to do that
13 tomorrow?

14 MR. STEPHENS: I think we, we could, Your Honor.
15 At least we could touch base with the Court. I don't want
16 to waste the Court's time and have you sitting around but I
17 hope to have an answer right away about the -- about the
18 stay ---

19 MS. CAMPBELL: How long do you need? You want
20 thirty minutes?

21 MR. STEPHENS: If we convene in the morning, Your
22 Honor, I think, I think it's a good plan to -- to waive the
23 jury off till Wednesday. But if we can ---

24 MS. CAMPBELL: All right.

1 MR. STEPHENS: -- convene in the morning, I will
2 be able to inform the court as to what I got or what
3 information I get from the Court of Appeals. If nothing
4 else, I'd be able to provide notice that the motion has
5 been filed at the Court of Appeals and which I think I need
6 to do anyway.

7 THE COURT: All right. What time do y'all want
8 to start in the morning?

9 MR. FRODSHAM: 9:30. Will that work, Your Honor?

10 THE COURT: Yeah. That'll work. 9:30 in the
11 morning and then I guess just let the jury know not to come
12 in tomorrow.

13 THE CLERK: What time do we want them here on
14 Wednesday?

15 THE COURT: Yeah. Just tell them 9:15, so we can
16 start at 9:30. Does that work for everybody?

17 MR. FRODSHAM: That works, Your Honor.

18 MR. STEPHENS: Yes, Your Honor. Thank you.

19 THE COURT: All right. I guess just for -- I
20 meant to ask this. Mr. Frodsham, I am assuming there is,
21 there is a -- are you planning on calling who did the
22 extraction of the cell phone data?

23 MR. FRODSHAM: I'm planning on calling Lieutenant
24 Michaud who received the extraction.

1 THE COURT: Okay. Not the people who used
2 Cellebrite to get the information?

3 MR. FRODSHAM: You are correct, Your Honor.
4 There is a Savannah Police Department Detective or
5 Lieutenant that I believe did that and sent over directly
6 to Lieutenant Michaud.

7 THE COURT: Okay, but you're not calling the
8 Savannah guy?

9 MR. FRODSHAM: Correct. Correct, Your Honor.

10 THE COURT: You're just calling Detective ---

11 MR. FRODSHAM: Yes.

12 THE COURT: Okay. All right. That helps me in
13 looking at everything.

14 MR. FRODSHAM: Just to, just to be clear, Your
15 Honor. I haven't argued the Ring camera admissibility yet.
16 I can, I can still argue that, right?

17 THE COURT: Right.

18 MR. FRODSHAM: Okay. Great.

19 THE COURT: Yeah, but I guess if I have
20 jurisdiction or not. But I guess is there a question I
21 need to him to argue about the Ring camera ---

22 MR. FRODSHAM: If you'd like to know my argument
23 it's in the motion I sent you.

1 THE COURT: Yeah I've got it. I just didn't know
2 what witnesses. I don't know if you have a Ring witness or
3 a Google witness.

4 MR. FRODSHAM: It will be directly through
5 Lieutenant Michaud. That's the only person.

6 THE COURT: Okay. Well that, so he's the guy?

7 MR. FRODSHAM: Yes, sir.

8 THE COURT: Gotcha. All right, that's all I need
9 to know. All right, we will be in recess until 9:30 in the
10 morning and I guess we'll do the Jackson v Denno hearing at
11 9:30 then?

12 MR. FRODSHAM: Yes sir. Thank you, Your Honor.

13 THE COURT: All right. Thank you.

14 (Whereupon, the pre-trial motions ended for the
15 first day and will begin on the second day,
16 11/18/25.)

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CERTIFICATE OF REPORTER

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
introduced in the hearing of the captioned case,
relative to appear, in the Circuit Court for Jasper
County, South Carolina, on the 17th day of November,
2025.

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

Cathy L. Young, CVR-M
Court Reporter and Notary
Public in and for South Carolina
My Commission expires: 3-28-2029

EXHIBIT E

Defendant's Motion to Suppress Recorded Oral
Communication Pursuant to the South Carolina
Homeland Security Act

RECEIVED

Nov 17 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Motion to Suppress Wiretap Evidence in Jasper County General Sessions Court

THE STATE,

PLAINTIFF,

V.

MARK ELLIOTT MARTIN, JR.,

DEFENDANT

INDICTMENT NO. 2021GS2700673, 2021GS2700675

MOTION TO SUPPRESS RECORDED ORAL COMMUNICATION PURSUANT TO THE
SOUTH CAROLINA HOMELAND SECURITY ACT, SOUTH CAROLINA CODE
SECTIONS 17-30-10 ET SEQ.

The undersigned counsel respectfully moves to suppress recorded Ring camera videos containing private communications between the Defendant, Mark Martin, and his co-defendant, Darrin Transou, as a violation of the South Carolina Homeland Security Act, South Carolina Code Sections 17-30-10 et seq. This Honorable Court has original subject matter jurisdiction under the Act.

Background

On or about June 17, 2021, the Defendant participated in a conversation with co-defendant Darrin Transou at the home of a third party, Ms. Angela Eaton, at 206 Columbia Avenue, Hardeeville, South Carolina. The conversation regarding drug distribution was recorded on Ms. Eaton's Ring camera placed in her dining room. Subsequent to the conversation, a search warrant was executed at the home and a quantity of illegal narcotics were located. The following day, the homeowner told law

enforcement in an interview that her Ring camera recorded the Defendant with the drugs located in her house. Jasper County Sheriff's Office investigators subsequently sent a search warrant to Ring LLC, attached as Motion Exhibit A, and received the subject recordings of the drug distribution conversation. No application authorizing interception was initiated or submitted by the Chief of SLED, pursuant to South Carolina Code Section 17-30-70. The Jasper County Sheriff's Office search warrant lists the Ring customer account holder as "Angela Eaton" with two listed camera locations in Hardeeville, SC. Additionally, in the State's pending pretrial motion to admit the Ring camera evidence, attached as Motion Exhibit B, the State acknowledges that the recorded conversation did not involve the Ring camera owner, stating:

The footage depicts Defendant, Mark Elliot Martin, Jr., inside the residence handling, and packaging narcotics and negotiating drug sales with co-defendant Darrin Transou. The clips include both video and audio . . . [t]he videos show Martin retrieving plastic bags of narcotics from a backpack, portioning quantities into smaller containers presumably belonging to Transou, and discussing pricing and prior trafficking activity.

Notably in the videos and the State's summary of the same, Angela Eaton is not listed as a party to the conversation. Although she enters and leaves the recording multiple times, she is not recorded participating the conversation described as between the Defendant and Darrin Transou.

Legal Analysis

I. VIOLATION OF SOUTH CAROLINA HOMELAND SECURITY ACT.

The State alleges that the Ring camera recordings at issue capture a conversation between two alleged co-conspirators, the Defendant and a co-defendant inside a private residence. The State seeks to admit video and *audio* recordings of a conversation in which the Defendant and co-defendant engage in a conversation about drug sales. There is no evidence offered that either of the speakers were aware

they were being recorded by a Ring device owned by the non-participating homeowner.. Because the interception violates the South Carolina Homeland Security Act / Electronic Surveillance Act, S.C. Code Ann. § 17-30-10 et seq., the recording is illegal, statutorily inadmissible, and must be suppressed under § 17-30-70. No rule of evidence—including the co-conspirator/statements against interests hearsay exceptions—can override a legislatively mandated exclusion.

A. THE THRESHOLD ISSUE IS LEGALITY OF THE INTERCEPTION.

Under § 17-30-70(A):

“Whenever any wire, oral, or electronic communication has been **unlawfully intercepted**, no part of the contents... **may be received in evidence in any trial, hearing, or other proceeding.**” (Emphasis added). Therefore, the statutory bar applies before any hearsay analysis, the bar is mandatory, not discretionary, as hearsay exceptions cannot override statutory suppression. A Ring camera’s electronic recording of an oral conversation is an “Interception” under § 17-30-20(4).

The Act defines “intercept” as the aural acquisition of an oral communication through any electronic device. A Ring camera records sound via a microphone, converts it to a digital signal, transmits it across the internet, and stores it on Amazon servers. It is precisely the type of device the statute covers. Additionally, there is no “security camera exception”; the statute is technology-neutral.

B. THE HOMEOWNER/RING CAMERA SUBSCRIBER IS NOT A “PARTY TO THE CONVERSATION” AND THUS CANNOT PROVIDE CONSENT UNDER SC CODE § 17-30-30.

South Carolina is a one-party consent jurisdiction, but only if the consenting party is a participant in the conversation. Section 17-30-30 states that it is unlawful to intercept an oral communication when “none of the parties to the communication has given prior consent.”

In this case, as noted by the State, the homeowner/Ring camera subscriber, Angela Eaton, (1) was not present during all parts of the offered recorded conversations and (2) did not participate/ did not speak. South Carolina law does **not** generally recognize vicarious consent for adult-to-adult conversations. *See State v. Whitner*, 399 S.C. 547, 732 S.E.2d 861 (S.C. 2012)(analyzing limited application of vicarious consent).

C. THE SPEAKERS HAD A REASONABLE EXPECTATION OF PRIVACY IN THEIR “ORAL COMMUNICATION”.

Section 17-30-20(2) defines “oral communication” as:

“any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying that expectation.” A private indoor conversation inside a home—*the most protected environment in Fourth Amendment and wiretap jurisprudence*—easily qualifies. Thus, the Ring device intercepted an “oral communication” within the meaning of the Act.

D. ADMISSION WOULD VIOLATE § 17-30-70'S MANDATORY SUPPRESSION RULE.

17-30-70 provides that the recording “may not be received into evidence,” the contents *must be* suppressed on motion, and derivative evidence may also be suppressed.

Conclusion

Because the Ring camera recording of the private communication between the Defendant and his co-defendant, Darrin Transou, without at least one-party consent, was an electronic recording of an oral communication, the recording constitutes an unlawful interception, and violates South Carolina Code § 17-30-30. There is no evidence that the participants consented to the recording. The

homeowner's potential consent to the recording is legally ineffective as vicarious consent to the recording. No statutory exception applies, and § 17-30-70 mandates exclusion.

WHEREFORE, the State's Motion to Pre-Admit the Ring audio must be denied, and the recording must be suppressed in its entirety.

Respectfully submitted,

/s Jeffrey S. Stephens
Jeffrey S. Stephens
P.O. Box 2450
Beaufort, SC 29901-2450
(843) 379-2660
jeff@quindlenlaw.com
Attorney for Appellant

November 17, 2025

STATE OF SOUTH CAROLINA

JASPER COUNTY

SEARCH WARRANT

Ring account for 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina 29927

Internal case number (**CRIM1136448**)

Case: 21-01091

Date: 07/22/2021

Officer:

Det. Michaud J.W.

STATE OF SOUTH CAROLINA

JASPER COUNTY

AFFIDAVIT

Personally, appeared before me, one, Det. Michaud, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of S.C. Code Ann. § 17-13-140, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

SEE ATTACHED EXHIBIT B

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

SEE ATTACHED EXHIBIT C

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

SEE ATTACHED AFFIDAVIT

Sworn to and subscribed before me 22
day of July, 2021.

[Signature]
Signature of Judge

[Signature]
Affiant

) Address 26 Martin Street, Hardeeville, SC
29927
) Phone 843-227-4608

STATE OF SOUTH CAROLINA)
)
JASPER COUNTY)
)

SEARCH WARRANT

Form Approved by
SC Attorney General
Section 19-13-160
March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY JASPER COUNTY:

It is appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

SEE ATTACHED EXHIBIT C

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

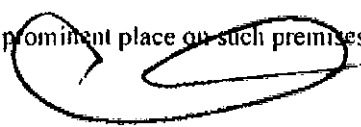
SEE ATTACHED EXHIBIT B

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to Magistrate within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Jasper County, South Carolina



Signature of Judge

Dated: 7/22, 2021

STATE OF SOUTH CAROLINA

JASPER COUNTY

EXHIBIT A

SEARCH WARRANT AFFIDAVIT:

Personally, appeared before, Detective Walker Michaud, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of section 17-13-140, 1976 Code of Law of South Carolina, as amended, is located on the following premises in this Municipality and County.

I have been employed as a certified South Carolina Law Enforcement Officer since 2005. I have participated in and conducted numerous criminal and narcotics investigations for the past eleven (11) years. My investigative experience and training include but is not limited to violent crimes, homicides, prostitution, sex trafficking, drug diversion and drug and narcotics offenses and firearms violations. Numerous investigations that resulted in arrests and seizures of drugs, narcotics, and firearms of which were related to drug activities or violent crime. I am currently assigned as a Detective with the Hardeeville Police Department.

I have attended several law enforcement schools related to the enforcement of controlled substances and other aspects of criminal investigations to include Narcotic Undercover Techniques and Operations training and Narcotics Commander School. I have participated in and conducted numerous pharmaceutical drug diversion investigations. I have participated in and conducted multiple prostitution related investigations. I have worked numerous hours with more tenured Agents and Investigators and participated in and supervised the preparation and execution of criminal and drug related search warrants throughout both Beaufort and Jasper County in the State of South Carolina.

The information provided herein is based upon my own investigation, as well as the investigations of various law enforcement officers with the Hardeeville Police Department and assisting agencies, whose results have been provided to me.

**Reason for Affiant's Belief That The
Property Sought Is within the Subject Premises/Property**

- 1). Beginning in the month of March 2021 Detectives with the Hardeeville Police Department began an investigation into allegations of suspected drug and narcotic distribution involving multiple subjects in the Hardeeville, South Carolina area. Detectives obtained specific information that the residence located at 206 Columbia Avenue, Hardeeville, South Carolina was being utilized to distribute and store large quantities of Methamphetamine and Heroin. Detectives with the Hardeeville Police Department have prior knowledge of a female subject by the name of Angela Christina Eaton (Edenfield) DOB: 04/03/1986 and her boyfriend Darin Terrell Transou DOB: 11/01/1985 residing at 206 Columbia Avenue and having previous drug related incidents involving Methamphetamine and other illegal drugs.
- 2). During the month of March, 2021 Detectives obtained an anonymous complaint of drug activity at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. The complainant advised Detectives that Angela Eaton and her boyfriend Darin Transou were in possession of ounces of Methamphetamine and Heroin at the residence located at 206 Columbia Avenue. Additionally, the complainant stated Eaton and Transou were providing illegal drugs to a female subject by the name of Savannah West DOB: 03/25/2002 who frequents 206 Columbia Avenue, Hardeeville, South Carolina.
- 3). During the course of this investigation Detectives with the Hardeeville Police Department confirmed that Angela Eaton DOB: 04/03/1986 listed an address of 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. Additionally, Detectives confirmed that Eaton was in a relationship with Darin Terrell Transou DOB: 11/01/1985. Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted surveillance on the aforementioned location. While conducting surveillance of the location Detectives observed both Eaton and Transou coming and going from the residence in a black in color 2002 Tahoe bearing South Carolina registration of (RAA-340) which is registered to Darin Transou with an alternate listed address.
- 4). During the month of April 2021 Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted surveillance of the residence located at 206 Columbia Avenue, Hardeeville, South Carolina. During surveillance efforts Detectives noted multiple vehicle and pedestrian traffic coming and going from the residence for short periods of time which is consistent with the distribution of illegal drugs. Multiple subjects coming and going from the residence were identified and have prior involvement in the sale and distribution or possession of illegal drugs or narcotics.
- 5). On 03/31/2021 Detectives observed a black in color Dodge Dakota leaving the residence of 206 Columbia Avenue. Detectives conducted a traffic stop on the suspect vehicle. While making contact with the driver and sole occupant he was identified as Jeffery Bazzle DOB: 02/14/1993. Bazzle was subsequently found to be in possession of a glass Methamphetamine pipe and a quantity of suspected Methamphetamine. During this traffic stop Bazzle confirmed he resided at 206 Columbia Avenue and stated the vehicle he was driving belonged to Angela Eaton. Savannah West who identified herself as Bazzle's girlfriend responded to the scene of the traffic stop to assist Bazzle. The suspected Methamphetamine tested positive during a NIK reagent test and was submitted for further examination.

6). On 04/14/2021, Officers with the Jasper County Sheriff's Office conducted a lawful traffic stop on a vehicle that had been observed at the residence located at 206 Columbia Avenue. During the course of the traffic stop contact was made with Savannah West the driver of the suspect vehicle. During a search of the suspect vehicle Detectives located a glass pipe commonly used to smoke Methamphetamine. West denied knowledge of the suspected Methamphetamine pipe that was intentionally concealed within a fountain drink inside the vehicle.

7). During the month of May 2021 members of the Hardeeville Police Department and the Jasper County Sheriff's Office conducted a separate investigation involving allegations of suspected juvenile prostitution or sex trafficking in the Hardeeville, South Carolina area. During the course of this investigation a juvenile victim was identified. Detectives obtained digital correspondence between the juvenile victim and Eaton in which Eaton agrees to facilitate or distribute suspected illegal drugs or narcotics to the juvenile. Eaton also provides the aforementioned address during the correspondence. This correspondence occurred during the month of April 2021.

8). During the month of May 2021 Detectives with the Hardeeville Police Department obtained information from a confidential informant that a male subject named Jeffery Bazzle was distributing quantities of illegal drugs in the Hardeeville, Jasper County, South Carolina area. Detectives were familiar with Bazzle due to previous drug related interactions. The confidential informant positively identified Bazzle as the subject in which he/she had previously purchased quantities of illegal drugs from specifically Methamphetamine in the recent past.

9). During the month of May 2021 Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted a controlled purchase of a quantity of suspected illegal drugs from Bazzle at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. A confidential and reliable informant working under the direction and control of the Hardeeville Police Department conducted the controlled purchase of suspected illegal drugs from Bazzle. Bazzle retrieved the suspected illegal drugs from within the aforementioned residence and distributed it to the confidential and reliable informant during the controlled purchase. The transaction was monitored by Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office. The suspected illegal drugs gave a positive indication during a NIK reagent test. Bazzle was positively identified as the suspect who distributed the suspected illegal drugs during this controlled purchase.

10). During the month of May 2021 Detectives with the Hardeeville Police Department the Jasper County Sheriff's Office and the South Carolina Law Enforcement Division conducted a controlled purchase of a quantity of suspected illegal drugs from Bazzle in the Hardeeville, Jasper County, South Carolina area. During the course of this controlled purchase Bazzle was positively identified by Detectives and Agents as the subject who sold suspected illegal drugs during this controlled purchase. The suspected illegal drug gave a positive indication during a NIK reagent field test.

11). During the month of June 2021 Detectives with the Hardeeville Police Department and the Jasper County Sheriff's Office conducted a controlled purchase of a quantity of suspected illegal drugs from a subject known to as Detectives Quinton Travis Taylor JR DOB: 10/25/2000 at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina. A confidential and reliable informant working under the direction and control of Detectives met with Taylor at the aforementioned residence in order to complete the transactions. During the course of the controlled purchase Taylor who is a known associate of the primary resident exited the residence and completed the transaction of suspected illegal drugs with the confidential and reliable informant. This transaction was monitored by Detectives. Additionally, Taylor

was positively identified by both the confidential and reliable informant and Detectives as the subject who distributed the quantity of suspected illegal drugs during this controlled purchase. A white female suspected to be Eaton was observed on the property during the course of the controlled purchase. The suspected illegal drug gave a positive indication during a NIK reagent field test. This controlled purchase occurred within the past seventy-two (72) hours at the residence located at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina.

12). Detectives suspect Eaton and Transou have been allowing co-conspirators or associates of theirs to utilize the residence located at 206 Columbia Avenue, Hardeeville, South Carolina to continue ongoing criminal activity involving the sale distribution and storage of Methamphetamine and other illegal drugs or narcotics. Additionally, Detectives have obtained information from reliable sources that Eaton and Transou are a source of supply for other subjects distributing illegal drugs and narcotics to include Bazzle in the Hardeeville, South Carolina area. Eaton and Transou have also been observed utilizing multiple vehicles during the course of this investigation. The registration from Transou's black in color Tahoe (RAA-340) has been observed displayed on a green in color Volkswagen sedan parked at the residence during the course of a controlled purchase.

13). Bazzle's criminal history that reflects the following arrests or convictions. Arrest for Possession of Methamphetamine on 10/12/2020.

Eaton has a criminal history that reflects the following arrests or convictions. Conviction for simple possession of marijuana 12/02/2009. Criminal Domestic Violence 1st conviction 10/05/2009. Conviction assault and battery 3rd degree, 2017. Arrest for Possession with the Intent to Distribute Methamphetamine 10/26/2018. Arrest for Possession with the Intent to Distribute Methamphetamine 12/11/2018. Arrest for Possession with Intent to Distribute Cocaine and Possession of Methamphetamine 12/04/2020.

Transou has a criminal history that reflects the following arrests or convictions. Conviction Assault with a Dangerous weapon 11/18/2009. Conviction Criminal Domestic Violence 07/06/2016.

Taylor has a criminal history that reflects the following arrests or convictions. Arrest Unlawful Carry of a Weapon 07/18/2018. Arrest Possession with the Intent to Distribute a Controlled Substance 07/18/2018. Arrest Pointing and Presenting a Firearm at a Person 02/18/2020.

14). On 06/11/2021 a search warrant was obtained for the listed residence located at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina 29927. On 06/17/2021 Detectives executed a search warrant at the aforementioned residence making contact with Jeffery Bazzle, Savannah West, William Eaton and Angela Eaton. During the course of this investigation more than 300 grams of suspected Methamphetamine, more than 60 grams of suspected Heroin, more than 5 gram of Crack Cocaine, suspected Marijuana and a stolen handgun were located within the residence to include within a safe located in Angela Eaton's bedroom. Angela Eaton was found to have the keys to the safe and subsequently charges with multiple related drug and narcotics offenses for the substances located within her bedroom. Post Miranda and during the course of interviews with Angela Eaton she initially stated the substances located in her bedroom belonged to Jeffery Bazzle. Later Angela Eaton stated a subject she knows as "Mark" a light skinned black male brought the large quantities of suspected Methamphetamine and Heroin to her residence and left them there and she didn't want to "put that stuff in there anyways" meaning her safe. Angela Eaton indicated this allegation should be captured on her surveillance camera within her residence or Ring camera. Detectives had observed a Ring camera in the living room area within Eaton's residence facing her bedroom on a shelf. Additionally, during a follow up interview of Savannah West, she also stated a light skinned black male who she only knows as "Mark" had dropped off a large quantity of Methamphetamine and Heroin to Angela Eaton approximately two hours prior to

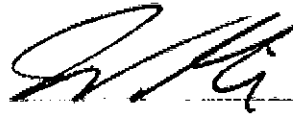
Officers arrival on 06/17/2021. Detectives submitted a preservation request to Ring's legal department on 06/21/2021 for any devices located at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina for content on the incident date from 0800 hours to 1800 hours. Detectives obtained a preservation response confirmation for the information requested from Ring LER Team. Ring internal case number (CRIM1136448).

15). During the month of July 2021 Detectives with the Hardeeville Police Department received information from an anonymous source who advised Detectives that a subject known as "Mark Martin" had dropped off the suspected large quantities of drugs and narcotics to 206 Columbia Avenue a couple of hours before the search warrant to Angela Eaton. Detectives have prior knowledge of a Mark Martin fitting the descriptions provided being involved in the distribution of illegal drugs and narcotics. Based on the information provided by Angela Eaton and witnesses Detectives believe that obtaining the video footage that may be maintained by Ring due to it being a cloud or offsite storage server could further this investigation and identify other suspects in this case or sources of supply of illegal drugs and narcotics and illicit firearms.

It is also the affiant's belief that there is presently concealed within the Ring server related to Angela Eaton's account with internal case number (CRIM1136448), information which constitute evidence of violations of sections 44-53-370 and 44-53-375 and 16-23-0020 of the South Carolina Code of Laws, 1976 as amended.

A **search warrant** is requested for the Ring account belonging to at 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina, 29927 to secure evidence of the outlined offenses to further this investigation.

Affiant



Signature of Judge



(L.S.)

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

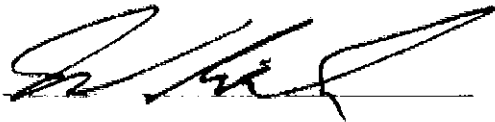
EXHIBIT B

DESCRIPTION OF PROPERTY SOUGHT

Any and all records and account detail information related to Angela Eaton's Ring account for the address of 206 Columbia Avenue, Hardeeville Jasper County, South Carolina. Possible telephone # (843) 949-0720 associated with account. Ring internal case number (CRIM1136448).

Any audio and video evidence obtained during the date and time of 06/17/2021 from 0800 hours to 06/17/2021 at 1750 hours.

Affiant



Signature of Judge

 (L.S.)

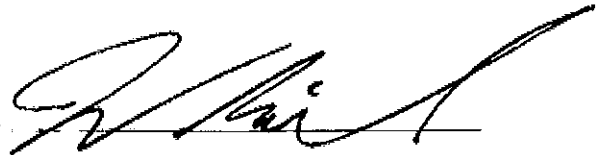
**STATE OF SOUTH CAROLINA
JASPER COUNTY**

EXHIBIT C

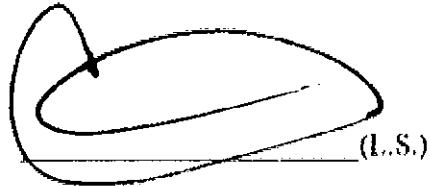
**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

The location or base of operations for Ring LLC is located at 1523 26th Street, Santa Monica, CA 90404. The account Ring account belonging to Angela Eaton or the address of 206 Columbia Avenue, Hardeeville, Jasper County, South Carolina 29927. Related to Ring internal case number (CRIM1136448).

Affiant

A handwritten signature in black ink, appearing to be "R. H. Smith", written over a horizontal line.

Signature of Judge

A large, stylized handwritten signature in black ink, written over a horizontal line.

(L.S.)

7/20/2021

Mail - Joseph Michaud - Outlook

Andrew Maisano <amaisano@hardeevillesc.gov>

To: Joseph Michaud <jwmichaud@hardeevillesc.gov>

Outlook for IOS

From: amazon-case-tracker-communications@amazon.com <amazon-case-tracker-communications@amazon.com>

Sent: Monday, June 21, 2021 12:42:26 PM

To: Andrew Maisano <amaisano@hardeevillesc.gov>

Subject: CRIM1136448 - 206 Columbia Ave, Hardeeville, SC 29927

Law Enforcement Guidelines. Ring will notify customers of law enforcement requests seeking the production of content data, unless it is legally prohibited from doing so or has clear indication of illegal conduct in connection with the use of Ring products or services. Such notification may be made as soon as three days after receipt of the request.

subpoenas@ring.com

Ring LER Team

RETURN

I received the attached Search Warrant on 07/22/2021, and have executed it as follows:

On 7/23/21, at 1353 o'clock PM, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with In Evidence/Attached to report.

Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Video from Ring device ID: 55803880 from 6/17/2021. Attached
account information.

This inventory was made in the presence of Cpl. Maisano

AND _____

I swear that the inventory is a true and detailed account of all the property taken by me on the warrant.

Sworn to and subscribed before me
this _____ day of _____, 2021.

Signature of Judge

(Signature of Officer Executing Warrant)

ACCOUNT INFORMATION

Created At	11/29/2020 9:27:32 PM
Full Name	Angela Eaton
User ID	40544553
Primary Email	angelacedenfield@gmail.com
Phone Number	8439490720
Credit Card Type	Visa
Credit Card Number	4691

DEVICE INFORMATION

DEVICE ID	55805880
MAC ID	54e019336e3f
Kind Type	Stickup cam mini
Description	Edenfield
Location	500 Toomerville Loop, Hardeeville, SC, 29927

DEVICE ID	-
MAC ID	-
Kind Type	-
Description	-
Location	206 Columbia St, Hardeeville, 29927

7/26/2021

Mai - Joseph Michaud - Outlook

amazon-case-tracker-communications@amazon.com <amazon-case-tracker-communications@amazon.com>

To: Joseph Michaud <jwmichaud@hardeevillesc.gov>

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF JASPER	)	INDICTMENT NO: 2021GS2700673,
	)	2021GS2700674, 2021GS2700675,
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	
	)	
MARK ELLIOTT MARTIN, JR.	)	
<u>Defendant</u>	)	

STATE’S MOTION IN LIMINE TO ADMIT RING CAMERA EVIDENCE

The State of South Carolina, by and through the undersigned Assistant Solicitor, respectfully moves this Court for an order permitting the admission of Ring security-camera video footage obtained pursuant to a valid search warrant, as relevant, properly authenticated, and admissible evidence under the South Carolina Rules of Evidence.

I. Factual Background

On July 22, 2021, law enforcement obtained a judicially authorized search warrant directed to Ring LLC seeking video footage from the Ring account associated with 206 Colombia Ave, Hardeeville, SC 29927, for June 17, 2021, between 0800 and 1750 hours—the date and time frame of the residential search warrant executed at the same property.

Pursuant to that warrant, Ring electronically provided law enforcement with a series of short video clips recorded on June 17, 2021, within the specified window. Lieutenant Michaud, the case agent, received these files directly from Ring and preserved them in their original digital format.

The footage depicts Defendant, Mark Elliott Martin Jr., inside the residence handling, and packaging narcotics and negotiating drug sales with co-defendant Darrin Transou. The clips include both video and audio; subtitles have been added for clarity, but the unaltered recordings will be offered as the official exhibits. The videos show Martin retrieving plastic bags of narcotics from a backpack, portioning quantities into smaller containers presumably belonging to Transou, and discussing pricing and prior trafficking activity. During the search executed later that day, law enforcement recovered the same containers—bearing DNA from both Martin and Transou—either inside or in the vicinity of a safe in the residence.

Although the clips themselves do not display visible timestamps, Ring produced companion metadata showing that all videos were recorded on June 17 between approximately 12:00 p.m. and 6:00 p.m. Several individuals depicted in the videos were present when the warrant was executed and were wearing the same clothing as seen in the footage.

The State intends to use the Ring footage so that the jury may determine the defendant's identity, possession, and control of the narcotics and to corroborate the physical and testimonial evidence recovered during the investigation. Lieutenant Michaud will testify to how the footage was lawfully obtained, preserved, and maintained, and will authenticate it as a fair and accurate depiction of what it purports to show.

II. Legal Argument

A. The Footage Is Relevant and Highly Probative (Rules 401–403, SCRE).

Under Rule 401, evidence is relevant if it has any tendency to make a fact of consequence more or less probable. The Ring footage directly depicts the defendant engaging in the charged conduct—handling and distributing narcotics—and is therefore highly probative of guilt. Its probative value substantially outweighs any risk of unfair prejudice under Rule 403, as it accurately portrays the defendant's own actions during the relevant time frame and was obtained lawfully.

B. The Footage Is Properly Authenticated (Rule 901, SCRE).

Rule 901(a) requires only “evidence sufficient to support a finding that the matter in question is what its proponent claims.” Lieutenant Michaud will authenticate the recordings by testifying that:

1. He executed the search warrant directed to Ring and received the videos directly from Ring's compliance portal.
2. The videos were transmitted and preserved in their original format without alteration.
3. The interior, clothing, and furnishings visible in the video correspond to the residence as observed during the search.
4. Individuals shown in the videos—including the defendant—were present and wearing the same clothing when the warrant was executed.

South Carolina courts have recognized that testimony explaining how digital images or videos are obtained and verified can satisfy Rule 901's authentication requirement. *State v. Mitchell*, 399 S.C. 410, 731 S.E.2d 889 (Ct. App. 2012) (holding digital photographs

downloaded from a motion-activated deer camera were properly authenticated under Rules 901 and 1001).

C. The Audio and Video Portions Are Not Hearsay and Do Not Violate the Confrontation Clause.

The visual portions of the Ring recordings constitute non-assertive conduct, not “statements” by a declarant, and therefore fall outside Rule 801(c), SCRE. The audio portions include the defendant’s own statements, admissible as party admissions under Rule 801(d)(2)(A), SCRE. Any remarks by co-defendant Darrin Transou or other non-testifying individuals are introduced solely to provide necessary context to the defendant’s admissible statements and to make those statements intelligible to the jury. They are not offered for the truth of any matter asserted and therefore are not hearsay under Rule 801(c). See also Rule 105, SCRE (limiting instructions).

Because the recorded conversations are spontaneous, non-testimonial exchanges between participants engaged in the charged conduct—not formal confessions or statements made to law enforcement—the *Bruton* line of cases is inapplicable. *Bruton v. United States*, 391 U.S. 123 (1968), and its progeny address only testimonial confessions by a non-testifying co-defendant that directly implicate another defendant. Whether tried jointly or separately, the contextual remarks remain admissible for the limited, non-hearsay purpose described above, subject to a Rule 105 limiting instruction.

Machine-generated video data and associated metadata—such as timestamps, filenames, and other information automatically produced by the Ring system—are not hearsay because they are not statements made by a person. Rule 801(c), SCRE, applies only to statements of a “declarant,” meaning a human speaker. Automatically generated data created without human input or assertion fall outside that definition. See *United States v. Khorozian*, 333 F.3d 498, 506 (3d Cir. 2003) (fax-machine header not hearsay); *United States v. Hamilton*, 413 F.3d 1138, 1142 (10th Cir. 2005) (computer-generated Internet headers not hearsay); *United States v. Lizarraga-Tirado*, 789 F.3d 1107, 1110 (9th Cir. 2015) (Google Earth “tack” automatically generated from GPS coordinates not hearsay). The Ring system’s timestamps and metadata are analogous—automatically created contemporaneously with each recording and not through any human assertion.

Because neither the defendant’s recorded conduct nor the system-generated data constitute testimonial statements, the Ring recordings do not implicate the Confrontation Clause. See *Crawford v. Washington*, 541 U.S. 36 (2004) (Clause applies only to testimonial statements made for the purpose of prosecution).

D. The Evidence Satisfies the Best-Evidence Rule (Rules 1001–1002, SCRE).

The State will introduce the original electronic files provided by Ring. Under Rule 1001(3), SCRE, if data are stored in a computer or similar device, “any output readable by sight, shown to reflect the data accurately, is an ‘original.’” *Mitchell*, 399 S.C. at 421–22. Because the videos remain in their native format and have not been altered, Rule 1002’s best-evidence requirement is met. The subtitled version is offered solely as a demonstrative aid for the jury’s convenience.

III. Conclusion

For the foregoing reasons, the State respectfully moves this Court for an order permitting the admission of the Ring camera video footage obtained pursuant to the July 22, 2021 warrant. The State further requests that the Court rule, prior to trial, that the footage is relevant, properly authenticated, non-hearsay, compliant with the Confrontation Clause, and admissible under the South Carolina Rules of Evidence.

Respectfully submitted,

Marshall Frodsham
Assistant Solicitor
Fourteenth Judicial Circuit

RECEIVED

Nov 17 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Motion to Suppress Wiretap Evidence in Jasper County General Sessions Court

THE STATE,

PLAINTIFF,

V.

MARK ELLIOTT MARTIN, JR.,

DEFENDANT

INDICTMENT NO. 2021GS2700673, 2021GS2700675

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Suppress and Motion Exhibits A and B, in the above-referenced case, have been served upon the trial attorney of record, Assistant Solicitor Marshall Frodsham, by electronic mail to his AIS e-mail address, mfrodsham@scsolicitor14.org, this 17th day of November, 2025.

/s Jeffrey S. Stephens

Jeffrey S. Stephens
P.O. Box 2450
Beaufort, SC 29901-2450
(843) 379-2660

Attorney for Appellant

EXHIBIT F

The State's Reply to Defense Motion on Ring
Camera and Court of Appeals Filing

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF JASPER	)	
	)	WARRANT NOs: 2021A2720100303-6
	)	
STATE OF SOUTH CAROLINA	)	INDICTMENT NOs: 2021GS2700673-6
	)	
vs.	)	STATE’S REPLY TO DEFENSE
	)	MOTION ON RING CAMERA
	)	AND COURT OF APPEALS FILING
MARK ELLIOTT MARTIN, JR.,	)	
Defendant	)	
_____	)	

Now comes Assistant Solicitor Trasi Campbell and Assistant Solicitor Marshall Frodsham in reply to the State’s motion argued on November 17, 2025 in this matter.

Briefly, after jury selection and during pretrial motions, counsel for the defense argued to this Honorable Court that this Court did not have subject matter jurisdiction and that the defense would be required under State v. Rosier (attached hereto) and State v Whitner (attached hereto) to file an appeal to the South Carolina Court of Appeals requesting a stay of this trial and asking the Court of Appeals to rule upon the alleged violation of the Homeland Security Act in South Carolina. Rule 268(d)(2) of the SC Appellate Court Rules, the defense counsel use of the State v. Rosier case is in violation of the rules in South Carolina. Specifically, the rules state that memorandum opinions and unpublished orders have no precedential value and should not be cited except in proceedings in which they are directly involved. Filings with the Court of Appeals are attached hereto as well.

The State argues and preserves the record at the trial court level as follows:

- The State submitted the in-home surveillance ring camera evidence to this Court and defense in a shared electronic folder prior to the beginning of this trial. Of note, all of the “ring” evidence has been submitted to the defense during discovery and it shows multiple

occasions where all three parties are talking and conducting the trafficking of illegal narcotics in Jasper County.

- In that footage, the defendant and his co-defendant are recorded in the home of Angela Eaton and co-defendant, Darin Transou, conducting and discussing the illegal sale and distribution of illegal narcotics in Jasper County. All three are recorded acting and speaking on this in-home surveillance ring camera engaged in criminal activity. All three are speaking and conducting criminal activities as large amounts of illegal narcotics are on the table where all three are sitting.
- The State received copies of the filing submitted by the defense counsel to the Court of Appeals at 6:00pm on November 17, 2025.
- The State reviewed those filings.
- The State submits that defense counsel has mischaracterized the nature of the evidence in this case to both this trial court and to the Court of Appeals.
- According to the theory and analysis that defense counsel uses when he asserts that the “homeowner” Angela Eaton is not recorded on these in-home surveillance ring cameras he is incorrectly stating the evidence. Just because the State has selected only portions of the “ring” camera evidence where the two defendants are the only ones in the video does not mean that there are not ample selections that include Angela Eaton.
- Defense counsel asserts to this trial court and to the Court of Appeals that the homeowner Angela Eaton does not say anything on her in-home surveillance ring camera that she installed in her home for her home security is not true. That is simply a misstatement of the evidence. She is recorded both visually and auditorily on these surveillance videos.

In conclusion, to contort the law and misrepresent and twist the facts in this manner is just plain wrong. Every single homeowner in the State of South Carolina who installs an in-home surveillance ring camera system for home security would then be in this position as follows:

- The homeowner sets up their system.
- A burglar breaks into their home, committing a criminal act.
- The burglar then rapes the homeowner, committing a criminal act, but the homeowner does not speak during the burglary and rape.
- Under defense counsel's contortion of the Wiretap Act and the facts in this case, the homeowner and law enforcement would be hamstrung every time in using this in-home surveillance video in a trial against the burglar and rapist and would have to endure a filing with the South Carolina Court of Appeals halting the trial.

The State respectfully submits that the defendant and his counsel had years to conjure up this argument and failed to make any overtures to the trial court or the Court of Appeals that they were seeking to halt the trial court proceedings and bring this matter to the Court of Appeals. This matter has been pending since 2021.

Trasi Campbell
Assistant Solicitor

Marshall Frodsham
Assistant Solicitor

November 18, 2025

Ridgeland, South Carolina

EXHIBIT G

Transcript of Hearing
November 18, 2025

STATE OF SOUTH CAROLINA
COUNTY OF JASPER

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2021GS2700673

State of South Carolina,)
)
Plaintiff,)
)
vs.)
)
Mark Elliott Martin, Jr.,)
)
Defendant.)
-----)

TRANSCRIPT OF HEARING

November 18, 2025
Ridgeland, South Carolina

B E F O R E:

The Honorable Charles McCutchen, Judge Presiding

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

For the State -

Marshall Frodsham, Esquire
Trasi Campbell, Esquire
14th Circuit Solicitors

For the Defendant -

Jeffrey Stephens, Esquire
Quindlen Law Firm
121 Ladys Island Commons
Beaufort, SC 29907

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

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No exhibits were introduced in this proceeding.

P R O C E E D I N G S

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MS. CAMPBELL: Good morning, Your Honor.

Again, Trasi Campbell for the State. I just wanted to put on the record this morning, the State filed, and I do have a correction in the first part here, that this is the State's reply to the defense motion on the Ring camera and the Court of Appeals filing. I provided a copy this morning to Your Honor, to your law clerk, to defense counsel, outlining the State's position on what happened here in this courtroom yesterday. After we had an opportunity to review the actual filings with the Court of Appeals, it became clear to the State that there appeared to be somewhat of a contortion or misrepresentation of the evidence in this trial. I want to clear that up for the record for the Court and for the Court of Appeals, if that becomes necessary. There are, through the discovery process, multitudes of Ring camera videos submitted to the defense wherein the homeowner, Angela Eaton, is observed on these Ring cameras with Darren Transue and with this defendant, Mark Martin, engaged in conversations. So, you can auditorily hear all three persons. You can see all three persons engaging in conversations about the distribution of illegal narcotics here in Jasper County.

1 The manner in which the defense framed it to the Court of
2 Appeals, and I think to the Court yesterday, was that
3 because Angela Eaton is not in the selected videos for
4 trial, that somehow that it was a violation of the Wiretap
5 Act. And again, I've sent everything to the Attorney
6 General's office this morning, but wanted to make the
7 record absolutely clear that -- and we submitted the
8 electronic folders to Your Honor, that this homeowner is
9 recorded auditorily, visually, and we continue to maintain
10 the position as co-counsel adequately, clearly stated for
11 the Court yesterday, what occurred in this home is not a
12 violation of the Wiretap Act. As I say in the motion that
13 was filed this morning, the reply, the State's reply in
14 that scenario, every single homeowner in the State of South
15 Carolina would be hamstrung in putting their surveillance
16 video in their home. They would be subjected to a
17 situation where the burglar breaks in, committing a
18 criminal act. He then rapes the homeowner, again
19 committing a criminal act. Because the homeowner didn't
20 speak in a particular selection, that that would be a
21 violation of the Wiretap Act, and that's just simply not
22 how the act should be applied. No expectation of privacy,
23 as fully argued yesterday, again, with co-counsel. Thank
24 you, Your Honor.

1 THE COURT: All right, thank you. Anything, Mr.
2 Stephens, in rebuttal? And I don't want to get too far
3 down the rabbit hole arguing the Wiretap Act.

4 MR. STEPHENS: Yes, Your Honor. I'm not arguing
5 it at all, except to say, sir, that I think that is a fine
6 response from the State, but this is not the Court to hear
7 it. The act, The Homeland Security Act, the copy of which
8 the State provided to the Court and to myself yesterday,
9 makes clear that the Court, with original jurisdiction for
10 questions of the Wiretap Act, is the Court of Appeals. And
11 if the State believes the defense's motion to the Court of
12 Appeals was frivolous, there are also processes of the
13 Court of Appeals for asking for sanctions if they believed
14 it was a frivolous motion. But the Court of Appeals has
15 jurisdiction over it. Your Honor, I would just invite the
16 Court's attention to the last line of Section 17-30-
17 110(a)(3) in the -- yes, (a)(3) there is a -- the last
18 sentence says, All proceedings requiring the use of the
19 contents of an intercepted communication that are the
20 subject of the motion to suppress pursuant to this section
21 are automatically stayed, pending the determination of the
22 motion to suppress. Your Honor, that is clear that the
23 Court of Appeals has to determine whether or not those are
24 lawful and may be used. I understand that the Court denied

1 my motion for continuance based on this issue, and the
2 defense is ready to proceed if the State is proceeding
3 without using the videos that are the subject of the motion
4 to suppress that's now been filed at the Court of Appeals.

5 THE COURT: All right. Thank you, sir. All
6 right. Well, let me do this. Getting back to the motions
7 in limine yesterday, the way I took them under advisement.
8 I did a lot of research and homework and authentication of
9 these types of things, videos, text messages, phone calls.
10 All of those types of things are generally done in a couple
11 of ways under 901(b)(1). First, usually it's by a person
12 who witnessed or heard, depending on what the
13 authentication relates to, what was recorded, you know,
14 similar to an eyewitness with personal knowledge, which I
15 think the rule specifically states that. You know, where
16 the witness walks in, testifies, yes, that's me. I'm a
17 participant on the camera, it's an accurate reflection of
18 what the video, phone conversation, text message contains.
19 And basically, that testimony authenticates it by the
20 witness saying it's a fair and accurate depiction of the
21 text, video, phone call, whatever. Then usually there's no
22 chain of custody required because the witness attests to
23 the accuracy of what it is, like a recording, a message, a
24 phone call. And I think that's referenced in State v.

1 Aragon. The second way, if there is no person with
2 personal knowledge of what was perceived, is under the
3 silent witness doctrine, which is similar to a custodian
4 of records about how the recordings, messages, or whatever,
5 how it records, works, operates, retains information, even
6 to the sense of like a store owner where the clerk gets
7 shot. The store owner comes in and says, yes, that's our
8 video system. Our video system works. That's how it
9 works. This is how we store the information. So, I guess
10 an owner could do -- could testify to that. But usually
11 under a silent witness case, they also have to establish
12 that there was a absence of tampering, which usually
13 requires a chain of custody. Again, you know, just under
14 the general authentication of these type of things is still
15 subject to all the other rules of evidence, 403, hearsay,
16 everything else. And based on what the State was
17 indicating to me yesterday and Ms. Campbell, Mr. Frodsham,
18 correct me if I'm wrong, as far as I know, there won't be a
19 custodian called to testify on, you know, for instance, on
20 the Ring camera, how it works, how it records, how it
21 operates, you know, which would be maybe somebody from
22 Ring. Likewise, I don't think there would be the person
23 familiar with how that particular camera operated, i.e. the
24 owner. Yes, that was my Ring camera. Yes, that was my

1 house. It's a fair and accurate depiction of my house,
2 blah, blah, blah. I understand the owner is no longer with
3 us. And again, I don't believe there will be anybody to,
4 you know, again, under 901(b)(1) to be called to Court to
5 say that they were a party to what the video recorded, what
6 the conversations were, you know, again, an eyewitness with
7 personal knowledge. And then I -- and I'm kind of thinking
8 out loud, even if the investigator or detective, I don't
9 know what his formal title is, even if he could come in and
10 identify the defendant's face, voice, et cetera, he doesn't
11 have personal knowledge of the camera. He only gained that
12 afterwards. And there's no way for that witness, again, to
13 identify the exact date and time of when the stuff was --
14 when it was taken. It was only -- it would basically be
15 like me calling Ring and saying, oh, yeah, well, they say
16 it's that date, so it's that date. And again, similarly,
17 but a little bit different is the text messages. And
18 again, I'll let the State correct me if I'm wrong, I guess
19 we won't have a custodian type witness to testify as to how
20 the extraction of a phone works, like a Cellebrite expert.
21 And in my limited knowledge, Cellebrite actually usually
22 takes two witnesses, the person who did the download and
23 the person who interpreted the download. And usually you
24 have to be specifically trained, i.e. in the realm of

1 expertise in forensic, in forensic extraction, to specify
2 how it was done, it was properly done. And then likewise,
3 I don't think we're going to have a witness to come in and
4 state that the phone actually taken into evidence was the
5 phone actually downloaded, which would be something that
6 the Cellebrite expert or experts or proposed experts would
7 have to testify to. Likewise, I don't think there will be
8 a witness who was an eyewitness or a party to the text that
9 were downloaded. Again, under 901(b)(1), to attest to the
10 accuracy of the message, they were the recipient of some
11 messages that they were sending some messages and received
12 a response. And again, under the witness of personal
13 knowledge, those type parties to a text conversation
14 wouldn't necessarily have to have established a chain of
15 custody. Again, that gets back to that State versus Aragon
16 case. So based on that, and specifically without
17 addressing any argument as it relates to the State
18 Wiretapping Act, I'm going -- and unless the State has some
19 witnesses to come in and authenticate these things, I'm
20 going to exclude the Ring camera and the text messages
21 based on the lack of authentication. Assuming, at least as
22 far as the text messages go, even if we got past the
23 threshold matter of authentication, and I certainly realize
24 it's a low bar. But even if we got past that, you know, I

1 think that the State versus Ostrowski case, which I
2 probably said that wrong, would be somewhat on point. They
3 deal, and that case deals with the specific proximity and
4 time of texts as it relates to a trafficking case. And,
5 you know, they looked at the door opening statements made.
6 They looked at the identity and intent arguments under
7 State versus Lyle. And in Ostrowski, those texts were
8 three weeks prior to the alleged activity which the
9 defendant was on trial for. And in that case, they
10 specifically noted that the text didn't connect the
11 defendant to these specific drugs in the case it was being
12 tried. And it basically referenced a general scheme of
13 drugs. And again, they looked further at the Lyle case.
14 And they didn't allow text messages from ten days earlier,
15 but they allowed some texts surrounding the date of the
16 incident. And again, they went through Wilson and Gore,
17 which the State cited in reference yesterday in those line
18 of cases as well. One caveat is in State's Exhibit 101(b),
19 you know, that variable could be an exception to excluding
20 the propensity evidence because those, in those texts, it
21 appeared to me that they presumably dealt with these
22 specific drugs which Mr. Martin is on trial. But, that
23 being said, I don't think we get there because I don't
24 think those facts can be properly authenticated. So, I'm

1 going to deny the State's motions to allow the Ring camera
2 and allow the text messages. Then again, that ruling is
3 all under Rule 901. It has nothing to do with the State
4 wiretapping statute, or the State Homeland Security Act, I
5 think is the formal name of the statute. So ---

6 MR. FRODSHAM: Thank you, Your Honor. I
7 understand where you're coming from. We'd like to make a
8 proffer with the officer that obtained the text messages
9 who is certified in the -- in phone extraction. He can
10 testify to the details on that. It's a complicated
11 process, and I think it might inform this Court of that.
12 On the Ring camera as well.

13 MR. STEPHENS: Your Honor ---

14 MS. CAMPBELL: And, Your Honor, just to
15 supplement what co-counsel is indicating, so on the Ring
16 camera, there is internal authentication that this officer
17 can provide as to what Your Honor detailed in terms of the
18 date and time. And it is limited to a fraction of time
19 that identifies this defendant on that Ring camera in the
20 clothing. So, I think that he can give that date and time
21 without question. And so, I think we're just asking to be
22 able to proffer his testimony on the Ring camera and on the
23 cellphone extractions. He has been trained in the
24 Cellebrite cellphone extractions. And if we could just be

1 given that opportunity to proffer his testimony on those
2 two matters, I think it might fully flesh out the basis for
3 which the State thinks that the State has met the burden
4 under -- for authentication under 901.

5 MR. STEPHENS: Your Honor, I didn't want to
6 interrupt, but I would ask to have one counsel argue. I
7 understand Mr. Frodsham is rather new, but just ask that we
8 not switch counsel in an argument.

9 Your Honor, I, obviously, the Court's discretion,
10 however you want to take evidence. Was there a motion to
11 admit? I would just note that as the Court is aware,
12 you've made a ruling and the, and there is no evidence that
13 Lieutenant Michaud conducted the extraction in this case.
14 In fact, I think they already said somebody else in
15 Savannah did the cellphone extraction. And there is no one
16 from Ring camera to testify who's on the witness list or
17 who's been mentioned, who can talk about the way in which
18 this was recorded and preserved prior to files being
19 transferred to Lieutenant Michaud. He doesn't have
20 personal knowledge about anything prior to receiving the
21 files. That's all I have on that, Your Honor. Obviously,
22 it's the Court's discretion whether you want to hear it or
23 not.

1 THE COURT: Yeah, I'll allow the proffer, and
2 then certainly allow proffered testimony subject to cross-
3 examination.

4 MR. FRODSHAM: The State calls Lieutenant Michaud
5 to the stand.

6 (Witness sworn.)

7 * * * * *

8 **Lieutenant Joseph Michaud**
9 **having been duly sworn**
10 **testifies as follows:**

11 * * * * *

12 **DIRECT EXAMINATION**

13 MR. FRODSHAM: Lieutenant Michaud, before we
14 begin discussing -- discussing the Ring camera, will you
15 please state for the record your name and where you
16 currently work?

17 A. Lieutenant Michaud, M-I-C-H-A-U-D. I'm a
18 lieutenant with the Hardeeville Police Department right
19 here in Jasper County, South Carolina.

20 Q. And were you involved in the investigation of
21 this case?

22 A. Yes, sir.

23 Q. Would you please kind of explain to the Court
24 your involvement?

1 A. I was the primary case officer of this case,
2 along with Detective Maisano and other detectives. We
3 executed a search warrant at the incident location in
4 reference to a narcotics investigation.

5 Q. Okay. And upon executing that search
6 warrant, did you find a camera?

7 A. We did.

8 Q. Whereabout was that located?

9 A. It was in a -- what I would call, a living
10 room area, common area at the front door of the residence,
11 interior camera, Ring camera on a bookshelf that overlooked
12 a co-defendant's bedroom and a dining room table.

13 Q. Thank you. Upon discovering that camera,
14 what did you do?

15 A. We preserved, through Ring, the footage for a
16 specific timeframe. The scope was, I believe, 0800 on the
17 incident date to 1750 on the incident date, which was the
18 execution of the search warrant.

19 Q. Could you please explain what you mean by
20 preserved through Ring?

21 A. We filed a preservation notice to Ring to
22 hold the data so we could obtain a search warrant for the
23 footage. This was based upon the scope of the

1 investigation of us recovering narcotics and residents in
2 the areas in which they were located.

3 Q. And did that preservation persist? Did that
4 include the date in which you served them with the search
5 warrant for the contents?

6 A. Yes, sir.

7 Q. Do you remember on what date you got the
8 contents of the Ring camera?

9 A. We executed the search warrant on the 21st
10 and obtained the footage on the 23rd.

11 Q. Okay, thank you. How was that footage
12 transmitted to you?

13 A. It was through a portal through Ring.com
14 directly. It comes through an e-mail, and they provide a
15 link. And then we upload the footage directly to what's
16 called evidence.com, which is our evidence module within
17 the department. It's a cloud-based system, as is Ring.

18 Q. So from Ring to you, to evidence, to us, I
19 guess, to evidence.com. Did anybody else touch that?

20 A. No, it's a direct interface. Well, basically
21 the interface just goes directly to evidence.com.

22 Q. Okay, thank you. I beg the Court's
23 indulgence, Your Honor. Lieutenant, I'm handing you what's
24 been previously marked, or I'm showing you what's been

1 previously marked for identification as State's Exhibits 34
2 and 33. Lieutenant, could you please explain what those
3 are?

4 A. This is a sheet that's provided directly
5 through Ring in the same manner, same portal. What it
6 basically is an account information for the account holder.
7 It provides not only the device ID, but the MAC ID or the
8 IP, and then the type of model, and who it belongs to, when
9 it was created, what phone number is associated to it, and
10 the address in which the footage was obtained.

11 Q. And what is the address listed on there?

12 A. This is 206 Columbia Street, Hardeeville,
13 29927.

14 Q. Was that the same address in which the search
15 warrant was executed?

16 A. Yes, sir, it was.

17 Q. Thank you. Could you please take a look at
18 what's been marked as State's Exhibit 33? Could you please
19 describe that for me?

20 A. Yes, sir. This is the authentication or
21 spreadsheet that they provide that gives dates and times in
22 which the data was obtained, specifically the windows for
23 each clip. It comes in clips and not one continuous

1 spread. So, again, Ring is motion activated. It maintains
2 for roughly 180 days, depending on the user's parameters.
3 And this is a spreadsheet that identifies when the motion
4 was indicated and when the time elapsed and when the
5 footage was obtained, which this is dated, the date of the
6 incident of the search warrant, which is 6/17/2021.

7 Q. Thank you. So, on every single one ---
8 there's three pages there. Could you flip through those
9 pages real quick and tell me what the date is on those?

10 A. It begins 6/17/2021 and ends the same, same
11 day?

12 Q. Okay, thank you. What time does it begin?

13 A. It states it begins at 12:03, 16 seconds and
14 ends at 21:59 and 54 seconds.

15 Q. All right, thank you. And you are familiar
16 with the videos and the way that they were named, right?
17 Did you see that?

18 A. Yes, sir.

19 Q. Okay. Now, does the naming --- let's see.
20 The naming convention on the left side there with the 14
21 digit code. Does that look familiar as to what you saw in
22 the videos?

23 A. Yes, sir. It's a unique identifier for each
24 frame, for each set ---

1 Q. Okay. Thank you. I'm going to show you,
2 again, State's 34. So, the specific information on that,
3 would you please tell me what the phone number of that is?

4 A. Yes, sir. It provides the telephone number
5 for this account. 843-949-0720, and also an e-mail
6 address.

7 Q. Who is the account holder for that?

8 A. States Angela, Angela Eaton, last name E-A-T-
9 O-N, created on 12/29/2020.

10 Q. Thank you. Now, was that phone number
11 significant in any other way in your investigation? Did
12 you use that phone number for anything else?

13 A. Yes, sir.

14 Q. What did you use that for?

15 A. Not only during the previous investigation
16 that was before the actual search warrant, but also to
17 search the device information that we spoke about.

18 Q. The device information. Can you explain what
19 you mean there?

20 A. I searched the telephone number and isolated
21 the query with the cell -- not the Cellebrite extraction,
22 but in this case, it would have been a Graykey extraction
23 from Savannah PD that we discussed and searched that number
24 specifically in that device.

1 Q. So, in layman's terms, what would that search
2 have rendered to you?

3 A. It provided a Nexus between both the
4 defendant and the co-defendent.

5 Q. Okay, gotcha. So, any communication that was
6 made from the cellphone extraction that you had to the
7 phone number listed there. Correct? That's what you would
8 have gotten?

9 A. Yes, sir.

10 Q. Okay. Thank you. The Court's indulgence,
11 Your Honor.

12 THE COURT: Yes.

13 BY MR. FRODSHAM:

14 Q. Okay. All right, I'm going to ask you a
15 little bit about the content of the videos and how you
16 identify the people in them. Could you identify when you
17 viewed the videos, the people in the videos?

18 A. Yes, sir. It's HD quality.

19 Q. It's HD, yeah. It's very high quality. And
20 how could you identify the people in the videos?

21 A. Previous interactions.

22 Q. Okay. And was this with every single person
23 that was in the video?

24 A. All but one.

1 Q. All but one, okay. And the but one, does
2 that include the defendant today?

3 A. No.

4 Q. Okay. Beg the Court's indulgence once again,
5 Your Honor. Okay. Now, when you obtained these videos,
6 did you use them to further your investigation?

7 A. Yes, sir.

8 Q. Okay. I want to talk about -- a little bit
9 about some subsequent interactions with the defendant that
10 you had in which you used a screenshot from one of these
11 videos. Did you interview the defendant subsequent to this
12 in the month of July, I believe? Or no, it was ---

13 A. It was November.

14 Q. It's November.

15 A. Yes, sir.

16 Q. Okay. Thank you. Can you tell me a little
17 bit about that interview?

18 A. Yes, sir. We conducted an interview at the
19 Hardeeville Police Department subsequent to his arrest on
20 the charges pertaining to this case. He was shown a
21 screenshot. This was post Miranda, a screenshot of him
22 that depicts him in the exchange of transactions with the
23 co-defendants at the incident location. And he identified
24 himself in that video or in that still shot.

1 Q. Okay. Did he identify the location?

2 A. He did.

3 Q. Did he identify the date?

4 A. He identified it based on the video itself
5 and the date it happened. Yes, sir.

6 Q. Okay. Thank you. And let's just kind of go
7 back through this. Was that an identification? Was that
8 made post-Miranda?

9 A. It was.

10 Q. And was that Miranda being read from a card,
11 or was that just from memory?

12 A. From a card.

13 Q. From a card. And was that just you
14 conducting the interview?

15 A. That was myself and Detective Maisano.

16 Q. Okay. Thank you. Your Honor, we're going to
17 move on to the text messages.

18 THE COURT: All right.

19 Q. Thank you. Okay, we're going to talk about
20 the text messages for a minute, Lieutenant. So would you
21 please explain to me your training and experience as it
22 comes to cellphone extractions?

23 A. Yes, sir. I'm certified as of 2017 in
24 Cellebrite EFED software. Also the analyzing certification

1 and the operator certification. So, I have both the
2 ability to operate, use the reader, and actually read out
3 the extractions myself.

4 Q. Okay. And was this the first time that you'd
5 ever done a phone extraction?

6 A. No, sir.

7 Q. Okay. Approximately how many phone
8 extractions do you think you've performed?

9 A. I'd say probably more than 50, less than 100.

10 Q. Okay. Thank you. The phone extraction
11 itself, this one, was it obtained through a search warrant?

12 A. It was.

13 Q. Okay. And can you be sure that due to
14 internal verification or hash, that the data was not
15 manipulated from the phone to your hands?

16 A. The software provides a hash value or
17 percentage for how accurate the information is. Not just
18 the accuracy of the information, but showing the
19 identifiers from the device itself to the software. So,
20 the transfer, it's a mirror image of the information that's
21 provided. So, yes sir, the answer would be yes.

22 Q. Okay. And if it had been manipulated, the
23 Graykey, what would the extraction result in?

1 A. It would be hash values and hexadecimal and
2 unreadable. It's basically a bunch of numbers, zeros and
3 ones, and it's all coded. So, it provides it and makes it
4 into a readable format. In this case, let's say it was a
5 Graykey extraction. So, Cellebrite provides the reader for
6 the exact --- basically, the software that you can conduct
7 the query that I mentioned. You can look up phone numbers
8 and show the Nexus or contacts between the two users in
9 this case.

10 Q. Thank you. So, if there were a person in
11 between you and the phone, what would they be doing? Would
12 it be a mechanical function, just them plugging something
13 in? What are we missing here that you didn't perform on
14 that phone directly?

15 A. They're the ones that connect to the device,
16 download to the software, and they provide the raw data,
17 that's what happened in this case. So, the Savannah PD
18 detective that conducted the initial hookup to the device,
19 or the mechanical extraction that they provided me the
20 wrong ad for that extraction that the defendant in the
21 interview had stated that they had obtained.

22 Q. Okay. Thank you. One second. Okay. So,
23 Lieutenant, how did you interpret the raw data when you

1 received it? What steps did you take to take the raw data
2 to a readable format?

3 A. It converts it into a Cellebrite reader
4 format. In the reader function on the software, it just
5 provides --- it's a basic window. It just puts the phone
6 into a readable format. So, it doesn't look exactly like
7 the phone does and the same characteristics. But you have
8 things where you can create like chats, messages. That's
9 all I did was just convert it over to a reader, export it,
10 and just look at the phone number from the co-defendant in
11 this case, which was the number that we discussed from the
12 Ring image, or the Ring sheet, searched it, search any
13 contact with that number for a specific timeframe. And
14 it's going to give you any time that they've chatted, made
15 a phone contact. Also Facebook, all these other apps. A
16 lot of times we see WhatsApp during investigations used and
17 Facebook Messenger.

18 Q. Okay. Thank you. Court's indulgence, Your
19 Honor. I have a few more exhibits. Your Honor, may we
20 have just a moment.

21 THE COURT: Yeah.

22 BY MR. FRODSHAM:

23 Q. All right. Lieutenant Michaud, I'm showing
24 you what's been marked for identification as Court's

1 Exhibits 101(A), 33, 34, and 35. I've previously shown you
2 34 and 33 already. Let's start with 35 and 101A. Could
3 you look at 35 for me?

4 A. Okay.

5 Q. Could you please tell me what that is?

6 A. This is a preliminary device report for an
7 Apple iPhone identifier in this case.

8 Q. What was the device of which it was a report
9 on, what is that device?

10 A. That would be an iPhone XR. And it's going
11 to return to a MSISDN number of 912-707-0052.

12 Q. Okay. Does it say anything about the account
13 holder or the owner of that iPhone?

14 A. It's an Apple ID of Young Cane 912.

15 Q. Okay. And did you identify that Apple ID to
16 be a person?

17 A. Young Cane is a known Facebook user ID for
18 the defendant in this case, Mr. Martin.

19 Q. Thank you. All right. Can you look at the
20 next exhibit, please? Is that 101A?

21 A. Okay.

22 Q. I've got to get you a different exhibit. I
23 marked the wrong one.

24 A. Okay.

1 Q. Okay. Lieutenant, I'm going to show you the
2 text messages right there. Please look at those.

3 A. Yes, sir.

4 Q. Who is the sender on that text message?

5 A. Which message specifically?

6 Q. Well, let's actually address the message
7 itself. So, this text message thread right here, do you
8 recognize it?

9 A. Yes, sir. It's an extraction report from the
10 same device.

11 Q. Okay. Thank you. So, this came from the
12 cellphone extraction that you completed?

13 A. Yes, sir. The same Apple ID or the same
14 iPhone ---

15 MR. STEPHENS: Objection, Your Honor. The -- I
16 believe counsel misstated the question. He said the
17 cellphone extraction that you completed, I don't think -- I
18 think the testimony was the extraction was done by
19 Savannah.

20 Q. All right. I'll sustain the objection.

21 MR. FRODSHAM: Okay.

22 BY MR. FRODSHAM:

23 Q. Did you complete the cellphone extraction?

24 A. This is the report that I generated.

1 Q. Okay. So, did the person who initiated the
2 cellphone extraction also complete the cellphone
3 extraction?

4 A. They did.

5 Q. Okay. So, from the report you generated from
6 the cellphone extraction, is that a text message thread
7 from that?

8 A. Yes, sir.

9 Q. Thank you. So, who is the sender on that?

10 A. So, the participants in this are 843-949-0720
11 which is simply labeled Angela. The other participant is
12 labeled MM, capital MM, as the owner, which would be the
13 owner of the device, or the Young Cane, C-A-N-E, in this
14 case, 912@icloud.com.

15 Q. Okay.

16 A. That's seven messages in total.

17 Q. Okay. And that number there, did that match
18 the number that you found in the Ring account?

19 A. Yes, sir.

20 Q. Thank you. So, the Angela from that message,
21 which Angela would that be?

22 A. Angela Eaton.

23 Q. Okay. Thank you. Court's indulgence, Your
24 Honor.

1 THE COURT: Yep.

2 Q. Okay, Lieutenant. That's all I have for you
3 right now. Please answer any questions from the defense.

4 A. Yes, sir.

5 CROSS-EXAMINATION

6 MR. STEPHENS: Lieutenant, I'm going to start
7 working backwards. You testified that you have a
8 certification in Cellebrite extraction, correct?

9 A. Yes, sir. So, there's different ---

10 Q. Well, Graykey fit extractions, Cellebrite
11 formats it into something usable, correct?

12 A. Correct.

13 Q. All right. Fair to say that you could have
14 done the extraction from a cellphone in this case?

15 A. Yes, sir.

16 Q. But you didn't do this extraction. It was
17 done by Savannah?

18 A. Yeah. We didn't have the device necessary.

19 Q. All right. Now, do you currently have the
20 device that Savannah used to make the extraction?

21 A. We don't.

22 Q. So, fair to say that you have no way to
23 confirm from personal knowledge that the data that you got,

1 that you fed into Cellebrite, came from Mark Martin's
2 phone?

3 A. Just based on the information that we see.

4 Q. Fair enough.

5 A. And Mr. Martin himself.

6 Q. All right. Now, the --- going to the
7 testimony about the video stuff, do you have any
8 specialized training? You said you have a certification in
9 using Cellebrite, do you have any specialized training in
10 video recording, transfer, storage, any of that?

11 A. I had experience with doing DDR retractions,
12 none with any cloud-based systems other than I have a Ring
13 system myself.

14 Q. Okay. Now, you testified that you entered
15 the home, saw a Ring camera, and sent a preservation letter
16 to Ring to preserve data for videos on the day of the
17 search warrant execution, correct?

18 A. Yes, sir.

19 Q. Now, are you sure that that is the sequence
20 of events that happened?

21 A. There was a sequence of events that was
22 discussion of co-defendants.

23 Q. Okay. So, actually you entered the home, you
24 executed the search warrant, and fair to say that on June

1 17th, you didn't do anything about the Ring camera or Ring
2 camera recordings?

3 A. No, I don't think we did the preservation
4 letter until the next day.

5 Q. No, the next day, it wasn't until you spoke
6 with now deceased Ms. Angela Eaton, who told you, check my
7 Ring camera recordings?

8 A. Yes, I believe so.

9 Q. All right. Then there was a preservation
10 letter sent and you got what was marked as Court's Exhibit
11 33. I think counsel might have identified it as State's
12 Exhibit 33, which is a bunch of MP4 format videos from Ring
13 LLC?

14 A. Yes, sir.

15 Q. Did you speak to any individuals at Ring LLC?

16 A. No.

17 Q. Did you get a certificate of authenticity or
18 something like that from Ring LLC about the videos you
19 received?

20 A. Everything that we were provided was just
21 uploaded directly.

22 Q. All right. Did you speak with anyone from
23 Ring LLC? Get an affidavit about the technical procedure
24 from recording and storage of the videos?

1 A. No, we didn't.

2 Q. All right. Then fair to say, you don't have
3 any specialized knowledge about how a video from Ring is
4 recorded and stored, whether it's compressed, the frame
5 rate or anything like that in the videos, correct?

6 A. No, I just know the parameters they provide.

7 Q. All right, now looking at Court's Exhibit 34,
8 I'll hand it back to you, you said that you gave an address
9 for Angel Eaton of 206 Columbia Avenue, I believe?

10 A. Columbia Street, yes, sir.

11 Q. Actually it gives two addresses. The account
12 information that they sent you, correct?

13 A. Yes, sir.

14 Q. One of them, if I could read it from memory,
15 the 500 Tuborville Loop, Hardeeville, South Carolina.
16 That's an address about five miles away from the address
17 where you executed the search warrant?

18 A. That is the other co-defendant's address,
19 yes, sir, Mr. Transue, yes.

20 Q. All right. So, there are --- so there's two
21 addresses that are given under device information that was
22 provided by Ring?

23 A. Yes, sir.

1 Q. Do you have any information from Ring about
2 how this information is entered or to certify that the IP
3 address for the recording matches the home address that you
4 provided?

5 A. That's what they provided.

6 Q. And when you interviewed Mark Martin, you
7 said that you showed him a screenshot from one of the
8 surveillance videos?

9 A. Yes, sir.

10 Q. Did you play the videos for him?

11 A. No, I did not.

12 Q. And did he ever state that it was a fair and
13 accurate representation, of the -- or words to that effect,
14 of the conversation at the home?

15 A. He just confirmed it was him in the video.

16 Q. All right. Confirmed it was him in the
17 screenshot you showed?

18 A. Yes.

19 Q. All right. Your Honor, I don't have any
20 further questions for Lieutenant Michaud. Thank you.

21 THE COURT: All right.

22 MR. FRODSHAM: Only one thing, Your Honor.

23 BY MR. FRODSHAM: In your training and experience
24 with doing these kind of requests for video from a

1 surveillance camera, does Ring typically provide
2 certificates of authentication when they give you video?

3 A. I've never received one from any cloud-based
4 system whatsoever.

5 Q. Okay.

6 A. So, this is a cloud --- in this case, it's a
7 cloud-based system. So, no, sir.

8 Q. Thank you. That's all I have, Your Honor.

9 THE COURT: All right.

10 Q. We ask the Lieutenant to step down.

11 MR. STEPHENS: Yeah, I don't have any further
12 questions.

13 THE COURT: All right, you can step down, sir.

14 MR. FRODSHAM: I'd like to ask the Court, if it's
15 ready for, if it's the appropriate time for me to make my,
16 my argument on this matter.

17 THE COURT: Yeah.

18 MR. FRODSHAM: Thank you, Your Honor. I have a
19 few cases on this that are actually fairly on point. In
20 State v. Green, I'll begin with that, the Court of Appeals
21 emphasized, and this is on page 5, in the left-hand column
22 at the bottom before Deep Kill, and I brought up Deep Kill
23 yesterday, that again, just like Your Honor said, the
24 standard for authentication is not high. Over on the top

1 right, it explains that the proponent need only make a
2 "prima facia showing that the true author is who the
3 proponent claims it to be, in this case, being Ring." If
4 we go down two more paragraphs which begins at social media
5 messages, it says, social media messages and other content
6 appear to pose unique authentication problems, but these
7 problems dissolve against the framework of 901. Social
8 media messages and content are writing in evidence that has
9 always -- has always viewed the authorship of writing with
10 a skeptical eye. But if you go down to the very next
11 paragraph, Your Honor, it says that that may be incorrect.
12 Rule 901 does not care what form a writing takes. Or I
13 might interject, it does not care what form the evidence,
14 in this case it was a writing, takes. The vulnerability of
15 the written word to fraud going forward did not begin with
16 the arrival of the Internet. And it can be defrauded just
17 as easily. But putting a heavier authentication burden,
18 because it is a modern medium, and making that particularly
19 vulnerable to fraudsters, is old wine in a new bottle. To
20 summarize that case, just because something is in a digital
21 format does not necessarily mean that it requires a higher
22 burden than typical authentication evidence. Now,
23 Lieutenant Michaud testified that the phone was seized
24 under a valid search warrant. Graykey generated a secure

1 extraction with a unique hash value verifying that there
2 was no alteration. He then imported the extraction into
3 Cellebrite, into which he is certified, and the Cellebrite
4 output matches the hashed original. This satisfies
5 901(b)(1), which allows authentication through testimony of
6 a witness with knowledge. Furthermore, Your Honor, the
7 contents of the defendant's message, such as the drug slang
8 and the coordination of the exact sale, captured on Ring,
9 and what we just heard testimony to, that there was
10 correspondence between the defendant and the homeowner at
11 which the search warrant was executed, is a distinctive
12 characteristic. I want to talk about the --- also the
13 alleged issue with the chain of custody, with us not having
14 the person who initiated the cellphone extraction and
15 performed the cellphone extraction. I want to look at
16 State v. Williams. Now, in this case, Your Honor, this has
17 to do with the drawing of blood. And the Court held that
18 even though they didn't have the person who was drawing the
19 blood, that did not negate the authenticity of the
20 evidence. In this case, Your Honor, we don't have the
21 person who drew the extraction from the phone, but it does
22 not negate the authenticity of the evidence. Similar to
23 drawing blood as a mechanical process, drawing the
24 extraction is likewise a mechanical process. Moreover, it

1 may even be more secure because of the hash values
2 associated with the extraction itself. Lieutenant Michaud
3 is able to verify that no tampering has taken place since
4 the extraction. Therefore, Your Honor, I think the State
5 proves that there was continuous custody from extraction to
6 review, due to the secure hashtag and the standardized
7 digital forensic methods used by Ring and law enforcement
8 in a multitude of cases like this. And the State would
9 contend, Your Honor, that that is more than enough for the
10 already admitted low standard of authentication in this
11 issue, and the chain of custody has not been sufficiently
12 broken as to render that evidence inadmissible. Thank you.

13 THE COURT: All right. Thank you, sir.

14 MR. STEPHENS: Your Honor, I'll be brief. I
15 understand that the Court has ruled on this, and I don't
16 mean to -- to pile on, but would note that the cases that
17 the State has offered, State v. Green deals with social
18 media. This is not social media. This is an extraction of
19 specific data from a phone, not something posted. And we
20 don't know the method used in the Green trial to
21 authenticate -- or for Facebook to authenticate that these
22 were Facebook records. We don't know. That was a question
23 of authorship. This is a cellphone extraction. And
24 turning from Green to the Williams' case, the data is not

1 like blood. They said that the Court there said the ---
2 basically the risk of tampering was a low one. Here,
3 there's no way to confirm where the extraction --- the
4 phone from which the extraction came or how it was
5 conducted. A blood draw is a pretty limited procedure.
6 This is obviously more complex. Lieutenant Michaud could
7 have done it. I believe, even at this point, if they could
8 establish chain of custody, a new extraction could be done.
9 Your Honor, they're skipping a step. I believe the Court's
10 ruling was correct, that they had failed to establish the
11 authentication under 901(b)(1) and 901(b)(9) for both the
12 cellphone and the videotapes. Thank you.

13 THE COURT: All right. Thank you, counselors.
14 Obviously, I guess the proffer did alleviate some of the
15 issues referenced in my prior ruling. Obviously, the -- is
16 it detective or lieutenant?

17 MR. FRODSHAM: Lieutenant, Your Honor.

18 THE COURT: Okay, all right. Lieutenant Michaud
19 is qualified. He's got the correct ESL training to
20 operate, and he's done some extractions. You know, it
21 deals with some of the chain of custody issues. Chain of
22 custody is part of authentication. But I think it leaves
23 the specific of, was the extraction properly done, a little
24 bit of conjecture when we don't have person who actually

1 did the extraction. Again, like I've stated earlier,
2 Lieutenant Michaud didn't have prior knowledge of the
3 conversation or of what happened on those videos. He
4 wasn't party to them. If he was, I think that would be a
5 completely different story. And certainly, his testimony
6 dealt with an interview with a defendant post arrest and
7 post Miranda. Obviously, the defendant can't be called to
8 authenticate any writings. I understand the arguments that
9 the State's made. I'm going to stand by my original ruling
10 and rule that the authentication of the Ring camera and the
11 text messages is lacking, therefore they're excluded.

12 MR. STEPHENS: Thank you, sir.

13 MR. FRODSHAM: Thank you, Your Honor.

14 MR. STEPHENS: Thank you, Your Honor.

15 MS. CAMPBELL: With that ruling by the Court,
16 could we have maybe 10 minutes? I need to contact the
17 Chief Deputy Solicitor to determine where we go from here
18 with this case.

19 THE COURT: Okay.

20 MS. CAMPBELL: It's my understanding as we stand
21 here, the wiretap issue is with the Court of Appeals.

22 MR. STEPHENS: Your Honor ---

23 THE COURT: Yeah, I'm not addressing the wiretap
24 issue at all.

1 MR. STEPHENS: The stay of the automatic stay
2 from the statute only applies when -- when it is something
3 that's required for the trial. I think based on the
4 Court's ruling on other grounds, I think that it is moot.

5 MS. CAMPBELL: It becomes moot.

6 THE COURT: Right.

7 MS. CAMPBELL: It is literally the only evidence
8 in this case. And so that's why I need to contact the
9 Chief Deputy Solicitor to determine what he wants me to do
10 at this point. So.

11 THE COURT: Well, okay, that's fine.

12 MS. CAMPBELL: The Ring camera ---

13 THE COURT: I'll give you ten minutes, but I
14 thought we had a Denno at some point, which we almost got
15 into.

16 MS. CAMPBELL: I'm just saying that it's not
17 necessary to do a Denno. We can't --- We're not going to
18 move forward without the Ring video and without the text
19 messages. That completely shuts down the State's case on
20 the 901 issue. And with that out, then I need some
21 direction from my boss what he wants me to do.

22 THE COURT: Oh, certainly. Okay.

23 MS. CAMPBELL: And I may solve everyone's
24 problems in a few moments if I may take a minute with him.

1 THE COURT: Yeah, that's fine.

2 MS. CAMPBELL: Okay.

3 THE COURT: Do y'all want to take ten minutes?

4 MS. CAMPBELL: That would be great. Thank you,
5 Your Honor.

6 THE COURT: Okay.

7 MR. STEPHENS: Thank you, Your Honor.

8 MR. FRODSHAM: Thank you, Your Honor.

9 (Brief recess.)

10 BAILIFF: All rise.

11 THE COURT: Thank you, everybody. Please be
12 seated.

13 MR. FRODSHAM: Thank you, Your Honor. The State
14 at this point would respectfully move, for Your Honor, to
15 reconsider your previous ruling on the admissibility of the
16 Ring camera and the text messages for the reasons I stated
17 in oral arguments just before.

18 THE COURT: All right. Anything from the
19 defense?

20 MR. STEPHENS: Your Honor, I would, the defense
21 would respectfully just stand on our prior arguments and
22 the Court's prior rulings were -- were correct.

23 THE COURT: All right. I have gone around and
24 around with the rules of authentication, especially as it

1 relates to text messages and the --- and the Ring camera
2 stuff. I won't rehash all of what I found on the record
3 about the need for a witness's personal knowledge, though
4 he was, you know, particularly a party to a conversation
5 captured on the telephone, video, text message. Obviously
6 the defendant can't authenticate things, or be called to
7 testify to authenticate things. So, I'm going to
8 respectfully deny your motion, Mr. Frodsham, at this time.
9 Anything else from the State?

10 MR. FRODSHAM: No. Thank you, Your Honor. Based
11 upon that ruling, the State --- because of that ruling, it
12 materially and negatively affects the State's ability to
13 prosecute this case, and the State will be filing an appeal
14 for those two things, of the ruling.

15 THE COURT: Okay. All right. Understood. And
16 again, I'll assume that's going to happen today ---

17 MR. FRODSHAM: I would assume so, Your Honor.

18 THE COURT: -- or sometime.

19 MR. FRODSHAM: Sometime in the near future. Yes.

20 THE COURT: Right. Well, then what I'm thinking
21 about is the jury sitting out there. Obviously, that's
22 going to stay this proceeding. This jury only was called
23 for this week. So we can't keep the jury impaneled ---

1 MR. FRODSHAM: Yes, Your Honor. I would as soon
2 do it ---

3 THE COURT: So, I think at this point, I have no
4 choice but to declare a mistrial based on manifest
5 necessity, the fact that we're not going to get it done
6 this week and this case will have to be dealt with at
7 another time.

8 MR. FRODSHAM: Thank you, Your Honor.

9 THE COURT: Anything else from the State?

10 MR. FRODSHAM: Not on this case, Your Honor.

11 THE COURT: All right. Anything from the
12 defense?

13 MR. STEPHENS: Your Honor, I'm just thinking
14 through the Court's ruling. I'm not sure that that there's
15 a basis for a mistrial, but I don't really know. I think
16 it's just that the case is stayed. I don't --- yeah, I
17 think if you declared a mistrial, Your Honor, then I think
18 the prior rulings are a nullity. I think --- I think it's
19 fair just to put on the record and I think that was the
20 Court's intent, that because procedures are stayed, that
21 the --- the jury has to be dismissed and the case continued
22 since they haven't been impaneled, no evidence is heard. I
23 don't think that a mistrial is necessary, Your Honor. It's
24 just that they, if the case is continued, based on that,

1 based on the State's intent to appeal, I think that's
2 sufficient. Would the State agree?

3 MS. CAMPBELL: State agrees.

4 MR. FRODSHAM: State agrees, Your Honor.

5 THE COURT: Okay. All right. Well, and I
6 basically did that going on my own recollection that the
7 jury was in fact sworn yesterday.

8 MR. STEPHENS: Your Honor, I don't think jeopardy
9 attaches, though, until they are impaneled and begin to
10 hear evidence in the case. That is my belief on prior
11 cases dealing with former jeopardy. I think that if we
12 were still pretrial, and the case could be continued and
13 the jury excused. That's my understanding, Your Honor.

14 THE COURT: All right. Does the State agree with
15 that opinion?

16 MR. FRODSHAM: We agree, Your Honor.

17 THE COURT: Okay, well, I'll withdraw my ruling
18 of the mistrial. Obviously, if the case is going to be
19 stayed in the State's appeal, then I will simply release
20 the jury for this week and continue the matter to another
21 trial court.

22 MR. FRODSHAM: Thank you, Your Honor.

23 MR. STEPHENS: Thank you, Your Honor.

24 (Whereupon, the pre-trial motions were concluded.)

- - -END OF TRANSCRIPT- - -

* * * * *

CERTIFICATE OF REPORTER

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
introduced in the hearing of the captioned case,
relative to appear, in the Circuit Court for Jasper
County, South Carolina, on the 17th day of November,
2025.

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

Cathy L. Young, CVR-M
Court Reporter and Notary
Public in and for South Carolina
My Commission expires: 3-28-2029

EXHIBIT H

Court of Appeals Correspondence
November 18, 2025



The South Carolina Court of Appeals

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November 18, 2025

Mr. Jeffrey Scott Stephens
PO Box 2450
Beaufort, SC 29901-2450

Re: The State v. Mark Elliott Martin, Jr.
Appellate Case No. 2025-002314

Dear Counsel:

This will acknowledge receipt of the motion to suppress evidence.

By copy of this letter, opposing counsel is requested to file a return no later than ten (10) days from the date of this letter. Additionally, all proceedings involving the communications at issue are automatically stayed. *See* § 17-30-110(A) ("All proceedings requiring the use of the contents of any intercepted communication that are the subject of the motion to suppress pursuant to this section are automatically stayed pending the determination of the motion to suppress.").

Very truly yours,

A handwritten signature in cursive script, reading "Jenny A. Kitchings".

CLERK

cc: Marshall Bret Frodsham, Esquire
Trasi Campbell, Esquire
The Honorable Charles J. McCutchen
Keith Horton

EXHIBIT I

Ring Camera Clips (Transported to the Court)

The State v. Mark E. Martin, Jr.
Case No. 2025-002314
Exhibit's I

RECEIVED

Mar 05 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

IN THE COURT'S ORIGINAL JURISDICTION
From Jasper County

Appellate Case No. 2025-002314

THE STATE OF SOUTH CAROLINA,

Plaintiff,

v.

MARK ELLIOTT MARTIN, JR.,

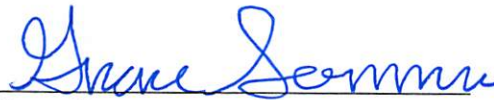
Defendant.

PROOF OF SERVICE

I, Grace Sommer, certify that I have served this Return to Motion to Suppress Oral Communication on Jeffrey Scott Stephens, Esquire, counsel of record for the Defendant, by electronic mail to the address listed for counsel in South Carolina Attorney Information System.

I further certify that all parties required by Rule 262(c) of the South Carolina Appellate Court Rules to be served have been served.

This 5th day of March 2026.



Grace Sommer
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727