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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KENNETH CHARLES HENDRIX,

APPELLANT

APPELLATE CASE NO. 2025-000838

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF PICKENS	)	2023-GS-39-01264
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
KENNETH CHARLES HENDRIX,	)	
DEFENDANT.	)	
_____	)	

March 17 and 18, 2025
Pickens, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., JUDGE; and a jury.

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

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CATHERINE A. WYSE, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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All Exhibits were retained by the Clerk of Court for
Pickens County.

1 P R O C E E D I N G S

2 (WHEREUPON, Court's Exhibit Nos. 1 and 2 were marked
3 for identification only.)

4 THE COURT: All right. Are we ready to bring them
5 in?

6 (WHEREUPON, there was no response.)

7 THE COURT: Bring the jury panel in.

8 (WHEREUPON, the jury panel entered the courtroom.)

9 THE COURT: Good morning, ladies and gentlemen.
10 I'm Judge Morgan.

11 I am -- you met -- met Judge Salvini, I believe, this
12 morning. And I am, also, a circuit Judge here in the
13 Thirteenth Circuit. And I'm going to be presiding over
14 this trial.

15 I want to welcome you to jury duty. I know this is
16 not somewhere you wanted to be. But we're glad to have
17 you. Your participation and your presence here is
18 essential to our system. Without you, we could not
19 function. And so I want to thank you on behalf of Pickens
20 County, and the Thirteenth Circuit, and myself for being
21 here.

22 We are about to start the trial of the State of South
23 Carolina vs. Kenneth Charles Hendrix. Mr. Hendrix has
24 been indicted for trafficking methamphetamine, which
25 alleges to have occurred on March the 10th of 2023.

1 Now, let me mention this. An indictment is simply
2 that, an indictment. It's the way that cases are brought
3 to trial on the criminal side. It does not -- is not
4 evidence. It's not to be considered as evidence. The
5 only evidence that you are to consider, as a jury, is that
6 which is put forth with witness statements -- witness
7 testimony and any exhibits that may be admitted in the
8 trial of the case.

9 So, again, a defendant is innocent until proven
10 guilty beyond a reasonable doubt. The indictment is
11 simply the method by which we bring cases to court.

12 JURY QUALIFICATION

13 THE COURT: Now, has anyone ever been related by
14 blood or marriage to the Defendant, Kenneth Charles
15 Hendrix? If so, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Has anyone ever had a close personal or
18 social relationship or know Kenneth Charles Hendrix? If
19 so, please, stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: All right. I have a list -- I have a
22 list of potential witnesses in this case: Aaron Smith
23 with Easley Police Department; Jamie Porter with Easley
24 Police Department; Conner Runser, also, with Easley Police
25 Department; Joshua Blinkey, Easley Police Department;

1 Makayla Readett with Easley Police Department; and
2 Maribeth McCormack with SLED.

3 Has anyone ever been related by blood or marriage, or
4 had any close personal or social relationship, or know any
5 of these potential witnesses? If so, please, stand.

6 All right. Yes, sir. Your number?

7 PROSPECTIVE JUROR: #243.

8 THE COURT: #243. All right.

9 PROSPECTIVE JUROR: I -- Connor Runser. I used to be
10 a Pickens County Deputy. And I -- I hung out with Runser
11 off-duty.

12 THE COURT: All right. And how long ago was that?

13 PROSPECTIVE JUROR: About two years ago.

14 THE COURT: Two years ago. Have you seen him in two
15 years?

16 PROSPECTIVE JUROR: No.

17 THE COURT: All right. The fact that you did have an
18 acquaintance or a business relationship with Mr. Runser,
19 can you set that aside and view this case based solely on
20 the evidence and be fair and impartial to both the State
21 and the Defendant?

22 PROSPECTIVE JUROR: Yes, I can.

23 THE COURT: All right. Thank you, sir.

24 All right. I'll ask the lawyers to identify yourself
25 starting with the State.

1 MR. LAMPKE: Thank you, Your Honor.

2 Hello everyone.

3 My name is Jake Lampke. I'm an assistant solicitor
4 with the Thirteenth Circuit Solicitor's Office, which
5 means that I represent the State in criminal cases like
6 this one.

7 MS. WYSE: Good morning.

8 My name is Catherine Wyse. I used to be with the
9 solicitor's office here in Pickens. Before that, I was
10 with the Pickens -- with the Anderson County Solicitor's
11 Office. And before that, I was in other solicitor's
12 offices over the state.

13 For the last two years, I've been in private
14 practice. My law partner is Jessica DeShon. We practice
15 in Seneca. And we cover several different counties,
16 Greenville, Oconee, Pickens, and Anderson. And it is very
17 nice to see all of you this morning.

18 THE COURT: All right. Ladies and gentlemen, has any
19 member of the jury panel ever been represented by any of
20 the lawyers involved in this case or their law firm, or
21 been related by blood or marriage to any of the lawyers,
22 or ever had a close personal or social relationship with
23 any of the lawyers or with their law firms? If so,
24 please, stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Is there any member of the jury panel who
2 is a member of or a contributor to any group which has as
3 its primary concern the promotion of law enforcement or
4 victim's rights?

5 And these include organizations like MADD, Mother's
6 Against Drunk Drivers; CAVE, Citizens Against Violent
7 Crime; Students Against Drunk Drivers, et cetera. Those
8 are some of the groups.

9 Anyone have either contributed to or been a member of
10 any group in that category? If so, please, stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Does any member of the jury panel have
13 any family or close friends in law enforcement? If so,
14 please, stand.

15 All right. Your number, please?

16 PROSPECTIVE JUROR: #162.

17 THE COURT: All right. And what is -- what's your
18 circumstance?

19 PROSPECTIVE JUROR: My father is a state constable.

20 THE COURT: A state what?

21 PROSPECTIVE JUROR: Constable.

22 THE COURT: Constable. All right. And how long has
23 he been a state constable?

24 PROSPECTIVE JUROR: At least, eight years, I believe.

25 THE COURT: All right. The fact that he is a state

1 constable, though, could you view this case based solely
2 on the evidence and be fair and impartial to both the
3 State and the Defendant in this case?

4 PROSPECTIVE JUROR: Yes, sir.

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

6 Yes, sir. Your number?

7 PROSPECTIVE JUROR: #51.

8 THE COURT: All right. Yes, sir.

9 PROSPECTIVE JUROR: My sister-in-law and
10 brother-in-law are former members of the New York City
11 Police Department.

12 THE COURT: All right. The fact that -- it's a
13 former brother-in-law, is that --

14 PROSPECTIVE JUROR: No. They're existing today, but
15 retired.

16 THE COURT: All right. The fact that you have some
17 relatives that were in law enforcement, could you set that
18 aside and view this case based solely on the evidence and
19 be fair and impartial to both the State and the Defendant?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: All right. Thank you, sir.

22 Your number?

23 PROSPECTIVE JUROR: #119.

24 THE COURT: Yes, ma'am.

25 PROSPECTIVE JUROR: I just have a cousin who is in

1 law enforcement in Hendersonville, North Carolina.

2 THE COURT: All right. The fact that you got a
3 cousin in law enforcement, could you set that aside and
4 view this case based solely on the evidence and be fair
5 and impartial to the State and the Defendant?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: All right. Thank you very much.

8 Is there any member of the jury panel who -- anybody
9 on the jury panel or member of their immediate family ever
10 been employed by the Thirteenth Solicitor's -- Thirteenth
11 Judicial Circuit Solicitor's Office? If so, please,
12 stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: All right. Ladies and gentlemen, I've
15 got a series of questions that I'm going to ask. And what
16 I'm going to do is if you have to respond or are required
17 to respond to these questions, I'm going to just ask that
18 you stand up. And then I'll speak with you more privately
19 with myself and the lawyers on the record.

20 So I've got -- I'm going to just read out a series of
21 questions. And don't respond until I have finished all of
22 them. And then if you do need to respond to these
23 questions, I'll have you come up.

24 All right. Is there any member of the jury panel or
25 any of your relatives or close personal friends ever been

1 subject to criminal charges filed by the Thirteenth
2 Circuit Solicitor's Office or any other solicitor's office
3 in the state of South Carolina? That's the first
4 question.

5 Have you or any member of your family or a close
6 personal friend had an interaction with the Easley Police
7 Department which would make it difficult for you to serve
8 on this jury?

9 Next question: Does any member of the jury panel
10 have a family member or a close personal friend who is
11 incarcerated in the Pickens County Detention Center or the
12 South Carolina Department of Corrections?

13 Next question: Does any member of the jury panel
14 have a family member or a close personal friend who has
15 been charged with or convicted of trafficking in illegal
16 drugs?

17 Next question: Does anyone feel so strongly about
18 methamphetamine that you cannot be fair and impartial?

19 And last question: Would anyone believe law
20 enforcement testimony over the testimony of another
21 person?

22 So if anyone has any responses to any of those
23 questions, please, stand. And then we'll speak to you a
24 little bit more privately.

25 THE COURT: All right. Come on down.

1 (WHEREUPON, a sidebar was held with the Court, the
2 attorneys, and the prospective juror.)

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

4 PROSPECTIVE JUROR: #176.

5 THE COURT: #176. Okay. Yes, ma'am.

6 PROSPECTIVE JUROR: My mother was charged with --
7 convicted of possession of methamphetamine several times.
8 She's an active addict.

9 Also, my aunt was charged with possession of
10 marijuana with intent to distribute within so many miles
11 of a school, a middle school and an elementary school.

12 THE COURT: Okay. The fact that you have had your
13 mother and your aunt face those circumstances, could you
14 set that aside, though, and be fair and impartial?

15 PROSPECTIVE JUROR: Yeah, absolutely.

16 THE COURT: And view this case based solely on the
17 evidence?

18 PROSPECTIVE JUROR: Yes.

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

20 (WHEREUPON, the sidebar was concluded.)

21 THE COURT: Is there any member of the jury panel who
22 has formed or expressed any opinion about any issue or
23 matter involved in this case? If so, please, stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: Is there any member of the jury panel

1 aware of any bias or prejudice towards either the State or
2 the Defendant in this case?

3 (WHEREUPON, there was no response.)

4 THE COURT: Is there any member of the jury panel
5 that was a member of the Grand Jury which issued the
6 indictment in this case? If so, please, stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Does any member of the jury panel know of
9 any reason whatsoever why he or she should not serve as a
10 juror in this case with particular emphasis being placed
11 on your ability to be fair and impartial to both the State
12 and the Defendant in this case?

13 (WHEREUPON, there was no response.)

14 THE COURT: All right. Any additional questions or
15 voir dire from the State?

16 MR. LAMPKE: Nothing from the State, Your Honor.

17 THE COURT: Any from the Defendant?

18 MS. WYSE: Nothing from the Defense.

19 THE COURT: All right. Let's select our jury.

20 THE CLERK: As I call your name, if you would,
21 please, stand.

22 JURY SELECTION

23 THE CLERK: Juror #4, Tami Altman.

24 (WHEREUPON, Tami Altman, a white female, stood.)

25 THE CLERK: What says the State?

1 MR. LAMPKE: Please present this juror.

2 THE CLERK: And the Defense?

3 MS. WYSE: Please present Ms. Altman.

4 THE CLERK: Please come forward and have a seat in
5 the jury box.

6 Juror #223, Autumn Swords.

7 (WHEREUPON, Autumn Swords, a white female, stood.)

8 THE CLERK: What says the State.

9 MR. LAMPKE: Please present this juror.

10 THE CLERK: And the Defense?

11 MS. WYSE: Please present Dr. [Inaudible] -- oh, I'm
12 so sorry.

13 You said 223?

14 THE CLERK: Yes, ma'am. Autumn Swords.

15 MS. WYSE: Excuse me. That's not...

16 Please present Ms. Swords.

17 THE COURT: Okay. Please come forward and have a
18 seat in the jury box.

19 Juror #31, James C. Budnaitis.

20 (WHEREUPON, James C. Budnaitis, a white male, stood.)

21 THE CLERK: What says the State?

22 MR. LAMPKE: Please present this juror.

23 THE CLERK: And the Defense?

24 MS. WYSE: Please present Mr. Budnaitis.

25 THE CLERK: Please come forward and have a seat in

1 the jury box.

2 Juror #225, Sharon Teat.

3 (WHEREUPON, Sharon Teat, a white female, stood.)

4 THE CLERK: What says the State?

5 MR. LAMPKE: Please present this juror.

6 THE CLERK: And the Defense?

7 MS. WYSE: Please present Ms. Teat.

8 THE CLERK: Please come forward and have a seat in
9 the jury box.

10 Juror #119, Chelsea Jones.

11 (WHEREUPON, Chelsea Jones, a white female, stood.)

12 THE CLERK: What says the State?

13 MR. LAMPKE: Please present this juror.

14 THE CLERK: And the Defense?

15 MS. WYSE: Please excuse Ms. Jones for the purpose of
16 this trial only.

17 THE CLERK: Please return to your seat, ma'am.

18 Juror #160, Barbara Michael.

19 (WHEREUPON, Barbara Michael, a white female, stood.)

20 THE CLERK: What says the State?

21 MR. LAMPKE: Please present this juror.

22 THE CLERK: And the Defense?

23 MS. WYSE: Please present Ms. Michael.

24 THE CLERK: Please come forward and have a seat in
25 the jury box.

1 Juror #180, Clayton Payne.

2 (WHEREUPON, Clayton Payne, a white male, stood.)

3 THE CLERK: What says the State?

4 MR. LAMPKE: Please present this juror.

5 THE CLERK: And the Defense?

6 MS. WYSE: Please present Mr. Payne.

7 THE CLERK: Please come forward and have a seat in
8 the jury box.

9 Juror #48, Rebekah Crowe.

10 (WHEREUPON, Rebekah Crowe, a white female, stood.)

11 THE CLERK: What says the State?

12 MR. LAMPKE: Please present this juror.

13 THE CLERK: And the Defense?

14 MS. WYSE: Please present Ms. Crowe.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 Juror #242, John Williams.

18 (WHEREUPON, John Williams, a white male, stood.)

19 THE CLERK: What says the State?

20 MR. LAMPKE: Please present this juror.

21 THE CLERK: And the Defense?

22 MS. WYSE: Please excuse Mr. Williams for this trial
23 only.

24 THE CLERK: Please return to your seat, sir.

25 Juror #211, Tracy Smith.

1 (WHEREUPON, Tracy Smith, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. LAMPKE: Please present this juror.

4 THE CLERK: And the Defense?

5 MS. WYSE: Please present Ms. Smith.

6 THE CLERK: Please come forward and have a seat in
7 the jury box.

8 Juror #222, Christy Sullivan.

9 (WHEREUPON, Christy Sullivan, a white female, stood.)

10 THE CLERK: What says the State?

11 MR. LAMPKE: Please excuse this juror.

12 THE CLERK: Please return to your seat, ma'am.

13 Juror #169, Sarah Nikolaus.

14 (WHEREUPON, Sarah Nikolaus, a white female, stood.)

15 THE CLERK: What says the State?

16 MS. WYSE: I'm sorry. What number did you say?

17 THE CLERK: #169.

18 MS. WYSE: Thank you.

19 MR. LAMPKE: Please present this juror.

20 THE CLERK: And the Defense?

21 MS. WYSE: Please present Ms. Nikolaus.

22 THE CLERK: Please come forward and have a seat in
23 the jury box.

24 Juror #73, Allysa Gentry.

25 (WHEREUPON, Allysa Gentry, a white female, stood.)

1 THE CLERK: What says the State?

2 MR. LAMPKE: Please present this juror.

3 THE CLERK: And the Defense?

4 MS. WYSE: Please excuse Ms. Gentry.

5 THE CLERK: Please return to your seat.

6 Juror #55, David Dickey.

7 (WHEREUPON, David Dickey, a white male, stood.)

8 THE CLERK: What says the State?

9 MR. LAMPKE: Please present this juror.

10 THE CLERK: And the Defense?

11 MS. WYSE: Please present Mr. Dickey.

12 THE CLERK: Please come forward and have a seat in
13 the jury box.

14 Juror #112, Junior Iteguat.

15 (WHEREUPON, Junior Iteguat, a Hispanic male, stood.)

16 THE CLERK: What says the State?

17 MR. LAMPKE: Please present this juror.

18 THE CLERK: And the Defense?

19 MS. WYSE: Please present the juror. I'm sorry. I
20 can't say his name.

21 THE CLERK: Please come forward and have a seat in
22 the jury box.

23 Juror #184, Nicole Quilty.

24 (WHEREUPON, Nicole Quilty, a white female, stood.)

25 THE CLERK: What says the State?

1 MR. LAMPKE: Please present this juror.

2 THE CLERK: And the Defense?

3 MS. WYSE: Please excuse Ms. Quilty.

4 THE CLERK: Please return to your seat, ma'am.

5 Juror #159, Linda Merck.

6 (WHEREUPON, Linda Merck, a white female, stood.)

7 THE CLERK: What says the State?

8 MR. LAMPKE: Please present this juror.

9 THE CLERK: And the Defense?

10 MS. WYSE: I apologize. What number did you say she
11 was?

12 THE CLERK: #159.

13 MS. WYSE: Thank you.

14 Please present Ms. Merck.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 This will be for the first alternate.

18 Juror #162, Lindsey Miller.

19 (WHEREUPON, Lindsey Miller, a white female, stood.)

20 THE CLERK: What says the State?

21 MR. LAMPKE: Please present this juror.

22 THE CLERK: And the Defense?

23 MS. WYSE: Please excuse this juror for this trial
24 only.

25 THE CLERK: Please return to your seat.

1 Juror #142, Miranda Logwood.

2 (WHEREUPON, Miranda Logwood, a white female, stood.)

3 THE CLERK: What says the State?

4 MR. LAMPKE: Please present this juror.

5 THE CLERK: And the Defense?

6 MS. WYSE: Please present Ms. Logwood.

7 THE CLERK: Please come forward and have a seat in
8 the jury box.

9 Juror #136, Travis Laster.

10 (WHEREUPON, Travis Laster, a white male, stood.)

11 THE CLERK: What says the State?

12 MR. LAMPKE: Please excuse this juror.

13 THE CLERK: Please return to your seat, sir.

14 Juror #86, Webster Grayson.

15 (WHEREUPON, Webster Grayson, a white male, stood.)

16 THE CLERK: What says the State?

17 MR. LAMPKE: Please present this juror.

18 THE CLERK: And the Defense?

19 MS. WYSE: Please present Mr. Grayson.

20 THE CLERK: Please come forward and have a seat in
21 the jury box.

22 THE COURT: All right. Any objections -- I mean, any
23 motions as to the selection of the jury from the State?

24 MR. LAMPKE: None from the State.

25 THE COURT: From the Defense?

1 MS. WYSE: No, Your Honor.

2 THE COURT: All right. Ladies and gentlemen, you
3 have been selected as the jury for this case.

4 Those of you not selected, what I'm going to ask you
5 to do is call in tonight at 6:00 -- or after 6:00 for
6 further instructions for the rest of the week.

7 So, please, call the number after 6:00 tonight for
8 further instructions. With that, you are excused.

9 I hope you have a good day.

10 (WHEREUPON, the remaining jury panel member exited
11 the courtroom.)

12 THE COURT: All right. Ladies and gentlemen, you
13 have now been selected for our jury. Let me just kind of
14 give you an idea of our schedule here. We have some
15 pre-trial motions that -- I'm going to have to deal with
16 those this afternoon in the case.

17 So what I'm going to do is excuse you for the rest of
18 the day. And then report back here tomorrow morning at
19 9:30. We're going to be working the rest of the day on
20 some pre-trial issues. But we'll be ready to start the
21 trial first thing tomorrow morning. So, please, report
22 back here at 9:30 in the morning.

23 Also, when you go back to the jury room right now
24 before you're excused to go home, I need the 12 of you --
25 notwithstanding the two alternates, you may or may not be

1 on the jury on this trial. But for now, the 12 of you on
2 the jury, if you would select a foreperson.

3 And that person has no greater weight to vote, not
4 any greater than anybody else. There's -- again, no
5 greater weight. That person is simply the liaison between
6 me and you if any questions arise, or anything like that.
7 So I need the 12 of you to select that jury foreperson.
8 And just let the bailiffs know who that person is.

9 So with that, I'm going to excuse you again for the
10 rest of the day. Report back here tomorrow morning at
11 9:30. And, please, don't discuss the case with anyone.
12 Don't look it up. Don't Google it. Don't Google the
13 lawyers, the names -- the name of the Defendant, any of
14 these witnesses. Don't do any investigation on your own.
15 Please do not discuss this case with anybody.

16 If you do and it comes to my attention, it's not
17 going to be good. It's really -- it's an order from the
18 Court. And we are very serious about that.

19 So I know you'll have family members or friends
20 tonight say, tell me about jury duty, tell me about the
21 case. Just tell them you can talk to them all day long
22 after the trial is over this week. So in the interim,
23 please, don't discuss the case until the case is over.

24 With that, I'll excuse you for the day. I hope all
25 of you have a good day. And I'll see you tomorrow morning

1 at 9:30.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 11:39 a.m.)

4 THE COURT: All right. Do you all want to break or
5 go ahead and get into our pre-trial motions?

6 MR. LAMPKE: Judge, if we can take a brief pre-trial
7 break so I can get the exhibits marked.

8 THE COURT: Okay.

9 (WHEREUPON, a break was taken.)

10 (WHEREUPON, Court's Exhibit Nos. 3, 4, and 5 were
11 marked for identification only.)

12 PRE-TRIAL MOTIONS

13 THE COURT: Is everybody ready to proceed in State
14 vs. Hendrix?

15 MR. LAMPKE: Yes, Your Honor.

16 MS. WYSE: Absolutely, Your Honor.

17 THE COURT: We've got, as I understand it, State and
18 Defense motions; is that correct?

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

20 From my conversation with Ms. Wyse, the proposition
21 we'd like to make to the Court is to handle the trial in
22 absence argument now and then come back, perhaps, at 1:30
23 to do the other pre-trial matters.

24 THE COURT: All right. Give me a background. I
25 understand Mr. Hendrix is not present; is that correct?

1 MR. LAMPKE: Precisely, Your Honor. Mr. Hendrix is
2 not present here in the courthouse. His name was read out
3 downstairs at the courtroom where he was noticed to be at
4 on his bond card. My understanding is that -- has Your
5 Honor already signed the bench warrant in that regard.

6 THE COURT: Yes.

7 MR. LAMPKE: That Your Honor has already signed a
8 bench warrant in that regard. And I believe law
9 enforcement is now trying to locate him both in order to
10 conduct a welfare check, as well as to bring him in so
11 that he can be brought into court.

12 Judge, the State would like to move to try
13 Mr. Hendrix in his absence. In order for the Defendant to
14 be tried in his absence, the Court must make a finding on
15 the record that the Defendant received notice of his right
16 to be present, along with the term of court for which he
17 needed to be present. And that he was warned he would be
18 tried in his absence if he failed to attend.

19 Notice of the term of court which the trial is set
20 constitutes sufficient notice to enable a criminal
21 defendant to make an effective waiver of his right to be
22 the present. That's Ellis vs. State, 267 S.C. 257.
23 That's a 1976 case, as well as State vs. Goode, which is
24 299 S.C. 479 1989.

25 A bond form that provides notice that a defendant can

1 be tried in absentia may serve as the requisite notice.
2 That's State vs. Ferry, 374 S.C. 92. That's a 2007 case.

3 Judge, to support that proposition, I have three
4 Court's Exhibits which I have shown to Ms. Wyse in
5 anticipation of this hearing. The first, which is marked
6 as Court's Exhibit No. 3, is the Defendant's bonding
7 paperwork, which puts him on notice that he could be tried
8 in his absence. Court's Exhibit No. 4, which is a copy of
9 the published trial docket for this week, March 17th,
10 2025, here in Pickens County, in which his case is listed,
11 as well as Court's Exhibit No. 5, which is the notice for
12 trial which has been signed both by Ms. Wyse, as well the
13 Defendant.

14 Your Honor, may I tender this?

15 THE COURT: Yes.

16 MR. LAMPKE: Thank you.

17 Your Honor, the -- the chief document that I'd say is
18 Court's Exhibit No. 5, the trial notice. That, again, is
19 signed both by the Defendant and his attorney. It,
20 specifically, states verbatim the language of the South
21 Carolina Rule of Criminal Procedure 16. It informs him
22 that his case was being called for trial today, March
23 17th, 2025. That he was summoned to appear for court that
24 day. And it, also, warned him that if he failed to appear
25 that the trial would proceed in his absence.

1 As a result, Judge, the State would request that you
2 make a finding as to those two prongs that I referenced
3 earlier, and that we proceed with a trial in the
4 Defendant's absence.

5 THE COURT: Okay. Ms. Wyse.

6 MS. WYSE: Thank you, Your Honor.

7 May it please the Court.

8 As stated earlier in your chambers and based upon the
9 information Mr. Lampke has given me in the past, as well
10 as the exhibits that he's handed up to the Court, I
11 realize that we don't have an argument as far as the
12 Defendant not receiving notice. He has received notice
13 and as well as I have, too. I have explained this to
14 him.

15 I will say, Your Honor, the only thing that I can
16 think of at this point in time as to why Mr. Hendrix would
17 not be here is if the circumstances are such that it is
18 out of his control. Not that he is purposely not here,
19 but that for some reason of which I do not know that he is
20 just incapable of getting here.

21 I've already told the Court in chambers earlier and
22 I've already told Mr. Lampke this on several occasions,
23 Mr. Hendrix is always late for most everything. But he
24 always shows up. He always shows up. And I know that he
25 has had a lot of car trouble in the past. He, actually,

1 met with me last week in my office and had to rent a car
2 to get there.

3 Judge, he promised me that he would rent a car again
4 this week so he could be present for court. I have made
5 several attempts to reach out to him. I cannot get him.
6 And the only thing I can offer in his defense is there
7 must be some reason beyond his control that he cannot get
8 here.

9 THE COURT: All right. First of all, let the record
10 reflect as to Court's Exhibit No. 3 on the bond that
11 Mr. Hendrix did have issued on, it looks like March 11,
12 2023, that he did sign. And the bond states that he
13 understands and has been informed that he has a right and
14 obligation to be present at trial. And should he fail to
15 attend court, trial will proceed in his absence. So he
16 acknowledged that. He did sign that, that bond form.
17 That is Court's Exhibit No. 3.

18 Also, I find that he is, in addition to being warned
19 of his failure to appear that a trial would go forward,
20 Court's Exhibit No. 5 is his notice of the trial of this
21 matter. He was informed that the trial could take place
22 on March 17, 2025, which is today. And he did execute the
23 notice for trial. Also, Court's Exhibit No. 4, which is
24 the roster of the case appearing on the trial roster for
25 this week.

1 So I find that he has been notified of the trial of
2 the case. And, also, I find that he has been warned that
3 his failure to appear could result in a trial in his
4 absence. Following State v. RAP, State vs. Ravenel, the
5 two things required to proceed in a trial in absence are
6 that, one, he has been noticed and, two, he has been
7 warned that his absence could result in the trial going
8 forward in his absence.

9 So I have made those findings that he has been
10 notified under State vs. RAP and State vs. Ravenel. He
11 has been notified of the case. He has been warned by his
12 execution of the bond warning that his trial could proceed
13 in his absence.

14 So the two elements that are required to go forward
15 in a trial in absence have been met under State vs. RAP
16 and State vs. Ravenel. So I make that finding. And I
17 conclude that he has been provided notice and a warning.
18 And the State can go forward with the prosecution of this
19 matter.

20 All right. Anything else from the State on that?

21 MR. LAMPKE: Yes, Your Honor. I may have neglected
22 to formally move those into evidence. I'd like to do that
23 now to make sure they're preserved in the record.

24 THE COURT: All right. So State's [sic] Exhibit Nos.
25 3, 4, and 5 are made as Court's Exhibits from the State.

1 (WHEREUPON, Court's Exhibit Nos. 3, 4, and 5 were
2 admitted into evidence.)

3 MR. LAMPKE: Thank you, Your Honor.

4 Nothing further regarding the trial in absence.

5 THE COURT: Anything else from the Defendant on that?

6 MS. WYSE: No, Your Honor.

7 THE COURT: Okay. Now, as far as going forward, do
8 y'all want to break for lunch and then argue motions after
9 lunch?

10 MS. WYSE: Please, Judge.

11 THE COURT: 2:00?

12 MS. WYSE: That's perfect. Otherwise, I might pass
13 out.

14 THE COURT: So we'll break for lunch right now.
15 We'll resume back at 2:00 for pre-trial motions.

16 MS. WYSE: And, Judge, that might, also, give us time
17 to figure out what's going on.

18 THE COURT: If you figure out some information in the
19 interim, that would be good.

20 MS. WYSE: Thank you, Your Honor.

21 MR. LAMPKE: And one further clarification from the
22 State. We talked in chambers and we discussed the
23 possibility of a Denno motion. After reflecting on it, I
24 think out of an abundance of caution, the State would like
25 to go ahead and do a Denno hearing as well. But I don't

1 think it should take all that long, Judge.

2 THE COURT: So, as I understand from our chambers
3 conference, we've got a suppression motion, motion on
4 lesser included offense from the State, and suppression
5 motion from the Defense.

6 MS. WYSE: Yes.

7 THE COURT: Motion in limine from the State.

8 MR. LAMPKE: Yes, sir. And the Jackson vs. Denno.

9 THE COURT: Anything else?

10 MS. WYSE: As of right now, I don't think so.

11 THE COURT: All right. Well, let me know if we do.
12 We'll be adjourned until 2:00.

13 (WHEREUPON, a lunch break was taken.)

14 THE COURT: First of all, any update on the
15 whereabouts of the Defendant?

16 MS. WYSE: Your Honor, there has been no update as of
17 now. I know that law enforcement and, I think, the U.S.
18 Marshall Task Force has gone to his apartment that's
19 listed. His roommate is there and will not let them in.

20 THE COURT: His roommate is there?

21 MS. WYSE: Yes, sir. And I called the roommate's --
22 well, I advised the roommate to tell them to come on in.
23 And then I called his attorney and said, You need to talk
24 to your client. I told the roommate, you know, They're
25 not going to go away until they can verify that he's not

1 in there. They're not going to look anywhere else. So if
2 he's really not there, just let them in. That's all the
3 information I have as of right now.

4 THE COURT: Okay.

5 MR. LAMPKE: Judge, also, speaking to Agent Carr from
6 Triple P, he informed me on either Thursday or Friday of
7 this past week when they were doing a home visit with the
8 Defendant to be on probation that Agent Carr discussed
9 with him the fact that he was facing trial this week. So
10 there's further evidence regarding his knowledge of being
11 on notice for trial.

12 THE COURT: All right. Let's proceed then. I think
13 probably the first thing we will do is the Defendant's
14 motion to suppress. And then we'll go to the other
15 motions from there.

16 All right. I'll hear from you.

17 MS. WYSE: Thank you, Your Honor.

18 May it please the Court.

19 Your Honor, at this point in time, the Defense would
20 make a motion to suppress the drugs. And we intend to
21 prove that through testimony. And we would -- do you want
22 me to give you a summary of why?

23 THE COURT: Yeah.

24 MS. WYSE: Okay. Judge, the reason why is because
25 this case was -- the incident report states that the

1 deputy was in the neighborhood and that he noticed a car
2 pull in and was speeding and rolling through stop signs.
3 He followed it, based upon the CAD report, for it being a
4 suspicious car.

5 And based upon that, he followed the car throughout
6 the neighborhood. But he never stopped it until the
7 Defendant stopped the car himself and asked the officer
8 why he was following him. And we would tender that the --
9 there was no lawful reason for the stop in the first
10 place.

11 THE COURT: All right. Did I hear you say that the
12 deputy saw him running or rolling through a stop sign?

13 MS. WYSE: That's what the deputy says in his report.

14 THE COURT: All right. Anything else, other than
15 rolling through stop signs?

16 MS. WYSE: He said that he was speeding. But, Your
17 Honor, he was in an undercover car. And there's been no
18 dash cam or body cam from the undercover officer
19 submitted.

20 THE COURT: All right. So the basis of your motion
21 is it wasn't a reasonable suspicion to stop him?

22 MS. WYSE: That's correct, Your Honor.

23 THE COURT: All right. Tell me, once he was stopped,
24 what happened then?

25 MS. WYSE: He stopped. My client stopped the car and

1 waved the officer up and said, Why are you following me?
2 At this point, the deputy placed his -- put on his blue
3 lights and initiated contact with the driver.

4 THE COURT: All right. So he stopped -- so he was
5 following the Defendant. Then the Defendant stopped his
6 vehicle and then the officer stopped his vehicle behind
7 him?

8 MS. WYSE: That's my understanding, Your Honor.

9 THE COURT: And then the Defendant got out of the car
10 or waved him on.

11 MS. WYSE: Yes, sir. He waved him up closer and
12 said, Why are you following me? At which point in time,
13 the deputy started his blue lights and initiated a traffic
14 stop. And he placed in his incident report that he was
15 speeding, as well as rolling through stop signs.

16 THE COURT: So the comment from the Defendant -- or
17 the question asked by the Defendant to the officer, Why
18 are you following me? Were they both still in their cars
19 at that time?

20 MS. WYSE: I think so, Your Honor.

21 THE COURT: So did the officer pull up to the side of
22 the Defendant?

23 MS. WYSE: That's my understanding, based upon
24 reading the incident report, you know. The Defendant in
25 this case, Mr. Hendrix, was pulling into a very nice

1 neighborhood in Easley. That's where his sister lived.
2 He was going to stay with his sister.

3 He noticed the car that was driven by the deputy was
4 exiting the neighborhood at the time. He saw the -- the
5 SUV turn around and follow him. He then went throughout
6 the neighborhood. And he did make some turnarounds, and
7 other things like that. He did not go straight to his
8 sister's house.

9 Finally, after the car followed him for quite --
10 well, what felt to him like some time, he stopped his car,
11 he waved the deputy up. And I think they were still in
12 their cars at the same time. He said, Why are you
13 following me? At this point in time, the deputy turned on
14 his blue lights and then initiated a traffic stop.

15 And the crux of the Defendant's argument would be
16 that if those other things were true, why didn't he stop
17 him when he had plenty of probable cause?

18 THE COURT: All right. Let me hear from the State.

19 MR. LAMPKE: Your Honor, essentially, the crux of the
20 argument there is why didn't the officer conduct a traffic
21 stop sooner? Essentially, that there was probable cause
22 and you should have pulled him over immediately.

23 Judge, I can represent to the Court the reason he
24 didn't pull him over is he was there in -- not necessarily
25 an undercover, but he was trying to keep a low profile.

1 Because Detective Smith is the SVU detective over at EPD.
2 They wear a lot of hats over there, generally. Everybody
3 investigates every type of crime, but that's what he
4 specializes in is SVU, ICAC, things of that nature.

5 He received a tip for an ICAC case in that
6 neighborhood. So he was driving an undercover vehicle
7 wearing plain clothes without a dash cam, without a body
8 camera in a clandestine capacity so he couldn't be
9 identified as law enforcement. He observed the Defendant
10 turning into the neighborhood going somewhere in the
11 neighborhood of 50 miles an hour in a 25-mile-an-hour
12 venue and, also, saw the Defendant going through stop
13 signs.

14 At that point, he started following the Defendant,
15 essentially, to make sure nothing horrible was going to
16 happen, that he struck a child playing in the roadway, or
17 something of that sort. But, at that point, he had no
18 intention of pulling the Defendant over. Because he
19 didn't want to blow his cover and have everybody in the
20 neighborhood know, well, there's an undercover police car
21 driving around.

22 So he followed at a distance. The Defendant pulled
23 into a driveway, let the officer pass, pulled back out,
24 and went in the other direction. So Detective Smith
25 pulled around on him and continued to follow him. At that

1 point, his intent was to note the presence of the vehicle
2 in case something else happens in the area with that
3 vehicle so that another -- so that that can be tied
4 together or, perhaps, to call in a marked unit to conduct
5 a traffic stop.

6 At that point, the Defendant pulled over in the
7 street blocking the street and, actually, got out of his
8 vehicle, waved the officer down and approached the
9 officer. And Detective Smith was still seated in his car.
10 The Defendant got out of his car walking towards the
11 officer asking, Hey, why didn't you pull me over?

12 To which then Detective Smith turns on his lights and
13 says, Well, because you were driving recklessly. Show me
14 your license and registration. Then he gets the license,
15 realizes he's driving under suspension, and proceeds to
16 search and then arrest.

17 Judge, I'd be happy to call witnesses in this regard
18 as well.

19 THE COURT: Yeah. Let me hear some testimony on it.

20 MR. LAMPKE: Absolutely, Judge.

21 The first witness the State would like to call is
22 Agent Sean Carr of Triple P.

23 WHEREUPON,

24 SEAN CARR,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you, sir.

2 If you would have a seat.

3 And state your name for the record.

4 THE WITNESS: My name is Sean Carr.

5 DIRECT EXAMINATION

6 BY MR. LAMPKE:

7 Q Thank you for joining us today.

8 Can you, please, tell us where you work?

9 A Yes, sir. I'm with South Carolina Department of
10 Probation, Pardon, and Parole Services. And I work out of
11 the Pickens County Office here in the courthouse.

12 Q What's your particular job title?

13 A I am the agent in charge of the Pickens office.

14 Q What does that entail?

15 A Basically, I oversee all of our field agents and
16 supervision specialists in our office, as well as some
17 other general staff.

18 Q And is there documentation that's created by Triple P
19 when somebody is placed on probation?

20 A Yes.

21 Q And that documentation, is it made in the regular
22 course of business?

23 A Yes.

24 Q And is it created at or around the time that y'all
25 are getting that information? Is it created when you're

1 kind of going through those initial processes?

2 A Yes.

3 Q And did you look up the Defendant, Kenneth Hendrix,
4 to see his status for probation in this case?

5 A Yes.

6 Q And would you recognize some of that documentation if
7 I showed it to you?

8 A Yes, sir.

9 MR. LAMPKE: Your Honor, I'm showing opposing counsel
10 what's marked for identification purposes as Court's
11 Exhibit No. 1.

12 Your Honor, may I approach the witness?

13 THE COURT: Yeah.

14 MR. LAMPKE: Thank you.

15 BY MR. LAMPKE:

16 Q Can you tell me what it is I just handed you?

17 A Yes, sir. This is the offender summary sheet that
18 explains it pretty much for any agent on the front screen
19 of our computers when we pull it up, pull the person up by
20 social security number, their name, or their state
21 identification number. This front page pulls up on the
22 computer itself and displays information about that
23 individual.

24 Q Is that a fair and accurate depiction of Kenneth
25 Hendrix's probation documentation as you've last seen it?

1 A Yes, sir.

2 Q Has it been changed or altered in any way?

3 A No, sir.

4 MR. LAMPKE: Your Honor, the State moves this exhibit
5 in as Court's Exhibit No. 1.

6 THE COURT: Any objection?

7 MS. WYSE: Judge, I have no objection, as long as
8 this is only for the purposes of pre-trial.

9 THE COURT: Pre-trial for the motion to suppress,
10 yes.

11 MS. WYSE: Thank you, Judge.

12 (WHEREUPON, Court's Exhibit No. 1 was admitted into
13 evidence.)

14 BY MR. LAMPKE:

15 Q So looking at that documentation, can you, please,
16 inform the Court when it was date-wise that the Defendant
17 was put onto probation?

18 A Yes. He was put on -- the begin date for his
19 sentence was back in 2021.

20 Q And what's the end date of his probation?

21 A His end date -- estimate end date -- which those can
22 change as well, depending on violation status. His end
23 date was May 25th of 2023.

24 Q Okay. But did his probation, actually, end on that
25 date?

1 A No, sir.

2 Q Is his probation, actually, still ongoing?

3 A Yes.

4 Q Okay. Now, do you see a -- a highlighted portion of
5 that front page?

6 A Yes, sir.

7 Q What does that say?

8 A This is the search status, search with reasonable
9 suspicion.

10 Q What does that mean?

11 A Basically, what that entails is that all the
12 individuals that are put on probation supervision, no
13 matter whether it's parole, probation, or supervised
14 release, they are eligible to be searched based on their
15 status.

16 If they carry more than a year and it's not for a
17 Class C misdemeanor, they can be searched at any time,
18 their person -- while they're under active supervision,
19 their person, the car they're in, the car they own, the
20 car they're driving, as well as any of their possessions.
21 And this can be done by any law enforcement officer in the
22 State.

23 Q Now, looking at Page 3, can you inform the Court what
24 Page 3 is of Court's Exhibit No. 1?

25 A Yes, sir. These are the standard conditions of

1 probation.

2 Q And could you, please, read aloud -- I believe it's
3 condition 12?

4 A Yes, sir. Unless I was convicted of or pled guilty
5 or nolo contendere to a Class C misdemeanor or an
6 unclassified misdemeanor that carries a term of
7 imprisonment of not more than one year, I shall be subject
8 to a search or seizure without a search warrant based on
9 reasonable suspicions of my person, my vehicle I own or am
10 driving, or any possession by any probation agent employed
11 by the department or any other law enforcement officer.

12 Q Now, do you see a signature at the bottom of that
13 page?

14 A Yes, sir.

15 Q Do you see a date at the bottom of that page?

16 A Yes, sir.

17 Q What is the name that's signed and what is the date
18 of that signature?

19 A The name signed is Kenneth Hendrix and the date is
20 May 26th of 2021.

21 Q So you said he was put on probation in 2021 and he's
22 still actively on probation. So on March 10th of 2023,
23 what was his search status?

24 A It was under reasonable suspicion.

25 MR. LAMPKE: Thank you.

1 No further questions at this time.

2 THE COURT: All right. Any cross?

3 MS. WYSE: No, Your Honor.

4 THE COURT: All right. You may step down.

5 Thank you, sir.

6 THE WITNESS: Thank you, sir.

7 MR. LAMPKE: Your Honor, the State calls Detective
8 Aaron Smith to the stand.

9 WHEREUPON,

10 AARON SMITH,

11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you, sir.

13 If you would have a seat.

14 And state your name for the record.

15 THE WITNESS: My name's Aaron Smith.

16 DIRECT EXAMINATION

17 BY MR. LAMPKE:

18 Q Thank you for joining us today.

19 Can you, please, tell us where you work?

20 A I work at the Easley Police Department.

21 Q And what is the nature of your employment there?

22 A One of their investigators, detectives.

23 Q And how long have you been a detective at Easley
24 Police Department?

25 A Going on four years this year.

1 Q Is there a type of case that you particularly
2 specialize in over there at EPD?

3 A Yes. I normally work our SUV cases, CSC cases. And
4 I do the ICAC Task Force, Internet Crimes Against
5 Children.

6 Q Explain that a little bit more. What does it mean to
7 be on the ICAC Task Force?

8 A So that's run through the Attorney General's Office.
9 They receive tips from online activity of anything that
10 might be inappropriate material in regards to juvenile
11 material. Once that tip comes in, they start an
12 investigation through the AG's office. Investigators
13 start to try to establish jurisdiction.

14 Once they've done some of that, then they send it to
15 that local jurisdiction. It would go to me if it was in
16 our jurisdiction. And we continue to investigate from
17 there.

18 Q And do you, generally, handle all of the ICAC cases
19 for Easley Police Department?

20 A Yes.

21 Q Okay. And were you getting those kind of cases back
22 in March of 2023?

23 A Yes.

24 Q So tell me, what was it that you were doing on March
25 10th, 2023?

1 A So on that day, I had received a -- one of the cyber
2 tips for an ICAC case. It had -- the IP address and other
3 information led me to believe that the incident took place
4 in Middle Creek Subdivision.

5 So my intent on going in that subdivision that day
6 was to do a little bit of surveillance on the house where
7 the possible suspect lived, try to just run any tags in
8 the driveway, get a look at the house, see if I saw any
9 activity there, things like that.

10 Q Now, that's Middle Creek Subdivision. Where is that?
11 Is that within the city limits of Easley?

12 A It is within the city limits of Easley.

13 Q State of South Carolina? County of Pickens?

14 A Yes, sir.

15 Q So you said that you were wanting to lay eyes on the
16 house. What do you mean by that?

17 A Just kind of figure out the layout. Normally, we
18 really just try to figure out who lives in the house, run
19 any tags that were there, see if I see any activity as far
20 as kids that live in the house, things like that, see if
21 there was toys in the yard, that kind of stuff.

22 Q And when you were conducting that surveillance, what
23 sort of car were you driving?

24 A At the time, I was in a silver Ford Explorer --
25 unmarked silver Ford Explorer.

1 Q When you say "unmarked," what do you mean by that?

2 A There's no stripes or no wording on the side that
3 says Easley Police like we would have with a normal patrol
4 vehicle.

5 Q And what's the purpose of driving an unmarked police
6 car for the type of investigations that you're doing?

7 A So, really, any of our cases we're working, if I need
8 to do any type of surveillance or go past houses and try
9 to find somebody or anything, ID a possible suspect or
10 something, it's a lot easier to manage those cases by
11 not -- people get suspicious if they see a marked patrol
12 car with a light bar across the top hanging out in front
13 of a house.

14 Q What could happen if you drove through the
15 neighborhood with sirens going in a marked police car as
16 you're conducting the surveillance?

17 A Any suspect I would have would, obviously, become
18 pretty suspicious about what was going on. They might
19 decide they want to go somewhere else, flee somewhere, or
20 try to hide where they may be.

21 Q What kind of clothing were you wearing on March 10th
22 and, generally, when you conduct these types of
23 investigations?

24 A It would have been some type of plain clothes
25 probably, slacks and a polo, something like that.

1 Q When you say, "plain clothes," what do you mean by
2 that?

3 A So it's not an official uniform. I always have my
4 badge and gun on my belt. I, normally, have a radio with
5 me as well. But outside of that, I'm not in what you
6 would consider a standard patrol uniform.

7 THE COURT: Pull that microphone down just a little
8 bit.

9 There you go.

10 Thank you.

11 BY MR. LAMPKE:

12 Q Is the point of that to have it so people can't
13 easily and readily identify you as a police officer?

14 A Right.

15 Q Why is that?

16 A To give you an example, we've been running
17 surveillance before and people have approached the vehicle
18 wanting to know what's going on. And if it's someone
19 that's not involved or I don't want them to know who I am,
20 then I can easily take a badge off and say that I'm here
21 for something else. That way, they don't get suspicious.

22 Q If you were wearing a body camera on that polo, do
23 you think people would find that suspicious if they came
24 up to you?

25 A It would -- it would be very obvious at that point

1 what I was doing.

2 Q So do you, typically, wear a body camera when you're
3 conducting surveillance?

4 A I do not have a body camera, no.

5 Q The same reason for the dash cam. How big is a dash
6 camera? And where does it go on a car if you did have
7 one?

8 A They hang from the windshield. So there's a bar
9 hanging from the windshield. And, typically, it's kind of
10 a box camera about this big or so that would be hanging
11 from the windshield.

12 Q What would you estimate that to be, just length,
13 width just for the record?

14 A Maybe eight to 10 inches from the windshield or so
15 and then three or four inches wide.

16 Q Would that be pretty readily identifiable if someone
17 were looking through your front windshield?

18 A Yes, sir.

19 Q Now, you mentioned that you're not assigned a body
20 camera; is that right?

21 A Right.

22 Q Why is that?

23 A Just because we don't normally use them in the normal
24 practice for our investigations.

25 Q In your day-to-day work as a detective at the Easley

1 Police Department, how many times per month are you
2 confronted with a situation where you think, yeah, I wish
3 I had a body camera?

4 A Oh, very rare, not even once a month. It's only on
5 occasion if I end up -- usually, if I end up trying to
6 help the road. Like, there's an urgent situation that
7 someone -- I need to quickly get somewhere to help
8 someone, a physical altercation, or something like that
9 going on would be the only time that I wished I had one.

10 Q As a detective, do you often respond to emergent
11 situations?

12 A Not usually.

13 Q When you get a case, where normally are we in the
14 timeline? Has the crime already transpired?

15 A Yes, sir.

16 Q So when you're conducting your investigation and
17 you're talking to a witness, for example, how do you
18 record that conversation?

19 A We usually try to get them to the police department
20 where we can pull them into a recorded room. If it is out
21 in the field, I keep an audio recorder -- take an audio
22 recorder with me to go meet with someone for purposes to
23 have a conversation with them or ask them any questions.

24 Q And what's the purpose of conducting that at the
25 station?

1 A I mean, safety. And it helps in the long run as far
2 as an accurate depiction of how that interview went.

3 Q Okay. So were you wearing a body camera or had a
4 dash camera on your car for that day?

5 A No, sir.

6 Q Well, let's talk about what you saw then. What
7 happened after you were finishing up conducting your
8 surveillance there?

9 A So I finished up looking at the house, got a couple
10 of tag numbers from it. I was, actually, on my way out of
11 the neighborhood when the suspect vehicle came into the
12 neighborhood at a -- what I considered a very rapid pace,
13 very recklessly driving, squealed the tires a little bit
14 when pulling in, what I would assume to be 40, 50 miles an
15 hour when he pulled in.

16 Q Okay.

17 A That, in itself, was suspicious to me, pulling in the
18 neighborhood like that. For safety concerns, I want to
19 make sure this guy is not a safety concern in this
20 neighborhood. I did pull around, turn around to see where
21 he was going.

22 At that point, it took me a minute to even catch back
23 up to him. But I did observe him go through a stop sign.
24 He kept going through the neighborhood towards the -- if
25 you could see the neighborhood, towards the backside of

1 Shefwood Drive.

2 Q Let me break that down a little bit. So you said you
3 saw him making that initial turn when you were leaving the
4 neighborhood. Were you kind of on the main street out of
5 there, or were you on an off kind of side street?

6 A I was on the main street to go out of the
7 neighborhood.

8 Q Okay. And then you said you saw the -- the vehicle
9 come in. Do you remember what type of vehicle it was?

10 A It was a silver, goldish small sedan.

11 Q And you said that you saw it coming in at a high rate
12 of speed. What would you estimate the speed that the car
13 was coming into the neighborhood at?

14 A I would assume 40 to 50 miles an hour when making
15 that turn.

16 Q What is the posted speed limit in that neighborhood?

17 A 25 miles an hour.

18 Q And you said that the tires squealed. What do you
19 mean by that?

20 A As he made the turn coming in, I assume one of his
21 tires got loose as he was trying to make the turn and it
22 squealed going across the concrete.

23 Q That squeal, does that provide any particular concern
24 to you?

25 A It does. I would be concerned that he was unable to

1 control the vehicle at that point.

2 Q And you see him continue to drive. Did he continue
3 to go in excess of the speed limit as you saw him continue
4 down the road?

5 A He did. He maintained the -- the higher speed going
6 through the neighborhood.

7 Q And you, also, mentioned him going through stop
8 signs. Tell me a little more about that.

9 A He did. There's a stop sign -- I believe it's
10 Shefwood Drive and one of the roads that cuts off from the
11 right there on the main drag. He did not stop for that
12 stop sign and continued straight through.

13 Q Was it just that one stop sign or multiple?

14 A I believe that was the only stop sign, at that point,
15 that was on that main drag.

16 Q So, at that point, when you were starting to get
17 behind him, what, if any, traffic infractions did you
18 observe?

19 A At that point, he -- I would -- I would say he was
20 driving recklessly. So reckless driving at that point,
21 just given his high speeds and maintaining control of the
22 vehicle, as well as failure to stop at the stop sign.

23 Q So after observing those things, why did you decide
24 to start following that vehicle?

25 A Safety. At that point, I want to make sure that he's

1 not in there to do any other illegal activity, that
2 there's not other people walking in the neighborhood.
3 That may be a concern with someone driving that fast and
4 recklessly through the neighborhood.

5 Q At that point, did you want to conduct a traffic
6 stop?

7 A No, sir. My goal was not to conduct a traffic stop.

8 Q Why is that?

9 A Like I said, I'm in an unmarked car. If I'm there
10 doing surveillance or I know there's an active
11 investigation in that neighborhood, my goal is -- and I
12 know that I may need to go back to that neighborhood for
13 further surveillance. I definitely don't want my car
14 being in the neighborhood, lights on, stopping vehicles so
15 it's easily identifiable.

16 Q So as you're continuing to kind of follow that
17 vehicle to see if anything else happened, what does that
18 vehicle do?

19 A So it kept going up and around Shefwood Drive. And
20 he pulled into a house very quickly. At that point, I'm
21 still unsure of whether he lived there or what was going
22 on.

23 So I drove past him as he had gone up into that
24 driveway. And from my rearview mirror, I see him as
25 quickly as he pulled into this driveway reversing out of

1 the driveway and speeding off in the other direction.

2 Q So did he exit that driveway after you had already
3 passed on that same road?

4 A Yes, sir.

5 Q What did that indicate to you?

6 A That he was trying to get away from me.

7 Q Now, you, also, say he sped away from the driveway.
8 What do you mean by that?

9 A He maintained going at a high rate of speed as he
10 left that driveway.

11 Q Did that appear to be reckless or in excess of the
12 speed limit that he did that as well?

13 A Yes, sir.

14 Q Okay. And so after seeing that, what did you decide
15 to do?

16 A So I turned around as well to follow him. At that
17 point, my decision had been I'm going to, at least, get up
18 to him and run the tag. And, sometimes, what we'll do is
19 just log a vehicle in the area. That way, if something
20 were to come up later, if there were concerns later about
21 a vehicle, if there was any criminal activity in there, I
22 would log that vehicle in that area as being a suspicious
23 vehicle. Or if he had maintained that type of activity, I
24 would have called a road patrol unit to try and conduct a
25 traffic stop on that vehicle.

1 Q And what would have been the benefit of calling in a
2 road patrol unit?

3 A Unmarked vehicle, body cam, dash cam, that kind of
4 thing. It's just an easier way to conduct a traffic stop
5 with a marked car.

6 Q So when you pulled around, did you have the intent of
7 personally pulling over that car?

8 A No, sir.

9 Q So tell me what you saw as you were coming up that
10 road after you turned around?

11 A So after I came back around the curve going down --
12 continuing down Shefwood, his vehicle was stopped in the
13 road. It was kind of caddy-cornered, at an angle. And he
14 was exiting his vehicle.

15 When I pulled up to the vehicle, he was kind of
16 waving me down and he approached my driver's side window.

17 Q Now, when you say "caddy-cornered, at an angle," what
18 do you mean by that?

19 A Like, he was blocking that side of the road. I would
20 have had to go into the other lane of traffic to actively
21 try to get around his vehicle.

22 Q Would you say he was, essentially, blocking your
23 ability to move forward?

24 A Yes, sir.

25 Q Now, as you were driving up, what did the driver of

1 that vehicle do?

2 A So he got out of his vehicle and approached my
3 driver's side vehicle. He kind of waved me down and asked
4 me why I was following him.

5 Q Now, when he got out of the vehicle, were you able to
6 take a quick look in the vehicle and see if there was
7 anybody else inside?

8 A Yes.

9 Q Was there anybody else inside the vehicle?

10 A Just his dog.

11 Q Now, when the Defendant -- well, let me ask you this,
12 who was the person that was driving that vehicle?

13 A Kenneth Hendrix.

14 Q And when the Defendant approached you, at that point,
15 did you have your sirens on? Do you have your lights on,
16 anything like that to identify you as law enforcement?

17 A Not until he asked me why I was following him. Once
18 he asked me why I was following him, I turned my lights on
19 and identified myself as Detective Smith. Then I did exit
20 the vehicle to begin the conversation with him.

21 Q And you said the Defendant asked you why you were
22 following him. What did you tell him as to why you were
23 following him?

24 A I advised him that it was because of his reckless
25 behavior and his reckless driving. I didn't know where he

1 was going, what he was doing, that kind of thing.

2 Q Did you ask him for his license, registration, all
3 that sort of stuff?

4 A I did.

5 Q And you said you asked him where he was going. What
6 did he tell you in that regard?

7 A He advised me he was going to a family member's
8 house, that he was trying to stay at a family member's
9 house.

10 Q And what did he do when you asked him for his
11 identifying information?

12 A He did give me his identification card.

13 Q Okay. And when you got that identification card,
14 what did you do with that information?

15 A I ran his information through dispatch. And they
16 advised me that his license was suspended.

17 Q Okay. Now, will you recognize a copy of the
18 Defendant's driving record if I were to show it to you?

19 A Yes, sir.

20 MR. LAMPKE: Your Honor, I'm showing Defense counsel
21 what's been marked as Court's Exhibit No. 2.

22 May I approach the witness?

23 THE COURT: Yeah.

24 BY MR. LAMPKE:

25 Q Now, without going into any particular detail, can

1 you tell me what it is that I just handed you?

2 A This is Mr. Hendrix's driving record.

3 Q Is that a fair and accurate depiction of his driving
4 record?

5 A It is.

6 Q It hasn't been changed or altered in any way?

7 A No, sir.

8 Q Do you see a signature there at the bottom of that
9 first page?

10 A Yes.

11 Q What does that say?

12 A It's Kenneth Hendrix.

13 Q Does it say anything about that being a certified
14 copy of his driving record?

15 A It says, Certified to be a true and correct copy of
16 the original document on file with the South Carolina
17 Department of Motor Vehicles.

18 MR. LAMPKE: Thank you.

19 At this point, Your Honor, the State moves Court's
20 Exhibit No. 2 into evidence.

21 THE COURT: Any objection?

22 MS. WYSE: Again, Your Honor, I have no objection as
23 long as it's only coming in for the suppression hearing.

24 THE COURT: So noted. And Court's Exhibit No. 2 is
25 admitted with that caveat from Defense.

1 MR. LAMPKE: Thank you, Your Honor.

2 (WHEREUPON, Court's Exhibit No. 2 was admitted into
3 evidence.)

4 BY MR. LAMPKE:

5 Q Detective Smith, looking at Page 3, do you see
6 anything up there talking about the Defendant's license
7 being suspended?

8 A Yes, sir. It was suspended for failure to pay
9 traffic tickets.

10 Q Does it say what date that suspension took place?

11 A It began November 16th, 2022.

12 Q And does it say when it ends?

13 A March 13th, 2023.

14 Q And what -- what day did this incident occur?

15 A March 10th, 2023.

16 Q So at this point on this date, March 10th of 2023,
17 according to that document, was the Defendant driving
18 under suspension?

19 A He was.

20 Q So based on that, what did you decide to do?

21 A So at that point, especially because it was a failure
22 to pay tickets suspension, he was going to be placed under
23 arrest.

24 Q Tell me the importance of that. What does that
25 matter if he was suspended for not paying traffic tickets?

1 A So for a suspension like that, it shows a pattern of
2 him not paying tickets, not showing up to court, and
3 things like that, which lead to a concern that if he's not
4 arrested due to that, then he may not show up to pay his
5 fine.

6 Q And is that a, like, departmental policy that y'all
7 have to conduct arrests in those situations?

8 A We do hold -- it's not in policy that you have to be
9 arrested for that. It is common practice for that
10 suspension code. Certain suspension codes, we don't
11 always arrest for, but that, yes.

12 Q So you decided to arrest him on this particular case?

13 A Yes, sir.

14 Q So when you arrest somebody, what do you do with
15 their person, their clothing, stuff like that?

16 A They are searched incident to arrest.

17 Q Why are they searched incident to arrest?

18 A Safety. To make sure there's no weapons or any other
19 illegal property on their person.

20 Q What kind of illegal property could you be looking
21 for?

22 A Weapons, firearms, or anything, as well as narcotics
23 or any drug paraphernalia.

24 Q And did you find anything of interest on
25 Mr. Hendrix's person?

1 A I did. In searching his jacket that he had on, the
2 inside pocket of his jacket had a clear bag with what was
3 a crystal-like substance believed to be methamphetamine.

4 Q What kind of jacket was he wearing?

5 A It was a black jacket, kind of a normal jacket, but
6 it had a hood on it as well.

7 Q Did it have pockets inside of the jacket?

8 A It did.

9 Q And do you remember which pocket it was that you
10 found that substance?

11 A I believe it was on his left side, on the inside
12 pocket of the left side.

13 Q So on the side where his heart is?

14 A Yes, sir.

15 Q Okay. Now, describe to me exactly what it is you
16 pulled out from his pocket?

17 A It was a clear bag, kind of a zip lock bag that had a
18 crystal-like substance in it. Just based off of my years
19 of law enforcement and training, it was believed to be
20 methamphetamine.

21 Q Okay. And do you remember how much methamphetamine
22 it was?

23 A It was around 19 grams.

24 Q Okay. Let's see. So after finding that on him, what
25 did you do from there?

1 A He was -- he was placed in handcuffs and placed under
2 arrest.

3 Q Okay. And after that, who else did you call to the
4 scene?

5 A I called for a patrol unit. Because my vehicle does
6 not have a cage in it to transport anyone, I called for a
7 marked unit. I, actually, had already called for a marked
8 unit before that as well, just for assistance. And a
9 marked unit came to transport him to the jail.

10 Q And what did you do with that substance you believed
11 to be methamphetamine?

12 A It stayed in my possession until we made it to the
13 police department. I completed the necessary
14 documentation, the SLED best packs and property forms for
15 the police department. And I placed it into our property
16 and evidence lockers at the police department.

17 MR. LAMPKE: The Court's indulgence just for a
18 moment, Your Honor.

19 THE COURT: All right.

20 (Pause.)

21 MR. LAMPKE: No further questions at this time, Your
22 Honor.

23 Please answer any questions the Defense has for you.

24 THE COURT: Cross.

25 MS. WYSE: Thank you, Your Honor.

1 May it please the Court.

2 CROSS-EXAMINATION

3 BY MS. WYSE:

4 Q Detective Smith, how long did you say you had been
5 working for Easley Police Department?

6 A This year will be 11 years.

7 Q And I know that you are a detective now in ICAC and
8 the SV unit, but where did you start off?

9 A I started on road patrol.

10 Q Okay. How long were you on road patrol?

11 A A little over four years.

12 Q Can you tell me about those dates? 11 minus 25 is?

13 A It was in 2014.

14 Q Okay. Thank you.

15 A I'd say Octoberish of 2014.

16 Q So you said you were on road patrol for about four
17 years, 2014 to, roughly, 2018?

18 A Yes, ma'am.

19 Q And as you were on road patrol, did you have any
20 specialized trainings that you had to complete?

21 A Just our mandatory consistent trainings to maintain
22 certification.

23 Q Okay. And what types of certifications did you have
24 then?

25 A No specialized certifications while I was just

1 working road patrol. I did -- I can't remember what it's
2 called now, but it's a specialized DUI certification that
3 I had. I can't remember off the top of my head, but
4 that's the only specific one I had while working on road
5 patrol.

6 Q And do you have any of those certifications now?

7 A No. I have -- I've gone through other training since
8 being in investigations.

9 Q Right. I didn't think you had, but I was just
10 asking.

11 All right. Now, about what time do you remember this
12 event occurring?

13 A It was a little after 11:00.

14 Q Okay. So maybe around 11:17?

15 A Yes, ma'am.

16 Q And you said earlier that you were exiting the
17 neighborhood; correct?

18 A Yes, ma'am.

19 Q Okay. And that you noticed Mr. Hendrix's -- what
20 later turned out to be Mr. Hendrix's car turn in at a high
21 rate of speed?

22 A Yes, ma'am.

23 Q Now, you said that you turned around. Did you
24 turn -- did you -- I went through the neighborhood. So
25 did you turn all the way out of the neighborhood and turn

1 back in, or did you use that little --

2 A The cut-through --

3 Q Right. Right.

4 A -- before you get to the exit, yes, ma'am.

5 Q Right. Right at the entrance?

6 A Yeah.

7 Q And did you notify anybody as to what was going on?

8 A Not at that moment.

9 Q Okay. But you said that you estimated it was 45 to
10 50 miles per hour that he turned in and the wheels
11 squealed?

12 A Yes, ma'am.

13 Q And you said that you did not call anybody at that
14 point in time for backup?

15 A No.

16 Q All right. And so then you continued to follow him;
17 correct?

18 A Yes, ma'am.

19 Q And you said it took you a minute to catch up to him?

20 A It did.

21 Q And you said you saw him blow through the stop sign?

22 A Yes, ma'am.

23 Q Okay. So you saw him do this after you caught up to
24 him?

25 A Yes, ma'am. I was still 30 yards behind him, or so.

1 I was still actively trying to get back up to him when I
2 saw him go through the stop sign.

3 Q Okay. Because the road does wind a good bit. And
4 you said that he went through the stop sign and kept going
5 into the neighborhood?

6 A Yes, ma'am.

7 Q Straight on Shefwood?

8 A Yes, ma'am.

9 Q And that he turned around in a driveway?

10 A Yes, ma'am.

11 Q And it's your testimony today that he stayed in that
12 driveway until you went past?

13 A It is.

14 Q And that then he exited the driveway?

15 A Yes, ma'am.

16 Q And then he went out. And what did you do exactly?

17 A I went probably just a little bit further up and saw
18 him turning back around in my rearview mirror. So I made
19 the decision that I would, also -- I did a three-point
20 turn in the road and turned back around.

21 Q And had you requested -- had you made any calls in to
22 let them know what you were doing at that point?

23 A No, ma'am.

24 Q Okay. Because I know you said you were concerned
25 about the welfare of the people in the neighborhood and

1 you were, also, concerned about blowing your cover, so to
2 speak?

3 A Sure. Yes, ma'am.

4 Q Now, you started following him going back the other
5 way; correct?

6 A Yes, ma'am.

7 Q Did you see him take a right on Bent Creek Court?

8 A No.

9 Q Okay. And did you lose sight of him at some point?

10 A Yes. When he continued back -- so at the top of
11 Shefwood where he turned around, he goes back kind of
12 towards the left. He was accelerating pretty quickly.
13 There was probably a split second where I had to make a
14 left and did not see him for a second.

15 Q Okay. And then you say that he stopped
16 caddy-cornered, so to speak, and got out of the vehicle?

17 A Yes, ma'am.

18 Q Okay. Now, what is a 1047?

19 A Suspicious vehicle.

20 Q And did you ever call this in?

21 A Yes.

22 Q And what is traffic violation -- what code is for a
23 traffic violation?

24 A There's not a specific code for it. I mean, there's
25 a 1066 for reckless driving. But I believe, at that

1 point, I had called out on the radio that I was out with a
2 1047, which is suspicious vehicle.

3 Q Right. And did you request additional units at that
4 time?

5 A Not at that moment. Once I got out and was speaking
6 with him, I did.

7 Q All right. So I have here your incident report.

8 A Yes, ma'am.

9 Q And I -- I wanted to ask you -- if you want to take a
10 look at it, you're, certainly, welcome to. If you want me
11 to hand it to you, I can. But can you tell me where in
12 here in your incident report that you write that he was
13 doing 45 to 50 miles per hour?

14 A That was just my observation. I remember notating
15 that he was driving recklessly. But I don't recall
16 putting exact speeds in there.

17 Q And did you have a radar with you?

18 A No, ma'am.

19 Q And you said you didn't have any certifications at
20 the time to -- like, where driving is concerned. So were
21 you certified in being able to tell how fast a car was
22 going?

23 A I was, at one point, certified in speed measurement
24 device. I didn't maintain that certification once I left
25 the road.

1 Q So that was back in 2018 that you left the road, and
2 this was in 2023?

3 A Uh-huh.

4 Q Now, you stated in here that he was rolling through
5 stop signs and then you testified that there was just the
6 one. Did you see another stop sign or --

7 A To my memory, if I'm thinking about going through
8 that neighborhood, all I can picture right now is the one
9 stop sign. I would have to go back and double-check.

10 Q Okay. And looking at your incident report, where
11 does it say in here that he, actually, stopped his car
12 caddy-cornered in the road and got out of his vehicle?

13 A I would need to look in my report at that point.

14 Q Do you want to?

15 A I remember from memory that when I came around the
16 corner, his vehicle was stopped in the road and he was
17 exiting his vehicle to approach mine.

18 Q Okay. And you said -- so he got out of his vehicle
19 that he had stopped in the middle of the road?

20 A Yes, ma'am.

21 Q And he came towards you. Did that cause you to be
22 alarmed?

23 A It probably -- I wasn't expecting it. But I wouldn't
24 say it caused me alarm at that point.

25 Q So when did you run his tag?

1 A I didn't run his tag until I had already -- was
2 making contact with him.

3 Q So in your incident report, it reads kind of like he
4 stopped his car and waved you up, but that's not what
5 you're testifying happened?

6 A He didn't -- what do you mean by "waved" me up?

7 Q Well, you said -- you say that --

8 A He waved me up to the vehicle towards him --

9 Q The driver --

10 A -- indicating he wished to speak to me.

11 Q Then he turned around and waved me down.

12 A Right, to wave me down to speak to me.

13 Q And you said he asked you why you were following him?

14 A Yes.

15 Q And had you spoken to him at this point?

16 A Before this?

17 Q Uh-huh.

18 A No, ma'am.

19 Q So his first question to you is why --

20 A It was, Why are you following me?

21 Q And how did you answer him?

22 A I believe I said, Because you were driving recklessly
23 through the neighborhood. And at that point, I turned my
24 lights on, got out of the vehicle and identified myself as
25 a police officer. And I advised him that was why I was

1 following him.

2 Q So it seems like the whole reason that you went in an
3 unmarked car and didn't have body camera or dash cam is
4 pretty much out the window at that point?

5 A It, certainly, was not helpful for my initial
6 investigation.

7 Q Right. So is that when you called for backup?

8 A Once I was making contact with him and ran his
9 license -- we make contact with a lot of people on a
10 day-to-day basis. We don't call for initial units unless
11 it feels like something is needed. Road patrol guys are
12 busy. If it was something I could take care of without
13 having to call an additional unit, then I would have done
14 that.

15 Q So did you ask Mr. Hendrix any questions?

16 A No. Once I -- once I spoke to him about what he was
17 doing in the neighborhood and I was advised that he was
18 driving under suspension, at that point, he was being
19 detained and arrested. And I didn't ask him any further
20 questions from there.

21 Q He told you, at some point, that he was staying with
22 his sister or relative; correct?

23 A Yes, ma'am.

24 Q And you went on to say that that didn't make any
25 sense to you at the time?

1 A Based off of his driving through the neighborhood, it
2 did not, the way that he had passed the location to where
3 he was saying that he was staying.

4 Q So you don't remember him telling you that he didn't
5 want to lead you to his sister's house because you were
6 following him?

7 A I do not.

8 Q And you don't remember him telling you that he was
9 nervous because he saw a car that he didn't recognize
10 following him?

11 A Not to my -- I was not told that.

12 Q And, hypothetically speaking, would it be reasonable
13 that somebody that you were following may or may not be
14 concerned that a vehicle was following them and not want
15 to go immediately to their house? Could that happen?

16 A Sure.

17 Q It would make me nervous if I noticed it. I don't
18 know that I would notice it. But it would definitely make
19 me nervous if I saw a car following me and I didn't
20 recognize it, especially after I turned around in a
21 driveway and went other places.

22 Now, at what point in time did you call in and say
23 that the -- there was a traffic violation going on?

24 A I don't know that I ever articulated that over the
25 radio, just that I was getting out of the vehicle.

1 Q Now, you said earlier that one of the reasons why you
2 were following him is because you were so worried
3 something would happen?

4 A Yes, ma'am.

5 Q Because this is -- it's a nice neighborhood?

6 A It is.

7 Q And it's evident that there are a lot of children
8 that live there?

9 A Yes, ma'am.

10 Q And animals. But I get that you were concerned
11 about, you know, maintaining your undercover status. Do
12 you think it would have been easier if you had called in
13 additional backup?

14 A My goal at that point was not to have him stopped at
15 that point, unless the -- the actions maintained the way
16 they were going. I just wanted to maintain that everybody
17 was safe at that point.

18 If he had continued on and left back out of the
19 neighborhood without any incidents, then I probably would
20 have -- my intention at that point was -- at some point if
21 I was able to get back up to him to run his tag and log it
22 in the area, then my intention was never to, actually,
23 conduct a traffic stop on the vehicle.

24 Q So the only reason you even initiated your blue
25 lights is because -- based on your testimony today is you

1 say he got out of the car?

2 A Yes, ma'am.

3 Q But just to clarify, you don't say that at all in
4 your incident report? And if you want to look at it --

5 A I believe I said he was out of his vehicle.

6 Q I can let you -- all right. But how many officers
7 responded to the scene?

8 A Just one other road patrol unit.

9 Q And who was that?

10 A Officer Conner Runser.

11 Q Did he have body cam?

12 A I believe he had a moment of dash cam, at some point,
13 out there.

14 Q And you said after -- after you asked him where he
15 was going that you didn't really speak to him again?

16 A Not much, not outside of small talk. I didn't ask
17 him any questions regarding any of the activity.

18 Q Do you remember him telling you he had the receipts
19 from where he paid the traffic tickets in his car?

20 A I remember him trying to explain his traffic
21 situation. But, at that point, I have to base my
22 decisions off of what the DMV is telling me.

23 Q Right. And did you see on his driving record where
24 it showed that the tickets had, in fact, been paid, or
25 were you just looking at the --

1 A I'm getting what dispatch is giving me.

2 Q Oh, okay. Now, in your incident report, you say
3 that, you know, you ran his information and found out he
4 was on probation; correct?

5 A I did.

6 Q And you looked at his probationary status and it
7 says, May search with reasonable suspicion?

8 A I was advised that he is listed on probation. And,
9 to my knowledge and experience with law enforcement, I
10 knew that anyone currently listed on probation could be
11 searched under reasonable suspicion at any time.

12 Q Sorry. I keep thinking that you have all this
13 information on a computer screen in front of you in your
14 car, but that's, obviously, not accurate.

15 A That's not the case.

16 Q It's everything they're telling you through dispatch.
17 I apologize. I was not picking up on that until you said
18 it.

19 So you were advised through dispatch that he was
20 available for searching under reasonable suspicion?

21 A I was advised he was on probation.

22 Q And he could be searched if reasonable suspicion
23 allowed you to do so?

24 A Yes.

25 Q Now, you articulate in your police report that you

1 found reasonable suspicion to search him?

2 A Yes, ma'am.

3 Q And do you remember why you said that you found
4 reasonable suspicion to search him?

5 A His suspicious activity in the neighborhood, driving
6 recklessly. I had already gotten out on that. Most
7 people don't stop me to get out of their car in a very
8 erratic manner. The fact that I saw him enter and exit
9 one driveway already and tried to evade me quickly after,
10 that raised my suspicions.

11 Q Can you tell me where in your incident report you
12 wrote down that it was erratic behavior when he got out to
13 confront you?

14 A I'm not sure if that was articulated in there.

15 Q You, also, mentioned that you say he looked -- he was
16 acting nervous?

17 A Is that how I worded it?

18 Q Yes. You said he was acting nervously.

19 A In my opinion, he was acting in a nervous manner
20 speaking to me.

21 Q Do you remember why you thought he was acting
22 nervously?

23 A He was very shaky speaking with me, very inconsistent
24 with his words.

25 Q It's almost like he stutters or stammers, stutters.

1 Do you remember that?

2 A I don't remember that, specifically.

3 Q So you knew that his driver's license was suspended;
4 right?

5 A Yes, ma'am.

6 Q But you still articulated reasonable suspicion in
7 your incident report?

8 A Yes, ma'am.

9 Q Why?

10 A I always try to, if I can, articulate more than one
11 reason in dealing with anybody for a search. I try to
12 establish that probable cause -- the probable cause for
13 incident to arrest, as well as under suspicion being on
14 probation.

15 Q Because you were going to arrest him anyway; correct?

16 A Yes, ma'am.

17 Q Because his driver's license was suspended?

18 A Yes, ma'am.

19 Q And by arresting him for driving under suspension,
20 you would have been allowed to search him pursuant to the
21 arrest; correct?

22 A Yes, ma'am.

23 Q So you were just trying to make sure that you had all
24 your bases covered for reasonable suspicion as well?

25 A Yes, ma'am.

1 Q At that point in time, you searched his person?

2 A I did.

3 Q And what did you place into evidence?

4 A I placed in the clear plastic bag containing a clear
5 crystal-like substance.

6 Q And was Runser there at that point in time?

7 A No, ma'am.

8 Q Did you call for his vehicle to be towed?

9 A I did.

10 Q And was there an inventory done on his car?

11 A There was.

12 Q Do you know whether or not his car was searched?

13 A It was.

14 Q And did the search yield anything?

15 A No, ma'am. I believe there was one scale that I can
16 remember that was located inside the vehicle, but no other
17 narcotics.

18 Q Okay. The scale wasn't listed on any inventory in
19 the evidence?

20 A No, ma'am. I didn't -- at that time, there wasn't
21 anything I was going to make a charge off of based on
22 paraphernalia, or anything like that.

23 Q Okay. And, again, you're, basically, testifying
24 today that but for him getting out of the car, you would
25 have just let him leave?

1 A Yes, ma'am. Pending him doing something that was --
2 I would have been unavoidable in making contact or felt
3 like I had a moral obligation in the job to make contact
4 with him. My goal was not to stop him.

5 Q Was there any reason that you couldn't get another
6 officer to come make the arrest and just written a
7 supplemental about what happened?

8 A That wouldn't be our common practice since I was the
9 one that made the initial contact with him.

10 MS. WYSE: I have no further questions.

11 THE COURT: Any redirect?

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

13 REDIRECT EXAMINATION

14 BY MR. LAMPKE:

15 Q Based on the information you had available to you at
16 the scene on that day, what was your understanding as to
17 his privilege to drive in South Carolina?

18 A His license was still showing as suspended.

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

20 THE COURT: Any recross?

21 MS. WYSE: No, Your Honor.

22 THE COURT: All right. You may step down.

23 Thank you.

24 All right. Any additional witnesses?

25 MR. LAMPKE: No further witnesses, Your Honor.

1 THE COURT: Any witnesses from the Defense?

2 MS. WYSE: Unfortunately, my witness did not show up,
3 Judge.

4 THE COURT: All right. I'll hear argument, though.
5 I recognize the Defense.

6 MS. WYSE: Thank you, Your Honor.

7 May it please the Court.

8 I am just checking to see if there were any updates.
9 It doesn't look like there are any updates.

10 THE COURT: Okay.

11 MS. WYSE: Judge, the reason for the suppression --
12 the motion for suppression from the Defense is this,
13 Detective Smith testified that he was a road deputy for
14 four years and that he had certain certifications and he
15 had taken certain trainings. And that at one point in
16 time, he could identify speed, but that he had not kept
17 those certifications up.

18 And, Your Honor, I did ask him while he was on the
19 stand, it's been approximately five years since he's been
20 a road deputy. His certifications had expired. He states
21 that he thinks Mr. Hendrix pulled in around 45 to 50 miles
22 per hour. And he was, also, concerned about the squealing
23 of the tires. Judge, he didn't have any way of measuring
24 the car and its speed at the time. He wasn't using a
25 radar. He stated that he had allowed his certifications

1 to lapse.

2 He did say, I think, that it was an older gold-silver
3 sedan. He did, also, admit while on the stand that the
4 neighborhood was very nice. When I asked him about the
5 CAD report, it says "suspicious vehicle." Judge, at no
6 point in time did Detective Smith state there were traffic
7 violations or call for backup at all. He just continued
8 to follow the car for acting suspiciously, in his words.

9 Judge, the neighborhood is, like I said, a very nice
10 neighborhood. There are tons of families there. There's
11 tons of animals. There several lakes, certainly, a lot of
12 geese. Certainly, driving 45 to 50 miles per hour would
13 be a hazard to everyone in the neighborhood.

14 The houses, although they're beautiful are very close
15 together. There's a lot of activity. It's lots of people
16 out walking, lots of children out playing. I definitely
17 understand Detective Smith's argument that he was worried
18 that an accident was going to occur and somebody would get
19 hurt.

20 I guess what my concern is, if he was going that
21 fast, why didn't the CAD report ever reflect any kind of
22 traffic violation? Why didn't it reflect more than just a
23 suspicious car that was being followed? And why weren't
24 additional officers called out to the scene if he was that
25 concerned about the nature of what Mr. Hendrix had the

1 ability to do, based upon driving 45 to 50 miles per hour
2 in a residential zone and blowing through stop signs?
3 Coupling that with the fact that, as he stated on the
4 stand, he was not going to arrest him, period. He was not
5 going to stop him at all until Mr. Hendrix got out of his
6 car.

7 And, Judge, I would like to point out that erratic
8 behavior -- Mr. Hendrix getting out of his car to confront
9 the officer, stopping caddy-cornered in the middle of the
10 street, none of that is in the incident report. As it has
11 already been established, it's not on dash cam. Because,
12 of course, that would have blown his undercover operation,
13 which is completely understandable. It's, also, not on
14 body camera, which, again, based on what he was doing in
15 the neighborhood is completely understandable.

16 But, Judge, the only information that I have about
17 this stop is what's right here in this incident report.
18 And the testimony that was given on the witness stand is
19 far more detailed and went into far more account than this
20 incident report did and than the CAD report did than any
21 other evidence we have on paper anywhere else.

22 Judge, I think that if he had really and truly been
23 doing 45 to 50 and rolling through stop signs, additional
24 units would have been called and something else would have
25 occurred.

1 And, Judge, I would, also, like to point out that if
2 I, actually, noticed somebody following me and I was
3 concerned about not taking them to my own house, I would,
4 certainly, employ some type of evasive maneuver that I
5 would think was clever when, in fact, it was not.

6 So I can, certainly, understand Mr. Hendrix's point
7 of view that he did not want to take a stranger following
8 him to his sister's house, which is what he told Detective
9 Smith he was doing. I could, also, understand that he
10 would not want to take home with him to his sister's home
11 where there are children present any kind of suspicious
12 person.

13 Judge, I just do not believe that based upon this
14 factual scenario given the totality of the circumstances
15 and the fact that he would not have stopped him if he'd
16 left, he wouldn't have stopped him if Mr. Hendrix hadn't
17 stopped the car. I just don't think there is probable
18 cause to search Mr. Hendrix.

19 I feel like this entire search and seizure is outside
20 the scope of the Fourth Amendment. I believe his rights
21 were violated based upon that specific factual scenario
22 that you've heard placed onto the record. And I believe
23 if it had really and truly been as serious as it was made
24 out to be that other measures would have been made -- or
25 taken.

1 Thank you.

2 THE COURT: All right. Let me hear from the State.

3 MR. LAMPKE: First of all, Agent Carr from Triple P
4 testified the Defendant was on probation at the time this
5 crime occurred. According to SC Code 24-21-410, "Before a
6 defendant may be placed on probation, he must agree in
7 writing to be subject to the search and seizure without a
8 search warrant, based on reasonable suspicion by a law
9 enforcement officer."

10 We put into evidence a copy of his standard
11 conditions of probation, which he signed. And,
12 specifically, that being searched on a reasonable
13 suspicion is in that document that he signed, which was
14 condition 12.

15 So we put evidence into the record that shows that
16 the Defendant was on probation and, therefore, subject to
17 search under reasonable suspicion. So, really, the
18 standard is whether it's PC for a search under reasonable
19 suspicion. Regardless, there's still PC. Detective Smith
20 is the arresting officer --

21 THE COURT: What was the reasonable suspicion?

22 MR. LAMPKE: Absolutely, Judge. The reasonable
23 suspicion for the traffic stop in the first place was the
24 reckless driving, as well as he ran a stop sign. Judge,
25 the officer observed the Defendant go into the

1 neighborhood at a high rate of speed, such to the nature
2 that the wheels were, actually, squealing.

3 Now, Ms. Wyse does mention that his certifications
4 regarding radar, things of that nature had expired since
5 he was a road patrol officer. But still, there are
6 certain opinions that lay people are able to come to,
7 apparent drunkenness is one of them. And I would say that
8 apparent speed is, also, one of those. Particularly, that
9 squeal, Judge, is just innately somebody driving
10 recklessly when they're taking a turn so hard that their
11 tires squeal.

12 So there's both reasonable suspicion for the stop
13 given the reckless nature that he was driving through the
14 neighborhood, the fact that he paced him going somewhere
15 around 40 to 50 miles an hour through the neighborhood, as
16 well as that traffic violation of running through that
17 stop sign.

18 Judge, as a general matter, the decision to stop an
19 automobile is reasonable where the police have probable
20 cause to believe that a traffic violation has occurred.
21 That's Whren vs. U.S., 517 U.S. 806.

22 Further, in State vs. Alston, which is 42 S.C. 270,
23 the Supreme Court of South Carolina noted that where
24 probable cause exists to believe a traffic violation has
25 occurred, such seizure is reasonable, per se. So because

1 of the traffic violations that the officer observed, there
2 was reasonable suspicion for the stop.

3 Now, that kind of takes us to the interesting factual
4 ripple here. The stop only happened once the Defendant
5 stopped and, essentially, initiated the stop himself. As
6 Detective Smith testified, the Defendant did not yield to
7 his lights and siren. Instead, the Defendant stopped in
8 his own right and, actually, blocked the street so that
9 Detective Smith would have had to swerve around to avoid
10 him. And the Defendant is, actually, the one that
11 initiated law enforcement contact.

12 Now, it was at that point that the Defendant asked,
13 Why are you following me, that Detective Smith initiated
14 blue lights and did inform him that he was a police
15 officer. He informed him of the reason for the stop and
16 asked him for his identification.

17 Now, officers when they observe traffic violations
18 occur, they're allowed to briefly detain somebody to get
19 their documentation, check their license, things of that
20 nature. And when he did that, Judge, we put the certified
21 driving record into evidence, which showed that, at the
22 time, the Defendant's license was suspended.

23 It was further corroborated, again, not only just the
24 certified driving record, but Officer Smith's testimony as
25 to what was relayed to him on the radio that the Defendant

1 was both on probation, and subject to search under
2 reasonable suspicion, and that he was driving under
3 suspension.

4 SC Code Section 17-13-1330 allows for officers to
5 make warrantless arrests of anyone who within their view
6 violates any criminal laws of the State. Now, seeing that
7 he observed the Defendant driving and he knew him to be
8 driving under suspension, he had the ability to arrest him
9 at that point.

10 So when it came to the actual search of the narcotics
11 that were found, there are two reasons why it is
12 permissible. One, because he is subject to search under
13 reasonable suspicion because he is on probation. After
14 seeing the circumstances that he saw, the reckless
15 driving, the going through stop signs, the erratic
16 behavior of him driving, the, essentially, trying to lose
17 him as he was tailing him by going into the other
18 driveway. And, of course, stopping in the middle of the
19 street such that he was blocking the street so that other
20 motorists couldn't pass. So that was one reason.

21 But, also, he observed him driving DUS. And so he
22 was entitled to place him under arrest and, therefore,
23 conduct a search incident to arrest.

24 A custodial arrest of a suspect based on probable
25 cause is a reason under the Fourth Amendment and a search

1 incident to the arrest requires no additional
2 justification. That's U.S. vs. Robinson, 94 Supreme Court
3 467, it's 1973.

4 Judge, based on all of that, the Defendant was -- the
5 Defendant could be searched both probable cause -- sorry,
6 both search incident to the arrest from the DUS, as well
7 as from the fact of the reasonable suspicion from his
8 probation.

9 Ms. Wyse makes -- takes issue with the idea that the
10 officer should have pulled him over before or that the CAD
11 or that the law enforcement report aren't as detailed as
12 she would like them to be. But to address the argument of
13 him not pulling over the Defendant earlier, Judge, it's a
14 pretty bright line rule that the subjective intent of the
15 officer really makes no difference in a Fourth Amendment
16 analysis.

17 So the mere allegation that, well, if he really
18 thought it was that serious that he should have pulled him
19 over earlier really makes no difference to the Court's
20 analysis in determining whether these drugs were seized in
21 violation of the Fourth Amendment. So for all those
22 reasons, Judge, we would ask you to deny the suppression
23 motion.

24 THE COURT: All right. Any response?

25 MS. WYSE: Yes, Your Honor. Just briefly.

1 Now, as far as the officer searching him incident to
2 arrest, I have no -- I think he was completely allowed to
3 do that. As far as articulating a reasonable suspicion
4 for a search on top of the search that would have occurred
5 incident to the arrest, I mean, I think that's a little
6 bit shaky just because he said he was acting nervously.

7 The problem and the thing I have an issue with is I
8 don't believe that he was doing 45 to 50 in that
9 neighborhood, based upon the amount of children, the
10 amount of walkers, the amount of animals, the amount of --
11 every single consideration there is and --

12 THE COURT: Doesn't that, though, really go to
13 credibility or weight necessarily because the officer did
14 testify -- whether it's believable or not, that's a
15 different issue that the Defense can raise. But he did
16 testify that he believed that he was going 40 to 50 miles
17 an hour. Can -- can a witness testify to that?

18 MS. WYSE: Certainly, Your Honor. A witness can
19 testify to that. But that is the thing the Defense is
20 harping on in this instance. We don't have an issue with
21 the search incident --

22 THE COURT: How about running a stop sign? Let's
23 just assume that, okay, the speed is not available to
24 argue. And let's assume for the purposes of this
25 question, but what about he ran a stop sign?

1 MS. WYSE: Once again, Judge, the neighborhood and
2 the amount of people, animals, children that live -- I
3 mean, I am very, very surprised that he was not stopped
4 before either one of these things occurred.

5 In the alternative, I am very, very surprised that
6 other additional units were not called based upon the
7 layout of that neighborhood and the egregious testimony of
8 the Defendant's behavior in that neighborhood.

9 THE COURT: Does that, though, go to the probable
10 cause, even though the officer -- or you're surprised that
11 he didn't stop him earlier or -- the issues with the
12 neighborhood, and children, and animals, does that,
13 though, really matter if, in fact, there is testimony,
14 though, that he did run a stop sign, possibly more, but,
15 at least, one stop sign? Doesn't that render probable
16 cause?

17 MS. WYSE: Yes. But he didn't stop him.

18 THE COURT: But do you -- can -- as -- is the State
19 or anyone penalized because they didn't stop him?
20 Somebody broke the law. And do you get around search, and
21 Fourth Amendment issues, and probable cause just because
22 they didn't stop him? The fact that he did commit a
23 crime, does the Defendant get off the hook because the
24 State didn't arrest him, even though they may have
25 witnessed it, even though they saw a defendant commit a

1 crime? Does the Defendant get around and get off the hook
2 because, hey, you should have arrested him and you didn't?

3 MS. WYSE: I'm just saying that that is the part that
4 the Defense has the issue with, Judge.

5 THE COURT: All right. Anything else?

6 MR. LAMPKE: Nothing further, Your Honor.

7 THE COURT: All right. First of all, I've got to
8 determine whether there was -- the argument from the State
9 is whether or not there was -- I mean, there was a search
10 incident to arrest. That is the position put forth by the
11 State.

12 So the first thing the Court needs to determine is
13 whether or not there was probable cause because that
14 starts the analysis. If the Court determines that there
15 is probable cause, then a search can be made of the
16 Defendant in this case.

17 So the probable cause is based on Detective Smith's
18 observations as he was conducting surveillance in the
19 neighborhood. Detective Smith did testify he saw the
20 Defendant run a stop sign, at least, one. But that's all
21 that needs to be done -- or needs to have occurred, at
22 least, he ran -- they ran, at least, one stop sign.

23 He, also, testified that, in his opinion, he was
24 going 40 to 50 miles per hour in a 25-mile per hour zone
25 in the neighborhood. He, also, testified that he was

1 driving recklessly and squealed his tires. And so that
2 evidence is enough to render probable cause to stop and
3 arrest the Defendant at that point.

4 The Defense, certainly, can argue in cross-examination
5 issues of whether or not the detective was qualified since
6 his certifications had expired or it's been a while since
7 he's been on the road. He can certainly -- he didn't have a
8 radar. The Defense can, certainly, cross him for the weight
9 of that testimony.

10 However, he did testify that he did observe him going
11 40 to 50 miles per hour, in his opinion. But,
12 importantly, even if speed is not an issue, he did observe
13 him running a stop sign, which is a violation of the law,
14 which renders probable cause to stop and arrest him.

15 So, again, the next thing the Court's got to do is
16 look at the search that was conducted. It was -- the
17 testimony is that it was conducted pursuant to the arrest
18 and, also, conducted pursuant to the -- the fact that he
19 was on probation. The probation records reflect that the
20 Defendant consented to being searched if there was
21 reasonable suspicion.

22 So on those grounds, they are somewhat interrelated
23 with the probable cause. There, certainly, would be -- if
24 there was probable cause to stop and arrest him for
25 running a stop sign, for speeding and driving recklessly,

1 certainly, evidence of reasonable suspicion to come in the
2 probation document.

3 So the Court finds there was, also, reasonable
4 suspicion as it relates to the Defendant being on
5 probation. And so with probable cause, it allows the
6 officer to search the Defendant for possible weapons and
7 drugs, which U.S. vs. Robinson does allow. It's a Supreme
8 Court case, which is still good law. And our courts have
9 followed that as well.

10 So it does allow that search to take place incident
11 to the arrest, which was done in this case. And I find
12 that that was a reasonable -- it's not an intrusive, but a
13 reasonable search to determine if there were weapons and
14 if there were drugs.

15 So the Court finds that the search incident to the
16 arrest was appropriate, based on the probable cause and on
17 the reasonable suspicion element of the probation
18 documents where the Defendant was on probation.
19 Additionally, the -- he observed him -- once he ran the
20 record and determined that he was driving under
21 suspension.

22 So that, also, is proof or evidence for probable
23 cause to arrest him. The driver's license was suspended
24 from November 16th, 2022, to March 13th, 2023. And this
25 incident took place on March 10th, 2023. So under the

1 records and based on what Detective Smith was informed,
2 the Defendant was driving under suspension at that time.

3 So the motion to suppress is respectfully denied.

4 MS. WYSE: Thank you, Judge.

5 THE COURT: All right. Next motion.

6 Anything else from the Defense?

7 MS. WYSE: No, Your Honor.

8 THE COURT: All right. Let me hear from the State.

9 MR. LAMPKE: Your Honor, may I have a moment to speak
10 to opposing counsel?

11 THE COURT: Yeah.

12 (Pause.)

13 MR. LAMPKE: Sorry for the delay, Judge.

14 THE COURT: It's all right.

15 MR. LAMPKE: It's somewhat of a novel circumstance
16 because I don't think a Denno hearing is necessarily
17 needed here. Because the accusation is merely -- or, I
18 guess, what the State wants to make sure it's clear for
19 the record is that the Defendant was not in custody such
20 that Miranda warnings were necessary at the time.

21 Judge, I have a case in that regard, State vs. Silver
22 from 1993 that I can approach Your Honor with a copy of.
23 I have one for opposing counsel as well.

24 THE COURT: All right.

25 MR. LAMPKE: There you are.

1 And, essentially, what State vs. Silver stands for is
2 on that back page and highlighted for Your Honor. On the
3 issue of custody, the trial court ruled traffic stops do
4 not require Miranda warnings and held Silver was not in
5 custody.

6 We agree ordinary traffic stops do not involve
7 custody for purposes of Miranda. And there on the front
8 page at kind of the beginning of the discussion, the Court
9 goes into whether a Jackson vs. Denno hearing was
10 necessary or merely just an in-camera determination that
11 the Defendant was not in custody and subjected to a
12 custodial interrogation, therefore, Miranda warnings were
13 not required.

14 So, essentially, what the State is looking for,
15 Judge, is a ruling from Your Honor saying that he was not
16 in custody and that Miranda was not necessary under these
17 circumstances.

18 THE COURT: All right. What's the Defense's
19 response?

20 MS. WYSE: Judge, Mr. Lampke and I have spoken about
21 this, you know, not a great deal, but definitely some. As
22 far as I know, based upon the fact that there's no body
23 cam and the fact of the limited statements that were made
24 based upon what I know helped my client, particularly,
25 since he's not here. And I have no problem with those

1 statements coming in at this point.

2 I shared with Mr. Lampke that my concern is if my
3 client is found and then, you know, suddenly has a lot
4 more to offer about what was said or not said, I don't
5 want to just stipulate and say that I agree. However, at
6 this juncture, based upon what was said on that witness
7 stand, I have no issue with Miranda not having been
8 offered on the statements that we heard come in, if that
9 makes sense.

10 THE COURT: So tell me, what are these statements?

11 MR. LAMPKE: So, Judge, the statement made by the
12 Defendant that the State would seek to introduce into
13 evidence is that initial statement, which is an exception
14 to the rule. Again, it's hearsay. It's a statement by a
15 party opponent and because -- it's a question of, hey, why
16 did you -- why are you following me? That's the initial
17 statement. That's the only statement that the State seeks
18 to introduce during our case in chief.

19 And I would object to any other statements from the
20 Defendant being made because they are hearsay. That being
21 justifications as to he already paid the tickets off,
22 where he was going, things of that nature.

23 So the State does not intend to get into those other
24 statements. So, really, what I want the ruling on, Judge,
25 is just that initial question that he made to the officer

1 before the officer even identified himself as law
2 enforcement or turned on his lights and siren that he was
3 not in custody for that particular period of time.

4 THE COURT: What I'm hearing from the Defense is
5 there's no disagreement -- or no argument that he was
6 not -- I mean, there's no argument from the Defense that
7 he was in custody. And, therefore, his Miranda should
8 have been given.

9 Is that what I'm hearing? Is that right?

10 MS. WYSE: Based upon what I think and what I've been
11 told by my client, what's in the incident report, and what
12 was testified to today -- I know Mr. Lampke said he would
13 object to any of the other stuff coming in.

14 Part of the reason he articulated his reasonable
15 suspicion was because of -- he didn't believe the excuse
16 that he was headed to his sister's house, or something
17 along those lines. I do believe that should be able to
18 come in.

19 THE COURT: All right. So the State is asking --
20 what exactly is the State asking for? What kind of ruling
21 is the State asking for?

22 MR. LAMPKE: Precisely, Judge. So with State vs.
23 Silver, essentially, what the State is looking for is a
24 determination by the Court as to whether the Defendant was
25 in custody such that Miranda warnings were necessary at

1 that time.

2 THE COURT: All right. And what's the record that
3 enables the Court, me, to determine that issue?

4 MR. LAMPKE: Absolutely, Judge. That was the
5 testimony from the suppression hearing with Detective
6 Smith that he testified to some degree during my direct
7 examination, but really at length with Ms. Wyse's
8 cross-examination as to the statements the Defendant made
9 and the time frame in which they were made.

10 Specifically, to my recollection, Detective Smith
11 testified, specifically, that all of the conversations he
12 engaged with the Defendant that had anything to do with
13 the case whatsoever occurred before he, actually, put him
14 under arrest.

15 So I think that that would be a sufficient factual
16 basis --

17 THE COURT: Again, are there any statements that the
18 State intends to offer into evidence after he was placed
19 under arrest?

20 MR. LAMPKE: There are no statements after he was
21 placed under arrest that the State intends to put into
22 evidence. Again, I just intend to get that initial
23 question, why did you pull me over? And I would say, you
24 know, the fact that it goes toward his reasonable
25 suspicion does not get over the hearsay issues as to

1 eliciting statements from the Defendant without the
2 State's ability to cross-examine him on those statements.

3 So it would just be that initial statement.

4 THE COURT: Anything else, Ms. Wyse?

5 MS. WYSE: And, Judge, maybe this will help. He
6 wasn't read Miranda, if that helps the Court to understand
7 the reasoning behind this motion.

8 THE COURT: All right. Well, based on the testimony
9 I heard from Detective Smith, he was not in custody.
10 Therefore, Miranda was not required at that time.

11 But, again, based on the testimony we just heard in
12 the suppression hearing, I find that he was not -- "he"
13 being the Defendant was not in custody at that time.

14 All right. Anything else?

15 MR. LAMPKE: Nothing on that matter, Your Honor. We
16 can move to the State's motion in limine.

17 THE COURT: All right. I'll hear from you.

18 MR. LAMPKE: Absolutely, Judge. And do you have a
19 copy of that motion in limine? I have one.

20 THE COURT: I've read it. And I've got it on my
21 laptop.

22 MR. LAMPKE: Absolutely.

23 Thank you, Your Honor.

24 So the nature of this motion is to ensure that
25 there's not an argument made mainly in closing argument or

1 reference in opening statement implying or stating that
2 the State has to prove intent as to the disposition of the
3 drugs.

4 Judge, trafficking in South Carolina is just weight
5 plus possession, that being 10 grams or more. And the
6 actual physical possession of it is sufficient to
7 constitute trafficking.

8 Really, what the State intends to prove is -- there
9 are four elements, one, it was methamphetamine; two, it
10 weighed over 10 grams; three, it was in the Defendant's
11 possession; and, four, the Defendant had an understanding
12 of the illegal nature of the item.

13 There is no requirement as there is with possession
14 with intent to distribute that we have to prove exactly
15 where he got it from, where he was taking it, what he
16 intended to do with it, if he was going to sell it to
17 somebody, if he was going to keep it all to himself. It's
18 just something that the statute doesn't require us to
19 prove.

20 Later on in that motion, I go on to talk about
21 lesser-included offenses and the lack of necessity to
22 charge lesser-included offenses when there's no reasonable
23 argument that the Defendant is guilty of the lesser,
24 instead of the greater offense.

25 And the reason that I cite those, Judge, is that

1 based off of the in-camera testimony you've seen here,
2 there really is no argument that he is guilty of PWID
3 methamphetamine or possession of methamphetamine, instead
4 of trafficking methamphetamine.

5 Ms. Wyse and I, actually, had a trial about two or
6 three months ago in which the Defendant had a small
7 quantity of methamphetamine in her purse and then a very
8 large quantity of methamphetamine in her car.

9 Now, in that factual circumstance, there is a
10 reasonable argument that the Defendant is guilty of
11 possession, instead of trafficking because there are two
12 separate bags. Here, in this circumstance, there is a
13 single pack of methamphetamine weighing 19 grams that is
14 in his pocket on his person.

15 Because of that, Judge, really, any way you cut it,
16 there's no amount that he is guilty of possession of
17 methamphetamine or possession with intent to distribute
18 methamphetamine. The only thing he could possibly be
19 guilty of is trafficking methamphetamine.

20 For that reason, Judge, there's really no possibility
21 that intent as to disposition could become relevant in
22 this case. And, therefore, any argument by counsel or
23 questioning of witnesses implying that that is something
24 we have to prove cannot be relevant under any
25 circumstances because that's not a material fact that we

1 have to prove in this case.

2 Because of that, any questioning regarding that
3 subject or argument by counsel is unduly prejudicial under
4 403 as it runs the risk of misleading the jury to make
5 them think that that is something the State does need to
6 prove, when in reality it's not something we do have to
7 prove.

8 THE COURT: Ms. Wyse, let me hear from you.

9 MS. WYSE: Thank you, Your Honor.

10 May it please the Court.

11 First of all, I think this motion in limine is a
12 little bit premature. I don't know that we can -- I don't
13 know that there's a possible way for the Court to know
14 exactly what will shake out at trial.

15 THE COURT: Yeah. Let me ask you that, Mr. Lampke.
16 I read your motion. And, obviously, it's an evidentiary
17 issue to some degree -- well, to a large degree.

18 Is it a little premature right now for me to make a
19 ruling when the evidence is not in as to what exactly
20 happened?

21 Now, you're correct that, you know, in the case law,
22 trafficking is based on weight and weight only. And only
23 if there is a dispute to the weight is a PWID as a lesser
24 included allowed. So, again, it's whether or not there's
25 a dispute as to the weight. And, of course, Ms. Wyse has

1 to acknowledge if there is no dispute as to the weight,
2 then it's not a lesser-included offense.

3 MS. WYSE: Well, Judge, I think that under Article 1
4 Section 14 of the South Carolina Constitution, my client
5 has a right under the Constitution to be fully heard on
6 any possible -- or in their defense. And if that defense
7 was that they were all mine and I was going to do them all
8 myself, then I think they have the right to put that up
9 merely because they are being accused of trafficking,
10 which is widely known to be a money-making and sole
11 crushing venture.

12 And, Judge, I understand that South Carolina law
13 categorizes trafficking differently than what mainstream
14 media and even Black's Law Dictionary define trafficking
15 as. And I have no problem with Mr. Lampke saying, hey, in
16 the State of South Carolina, all I have to do is prove
17 this. But I don't know what's going to come out during
18 testimony. I mean, most likely, it's going to be the 19
19 grams, most likely. But I can't say that for certain at
20 this point in time.

21 The other thing that I would like to point out about
22 Mr. Lampke's motion is that most of this law that he's
23 quoting is prior to the law being changed in 2010. And I
24 think that places all of this in a different lens to where
25 we can't look at case law from 1995 and we can't look at

1 case law from 2005 to tell us what the legislature
2 intended after the law was changed in 2010 to include --
3 and, Your Honor, more specifically, to that point, I think
4 that State vs. Stewart that was decided in 2021 gives the
5 Court a little bit more information about that.

6 THE COURT: Yeah. But doesn't the Stewart case
7 still -- it still follows what South Carolina has done in
8 that a PWID can't be a lesser of trafficking, unless there
9 is a dispute to the amount.

10 So the State's position here is they don't want you
11 to make the argument to the jury in opening statement or
12 in cross-examination that the -- his reasons why he had
13 the drugs or what he was intending to do. I -- I do -- I
14 mean, I'm inclined to agree with you that it is a little
15 premature, obviously, for a charge. I mean, that's the --
16 that's a very important thing down the road. At the end
17 of his case is a charge, whether your client is entitled
18 to a lesser-included charge -- but that's down the road.
19 And that's based solely on what the evidence is.

20 And you are, certainly, entitled throughout the
21 trial, depending on what the evidence is, to the -- to go
22 down that hole and find out what the evidence is. And if,
23 in fact, there is a dispute as to the amount, you're,
24 certainly, entitled to do that.

25 I think -- again, I -- I'm inclined to agree with you

1 that to some degree it is premature in some aspects.
2 However, the other part of it is it could be prejudicial
3 if there is no dispute as to the amount and you argue and
4 you ring that bell in the opening statement that can't be
5 unrung that you tell the jury there was a reason -- or he
6 had some kind of intent on what he was doing. Then that's
7 the concern that I think I have as well.

8 I don't -- unless you've got some evidence -- and I'm
9 not tying your hands because I don't want to do that.
10 You're, certainly, entitled to a strong defense of the
11 case. But I, also, have to be the gate keeper as to the
12 prejudicial effect of statements made.

13 So I do -- I'm inclined to have you refrain from
14 making an argument in opening statement that there was a
15 reason he had this, or his intent to do this with this
16 amount, or what he was going to do. If the evidence
17 proves that maybe there is a dispute as to the amount,
18 then we look at the lesser-included of PWID. And that's a
19 different story.

20 But I'm not inclined to allow you -- and you may not
21 have any intention. This may be a moot point, a moot
22 argument that we're having this conversation of what you
23 intend to argue in opening statement.

24 MS. WYSE: I'm not going to argue anything in my
25 opening statement, Your Honor.

1 THE COURT: Okay.

2 MS. WYSE: Judge, as far as -- as far as an opening
3 statement is concerned, Your Honor, certainly, it would be
4 just that -- an opening statement that will, hopefully, be
5 very, very brief and not make the jury snooze.

6 THE COURT: Yeah. What -- motions in limine are
7 appropriate in a lot of situations. And it's, certainly,
8 an appropriate motion the State has filed here. But with
9 the caveat that the Defendant's not going to make an
10 opening statement and talk about that, I'm going to
11 reserve my rulings until the evidence comes in.

12 Now, I do caution the Defense to be careful in
13 cross-examination in insinuating that if there isn't
14 really evidence that there's not a dispute as to the
15 amount. So just -- I don't know what the evidence is
16 going to be. That's one thing about motions in limine,
17 they're motions in limine. And that's what it is. I
18 don't know what the evidence is going to be, so it's often
19 difficult for me to make a final ruling. I can only in
20 situations like this caution the parties to not make a
21 prejudicial statement in their opening statement.

22 But as far as the evidence and cross-examination,
23 it's just something I'm going to have to -- Ms. Wyse may
24 have some arguments that I don't know about. And we'll
25 just have to deal -- I'll just have to deal with that if

1 the issue does come up in cross.

2 But I will instruct you, in your opening statement,
3 do not mention anything about that theory like that.

4 And I'll just deal with the evidence as it comes in.
5 And if the State objects to whatever your questions are,
6 then I'll handle it at that time. I don't want to make a
7 ruling now. Because I don't think it's appropriate for me
8 to make a ruling because I've got to make a ruling on the
9 evidence. And I will just wait until that comes in.

10 MS. WYSE: Thank you, Judge.

11 THE COURT: Anything else on that?

12 MR. LAMPKE: Nothing from the State, Judge. And the
13 State is amenable to that restriction as well.

14 THE COURT: All right. Any other motions from the
15 State?

16 MR. LAMPKE: Nothing from the State, Your Honor.

17 THE COURT: Anything else from the Defense?

18 MS. WYSE: I don't think so, Judge.

19 THE COURT: Well, then we will adjourn for the day.
20 9:30 in the morning. If there are any issues that do come
21 up, if you would e-mail Mr. Compton. And that, of course,
22 is just GMorganlc@sccourts.org.

23 So if anything needs to be addressed before 9:30, let
24 me know. I'll meet y'all here at any time to discuss.
25 Just let him know.

1 MS. WYSE: Thank you, Judge.

2 THE COURT: With that, we'll adjourn until tomorrow.

3 (WHEREUPON, the proceedings were concluded at
4 approximately 2:51 p.m., to be reconvened on
5 Tuesday, March 18, 2025.)

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1 TUESDAY, MARCH 18, 2025

2 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7,
3 8, and 9 were marked for identification only.)

4 THE COURT: All right. Any new developments on the
5 whereabouts of the location of Mr. Hendrix?

6 MS. WYSE: I was just telling your law clerk a few
7 minutes ago that as of 6:30 this morning, I had a
8 conversation with Scott [inaudible] with the Pickens
9 County Sheriff's Office and he's, also, with the U.S.
10 Marshall's Task Force. He's not been able to locate him.
11 They're going to continue to try today.

12 THE COURT: All right. Thank you.

13 Is there anything we need to take up before we bring
14 the jury in?

15 Anything from the State?

16 MR. LAMPKE: Nothing from the State.

17 THE COURT: Anything from the Defendant?

18 MS. WYSE: No, Your Honor.

19 THE COURT: Okay.

20 MS. WYSE: Judge, I would like to say that we're
21 hopeful, if possible -- as long as my client isn't here,
22 we're kind of hoping we can finish today, if that's
23 possible. The SLED agent -- I'll let Mr. Lampke speak
24 more to the SLED agent.

25 MR. LAMPKE: Thank you.

1 She'll be coming up at 1:00, Judge. I just had my
2 investigator get in touch with Agent McCormack to see if
3 she can get up by then. We had previously talked about
4 2:00. But my hope would be we come back from the lunch
5 break somewhere between 1:00 and 2:00.

6 I don't think Agent McCormack's testimony will take
7 very long. And, hopefully, we can go right into argument
8 and charge. And then, obviously, we would leave it up to
9 Your Honor as to when deliberations started, if it would
10 be better to argue and charge in the morning.

11 THE COURT: All right. We'll play it by ear and see.

12 MS. WYSE: Thank you, Judge.

13 THE COURT: I don't want to send the case to the jury
14 late afternoon. But we'll just play that by ear and see
15 where we are. All right.

16 (WHEREUPON, the jury came into open court at
17 approximately 9:41 a.m.)

18 THE COURT: All right. Good morning, ladies and
19 gentlemen.

20 I hope all of you had a good night.

21 We are ready to proceed.

22 If you'll swear jury.

23 THE CLERK: Please rise. Please all raise your right
24 hands. After the oath is administered, please, say "I
25 will."

1 (WHEREUPON, the jury was sworn at approximately
2 9:42 p.m.)

3 THE CLERK: Thank you.
4 You can have a seat.

5 INTRODUCTORY REMARKS

6 THE COURT: All right. Ladies and gentlemen, we are
7 going to start the case of the State of South Carolina vs.
8 Kenneth Charles Hendrix.

9 As I told you yesterday, Mr. Hendrix has been
10 indicted for trafficking methamphetamine. An indictment
11 is not evidence. It's not to be considered by you at all
12 in this case. It is simply the method in which a case is
13 brought to Court. And so you are not to consider
14 anything -- the fact that he has been indicted, you're not
15 to consider that as evidence.

16 You may, also, notice that Mr. Hendrix is not present
17 here today. As a Defendant, he, certainly, has the right
18 to attend or not attend a trial. He has that right.

19 And he -- the fact that he is not present here today
20 is not to be considered by you either. There's no
21 inference to be drawn by his absence here in this trial.
22 He, certainly, has the right to be here. He was provided
23 notice of this trial and is aware that the trial was to
24 take place today, but he has made that decision. But,
25 again, no inference is to be drawn from his absence.

1 As I told you, this is a criminal case. And I don't
2 know if any of you have ever served on a jury before.
3 It's a little bit different than it is on TV or in the
4 movies. This is the real world. And it doesn't go as
5 quickly as you would like to see or what you see on TV.

6 On TV, if something happens, it goes to trial and
7 within an hour everything is over and the case is done.
8 It works a little bit different in the real world. So I
9 ask that you have some patience as we go through the
10 process. I don't anticipate it being a very long trial.
11 But, please, if you would, have some patience. I know you
12 will. I know you will.

13 Because this is a criminal trial and the Defendant
14 has been indicted, he's pled not guilty to this. And,
15 therefore, the State has the burden of proof to prove his
16 guilt to you beyond a reasonable doubt.

17 If you have ever served on a trial in maybe a civil
18 trial where the burden of proof is different, you may have
19 heard the term greater weight of the evidence or
20 preponderance of the evidence. In a criminal case, the
21 burden is much higher. It's beyond a reasonable doubt.

22 The Defendant has the presumption of innocence until
23 all the evidence is in and until you deliberate and you
24 remove that presumption if the evidence so convinces you
25 when you do deliberate that. But he is presumed innocent

1 until proven guilty beyond a reasonable doubt. Again, the
2 State has that burden throughout this trial and even into
3 your deliberations.

4 Now, let me just give you kind of a road map of how
5 the trial will work. After I get through with these
6 instructions here, then the parties have the opportunity
7 to give you what we call an opening statement. It is
8 simply their statement to you as to what the facts are in
9 their opinion and what they believe the evidence will show
10 to you. The State, because they've got the burden of
11 proof, they go first. After the State gives their opening
12 statement, the Defendant has the option to give an opening
13 statement at that time.

14 Once the opening statements are made by the lawyers
15 to you, then the State will go first and have -- they will
16 put up their evidence. Again, as I said, they go first
17 because they have the burden of proof.

18 Once they complete their testimony and their
19 evidence, then the Defendant has the option to put on
20 their case and put up a defense. They do not -- they're
21 not required to, again, because the State has the burden
22 of proof.

23 Once all of the evidence is in, then the lawyers will
24 get back up and they will give you what we call closing
25 arguments. And they will argue to you what they believe

1 the evidence has shown in this case and what they are
2 asking you to do. In other words, it's what verdict
3 they're asking you to render in this case.

4 Now, you and I have roles in this case, but they're
5 different roles. You are the judges of the facts. We're
6 both judges. You are the judges of the facts in this
7 case. You and you alone determine what the facts are in
8 this case. I do not have any role in what the facts are,
9 in determining what the facts are. That is solely your
10 responsibility. In fact, I'm not even allowed to
11 determine what the facts are because that's your
12 responsibility.

13 As part of that in determining what the facts are,
14 the credibility of the witnesses will come into play. And
15 you and you alone, again, determine the credibility of the
16 witnesses, which is simply the believability. And that
17 goes into your decision and in your deliberations in this
18 case.

19 Again, I do not have anything to do with that. I'm
20 not allowed to do that. And so that's your
21 responsibility.

22 Now, my role as the Judge is the judge of the law.
23 I'm responsible for the law in the case. And after the
24 case is over and after the evidence is in and the lawyers
25 have given you their closing arguments, I will then give

1 you instructions -- what we call instructions or charges.
2 I will instruct you what the law is in the case. And you
3 are to apply that law as I give it to you with the facts
4 that you have determined.

5 Now, if you have any belief on what the law is or
6 any -- any personal belief on what the law should be, you
7 should disregard that. And I'll explain this to you at
8 the end of the trial, that you are to take and accept what
9 I tell you the law is, apply that law to the facts, and
10 attempt to reach a verdict. The verdict will have to be
11 unanimous. And, again, at the end of this case once the
12 evidence is in and the lawyers have given closing
13 arguments, I will give you the charge on the law and give
14 you the case to deliberate.

15 Now, there may be some times through the case where
16 you will hear objections from the lawyers. Do not hold
17 that against any of the lawyers. Do not hold it against
18 any of the parties. That is their job to represent their
19 clients, the State and the Defendant in this case.

20 And so as part of their job, you may hear some
21 objections. And do not hold that against them. There may
22 be some times when I need to excuse you for a little bit
23 to maybe handle a legal issue that comes up. But there
24 may be some times, also, where I can just bring them over
25 here to the side, keep you in the courtroom, and handle it

1 that way. I'll try to do that as much as I can so I don't
2 have to send you out much. But there may be some times
3 when I've got to send you out. And I, again, ask for your
4 patience in that.

5 Sometimes, jurors will ask me if they can take notes.
6 My policy is I don't allow note taking. Let me tell you
7 why. I've been in the legal profession a long time. I
8 was a lawyer for a long time and I've been a judge, total
9 of about 40 plus years now. And I've found through all
10 those years that jurors, I think, are able to comprehend
11 and take in the evidence better if they are listening, as
12 opposed to writing down.

13 It's kind of like if you remember in high school, a
14 lot of times you're writing down what the teacher was
15 telling you and while he or she was talking to you, while
16 you're writing, you don't listen to what he or she is
17 telling you while you're trying to write what was said a
18 few minutes ago. I've found it best that you just listen
19 and not worry about taking -- taking notes. That's always
20 been my policy. And I've found it really has worked.

21 As I mentioned to you before we broke yesterday,
22 please, don't discuss the case even among yourselves until
23 the case is over. Once the case is over, you can talk
24 about it with anybody you want to. But until that occurs,
25 please, don't discuss the case. Don't make any comments

1 to each other when you're on a break or at lunchtime about
2 any of the testimony, or the witnesses, or the lawyers.

3 Now, you can talk about me if you want to. You can
4 do that. But don't talk about it as far as the case.
5 Don't talk about anything as far as the case. But I
6 prefer you not even mention me. Just don't -- I think the
7 best thing is don't even talk about anything that's going
8 on in this courtroom until the case is over.

9 All right. With that, I will recognize the State for
10 opening statements.

11 OPENING STATEMENTS

12 MR. LAMPKE: Thank you, Your Honor.

13 May it please the Court.

14 Good morning, everybody.

15 On March 10th of 2023, at about 11:30 on a Tuesday
16 morning, Detective Aaron Smith with the Easley Police
17 Department was in the Middle Creek neighborhood of Easley.

18 Now, Detective Smith, he was driving an unmarked
19 police car. That's because he's not just a regular
20 officer, he's a detective. And, specifically, you'll
21 learn that he's an SVU detective and that most of the
22 crimes that he investigates are sex crimes.

23 And on that day, on March 10th, 2023, around 11:30 on
24 a Tuesday, he was in Middle Creek because he was
25 conducting the very beginning of an ICAC investigation.

1 He'll tell you that ICAC stands for Internet Crimes
2 Against Children, pornography. You will learn that he was
3 in that neighborhood because he got a lead that there was
4 a house in that neighborhood and that somebody was doing
5 something with child pornography.

6 Detective Smith will tell you he was there in an
7 unmarked capacity wearing plain clothes trying to blend
8 in, trying to lay low because he was looking at that house
9 so he could see what cars were there, run their license
10 plates, and figure out who was in that house committing
11 that crime.

12 Now, members of the jury, it's probably about at this
13 point that you're thinking, boy, I could have sworn that
14 Judge Morgan said this was a methamphetamine trafficking
15 case. I bet you're a little bit surprised that this is
16 the way that this story is starting. And, members of the
17 jury, Detective Smith, he was surprised, too. Because
18 Detective Smith wasn't in Middle Creek that morning to
19 find a drug trafficker. Instead, one just fell into his
20 lap.

21 Detective Smith will tell you that as he was leaving
22 the neighborhood, he was poised about to turn onto,
23 really, the only exit out of that neighborhood. And
24 that's when the Defendant's vehicle came into the picture.
25 He'll tell you the Defendant's vehicle turned into the

1 neighborhood so fast that he heard the tires squeal as he
2 took that turn. He'll tell you that he saw the
3 Defendant's vehicle shoot down that neighborhood, down
4 those streets with a speed limit of 25 miles an hour. And
5 he was going 40 or 50.

6 He'll tell you, at that point, he did not want to
7 blow his cover. That somebody driving a little
8 recklessly, that doesn't compare to the investigation that
9 he was conducting. But he'll tell you at the same time,
10 he's a police officer. If he sees something dangerous
11 happen, he has a duty to follow that car and make sure
12 something terrible doesn't happen, a car accident, things
13 of that nature.

14 So Detective Smith will tell you that he turned
15 around on that vehicle and he started to follow it. He'll
16 tell you that he saw some traffic infractions. Again, he
17 just noted those. He wasn't intending to make a traffic
18 stop and blow his cover. That he continued down that
19 street. And the Defendant abruptly turned into a random
20 driveway and sat there for a moment and let Detective
21 Smith drive by.

22 Now, obviously, Detective Smith saw that to be very
23 suspicious, as the Defendant then pulled out and started
24 going in exactly the opposite direction. So Detective
25 Smith, he turned around and started to follow the

1 Defendant again. And, at that point, the Defendant pulled
2 over his Chevy. And he pulled, actually, into the middle
3 of the street, essentially. Detective Smith will tell you
4 that he kind of parked caddy-cornered such that he would
5 have had to go into the oncoming lane of traffic if he
6 were to try to get around him. That's right, the
7 Defendant stopped the officer in this case.

8 Detective Smith will tell you that the driver of that
9 vehicle, the only occupant of that vehicle, the Defendant,
10 Kenneth Hendrix, got out of the car, raised up his arms,
11 flagged down the officer, walked up to his car and he
12 said, Why are you following me? To which Detective Smith
13 at that point -- he didn't want to blow his cover, but it
14 had already been blown by the Defendant. So he flipped on
15 his lights. I stopped you -- or I'm following you because
16 I'm a police officer and you're driving like a mad man.

17 So Detective Smith, he did what any officer would do.
18 He said, okay, well, go and get your driver's license and
19 registration. And the Defendant, he went and got his
20 license and registration. He gave it to the officer.
21 Officer Smith ran that information and he found out that
22 the Defendant was driving under suspension, his license
23 was suspended.

24 Detective Smith will tell you that that is an
25 arrestable offense, that he arrested him at that point.

1 And he'll talk to you about the search incident to arrest.
2 That both to gather evidence and make sure he's not taking
3 somebody to the jail and having contraband on that person
4 that they do something called a search incident to arrest.
5 When they arrest somebody, they search them to make sure
6 they don't have weapons, narcotics, other contraband.

7 Detective Smith will tell you that when he conducted
8 that search, the Defendant was wearing a jacket. It,
9 actually, is somewhat similar to a suit jacket, but just
10 with a hood. It has pockets on the inside.

11 Detective Smith will tell you that when he conducted
12 that search, he went inside his jacket pocket on his left
13 side above the Defendant's heart. And inside that pocket,
14 there was 19 grams of methamphetamine, a trafficking
15 weight of methamphetamine. Members of the jury, Detective
16 Smith didn't intend to catch a drug trafficker that day.
17 Instead, one just fell in his lap.

18 So let's talk about what that means, drug
19 trafficking. Because, initially, the thought that comes
20 to mind is what you see on movies and on TV, the Pablo
21 Escobar, Breaking Bad, Scar Face, really large scale
22 criminal enterprises. Now, just like almost everything in
23 life, what you see on movies and TV isn't exactly how it
24 works here in the real world.

25 Because Judge Morgan will instruct you at the end of

1 this trial and he'll tell you what the law is and what
2 drug trafficking is here in South Carolina. And you'll
3 learn that here in South Carolina, drug trafficking is
4 weight plus possession. If you have more than 10 grams of
5 methamphetamine in your possession, that is drug
6 trafficking. Let me explain to you why.

7 In South Carolina, there is a statutory inference
8 that if you have more than one gram of methamphetamine,
9 that is prima facie evidence that somebody is possessing
10 with the intent to distribute. And if you have 10 times
11 the weight that you can assume you're distributing, if you
12 have 19 times that presumptive weight, you're trafficking,
13 plain and simple.

14 We'll talk more about the law at the end of the case.
15 But what you'll learn is there are three elements that the
16 State has to prove. That one, that substance was, in
17 fact, methamphetamine; that, two, it was over 10 grams;
18 and that, three, it was in the Defendant's possession.

19 I want to make it very clear to y'all that the State
20 does not have to prove intent as to disposition. And by
21 that, I mean we don't have to prove what he was going to
22 do with it. We don't have to prove to you where he got
23 it, where he was taking it, what he was going to do with
24 it. We don't have to prove any of that. The only three
25 things we have to prove is that it was methamphetamine,

1 that it weighed over 10 grams, and that it was in his
2 possession. And we have to prove that beyond a reasonable
3 doubt.

4 But what does that mean, beyond a reasonable doubt?
5 It's that word, reasonable. That's the important part.
6 There's some doubt in all things. I can't tell you beyond
7 a shadow of doubt that all of us are going to wake up
8 tomorrow morning. It is entirely possible, although
9 unlikely, that there is an asteroid hurling through space
10 right now on a collision course with earth. It's
11 possible. So there's some doubt in all things.

12 Judge Morgan will tell you at the end of the trial
13 that because of that, the State isn't held to that burden.
14 Our burden is not whether we can prove beyond any doubt
15 whatsoever or any potential doubt that the Defendant is
16 guilty. Instead, it's that word, beyond a reasonable
17 doubt.

18 Judge Morgan will tell you that's just enough
19 evidence and testimony from that there witness stand such
20 that you are firmly convinced as to the Defendant's guilt.
21 And we're going to meet that burden by calling a few
22 witnesses.

23 The first witness that you'll hear from is Detective
24 Smith himself. He'll walk you through the whole story
25 that I told you earlier from his perspective. Now, one

1 thing that Detective Smith will mention is that he didn't
2 have a body camera or a dash camera that day. And he'll
3 tell you exactly why that is. He'll tell you that
4 detectives at the Easley Police Department, they're not
5 even issued body cameras or dash cameras because they're
6 not regular police officers. He doesn't respond to
7 emergency situations. He doesn't get 911 calls and rush
8 to the scene like other police officers do. Instead, he
9 conducts investigations after the crimes have occurred.

10 He'll, also, tell you about the undercover nature of
11 what he was doing. That he can't have a big, old, bulky
12 dash camera sitting there on the front of his vehicle,
13 that he can't have a body camera strapped onto his plain
14 clothes polo that he was wearing that day. He'll tell you
15 if that was the case, he could be very easily made. And
16 the people there committing those atrocious crimes that
17 he's trying to investigate, they could figure out that
18 they're being watched. So that's why he didn't have a
19 body camera or a dash camera that day.

20 Now, what you will see is corroborating evidence,
21 evidence that corroborates or backs up the testimony that
22 Detective Smith will have on the stand.

23 Now, one of the people that we will get that evidence
24 through is Officer Conner Runser. He's the officer that
25 was called in as backup to transport the Defendant from

1 the scene that day to the jail. You'll see the backseat
2 camera in his car that they record to make sure nothing
3 untoward is happening to the Defendant as they're being
4 driven to the jail. You'll see that video. You'll see
5 the surrounding areas, exactly the area which Detective
6 Smith describes. And you'll see for yourself that jacket
7 the Defendant was wearing.

8 Now, you'll, also, hear from Jamie Porter. She is
9 the evidence custodian for the Easley Police Department.
10 She's the one that runs the evidence room. She'll tell
11 you all about the policies and procedures that they have
12 to keep evidence safe pending trial. And she'll explain
13 to you how they make sure that the evidence that's
14 collected on scene that day is the same evidence that
15 you'll see here in court.

16 Now, after that, you'll hear from Agent Maribeth
17 McCormack. She's an agent with the South Carolina Law
18 Enforcement Division, or SLED. She'll tell you that she
19 came all the way down from Columbia. We always appreciate
20 them making the drive all the way up here.

21 She'll tell you that they have a crime lab down at
22 SLED. And that smaller counties like this one that don't
23 have their own crime lab will send evidence to them to be
24 tested. She'll explain that she's a forensic scientist.
25 And, specifically, what she does is she tests substances

1 to determine what they are.

2 Now, it's easy to kind of get lost in expert
3 testimony just because Maribeth McCormack is smart, and
4 you'll see it. But think about it this way, essentially,
5 the tests that she'll talk to you about are to figure out
6 the fingerprint of a particular substance that's in front
7 of her. And she has a book of fingerprints of known
8 substances.

9 And, essentially, what she'll testify is when she
10 compared the fingerprint of methamphetamine that she knows
11 and is trained on and the substance that was taken from
12 Mr. Hendrix's pocket in this case, that they matched up.
13 That it was, in fact, methamphetamine. And, most
14 importantly, she'll tell you that she weighed that
15 substance and it weighed 19 grams, far over that
16 trafficking threshold that I talked about earlier.

17 Now, in a moment, Ms. Wyse is going to have the
18 ability to come up and give an opening statement as well.
19 And throughout the State's case, she'll have the ability
20 to ask questions on cross-examination to try to poke holes
21 in the State's case.

22 Now, as she does that, I want you to keep something
23 in mind. And it's something I like to refer to as a
24 distinction without a difference. Because at the end of
25 the day, what's really important are those three elements,

1 the identity of the substance, whether it was
2 methamphetamine, the weight, and whether the Defendant was
3 in possession of it. Everything else is subsidiary.

4 Think about it this way. I, oftentimes, am really
5 lazy on the weekends. So if my wife came into the living
6 room and she said, Jake, you've been laying around all
7 day. We've got to get up and do something. And if I
8 stand up and I say whoa, whoa, whoa, I've only been
9 hanging around all day. I've only been watching football
10 for the last six hours. That's a little bit of a
11 distinction without a difference, isn't it? Technically,
12 I'm right. But come on now, that doesn't make her saying
13 I should get up and do something wrong.

14 Members of the jury, at the end of the day, this is a
15 trial where the Defendant was in a car alone, in a car
16 that was registered to him alone. He was searched by a
17 sworn law enforcement officer. And he had 19 grams of
18 methamphetamine in his pocket.

19 Members of the jury, I am confident by the end of
20 this trial, you will see the Defendant is guilty of
21 trafficking methamphetamine.

22 Thank you.

23 MS. WYSE: May it please the Court.

24 Ladies and gentlemen of the jury, thank you for being
25 here today.

1 We all know that you don't want to be here. I get
2 it. But this is one of the most important things a person
3 can do. We talk -- well, we study in school from a very
4 young age about how we have a Bill of Rights and the
5 Constitution protects us from turning into a police
6 state.

7 So one of the most important parts of the Bill of
8 Rights is the fact that we're all entitled to a jury
9 trial. That way, whatever governmental official there
10 might be can't just sweep in and take somebody off the
11 street and say we don't like that person because of what
12 they posted on Facebook so we're going to trump up some
13 charges and just send them off to jail and never be heard
14 from again.

15 So while the founding fathers didn't know about
16 Facebook at the time they wrote the Constitution, it's
17 still the same type of principle. Everybody in here, if
18 that person were charged with a crime, they would have the
19 ability to have their day in court. They would have the
20 ability to question the State and say, you've got to prove
21 your case.

22 And while based upon Mr. Lampke's opening statement,
23 it might seem as if that's not the best course of action
24 in this particular case, it's still a right that
25 Mr. Hendrix has. It's still a right that everyone in this

1 courtroom has. It's just as important as, you know,
2 freedom of speech. It's just as important as having the
3 right to bear arms. It is just as important as any other
4 part of our Constitution.

5 So today, ladies and gentlemen, and, perhaps,
6 tomorrow, we don't know exactly how long this will last,
7 please, keep an open mind. Please listen carefully as the
8 Judge has already instructed you to do. And remember,
9 Mr. Hendrix has a right to this proceeding.

10 And I would, also, like to comment briefly on several
11 of the facts and statements that Mr. Lampke said in his
12 opening statement. He is absolutely correct that
13 Detective Smith is now a detective over what we might
14 refer to as the special victims unit. He works on cases
15 like child pornography and sex crimes. And, yes, of
16 course, as a detective, he doesn't have to necessarily
17 have body cam or dash cam in an unmarked vehicle.

18 However, you will find out that throughout the course
19 of this case when he called in the car that he -- that
20 Mr. Hendrix was driving, he reported it as a suspicious
21 vehicle. He never said a thing about any traffic
22 infractions. He never said anything about requesting for
23 backup.

24 And while I am not certain if you are familiar with
25 the neighborhood where this incident occurred, it is a

1 very nice neighborhood in Easley, beautiful homes, lots of
2 children playing, dogs, people out walking, and lots and
3 lots of activities. Driving in a way that Detective Smith
4 will tell you about is very dangerous for this
5 neighborhood. And what he could have done was he could
6 have called for backup. He could have called for another
7 officer, but he didn't do that. Instead, he just reported
8 a suspicious vehicle, turned around, and followed it. He
9 didn't have any radar in his car. You'll hear that from
10 the stand.

11 Furthermore, you're going to find out that, you know,
12 yes, Mr. Hendrix did drive through the neighborhood.
13 However, as you can infer from exactly what Mr. Lampke
14 told you, he got out and asked, Why are you following me?
15 That was his state of mind. That was what he was
16 concerned about. He saw a car that he didn't recognize
17 following him.

18 Now, throughout the course of the trial, you'll hear
19 from different State's witnesses who will offer evidence
20 through testimony, as well as things that they will submit
21 for you to look at while you evaluate the case. And one
22 of the things that they might ask you to consider is
23 Mr. Hendrix's status as a driver since that appears to be
24 one of the main reasons that this case ended up where it
25 is today. On that driving record that Detective Smith had

1 access to, you will see that one of his previous addresses
2 where Mr. Hendrix lives is, actually, in that
3 neighborhood. And that is what he was doing there. He
4 was going to see his sister.

5 Ladies and gentlemen, Mr. Lampke has told you to pay
6 attention and not lose sight of distraction -- or I cannot
7 exactly remember the way he phrased it, but don't lose
8 track of the bigger picture.

9 But, ladies and gentlemen, I hope to prove throughout
10 this case that there are a lot of holes in the State's
11 case. There are a lot of things that don't quite make
12 sense. And I hope you listen carefully and that you, at
13 the end of this case, render a verdict that is true.

14 Thank you.

15 THE COURT: All right. State, call their first
16 witness.

17 MR. LAMPKE: Thank you, Your Honor.

18 The State calls Detective Aaron Smith to the stand.
19 WHEREUPON,

20 AARON SMITH,
21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You can have a seat.

24 Please state your name for the record.

25 THE WITNESS: My name is Aaron Smith.

DIRECT EXAMINATION

BY MR. LAMPKE:

Q Thank you for joining us, Detective.

A Yes, sir.

Q Where do you presently work?

A Easley Police Department.

Q And what is your job there right now?

A Detective.

Q How long have you been in law enforcement, generally?

A Law enforcement, I've been in 11 years.

Q And when did you start at the Easley Police Department?

A About 2014.

Q So how long have you been an officer at the Easley Police Department then?

A About 10 and a half years.

Q Okay. How -- what was your initial job when you first started?

A I started as a road patrol officer.

Q What is that? What is a road patrol officer?

A So when I first started as a patrol officer, you respond to the 911 calls. You respond to wrecks, respond to any type of call that may come in, as well as performing traffic duties, traffic stops, things like that.

1 Q And how long did you do that for?

2 A Four and a half years, maybe close to five.

3 Q Okay. How did you end up becoming a detective?

4 A So after I did patrol for a while, I went and was a
5 school resource officer for a few years after that. And
6 while I was there, an opening came up in investigations.
7 And it's just what I've always wanted to do. So I moved
8 into that role.

9 Q What is the difference between a detective and a road
10 patrol officer?

11 A So we don't -- we don't respond to emergency calls on
12 a normal basis. Normally, I get cases sent to me.
13 They -- I begin investigations from there, follow-up
14 investigations, interviews, things like that.

15 Q So as a road patrol officer, what type of calls would
16 you respond to?

17 A As a road patrol officer, you know, domestic calls,
18 shopliftings, car wrecks, just your general 911 calls.

19 Q So 911 calls, stuff that's happening then and there?

20 A Yes.

21 Q How does that compare to the cases you get as a
22 detective?

23 A I would not normally respond to any calls like that.
24 I would follow-up with -- if, say, one of those calls
25 turned into what would be an active investigation, if I

1 need to go to the scene from that point to begin my
2 investigation, I would. Otherwise, there would be an
3 initial report done. And if further investigation was
4 needed, that case would be sent to me.

5 Q So, as a detective, do you often wear a bulletproof
6 vest, for example?

7 A No, sir.

8 Q Do you often carry a taser?

9 A No, sir.

10 Q Do you often have pepper spray?

11 A No, sir.

12 Q If you did carry those things, how often would you
13 use them?

14 A The only time -- if I'm out on an active scene, if I
15 get called to a scene to process and there's somewhat --
16 suspects still on scene or things like that, I will put a
17 vest on. Other than that -- I'm on the SWAT team as well.
18 So unless I'm doing something in that capacity, I don't
19 normally carry those things.

20 Q You mentioned the SWAT team. What does SWAT stand
21 for?

22 A Special weapons and tactics.

23 Q And what is -- what is the nature of that? What's
24 your job on the SWAT team?

25 A So I'm a member of the SWAT team. We -- if, say, a

1 911 call came in for something that was very intense, a
2 hostage situation, something like that, we would respond
3 to that with the team. We, also, do things like narcotics
4 search warrants for houses or fugitive apprehension-type
5 things.

6 Q Now, as a detective, is there a particular type of
7 case you specialize in?

8 A Yes, sir. I mainly do our SVU cases. Like I said,
9 I'm, also, on the ICAC Task Force for the Attorney
10 General's office.

11 Q So let's talk about those two terms. First, what
12 does SVU stand for?

13 A It's special victim's unit.

14 Q What does that, typically, entail?

15 A Mainly, sex crimes, criminal sexual conduct, sexual
16 exploitation, cases like that.

17 Q What percentage of your case load are special
18 victim's cases?

19 A 80 to 90 percent.

20 Q What percentage of your cases involve narcotics?

21 A Not even one on a normal basis, unless -- unless one
22 of my cases turns into -- if I do a search warrant or
23 something on a house or something and narcotics happen to
24 be there. On a day-to-day basis, almost never.

25 Q You, also, mentioned ICAC. Can you tell us what that

1 means?

2 A It's Internet Crimes Against Children.

3 Q And is there a kind of more common way of describing
4 that? What does that mean?

5 A Sure. It's a task force that's kind of gone through
6 the Attorney General's Office of South Carolina. Every
7 state -- to my knowledge, every state has this task force
8 as well. It's something that started once these Internet
9 crimes began to pick up a lot.

10 Their main goal is to any time on an app, or a game,
11 or a cite, or anything flags something that's possibly
12 child pornography or sexual exploitation of a minor or
13 anything like that, it sends a cyber tip report to the
14 Attorney General's Office. They create a report from
15 there and try to establish what jurisdiction, get IP
16 addresses, things like what.

17 And once they establish that, they'll send it to this
18 jurisdiction or either they'll send it to me. And I will
19 continue with the investigation from there.

20 Q And were you working in a detective -- or were you
21 working as a detective in that capacity for Easley Police
22 Department in March of 2023?

23 A I was.

24 Q So let's talk about what you were doing on March
25 10th, 2023. What were you doing that day?

1 A I was attempting to do a follow-up investigation on
2 an ICAC case that had recently been reported to me in
3 reference to possible sexual exploitation. I went to the
4 neighborhood because there was an address inside that
5 neighborhood where the IP address was matching. So to
6 begin my investigation, I tried to put eyes on the house,
7 vehicles, things like that.

8 Q When you say that to put eyes on the house and the
9 vehicles, what is the purpose of that?

10 A Mainly, so I can start establishing who may be living
11 in the house, try to look at the vehicles in the driveway,
12 run tags, see the atmosphere around the house, if there's
13 toys in the yard, things like that.

14 Q Now, while you're doing that, what sort of car are
15 you driving?

16 A At the time, I was driving a silver Ford Explorer, an
17 unmarked car.

18 Q A Ford Explorer, is that a sedan or SUV?

19 A SUV.

20 Q Now, what's the purpose of driving an unmarked car?

21 A Especially following up on cases like this or,
22 really, any cases that we get for investigation, sometimes
23 surveillance, things like that are needed. It would be
24 very complicated for me to complete those investigations
25 in a marked unit that would say police on the side and

1 have a light bar across the top and have a dash cam,
2 things like that.

3 Q How would that make it more difficult?

4 A It would, certainly, let -- if there was a suspect
5 that knew they had a case out on them, it would,
6 certainly, let them know. I wonder why this car is
7 sitting out in front of my house for an hour. We wouldn't
8 want them to flee or get any other terrible ideas.

9 Q Now, what's the difference between an unmarked car
10 like the one you were driving and a marked patrol car?

11 A So a marked patrol car is -- has the graphics on the
12 side that would have said Easley Police. It has a light
13 bar on top, a dash cam, a cage in it for transport.

14 Q Now, the dash camera you mentioned -- did your
15 vehicle come equipped with a dash camera?

16 A No, sir.

17 Q Why is that?

18 A It takes up a lot of space. If you ever see a police
19 car, even an unmarked car that has a dash cam, it can be
20 pretty telling that it is a police car at that point.

21 Q Can you both show me with your hands and for the
22 record give an approximate size as to what one of those
23 dash camera units look like?

24 A Sure. They hang from, like, the top of the
25 windshield, maybe eight or so inches down, six to the

1 eight inches down. And the camera itself may be three,
2 four inches around. It kind of hangs right in the middle
3 of the windshield.

4 Q Can you give me a length and width of that?

5 A Yeah. It's probably eight inches long from top to
6 bottom and three to four inches wide.

7 Q And front windshields -- are front windshields,
8 typically, tinted?

9 A No, sir.

10 Q So how easy would it be to see a dash camera from
11 outside the car?

12 A Very easy.

13 Q Now, what sort of clothing were you wearing that day?

14 A Normally, on a day-to-day basis, I would be wearing
15 slacks and a polo. Sometimes, it's a polo that says
16 Easley Police on it, sometimes not. Sometimes, it's a
17 button up. It just depends on the day.

18 Q What's the purpose of wearing plain clothes?

19 A Just when you're doing the follow-up investigation,
20 there's no -- I've had situations before where I've been
21 approached by someone that I'm actively investigating and
22 I don't want them to know who I am. So I can very easily
23 take my gun and badge off very quick. I can be a realtor
24 if I need to be just to blend in, and things like that.

25 Q Yes. Tell me about that. Has that happened to you

1 in the past, that someone you were surveilling saw you out
2 there and you were able to explain it away?

3 A Yes, sir. It happened for an ICAC case, actually. I
4 had the homeowner approach me. And I just advised them I
5 was looking at property.

6 Q Now, are you even assigned a body camera?

7 A No, sir.

8 Q Why is that?

9 A We don't use them on a day-to-day basis. And any
10 time we -- anytime they assign that to someone, I believe
11 the police department has to pay for a license and all
12 these things for someone. So if we're not using them on a
13 day-to-day basis -- if we're interviewing them, we either
14 try to pull them to the police department and use the
15 interview room. Or if I am interviewing someone out in
16 the field, I keep an audio recorder with me to do it that
17 way.

18 Q If you were assigned a body camera, how often would
19 you even use it?

20 A Only in -- if I ended up in some type of emergent
21 situation.

22 Q And you said you were wearing plain clothes, would
23 you even have somewhere to easily attach it in that
24 circumstance?

25 A No. They are hooked on with a magnet, actually.

1 They clip on -- the base plate goes through a magnet on
2 the vest and then they clip on from there. So I would not
3 have anywhere to put it.

4 Q Okay. So let's talk about what happened after you
5 finished your surveillance. What do you do after that?

6 A So after I finished up watching the house, I started
7 to leave the neighborhood. As I was leaving the
8 neighborhood driving down Shefwood Drive, it's heading
9 towards the exit. It's the only exit and entry into the
10 neighborhood.

11 As I'm leaving out that way, I see a gold or silver
12 smaller sedan really entering the neighborhood at a very
13 fast pace. Like I said, it was enough to squeal the tires
14 making a left turn into the neighborhood. And they
15 continued to accelerate from there.

16 Q Okay. Would you recognize a map of the area if I
17 showed it to you?

18 A Yes, sir.

19 MR. LAMPKE: Your Honor, I'm showing opposing counsel
20 what's been pre-marked for identification purposes as
21 State's Exhibit Nos. 1A and 1B.

22 Judge, may I approach the witness?

23 THE COURT: Yes. And you don't need to ask
24 permission. Y'all can approach any time.

25 MR. LAMPKE: Thank you, Judge.

1 BY MR. LAMPKE:

2 Q Now, without going into any particular detail, can
3 you tell me what it is that I just handed you?

4 A This is a map of the neighborhood where the incident
5 took place.

6 Q And is that a fair and accurate depiction of that
7 area as you're familiar with it?

8 A Yes, sir.

9 MR. LAMPKE: At this point, Your Honor, the State
10 moves State's Exhibit Nos. 1A and 1B into evidence.

11 THE COURT: Any objection?

12 MS. WYSE: No, Your Honor.

13 THE COURT: All right. State's Exhibit Nos. 1A and
14 1B are admitted without objection.

15 (WHEREUPON, State's Exhibit Nos. 1A and 1B were
16 admitted into evidence.)

17 MR. LAMPKE: Permission to have the witness step down
18 to interact with State's Exhibit No. 1B. We'll have
19 State's Exhibit No. 1A as a clean copy. But let's have
20 him step down and mark on State's Exhibit No. 1B.

21 THE COURT: You may.

22 BY MR. LAMPKE:

23 Q You can come on down. I'll take 1B from you.

24 Thank you.

25 So, Detective Smith, looking at State's Exhibit No.

1 1B, what neighborhood is this?

2 A That's Middle Creek subdivision.

3 Q Do you see the -- the namesake of Middle Creek
4 subdivision on that map anywhere?

5 A No.

6 Q Do you see that -- what is that blue line there right
7 up above Shefwood Drive?

8 A It's a creek that runs on the backside of the
9 subdivision.

10 Q So I've got two pens there for you, Detective Smith,
11 one pink and one black. And I want to have -- I want you
12 to mark the Defendant's position in pink and your position
13 in black. So if you could, please, with a pink square,
14 mark where you, initially, saw the Defendant.

15 A (Witness complied.)

16 Q And could you, also, with -- let's go with a black
17 square. Mark your position when you, initially, saw the
18 Defendant?

19 A (Witness complied.)

20 Q So -- and could you, also, draw a line with an arrow
21 coming out of the pink square as to the Defendant's
22 direction of travel?

23 A Yes.

24 Q Okay. Now, describe to me how the Defendant made
25 that turn.

1 A It was -- I would describe it as reckless. It was at
2 a very high rate of speed coming into the neighborhood
3 where the speed limit is 25 miles per hour.

4 Q Did you hear anything that stuck out to you when he
5 made that turn?

6 A Just his tires were squealing to the point where -- I
7 was cautious on whether or not he could get the turn.

8 Q What do you mean by that, tires squealing?

9 A Sometimes, when you -- I mean, if you make a quick
10 turn or quick start from a stop, then your tires will
11 spin. In this case, when you're making the turn, it's
12 indicating that you're losing traction.

13 Q What would you estimate the Defendant's speed at that
14 point?

15 A I would have estimated he was going 40 to 50 miles an
16 hour.

17 Q What was the speed limit for that subdivision?

18 A 25.

19 Q Could you, please, mark where the Defendant proceeded
20 to go after you saw him make that initial turn? If you
21 could do that with another pink area there.

22 A Sure. So he kept going down Shefwood Drive here.

23 Q Okay. And what did you do after you saw him driving
24 in that direction?

25 A So right where the black square is, that little

1 cut-through, once he passed through there, I took a left
2 and turned back around in that cut-through.

3 Q Yeah. If you could, please, mark that with a black
4 line. If you could, also, put a number one at the top
5 there just to delineate this initial interaction here.

6 A (Witness complied.)

7 THE COURT: Ladies and gentlemen, can y'all hear the
8 witness okay?

9 UNIDENTIFIED JUROR: Yes.

10 BY MR. LAMPKE:

11 Q Let's both speak up a little bit. I think that might
12 be my bad.

13 A Okay.

14 Q So after you turned around on the Defendant, what did
15 you observe him doing driving-wise at that point?

16 A He was continuing to drive at a high rate of speed.
17 I know of, at least, one stop sign at 4 Lakes Drive there
18 that I watched him drive through the stop sign. He did
19 not make a full stop. And then he proceeded past that
20 creek and continued around the curve on Shefwood.

21 Q And if you don't mind, Detective Smith, try to direct
22 your testimony. It's kind of an awkward situation here.

23 A Sure.

24 Q Could you, please, draw with a pink line number two
25 at the top of the start of that where you observed the

1 Defendant drive before he turned around on you?

2 A Okay. So he kept going this way.

3 Q And to be clear, he -- did he continue all the way
4 down Shefwood?

5 A He did.

6 Q He didn't take any side turns, or anything like that?

7 A Yes, sir.

8 Q Now, at that point, when he was down on that bottom
9 part of Shefwood Drive where that two is marked, what, if
10 any, traffic violations had you seen him make at that
11 point?

12 A At that point, he maintained driving at a reckless
13 speed, as well as running through the stop sign.

14 Q Now, at that point, did you have any particular
15 intent -- and you can direct your attention to the jury
16 for this part. At that point, did you have any intent to
17 conduct a traffic stop on the Defendant?

18 A No, sir.

19 Q Why is that?

20 A At that point, I was still hoping to maintain some
21 type of surveillance and some type of -- that I wasn't a
22 police officer driving through there in case -- like I
23 said, in case the case did turn into something more, I
24 wanted to maintain that variable.

25 Q Could you draw with -- let's say, a black triangle,

1 if you could point out the house you were conducting
2 surveillance on?

3 A I don't remember the exact one, but I believe it was
4 one of these over here.

5 Q So as you were driving on Shefwood by that house, did
6 you want to turn on your lights and conduct a traffic
7 stop?

8 A No, sir.

9 Q So at that point while this is going on, what, if
10 anything, do you say over your radio?

11 A Nothing at that point. I just wanted to maintain a
12 visual of the vehicle. Oftentimes, if I'm out doing
13 something like that and I see anything suspicious, I can
14 do what we call log the vehicle in the area, which is I
15 can try and get behind it, run the tag, make sure
16 everything is legitimate with the tag. And I can log it
17 in the area in case something were to come up, if there
18 was any type of illegal activity that came up.

19 And then if for some reason, it continued at that
20 point -- at this point, it had not even been 30 seconds of
21 interaction with me catching up to him and the whole turn
22 around. If it continued from that point, I would call a
23 marked unit to come and conduct a traffic stop, if need
24 be.

25 Q So what was the purpose of following him down the

1 road at that point?

2 A Just to maintain that -- given the nature of the way
3 he was driving and conducting himself through the
4 neighborhood, I wanted to make sure that he wasn't going
5 to do something illegal, something that I needed to be
6 concerned about.

7 Q Okay. So after he rounds the corner on Shefwood
8 Drive there, what does he do?

9 A So he pulls into one of these houses up here. I
10 couldn't tell you exactly which one. He very swiftly
11 takes a left into one of those driveways. And as I come
12 past him there, as I go past, he quickly reverses back out
13 and starts going in the opposite direction.

14 Q You don't have to have a particular house in mind,
15 but if you could, please, with a pink circle draw the
16 general area in which he turned around.

17 A One of those.

18 Q Now, when the Defendant pulled into that driveway,
19 can you explain how exactly he did that?

20 A Very abruptly. I mean, he kind of slammed on his
21 brakes and pulled in very quickly. I mean, once I got
22 past him, he pulled back out quickly and went in the other
23 direction.

24 Q Okay. And what did you do once you saw the Defendant
25 pull back out of that driveway and go in the opposite

1 direction?

2 A So I went just a little bit further up the road to
3 where I had made it to that point and, also, turned around
4 to go get eyes back on the vehicle at that point.

5 Q And if you could, please, draw that represented by a
6 black line with a direction arrow as to your approximate
7 movement.

8 A So I kept going this way. And then I turned around
9 here and started going back that way.

10 Q Okay. Now, at that point, what direction was the
11 Defendant traveling?

12 A He was, also, going back in that same direction, back
13 up towards Bent Creek.

14 Q If you could, mark that with another pink line with
15 an arrow.

16 A Sure.

17 Q Now, what did the Defendant, eventually, do when he
18 was going back up Shefwood Drive?

19 A So when he -- he kept going around the corner and he
20 came to a complete stop at Bent Creek Court, that
21 intersection right there. And he pulled almost
22 caddy-corner in the intersection there enough to where it
23 blocked that lane of travel.

24 Q Okay. Could you, please, mark the space in which the
25 Defendant stopped with a pink X?

1 A (Witness complied.)

2 Q And you can go ahead and retake your seat.

3 Thank you, Detective Smith.

4 A Yes, sir.

5 Q So, Detective Smith, I think you said caddy-corner,
6 could you, please, explain what you meant by that?

7 A It was, basically, at an angle in that intersection,
8 kind of an awkward angle that wouldn't be the normal path
9 of travel down that road. Like I said, enough to block
10 that lane of travel as well to where I would have had to
11 go in the other lane of traffic to avoid him.

12 THE COURT: Can you pull that microphone closer?

13 THE WITNESS: Yes. I apologize.

14 BY MR. LAMPKE:

15 Q So when that car stopped, what happened immediately
16 after that?

17 A As I began to drive up to the vehicle, the driver of
18 the vehicle was getting out of the vehicle and began kind
19 of waving me down. At that point, I said, okay, well,
20 this -- we're going to have a conversation.

21 And then he approached -- as I pulled up to the
22 vehicle, he, on foot, approached the driver's side of the
23 vehicle and came up to my window and asked me why I was
24 following him.

25 Q At that point, did you want to conduct a traffic stop?

1 A No. At no point in -- my goal was never to conduct a
2 traffic stop on the vehicle. Like I said, I was purely
3 out there for surveillance and then this came upon me.

4 But at that point is when I called in -- because at
5 that point, it wasn't necessarily a traffic stop because I
6 didn't initiate a traffic stop there. He was stopping me.
7 At that point, I called in on the radio that I was out
8 with a suspicious vehicle. And at that point, I was
9 trying to gather further information.

10 MR. LAMPKE: Okay. And just as a quick sidenote,
11 Your Honor, the State would like to have the markings on
12 State's Exhibit No. 1B preserved for use in closing
13 argument.

14 THE COURT: All right.

15 BY MR. LAMPKE:

16 Q So at that point, you didn't want to make a traffic
17 stop, but were you kind of put into the position that you
18 had to?

19 A I was, yes, sir.

20 Q Okay. So tell me again what is it that the Defendant
21 said to you when he walked up towards your car?

22 A He asked me why I was following him.

23 Q At that point, what was your response?

24 A So at that point, I turned on my lights -- my blue
25 lights in the car and exited the vehicle. I identified

1 myself as a police officer and advised him that I was
2 following him because of the erratic driving, reckless
3 driving behavior.

4 Q Did you ask him to get his identifying information?

5 A I did.

6 Q Now, during that time while he was getting his
7 information, did you have an opportunity to look at the
8 car that was being driven?

9 A I did.

10 Q Did you notice anybody else in the car?

11 A There was nobody else in the car, just a dog.

12 Q Now, who was the driver of that vehicle?

13 A It was Kenneth Hendrix.

14 Q And how did you identify him?

15 A Through his South Carolina identification card.

16 Q Okay. Would you recognize both -- would you
17 recognize two separate documents from the Department of
18 Motor Vehicles in that regard if I showed them to you?

19 A Yes, sir.

20 MR. LAMPKE: Your Honor, I'm approaching opposing
21 counsel with what's been marked for identification
22 purposes as State's Exhibit Nos. 2 and 3 respectively.

23 And I'm approaching Detective Smith with the same.

24 BY MR. LAMPKE:

25 Q Now, Detective Smith, without going into any

1 particular detail, can you explain to me what those two
2 documents are?

3 A These are documents from the DMV of his license
4 information.

5 Q Okay. And is that a fair and accurate depiction of
6 these documents?

7 A Yes.

8 Q All right. Do you see a little signature at the
9 bottom there?

10 A I do.

11 Q On both documents?

12 A Yes.

13 Q What does that say?

14 A Certified to be a true and correct copy of the
15 original document on file with the South Carolina
16 Department of Motor Vehicles, signed by the executive
17 director.

18 MR. LAMPKE: Your, Honor at this point, the State
19 moves State's Exhibit Nos. 2 and 3 into evidence.

20 THE COURT: Any objection?

21 MS. WYSE: No, Your Honor.

22 THE COURT: State's Exhibit Nos. 2 and 3 are admitted
23 into evidence without objection.

24 (WHEREUPON, State's Exhibit Nos. 2 and 3 were admitted
25 into evidence.)

1 BY MR. LAMPKE:

2 Q Now, Detective Smith, let me go ahead and approach
3 and retrieve State's Exhibit No. 2.

4 MR. LAMPKE: Permission to publish both to the jury?

5 THE COURT: Yes, sir.

6 BY MR. LAMPKE:

7 Q Detective Smith, can you easily read that from where
8 you're sitting?

9 A Yes.

10 Q So, first, looking at State's Exhibit No. 2, who is
11 that individual pictured there on State's Exhibit No. 2?

12 A That is Kenneth Hendrix.

13 Q Is that the same man that you interacted with there
14 in Middle Creek on March 10th, 2023?

15 A It is, yes, sir.

16 Q Okay. And just to be clear, that neighborhood,
17 what -- what city is the Middle Creek subdivision in?

18 A It's within the city limits of Easley.

19 Q Is that in the county of Pickens?

20 A Yes.

21 Q State of South Carolina?

22 A Yes.

23 Q So addressing this document, what is the date of
24 birth of Kenneth Charles Hendrix on that document?

25 A [REDACTED].

1 Q Now, looking at State's Exhibit No. 3 -- and once
2 more, let's go down to the bottom just so the jury can see
3 this. What is -- what is that little signature block down
4 here?

5 A That is the one I read saying it was certified.

6 Q Okay. Now, looking at State's Exhibit No. 3, what
7 does State's Exhibit No. 3 say is the birth date for
8 Kenneth Charles Hendrix?

9 A It is, also, [REDACTED] [REDACTED].

10 Q Okay. Now, when the Defendant gave you his driver's
11 license, what did you do with that information?

12 A So I began running that information through our
13 dispatch to try to gather information about his license
14 status, or active warrants, or anything like that.

15 Q What did dispatch tell you, specifically, about his
16 driver's license?

17 A They advised me that his license was suspended due to
18 unpaid traffic tickets.

19 Q Okay. Now, publishing the backside of State's
20 Exhibit No. 3, what does that document say about his
21 driver's license suspension?

22 A So that suspension at the time had begun on November
23 16th, 2022, and it ended on March 13th, 2023.

24 Q Okay. So if his suspension began in November of 2022
25 and it ended on March 13th of 2023, when you interacted

1 with the Defendant and saw him driving and got his
2 driver's license, was he driving under suspension at that
3 point?

4 A He was, yes, sir.

5 Q Okay. So, based on that, what did you do with the
6 Defendant at that time?

7 A So at that point, he was advised that he was going to
8 be detained and arrested for driving under suspension for
9 unpaid traffic tickets.

10 Q You mentioned failure to pay traffic tickets. What
11 is the importance of that?

12 A So there's certain codes that your license is
13 suspended for. That is a code, in general, that we
14 normally would make an arrest for due to the fact that it
15 shows a pattern of not showing up --

16 MS. WYSE: Objection. That's out --

17 THE COURT: What's the basis?

18 MS. WYSE: Well, Your Honor, it's -- why would we
19 even need that information? It's not relevant, as well as
20 it's, also, overly prejudicial and not probative. And
21 based upon -- well, can we approach?

22 THE COURT: Sure.

23 MR. LAMPKE: Your Honor, I'm happy to rephrase the
24 question.

25 THE COURT: I'll sustain. And just rephrase your

1 question.

2 BY MR. LAMPKE:

3 Q So Detective Smith --

4 MS. WYSE: Wait.

5 (Pause.)

6 BY MR. LAMPKE:

7 Q So, Detective Smith, let me ask it this way, when
8 somebody is DUS for failure to pay traffic tickets, what
9 is the response that your agency, typically, does, without
10 going into why?

11 A It is common practice for us under that suspension
12 code to make an arrest.

13 Q Okay. Now, I want to take a step back for a second
14 and talk about how the Defendant was acting. What was
15 your initial thought when he pulled over and got out of
16 the car? How did that strike you?

17 A Odd behavior, very strange behavior. He seemed very
18 shaky. I believe his -- his eyes were pretty constricted
19 at that point. It was just strange behavior in the
20 interaction.

21 Q Okay. Let's see. So at that point, had you made the
22 decision to place him under arrest?

23 A Yes, sir.

24 Q So at that point, what did you say over the radio?

25 A So at that point, I had asked for another unit to

1 come and assist. Because I don't transport people in my
2 vehicle. There's no cage in my vehicle. So I asked for
3 another unit, a marked unit to come on scene to assist.

4 Q So what exactly is that, a cage?

5 A Behind the driver's seat, there is usually a caged
6 area that would separate the front half of the vehicle to
7 the rear seat, just for safety reasons.

8 Q Okay. Let's see. And would you recognize a -- well,
9 actually, let me ask you this, what kind of documents are
10 created when you're saying things over the radio?

11 A So a CAD report is created at that point. Dispatch
12 notates things that are stated over the radio.

13 Q And would you recognize the CAD report in this case
14 if I showed it to you?

15 A Yes.

16 MR. LAMPKE: Your Honor, I'm showing opposing counsel
17 what's premarked for identification purposes as State's
18 Exhibit No. 4.

19 THE COURT: All right.

20 MR. LAMPKE: The Court's indulgence just for a
21 moment, Your Honor.

22 THE COURT: Okay.

23 (Pause.)

24 BY MR. LAMPKE:

25 Q So let's clarify the things you said on the radio and

1 at what points you said them.

2 A Sure.

3 Q So when did you, initially, make any sort of report
4 over the radio about what was going on?

5 A Once I came around the curve and he was stopped in
6 the middle of the road and he was getting out of the
7 vehicle and interaction -- I knew that interaction was
8 going to occur. I advised dispatch that it was a 1047,
9 which is a suspicious vehicle.

10 Q Okay. Now, why did you say 1047, specifically?

11 A Well, at that point, it wasn't myself necessarily
12 beginning the interaction -- or starting the interaction.
13 The interaction kind of came to me.

14 So I didn't initiate what -- your traditional traffic
15 stop, which it was necessarily him approaching me. I was
16 unsure what that conversation was going to be at that
17 point. So that's why I put it out as a suspicious
18 vehicle, instead of a traffic stop.

19 Q Now, when did you call in for that other unit you
20 were talking about?

21 A Once I -- once I got out of the vehicle, we talked
22 for a moment. Once I got his driver license and realized
23 it was suspended and understood that he was going to be
24 going to jail.

25 Q So was that before or after you, actually, put him

1 under arrest?

2 A I believe per the CAD, I didn't call out that he
3 was -- that I had arrested him until after I had already
4 asked for an additional unit.

5 Q Okay. Now, when you make an arrest, what do you,
6 typically, do with that person?

7 A They are always searched incident to the arrest.

8 Q What do you mean, being searched incident to arrest?

9 A So any time we're taking someone into custody, their
10 person is searched to ensure there's no illegal items,
11 contraband, narcotics, weapons, things like that.

12 Q There's another -- you said there was another officer
13 coming to transport him?

14 A Yes, sir.

15 Q Is part of that to kind of lookout for that fellow
16 officer?

17 A Absolutely. I would not want to put someone in
18 someone else's vehicle that I couldn't ensure that it was
19 safe to be in that vehicle.

20 Q Now, when you searched the Defendant, what articles
21 of clothing was he wearing?

22 A So he had a jacket on, a shirt on under that, and I
23 believe some type of pants. I can't remember what type.
24 He had a black jacket on.

25 Q Can you describe the black jacket he was wearing?

1 A I want to say it was kind of like a wool jacket with
2 a hood on it.

3 Q How does it compare to the jacket that you're
4 wearing, for example?

5 A It's kind of like this jacket. It does have pockets
6 on the inside and outside.

7 Q Now, will you recognize a picture of the Defendant
8 from that day, if I were to show it to you?

9 A Yes, sir.

10 MR. LAMPKE: Your Honor, I'm showing opposing counsel
11 what's been marked for identification purposes as State's
12 Exhibit No. 5.

13 THE COURT: All right.

14 MR. LAMPKE: And I'm approaching the witness with the
15 same, that being State's Exhibit No. 5.

16 BY MR. LAMPKE:

17 Q Now, once again, without going into any particular
18 detail as to what that picture depicts, can you tell me,
19 generally, what it is?

20 A So this is -- that's Mr. Hendrix after he's been
21 placed under arrest. And he's sitting in the back of
22 Officer Runser's patrol vehicle and being transported to
23 the police department.

24 Q Is that a fair and accurate depiction of the
25 Defendant, Mr. Hendrix, as you saw him that day?

1 A It is, yes, sir.

2 Q It hasn't been changed or altered in any way since
3 you last saw it?

4 A No, sir.

5 MR. LAMPKE: At this point, the State moves State's
6 Exhibit No. 5 into evidence.

7 MS. WYSE: No objection.

8 THE COURT: State's Exhibit No. 5 is admitted without
9 objection.

10 (WHEREUPON, State's Exhibit No. 5 was admitted into
11 evidence.)

12 MR. LAMPKE: I'm publishing State's Exhibit No. 5.

13 BY MR. LAMPKE:

14 Q Detective Smith, tell us, first, what are we looking
15 at as the setting of this picture?

16 A So, like I said, that is Mr. Hendrix. He's
17 handcuffed in the backseat of Officer Runser's patrol
18 vehicle.

19 Q Do you see a date and time stamp at the bottom of
20 that photo?

21 A I do. That's March 10th, 2023.

22 Q And is that the same incident date that we've been
23 referring to?

24 A It is.

25 Q Now, looking at the Defendant, more specifically, can

1 you identify for the jury the jacket that you're speaking
2 about?

3 A That's the jacket he was wearing during my
4 interaction with him, the black jacket with the hood.

5 Q Okay. Now, as you were searching the Defendant's
6 jacket, what did you find?

7 A So while I'm searching, there's several pockets. And
8 I located a pocket on the inside on the left side of the
9 jacket. When searching that pocket, I found a clear bag
10 inside that had a crystal-like substance that I believed
11 at the time to be methamphetamine.

12 Q Now, when you say the left side of his jacket, can
13 you explain that to the jury? And feel free to point on
14 the TV directly next to you there which side it was.

15 A Yes. It was his left side, just right here.

16 Q So is that the side his heart would be on?

17 A Yes, sir.

18 Q Okay. So you said that you pulled what from that
19 jacket?

20 A I pulled a clear bag that contained a fairly large
21 amount of crystal-like substance that I believed at the
22 time to be methamphetamine.

23 Q And would you recognize that bag of crystal substance
24 if I showed it to you today?

25 A Yes, sir.

1 MR. LAMPKE: Your Honor, I'm showing opposing counsel
2 what's been marked for identification purposes as State's
3 Exhibit No. 8.

4 Your Honor, I'm approaching the witness with the
5 same.

6 THE COURT: All right.

7 BY MR. LAMPKE:

8 Q And, Detective Smith, once again, without going into
9 any particular detail, can you tell me what it is I just
10 handed you?

11 A This is the -- that's the inside of the bag, the bag
12 that contained the crystal-like substance that I pulled
13 from Mr. Hendrix's pocket.

14 Q Okay. And are there any, like, markings or anything
15 of that sort that identify that?

16 A Identify it as?

17 Q As the substance you found from Mr. Hendrix?

18 A No, sir. There was nothing marked on there at the
19 time that would have identified it.

20 Q Okay. Well, let's talk about evidence practices,
21 generally, with Easley. When you get a piece of evidence
22 like that, what type of markings do you put on it or what
23 do you do with it?

24 A So once I take it into my custody, I transport it to
25 the Easley Police Department where I begin doing the

1 paperwork. I do, like, a SLED form. We have our own
2 in-house form. Once I finish with those forms, the
3 evidence is then placed into our property and evidence
4 lockers before it is sent off for further evaluation.

5 Q And is that what happened in this case?

6 A Yes, sir.

7 Q Okay. So when you took that substance from the
8 scene, what did you immediately do with it?

9 A I transported it straight to the Easley Police
10 Department where I began filling out that paperwork. Once
11 that was completed, I signed the paperwork. And I sealed
12 everything and put it into property and evidence.

13 Q Tell me what the evidence locker is.

14 A So there's -- towards the back of the police
15 department, there are, basically, a wall of lockers that
16 they may be unlocked on one side. But once you put
17 evidence in, you can turn it and it locks that locker with
18 whatever locker what evidence is in. And it's only
19 accessible to maybe a couple of people that would have
20 access to that office. It's not -- it is no longer
21 accessible to anyone that may be passing by it.

22 Q And did you put it in the evidence locker that same
23 day?

24 A I did, yes, sir.

25 Q Let's see. So I'm going to go ahead and retrieve

1 State's Exhibit No. 8 at this point.

2 Thank you.

3 Now, what -- what did you do after you found that
4 substance in his jacket?

5 A I advised him at that point that he was, also, under
6 arrest for possession of those narcotics.

7 Q And who, eventually, came to the scene as your
8 backup?

9 A Officer Conner Runser.

10 Q Now, what did Officer Runser -- or what did you do
11 when Officer Runser arrived?

12 A I just kind of gave him the rundown of what I had
13 going on. I asked him if he would assist me in
14 transporting Mr. Hendrix to the police department so we
15 could -- he helped me with getting the vehicle towed, that
16 kind of thing.

17 Q What else happened with the Defendant's vehicle?

18 A So we did search the vehicle as well. We did an
19 inventory search of the vehicle before it was towed.

20 Q Did you find anything of significance in that
21 vehicle?

22 A At some point, we did locate a scale, a digital scale
23 as well. We didn't make any charges on it. We didn't
24 make any paraphernalia charges or anything like that. So
25 I believe it was left in the vehicle.

1 Q What about that original DUS charge? Did you end up
2 doing anything with that?

3 A He did receive a citation for the DUS as well.

4 Q Let's see. So what did Runser do with the Defendant
5 after you finished the search of the vehicle?

6 A So once the search was completed, the vehicle was
7 towed. Officer Runser then transported Mr. Hendrix to the
8 police department and assisted me.

9 In being a detective, I don't book a lot of people
10 into the jail anymore. So the road patrol guys are much
11 better at that kind of stuff. So he was assisting me in
12 getting him booked in and helped me out with that process.

13 MR. LAMPKE: The Court's indulgence just for a
14 moment, Your Honor.

15 THE COURT: Uh-huh.

16 (Pause.)

17 BY MR. LAMPKE:

18 Q Detective Smith, when you went back to the station,
19 did you weigh the drugs at that point?

20 A I did, yes, sir.

21 Q And what was the -- was the weight over 10 grams?

22 A It was. I believe the weight at the time I weighed
23 it -- because it was still in the bag -- it was 24 grams
24 when I weighed it there.

25 Q And, based on that, did you charge the Defendant with

1 trafficking methamphetamine?

2 A I did.

3 MR. LAMPKE: The Court's indulgence one more time,
4 Your Honor.

5 (Pause.)

6 MR. LAMPKE: Thank you, Detective Smith.

7 No more questions at this time.

8 THE COURT: All right. Cross.

9 MS. WYSE: Thank you.

10 May it please the Court.

11 CROSS-EXAMINATION

12 BY MS. WYSE:

13 Q Good morning, Detective Smith.

14 You said you have been working for the Easley Police
15 Department since 2014; is that correct?

16 A Yes, ma'am.

17 Q And you said you started off as a road patrol deputy?

18 A Yes, ma'am.

19 Q All right. And you said you were on road patrol for
20 about four and a half years?

21 A Yes, ma'am.

22 Q And you kind of went over some of the things that you
23 did while you were a road patrol deputy. But did you have
24 any particular certifications or trainings while on the
25 road?

1 A I had a couple of different traffic-style trainings,
2 speed measurement device, that kind of thing while I was
3 there.

4 Q Okay. And you -- I am guessing -- and I want you to
5 correct me if I'm wrong. So 2018ish, you were promoted to
6 detective?

7 A 2018 -- late 2018 is when I moved to school resource
8 officer. I did that for a couple of years.

9 Q And did you keep up any of those certifications after
10 you got off road patrol?

11 A For a little while, I did when I was still at the
12 school, but not since I have been a detective.

13 Q Okay. And how long ago did you go to the academy?

14 A It was the beginning of 2013 is when I graduated from
15 the academy.

16 Q Okay. I'm sure I speak on behalf of everybody in
17 here when I say thank you for doing what you do for the --
18 particularly, for children.

19 Now, you said that the car that you were in was
20 unmarked?

21 A Yes, ma'am.

22 Q How many unmarked vehicles does Easley Police
23 Department have?

24 A I'd have to go through and count. But there's --

25 Q Less than 10?

1 A Less than 10.

2 Q Okay.

3 A Well, maybe around 10, including the admin, and
4 things like that.

5 Q And did you use one particular car or did you just
6 use whatever was available?

7 A The car was my specific vehicle assigned to me.

8 Q Okay. So you are assigned certain types of vehicles?

9 A Yes.

10 Q All right. Now, you said -- well, as you've already
11 explained, you didn't have any body cam on?

12 A Right.

13 Q And you didn't have a dash cam?

14 A Yes, ma'am.

15 Q Did you have a radar in your car?

16 A No, ma'am.

17 Q All right. And did you have your computer in the car
18 where you could, like, run stuff?

19 A No, ma'am.

20 Q All right. So you were just asking dispatch
21 questions?

22 A Right.

23 Q Okay. I just wanted to clear that up.

24 So you were in that neighborhood, Middle Creek. How
25 would you describe it?

1 A It's a very nice neighborhood. There are beautiful
2 homes, a very quiet neighborhood.

3 Q Would you say there are a lot of children there?

4 A Most likely, a decent amount of children live in the
5 neighborhood.

6 Q Okay. And you were pulling out of the neighborhood;
7 is that what you said?

8 A Yes, ma'am.

9 Q Up here?

10 A Headed towards the exit, yes, ma'am.

11 Q So you were done doing whatever you were doing in the
12 neighborhood?

13 A Yes, ma'am.

14 Q And I think you've already testified that you didn't
15 go all the way out of the neighborhood to turn around?

16 A Right. Yes, ma'am.

17 Q Now, you stated that you saw Mr. Hendrix's car come
18 in at a high rate of speed?

19 A Uh-huh.

20 Q Do you remember what type of car he had?

21 A It was a gold small sedan. I believe it's a
22 Chevrolet Cavalier, but, yes.

23 Q Was it older or newer?

24 A I believe it's an older vehicle.

25 Q Does 2003 sound right?

1 A Could be.

2 Q So it was definitely a car that stuck out in the
3 neighborhood?

4 A I -- I wouldn't begin to imagine what people in the
5 neighborhood were driving at the time, but...

6 Q All right. So you said that, you know, he entered
7 and you turned around. And what type of car were you
8 driving again?

9 A A silver Ford Explorer.

10 Q So it was bigger?

11 A It's an SUV.

12 Q Yeah. And you noticed that he went through this way
13 and you still clocked -- you estimated that he was going
14 at a high rate of speed?

15 A Yes, ma'am.

16 Q And there is the -- I'm not going to the -- let's
17 see. You said the stop sign is, like, right here;
18 correct?

19 A I believe so. I couldn't say for sure without
20 looking at a true overhead map. But I believe that's the
21 stop sign that I observed him run, yeah.

22 Q And the road is a little windy --

23 A Yes, ma'am.

24 Q -- since it's sticking to the creek? But you -- so
25 we're guessing -- estimating -- assuming that the stop

1 sign is here. And had you caught all way up to him by the
2 time you say that he rolled through the stop sign?

3 A I imagine I was a little bit past Deerwood, right
4 there, so I was still able to observe him.

5 Q So you were right about here when you say he went
6 through the stop sign?

7 A Yes, ma'am.

8 Q And then he went up somewhere around here and turned
9 around?

10 A Yes, ma'am.

11 Q Were you able -- did you ever lose sight of him?

12 A If I did, it would have only been for a second when I
13 was getting turned around to go back in the other
14 direction after he turned around.

15 Q So you don't -- do you know whether or not he turned
16 on Bent Creek?

17 A From the position that he was parked when I came
18 around the corner there, I couldn't tell you. If he did,
19 he only turned marginally to go back in the other
20 direction.

21 Q All right. Earlier, you were looking at his
22 certification -- or his -- his certified driving record.
23 And did you have an opportunity to review that before you
24 came to court today?

25 A I reviewed it, yes, ma'am.

1 Q I'm handing you what was just -- you don't need to
2 identify that and it's not in evidence.

3 A Okay.

4 Q Can you tell me whether or not -- based upon that
5 information that you said you've reviewed for court,
6 whether or not he ever lived on Bent Creek Road?

7 MR. LAMPKE: Your Honor, I would object at this
8 point. The witness is being asked to read off of the
9 document which is not entered into evidence.

10 MS. WYSE: Judge, the reason why -- he's said he
11 reviewed it. He said he reviewed it for court. I handed
12 it to him --

13 THE COURT: You're asking him, though, to testify as
14 to a document that's not in evidence.

15 MS. WYSE: He said that he reviewed it prior to
16 coming into court.

17 THE COURT: Come over here.

18 (WHEREUPON, a bench conference was held.)

19 BY MS. WYSE:

20 Q Do you know whether or not he lived in that
21 neighborhood at some point in time?

22 A I believe this was one of his previous addresses
23 there. I did not -- I did not have that information at
24 the time of our interaction.

25 Q Okay. Thank you very much.

1 A Yes, ma'am.

2 Q Now, Detective Smith, you went into a lot of detail
3 earlier today on the stand about your entire interaction
4 with Mr. Hendrix. Do you know about how long your
5 incident report was?

6 A I'm not sure how -- as far as the length, that would
7 be, I mean, a couple of paragraphs. I'm not sure the
8 exact length.

9 Q Would you say it was less than a page long?

10 A Yes, ma'am.

11 Q And do you remember where in your report you said
12 that he was traveling at 40 to 50 miles per hour?

13 A I stated he was driving in a reckless manner.

14 Q And can you tell me where in your report you noted
15 that the car squeaked or squealed when it turned into the
16 neighborhood?

17 A I'm not sure if that was notated in there or not. It
18 was just all under the guise of driving recklessly.

19 Q Okay. And you said that -- you've testified today
20 that you, basically, maintained him -- maintained vision
21 on him, except for when he turned around and then you had
22 to turn around. So you might have lost --

23 A Right.

24 Q -- contact with him for a few minutes?

25 A I'd say a couple seconds.

1 Q A couple seconds. Excuse me. Sorry.

2 So did -- you stated earlier that you saw him pull --
3 brake and then quickly turn into a driveway and, like,
4 park really fast?

5 A Yes, ma'am.

6 Q Did you notate that in your report?

7 A I believe I stated that he pulled into a driveway and
8 turned back around.

9 Q But you didn't -- you didn't elaborate on the
10 circumstances around it?

11 A Only that he had been driving recklessly and pulled
12 into a driveway and turned back around into a driveway
13 that didn't appear that he was supposed to be at.

14 Q Okay. And you testified, also, that he parked
15 caddy-cornered in the road blocking traffic. That's
16 definitely significant. And where in your report did you
17 put that?

18 A I believe it's -- I believe it's in the report that
19 he was stopped in the road. I don't know if it's worded
20 the exact same way that I worded it today, but...

21 Q And you, also, testified that he got out of his
22 vehicle; right?

23 A Yes, ma'am.

24 Q And where in your report is that?

25 A I -- I believe that is in my report. That when I

1 approached the vehicle, he was out of the vehicle walking
2 to my -- I don't have my report in front of me. But I
3 believe he was -- it states that he was outside of his
4 vehicle. And I could be mistaken, but I believe it states
5 in there he was not in his vehicle.

6 Q Do you want to take a look at it?

7 A Sure. I can.

8 It states, The driver of the vehicle then turned
9 around and waved me down. When I stopped beside the
10 vehicle, I identified myself. And he asked why I was
11 following him.

12 Q But it doesn't say in there he got out of his vehicle
13 or approached me?

14 A You're correct, just that he waved me down.

15 Q And you testified earlier that he threw his hands up?

16 A Yes, ma'am.

17 Q And, again, that's -- that's not in here either, is
18 it?

19 A Just that he waved his hands like this.

20 Q Okay. Detective Smith, have you ever noticed a car
21 following you?

22 A Not necessarily, no.

23 Q But you're trained for stuff like that; right?

24 A I have a little bit different perspective probably.

25 Q Right. You're trained for that. Would it worry you

1 if you did notice a car following you that you didn't
2 recognize?

3 A Yes, ma'am.

4 Q You described his behavior as erratic earlier. Once
5 again, do you remember where you wrote that in your
6 report?

7 A I believe I stated he was nervous and was acting
8 shaky and had constricted pupils.

9 Q Now, you said that Mr. Hendrix asked you why he
10 was -- you were following him?

11 A Yes, ma'am.

12 Q Did you tell him why?

13 A I did, yes, ma'am.

14 Q And what was the basis?

15 A So at that point after he asked me, I wanted to
16 ensure he knew who I was. So that's when I turned my
17 lights on and stepped out and presented myself as a police
18 officer. And I advised him he was -- I was following him
19 because of his reckless behavior.

20 Q So you turned your lights on and, obviously, that was
21 a dead give away; correct?

22 A Yes, ma'am.

23 Q As to who you were and there was an officer in the
24 neighborhood.

25 Is there any way you could have handled it that would

1 not have blown your cover?

2 A At that moment, it didn't feel like there was.

3 Q So you did call -- you called in to dispatch a little
4 bit; right?

5 A Only when I realized that he wanted to speak to me
6 and there was no getting out of this interaction.

7 Q So you called it as a 1047, I think is what you
8 described it as earlier?

9 A I did.

10 Q That it was a suspicious vehicle?

11 A Yes, ma'am.

12 Q But you didn't call it in as a traffic infraction?

13 A Yes, ma'am. At that point, I wasn't conducting a
14 traffic stop, per se. So it just turned into one. So at
15 the time when I was just stopping, I thought we were going
16 to have a conversation. It was just me getting out of the
17 vehicle.

18 Q And even though you saw him driving what you term as
19 recklessly?

20 A Yes, ma'am.

21 Q All right. And even though you saw him blow through
22 a stop sign in a residential neighborhood where you think
23 there may have been a lot of children?

24 A Yes, ma'am.

25 Q And you then call for backup, is that what you

1 testified to earlier?

2 A I called for backup after I had run his information.

3 Q Okay.

4 A Understanding that from that point on, he was going
5 to be under arrest.

6 Q Did you ask him any questions?

7 A Not outside of his information and him advising me
8 what he was doing in the neighborhood.

9 Q Did you Mirandize him?

10 A I did not.

11 Q So do you know whether or not Officer Runser did?

12 A I don't believe so. I don't think there was any
13 intention of conducting any -- or asking him any questions
14 at that point.

15 Q So you asked him what he was doing there?

16 A I believe so when we first -- when the conversation
17 was first going on.

18 Q And you sated there were several reasons why -- well,
19 you stated the reasons why you searched him; correct?

20 A Yes, ma'am.

21 Q What were those reasons?

22 A So I had two reasons that would have been listed.
23 One was incident to arrest and, also, reasonable suspicion
24 because he was on probation.

25 MS. WYSE: Your Honor, can we have a moment outside

1 the presence of the jury?

2 THE COURT: All right. Ladies and gentlemen, I'm
3 going to excuse you for just a minute. It's a good time
4 anyway for our morning break. So I'm going to excuse you
5 for your morning break.

6 Please don't discuss the case.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 11:17 a.m.)

9 THE COURT: Yes, ma'am.

10 MS. WYSE: Judge, Detective Smith articulated several
11 reasons in his incident report, as well as on the stand,
12 as to why he, you know, conducted the search that he did.
13 I mean, obviously, one of those reasons was he was on
14 probation. But the other reasons were articulated in his
15 report, as well in his testimony yesterday.

16 At this point in time, I feel like, at the very
17 least, we need a curative instruction to the jury that
18 they're not to consider the fact that he is on probation
19 as a part of their deliberations. That is, certainly, not
20 the answer I was attempting to elicit out of Detective
21 Smith when I asked him that question. It was going to the
22 other reasons he listed in his report.

23 And, Judge, we -- by going into that, at this point,
24 I am going to ask for a mistrial based upon that
25 statement. And if you would like to discuss it, we can

1 discuss it some more.

2 THE COURT: All right. Let me hear from the State.

3 MR. LAMPKE: Your Honor, I think it's important to
4 note that the question that Ms. Wyse asked was, what were
5 the justifications, like, for the officers conduct in that
6 situation while repeatedly referring to his law
7 enforcement file. Which in the law enforcement file,
8 those are all of the reasons that he put as to why he
9 conducted the search that he did and placed the Defendant
10 under arrest as he did.

11 I think we might be having a different discussion if
12 I were to ask that question and elicited that response.
13 But she asked the question and she's stuck with the answer
14 she's got. I was kind of hoping we would brush along past
15 it so, perhaps, have the jury not catch it. I have no
16 objection to a curative instruction. But I think a
17 mistrial is not warranted in these circumstances.

18 THE COURT: And, Ms. Wyse, I mean, that is the
19 question you didask of him, why. And you knew what the
20 answers were based on the testimony from yesterday in the
21 extensive questioning and the issues brought out
22 yesterday.

23 So it was in response to your question, was it not?

24 MS. WYSE: It was, Your Honor. And the reason why --
25 well, Detective Smith has been in law enforcement for

1 11 years. It's my understanding that this is not his
2 first time testifying in court. Surely, he is aware that
3 he can't bring up probation and prior arrests.

4 THE COURT: Well, I mean, he's a law enforcement
5 officer. You're talking about a rule of evidence from a
6 legal standpoint, are you not?

7 MS. WYSE: Yes. But I'm certain that Mr. Lampke told
8 him prior to trial not to bring up any prior charges.

9 THE COURT: That's an assumption, though.

10 MS. WYSE: Yes, sir, it is. But I am -- I mean --

11 THE COURT: Evidentiary issues are difficult for
12 lawyers. And lawyers have very many disagreements as to
13 what is admissible and what is not. I don't believe it's
14 grounds that a law enforcement officer should know what
15 the rules of evidence are.

16 And in addition to what I mentioned a little while
17 ago, that was the question you asked of why. And that is
18 one of the reasons why. And that was discussed in detail
19 yesterday. So there was no motion made prior to any
20 testimony to make sure that testimony is not brought out.

21 So as far as a mistrial, those grounds -- the grounds
22 that you raise for mistrial are denied. I don't think it
23 rises to the level of a mistrial. Plus, the question was
24 asked and that was the answer. And that is a reason. And
25 there were no issues raised to exclude that or prevent him

1 from answering that. And, again, I don't think it's a
2 rule of evidence that a witness should know what the rules
3 of evidence are in answering questions.

4 Now, as to a curative instruction, if counsel wants
5 me to give a curative instruction, the State seems to say
6 they are fine with you -- or with me giving a curative
7 instruction on that. But I'll hear from you on that.

8 Is that what you want?

9 MS. WYSE: Certainly, Judge.

10 And if I may just add one more thing to preserve the
11 record, not because I expect you to change your mind, you
12 know. The State questioned him extensively as well about
13 all of his reasons for doing the things he did. And never
14 once did he bring up the fact that he -- the Defendant was
15 on probation. Like I said, I just wanted to put that on
16 record. I do not expect you to change your mind.

17 THE COURT: And I just want to make sure I'm clear.
18 Do you want a curative instruction --

19 MS. WYSE: Yes.

20 THE COURT: -- that the testimony about him being on
21 probation is not to be considered and is to be
22 disregarded? Is that correct?

23 MS. WYSE: Yes, Your Honor.

24 Can we have just a minute?

25 THE COURT: We're going to -- I told them this is

1 their morning break.

2 MS. WYSE: Okay.

3 THE COURT: So we're going to take our morning break.
4 Maybe 10 to 15 minutes -- maybe 15 minutes, if that works.

5 (WHEREUPON, a break was taken.)

6 THE COURT: All right. Bring the jury in.

7 (WHEREUPON, the jury came into open court at
8 approximately 11:50 a.m.)

9 THE COURT: All right. Ladies and gentlemen, in the
10 testimony right before we broke, reference was made to the
11 Defendant being on probation at the time. You are to
12 disregard that testimony and not consider it at all in
13 your decision and deliberations with this case. So you
14 are to disregard that in its entirety.

15 All right. Ms. Wyse.

16 MS. WYSE: Thank you, Your Honor.

17 May it please the Court.

18 CONTINUED CROSS-EXAMINATION

19 BY MS. WYSE:

20 Q Detective Smith, you articulated that the reasons for
21 searching him were, first of all, because of the driving
22 under suspension; correct?

23 A Yes.

24 Q And then next was the reckless driving. And then
25 the --

1 A The reckless driving wasn't the reason for the
2 search, but it was the reason for the initial -- of me
3 following him.

4 Q And you, also, stated that he was acting nervously?

5 A Yes, ma'am.

6 Q And that he told you that he was worried you were
7 following him?

8 A Yes, ma'am.

9 Q And that, based upon all of that information, you
10 decided to search him?

11 A No, ma'am.

12 Q I mean, after you arrested him for driving under
13 suspension, you articulated all of those reasons in your
14 report as those were the reasons given why you, basically,
15 came to the point where you did search him; correct?

16 A They were observations during our interaction. But
17 the reasoning for the search would have been incident to
18 arrest any time we're arresting someone.

19 Q Right. Right. Okay. So you -- like I said, you
20 were able to remember a lot of details today that you
21 didn't write in your report; right?

22 A Sure.

23 Q And how long ago was this incident?

24 A Two years.

25 Q So it was a long time ago?

1 A Yes, ma'am.

2 Q And as we've already stated many, many times, there's
3 no body cams. So there's no way for you to go back and
4 refresh your memory any other way?

5 A Yes, ma'am.

6 Q And, yet, you remember so many details about this
7 particular arrest?

8 A Yes, ma'am.

9 MS. WYSE: I have no further questions, Your Honor.

10 THE COURT: All right. Any redirect?

11 MR. LAMPKE: Briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. LAMPKE:

14 Q Detective Smith, do you remember the case number for
15 this case?

16 A Not off the top of my head.

17 Q Would it help refresh your memory if I approached you
18 with a copy of your police report?

19 A Yes.

20 Q You can just look at that and look up at me when your
21 recollection is refreshed.

22 A Yes. This is 2023-00680.

23 Q Now, Ms. Wyse asked you about Miranda. When do you
24 have to read someone Miranda?

25 A Only if I'm going to be questioning them in regard to

1 criminal activity or a certain case.

2 Q And I'm sure you do that often as a detective; right?

3 A Very much so.

4 Q Where do you read people Miranda as a detective?

5 A Any time if I'm sitting someone down to interview
6 them, if I'm on scene and wanted to question something --
7 someone about it.

8 Q And did you subject the Defendant in this case to a
9 custodial interrogation that would require Miranda?

10 A I did not.

11 MR. LAMPKE: The Court's indulgence for a moment,
12 Your Honor.

13 (Pause.)

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

15 THE COURT: All right. Any recross?

16 MS. WYSE: No, Your Honor.

17 THE COURT: All right. You may step down.

18 All right. Next witness.

19 MR. LAMPKE: Your Honor, the State calls Makayla
20 Readett to the stand.

21 THE CLERK: Please raise your right hand.

22 WHEREUPON,

23 MAKAYLA READETT,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 You can have a seat.

2 Please state your name for the record.

3 THE WITNESS: Makayla Readett.

4 DIRECT EXAMINATION

5 BY MR. LAMPKE:

6 Q Ms. Readett, where do you presently work?

7 A Easley Police Department.

8 Q What do you do there?

9 A I'm a dispatch supervisor and records custodian.

10 Q What do you do as the dispatch supervisor?

11 A Just make sure everything in dispatch is in order,
12 paperwork. Make sure everything is up to date.

13 Q What is dispatch exactly?

14 A They answer 911 calls, advise officers where to go
15 when calls come in, and stuff like that.

16 Q And is that, also, in regard to radio traffic from
17 the officers and dispatch?

18 A It does.

19 Q Is there paperwork that's created when radio calls
20 are put out like that?

21 A Yes.

22 Q And what is the name that y'all call that?

23 A A call for service.

24 Q The -- what's the report that's generated for that?

25 A A CAD report.

1 Q And would you recognize the CAD report for this case
2 if I showed it to you?

3 A Yes.

4 MR. LAMPKE: Your Honor, I'm showing opposing counsel
5 what's been marked for identification purposes as State's
6 Exhibit No. 4.

7 And I am approaching the witness with the same.

8 BY MR. LAMPKE:

9 Q Now, without going into any particular detail of
10 what's in that document, can you tell me, generally, what
11 it is?

12 A Like, exactly?

13 Q Just generally. Let me ask it this way, is this the
14 CAD report?

15 A Yes.

16 Q Is that a fair and accurate depiction of the CAD
17 report as you saw it?

18 A Yes.

19 Q Has it been changed or altered in any way?

20 A No, sir.

21 MR. LAMPKE: Your Honor, the State moves State's
22 Exhibit No. 4 into evidence.

23 THE COURT: All right. Any objection?

24 MS. WYSE: Judge, the only objection I have is not to
25 the foundation or the fact that it's a CAD report. It's

1 just that it's cumulative in nature. The officer has
2 testified extensively to everything on that CAD report.
3 And it just seems like, again, it's cumulative. And it's
4 not necessarily something that the jury needs to see or
5 have in their --

6 THE COURT: Just keep it at cumulative and don't get
7 into testimonial objections.

8 Objection noted. Overruled.

9 (WHEREUPON, State's Exhibit No. 4 was admitted into
10 evidence.)

11 BY MR. LAMPKE:

12 Q So looking at that CAD report --

13 MR. LAMPKE: Your Honor, I'm going to approach and
14 retrieve that from the witness.

15 Your Honor, permission to publish it on the document
16 camera.

17 THE COURT: Okay.

18 BY MR. LAMPKE:

19 Q So looking at State's Exhibit No. 4, who is the
20 individual noted as the driver on that CAD report?

21 A Kenneth Hendrix.

22 Q And what does his date of birth say right there?

23 A [REDACTED]. I'm sorry.

24 Q No. You're fine. Now, what does it say down where
25 it notes vehicle?

1 A The year, make, and model of the vehicle, and the
2 owner of the vehicle.

3 Q And what's the description of the vehicle listed
4 there?

5 A 2003 Chevrolet Cavalier.

6 Q And who is the owner listed as?

7 A Kenneth Hendrix.

8 Q Now, turning to Page 2 of this document, what is --
9 what is that that we're looking at right there?

10 A That is the CAD report for the call for service.

11 Q Is that, essentially, the list of things that
12 happened as they happened?

13 A Yes.

14 Q Now, are those times exact or is there a little delay
15 just from having to put the information into the system?

16 A Just a small delay from having to put it in.

17 Q Okay. So when is the -- the call -- essentially, the
18 incident initiated?

19 A 11:17.

20 Q Okay. Now, when is it put in that there was a
21 request for an additional unit?

22 A 11:22.

23 Q Okay. Now, what -- what is that number next to that?
24 E6, what does that entail?

25 A Detective Smith's call sign.

1 Q Okay. So just the number that's assigned to
2 Detective Smith?

3 A Yes.

4 Q Now, what does the -- what does it say for 1067 at
5 11:29? What does that mean?

6 A 1067 means in custody.

7 Q What does 1051 mean?

8 A A wrecker.

9 Q What do you mean by "wrecker"?

10 A Like, who would tow the vehicle.

11 Q Okay. Now, going down towards the lower part there,
12 who is -- let's see. Who is E46?

13 A At the time, I believe it was Officer Runser.

14 Q And when does it note that Officer Runser is on
15 scene?

16 A 11:31.

17 Q Okay. Now, going down towards the bottom, what does
18 1067 mean at the bottom of that page there, 105024?

19 A In custody.

20 Q Okay. And what does 1091 mean?

21 A That means E46 was en route to the jail.

22 Q Okay. And what time was he en route to the jail at?

23 A 11:50.

24 MR. LAMPKE: The Court's indulgence for a moment,
25 Your Honor.

1 (Pause.)

2 MR. LAMPKE: No further questions at this time.

3 Please answer any questions Defense has for you.

4 THE COURT: Cross.

5 MS. WYSE: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. WYSE:

8 Q Just one question. I don't know if this document
9 indicates, but what was the original call for service?

10 A It just states that Detective Smith got out with a
11 suspicious vehicle.

12 MS. WYSE: Okay. I have no further questions.

13 THE COURT: Any redirect?

14 MR. LAMPKE: Nothing from the State, Your Honor.

15 THE COURT: All right. You may step down.

16 All right. Next witness.

17 MR. LAMPKE: Your Honor, the State calls Officer
18 Conner Runser to the stand.

19 THE CLERK: Please raise your right hand.

20 WHEREUPON,

21 CONNER RUNSER,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: Thank you.

24 You can have a seat.

25 And state your name for the record.

1 THE WITNESS: Conner Runser.

2 DIRECT EXAMINATION

3 BY MR. LAMPKE:

4 Q Officer Runser, thank you for joining us today.

5 Can you, please, tell us where you are presently
6 employed?

7 A Easley Police Department.

8 Q And what do you do there?

9 A Road patrol officer.

10 Q How long have you been a road patrol officer at
11 Easley Police Department?

12 A A little over three years now.

13 Q And what do you do as a road patrol officer?

14 A I respond to calls for service, generally, traffic
15 control, accident, things like that.

16 Q Okay. Now, accidents, traffic control, things of
17 that nature. How would you describe the types of calls
18 you respond to versus a detective, for example, responds
19 to?

20 A Detectives don't necessarily get dispatched directly
21 to calls for service. It's the road officer side to
22 respond to the calls for service. And if a detective is
23 needed, we request one.

24 Q How often do you respond to scenes that are active or
25 crimes that are presently transpiring?

1 A Every day.

2 Q Because of that, what are -- what are some of the
3 things you're issued that a detective might not be issued
4 when it comes to gear?

5 MS. WYSE: Objection. Leading.

6 THE COURT: Overruled.

7 BY MR. LAMPKE:

8 Q Would you like me to re-ask the question?

9 A No. I can respond.

10 Q Okay. Go ahead.

11 A Well, I wear a different uniform that would be
12 typical of a detective. I drive a marked police car, that
13 would be different than a detective.

14 Q And what is the difference between a marked and an
15 unmarked car?

16 A Mine says "Easley Police" on the side of it and has a
17 light bar that is very relevant.

18 Q What about the backseat of your car, does that
19 differ?

20 A It does. I have a prisoner transport cage.

21 Q Okay. And what does that exactly mean? What is the
22 cage?

23 A It's a steel partition to keep somebody that may be
24 under arrest separate from myself, the driver.

25 Q Okay. And do you ever get called out in order to

1 transport people?

2 A Yes.

3 Q Why would you, specifically, in a marked unit be
4 called to transport someone?

5 A Specifically, because of the transport cage.

6 Q Okay.

7 A Or if the person calling requesting it does not have
8 a transport cage.

9 Q And were you working in that capacity as an officer
10 with the Easley Police Department on March 10th of 2023?

11 A Yes.

12 Q Okay. So let's talk about what you did that day.
13 Did you receive a request for assistance from another
14 officer?

15 A Yes.

16 Q Who was that request from?

17 A Detective Smith.

18 Q And what was your understanding of what that request
19 was about?

20 A He had arrested somebody and needed somebody to
21 transport.

22 Q Okay. Do you remember where it was that that arrest
23 happened?

24 A Shefwood at -- Shefwood Drive at -- I can't remember
25 the cross street, but...

1 Q What neighborhood is that in?

2 A I don't know the name of the neighborhood overall.
3 Shefwood and -- if you didn't ask me --

4 MR. LAMPKE: Your Honor, if I may, I'm going to
5 approach the witness with what's been previously entered
6 into evidence as State's Exhibit No. 1A.

7 BY MR. LAMPKE:

8 Q Officer Runser, does that refresh you recollection as
9 to --

10 A Yes. Shefwood and Bent Creek.

11 Q And is that cross street in the city limits of
12 Easley?

13 A It is.

14 Q County of Pickens?

15 A Yes.

16 Q State of South Carolina?

17 A Yes.

18 Q I'm going to go ahead and retrieve that exhibit from
19 you.

20 Thank you very much.

21 So when you got called out to the scene, what do you
22 remember seeing when you first pulled up?

23 A Detective Smith had somebody placed under arrest, his
24 patrol car -- his issued car, and that's it. And the
25 subject's car that was still on scene.

1 Q What type of car was Detective Smith driving?

2 A It was -- at the time, I think he was still in his
3 white Tahoe.

4 Q And was that a marked or unmarked car?

5 A Unmarked.

6 Q And you said that you saw another car there as well;
7 right?

8 A Yes.

9 Q What car was that and who did it belong to?

10 A I don't remember what the make and model of the car
11 was, but it was an older gold sedan, goldish sedan. And
12 it belonged to the suspect at this point.

13 Q Okay. And who was the suspect that was detained
14 there when you arrived on scene?

15 A Mr. Hendrix.

16 Q Okay. Now, publishing --

17 MR. LAMPKE: Permission to publish State's Exhibit
18 No. 5, Your Honor.

19 BY MR. LAMPKE:

20 Q Directing your attention to the document camera, who
21 is that?

22 A Mr. Hendrix.

23 Q And where is this screen shot taken from?

24 A The backseat of my patrol car.

25 Q Now, also, publishing State's Exhibit No. 2, who is

1 that depicted in that picture?

2 A Mr. Hendrix.

3 Q Okay. And is that the same individual that you
4 transported to the jail on March 10th, 2023?

5 A It is.

6 Q Okay. Now, when you arrived on scene, saw those two
7 vehicles there, what's the next thing you did?

8 A I just asked Detective Smith if he needed anything.
9 He just asked me to transport -- or put the suspect in my
10 car and transport them back to the police department for
11 booking.

12 Q So what did you do in response to that request?

13 A I put the subject in the back of my car and
14 transported him back for booking.

15 Q Now, is your car equipped with a camera both on the
16 dash and the backseat?

17 A Yes.

18 Q What is the purpose of these two cameras?

19 A Regular patrol vehicle day-to-day operations. We
20 keep dash cam footage of every car stopped and everything
21 else we do. And if we do arrest somebody, we transition
22 to the back.

23 Q And what's the purpose of having video in the back?

24 A Just for court purposes for general -- our policy
25 says that when we're transporting females or people of the

1 opposite sex that we keep cameras rolling.

2 Q And how does your camera system turn on for the dash
3 cam and the backseat camera?

4 A So it turns on with the car. It activates by us
5 or -- the lights activate it. So I can override it.

6 Q So in this case, did your cameras turn on when you
7 turned your vehicle on to take the Defendant?

8 A No. I activated it.

9 Q Okay. And when did you activate it?

10 A As soon as he was in the car and we started moving --
11 well, as soon as we were in the car, the front camera
12 would turn on. And then as soon as we started moving, I
13 would have selected the back camera.

14 Q And were your cameras recording that day?

15 A Yes.

16 Q Would you recognize a copy of -- in the form of a USB
17 drive of that video if I showed it to you?

18 A Yes.

19 MR. LAMPKE: Your Honor, I'm showing opposing counsel
20 what's been marked as State's Exhibit No. 6 and
21 approaching the witness with the same.

22 BY MR. LAMPKE:

23 Q Officer Runser, without going into any detail as to
24 what is contained in that video, can you tell me what the
25 USB contains?

1 A It contains either dash cam or body cam footage,
2 which is typical for us to do afterwards.

3 Q And is that video contained in that USB a fair and
4 accurate depiction of your body camera -- or sorry, your
5 dash camera and backseat camera as you saw it that day?

6 A Yes.

7 Q Other than the shortening of the video agreed to by
8 both parties, has it been changed or altered in any way?

9 A No.

10 MR. LAMPKE: Your Honor, at this point, the State
11 moves State's Exhibit No. 6 into evidence.

12 THE COURT: Any objection?

13 MS. WYSE: No, Your Honor.

14 THE COURT: All right. State's Exhibit No. 6
15 admitted without objection.

16 (WHEREUPON, State's Exhibit No. 6 was admitted into
17 evidence.)

18 MR. LAMPKE: Thank you, Your Honor.

19 Permission to publish?

20 THE COURT: Yeah.

21 MR. LAMPKE: The Court's indulgence just for a
22 moment, Your Honor.

23 (Pause.)

24 MR. LAMPKE: Publishing State's Exhibit No. 6, Your
25 Honor.

1 THE COURT: All right.

2 (WHEREUPON, State's Exhibit No. 6 was played in open
3 court.)

4 BY MR. LAMPKE:

5 Q So I am pausing it right there at timestamp 01 on the
6 exhibit. And you, also, have a TV there as well, if
7 that's easier and works for you.

8 Can you tell me what that sign says there?

9 A It's Bent Creek Court at Shefwood Drive.

10 Q And is that the same location you described earlier
11 as the location of the incident?

12 A Yes.

13 Q Okay. Now, I'm going to play it so you can see it
14 easier with the bar blocking it there. But can you tell
15 what the timestamp there says at the bottom?

16 A I think it says 11:49:47.

17 Q And what's the date right above it?

18 A 3/10/23.

19 Q Is that the same incident date you spoke about
20 earlier?

21 A Yes.

22 (WHEREUPON, State's Exhibit No. 6 continued to be
23 played in open court.)

24 MR. LAMPKE: I am stopping the video at 37 seconds on
25 State's Exhibit No. 6.

1 BY MR. LAMPKE:

2 Q Who is that in that video?

3 A Mr. Hendrix.

4 MR. LAMPKE: The Court's indulgence for a moment,
5 Your Honor.

6 THE COURT: Uh-huh.

7 (Pause.)

8 MR. LAMPKE: No further questions at this time.

9 Officer Runser, if you could answer any questions the
10 Defense has for you.

11 THE COURT: Cross.

12 MS. WYSE: Thank you, Your Honor.

13 Just briefly.

14 CROSS-EXAMINATION

15 BY MS. WYSE:

16 Q Did you fill out an incident report?

17 A I don't recall if I did. If I didn't, it was just
18 because of transport.

19 Q And did you have your body cam on?

20 A Not sure. If it's not logged, then, no, I did not.

21 Q All right. And did you speak to the Defendant at
22 all?

23 A No. He would have been under arrest at that point
24 and would have been placed directly from my car -- or
25 excuse me, directly from Detective Smith into my car. And

1 then we would have driven.

2 MS. WYSE: All right. I have no further questions.

3 THE COURT: Any re-cross -- I mean, redirect?

4 MR. LAMPKE: No redirect, Your Honor.

5 THE COURT: All right. You may step down.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Let me see the lawyers up here for a
8 minute.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: All right. Ladies and gentlemen, I'm
11 just trying to figure out logistics here. I think what
12 we're going to do is go ahead and take a lunch break right
13 now and come back at 1:30. We'll resume at 1:30. So I'm
14 going to excuse you for lunch and come back at 1:30.

15 So, please, don't discuss the case.

16 Thank you.

17 (WHEREUPON, the jury was excused from open court at
18 approximately 12:17 p.m.)

19 THE COURT: All right. We'll break for the lunch
20 recess and be back at 1:30.

21 Anything we need to take up before lunch?

22 MR. LAMPKE: Nothing from the State, Your Honor.

23 MS. WYSE: No, Your Honor.

24 All right. We'll break for lunch and see you back
25 and start at 1:30.

1 (WHEREUPON, a lunch break was taken.)

2 THE COURT: Anything we need to take up before we
3 bring the jury back in?

4 Anything from the State?

5 MR. LAMPKE: The State is ready to proceed.

6 THE COURT: Anything from the Defendant?

7 MS. WYSE: No, Your Honor. We're good.

8 THE COURT: All right, let's bring them in.

9 (WHEREUPON, the jury came into open court at
10 approximately 1:40 p.m.)

11 THE COURT: Call the next witness.

12 MR. LAMPKE: The State calls Jamie Porter to the
13 stand.

14 THE CLERK: Please raise your right hand.

15 WHEREUPON,

16 JAMIE PORTER,

17 after first having been duly sworn, testified as follows:

18 THE CLERK: Thank you.

19 If you would have a seat.

20 And state your name for the record.

21 THE WITNESS: My name is Jamie Porter.

22 DIRECT EXAMINATION

23 BY MR. LAMPKE:

24 Q Detective Porter, thank you for joining us here
25 today.

1 Can you, please, tell the jury where you presently
2 work?

3 A I work for Easley City Police Department.

4 Q And what do you do over there at EPD?

5 A Currently, I am the manager over forensics and
6 property and evidence.

7 Q And what exactly does that entail?

8 A I wear a lot of hats. But I handle crime scene. I
9 handle all the property and evidence that comes in that
10 officers turn in and put into the lockers. I handle all
11 the videos. I take all the stuff to SLED. And then
12 anything else that they tell me I need to do.

13 Q How long have you worked for Easley Police
14 Department?

15 A For Easley, it's been 16 and a half.

16 Q And how long have you been in law enforcement,
17 generally?

18 A It will be 22 in May.

19 Q Now, you mentioned being in custody of evidence.
20 What does it mean to be an evidence custodian?

21 A It means once the officers place it in the locker,
22 then I take it and I protect it. So depending on what
23 kind of case it is, when it comes in, then I will look and
24 figure out where in my storage area I need to place it.

25 So, like, for this instance with any kind of

1 narcotics, if they're being sent to SLED, they come in. I
2 do all my paperwork, make sure everything is done
3 correctly. And then I place it in the transport box. And
4 then those items all go to SLED. And those can be drugs,
5 DNA -- it can be DNA, it can be a DUI kit, anything that
6 needs any kind of analysis.

7 Q And how long have you worked in that capacity as the
8 evidence custodian?

9 A This is my sixth year.

10 Q Okay. And were you working in that capacity in March
11 of 2023?

12 A Yes, I was.

13 Q And did you have the opportunity to receive some
14 evidence in the case of State vs. Kenneth Hendrix?

15 A Yes, sir.

16 Q Okay. So let's take a step back and talk about how
17 evidence is tracked, generally, before moving on to the
18 Defendant.

19 A Okay.

20 Q So when an officer finds evidence on the scene, for
21 narcotics, for example, what do they do with it?

22 A Because we take all our evidence to SLED, SLED
23 provides us with these things called a BEST pack. It's an
24 envelope, a sealed plastic bag, and then a form that needs
25 to be completed. So once the officer gets the drugs,

1 they'll take it and they will complete the form. You've
2 got to put all your information, where it was found, and
3 what the item is. And then they will seal it up in the
4 bag and put it in the envelope. And they will lock it in
5 the locker until I get it.

6 Q What's the purpose of putting it in the bag and
7 sealing it?

8 A So people can't tamper with it. Like, once it's in
9 there, it doesn't get opened until it gets to the lab.

10 Q And what's the purpose of having paperwork that goes
11 along with it as well?

12 A To keep the chain of custody, the integrity,
13 transparency.

14 Q Now, you, also, mentioned the evidence locker, I
15 think is the way you put it. Can you explain to the jury
16 what the evidence locker is?

17 A So we have these lockers. And they've got little
18 doors. And they've got these little handles and you turn
19 them. And once you put the item in there, you turn it and
20 push this button. And then you check it to make sure it's
21 locked. And once it's in there, it's not coming out. I'm
22 the one who will get it out.

23 Q When an officer puts a piece of evidence in one of
24 those lockers and they turn it to lock it, do they have
25 the ability to go back --

1 A No, they don't.

2 Q How would someone have to -- be able to access that
3 evidence? How would they go about that?

4 A Well, they'd have to, one, have a key to my office.
5 And once they get into my office, that door is locked as
6 well. So I have to unlock that door to get to that
7 evidence.

8 Q So who are the individuals or individual that can
9 access evidence once placed in that locker?

10 A Well, me 99 percent of the time. There's one key to
11 the locker. And I have a safe and that's where those keys
12 stay. And if something happens to me, I guess they're
13 going to have to get a sledgehammer.

14 Q Now, once you take it from the evidence locker, what
15 do you do with the evidence?

16 A Then I make sure everything is done correctly,
17 according to policy and procedure. So if there is, you
18 know, any kind of issues, then I'll e-mail the officer.
19 And it can be for anything.

20 And then once it's done, like I said, I will go in
21 and I scan all the paperwork in and with, like, drugs and
22 anything that has to be transported and go to another
23 location, we print out these little labels. And I'll put
24 a label on the back of it. And it's got a certain number
25 that identifies it with that particular item. Those

1 items, like when I have to enter everything into SLED, I
2 have to put that number next to where I do all my entries.
3 So everything tracks together, if that makes sense.

4 So the number is assigned to the -- the drugs or
5 whatever goes with SLED. And then SLED has that number.
6 And they put it in their computer. And it just stays with
7 it just to make sure the chain of custody remains intact.
8 So every movement it has, it shows in a computer, when
9 it's been checked out, when it comes back in. All the
10 movement.

11 Q Tell me about the evidence room that y'all have at
12 EPD?

13 A I have it divvied up into different areas, depending
14 on the size of things, depending on the type of things.
15 So any of your biological stuff goes into a refrigerator.

16 But for narcotics, anything that I get back from
17 SLED, I have bins. And it just depends on which one is
18 empty. And then I move all those -- all that is
19 computerized, as far as being moved into -- you know, I
20 move it into that box. And it's in the box when I put it
21 there.

22 Q Now, you mentioned SLED. Where does SLED come into
23 play with what you do?

24 A I don't analyze the drugs. I don't work in the lab.
25 So if I need anything analyzed or if an officer requests,

1 like, fingerprints to be taken to be analyzed or I have to
2 take a DUI kit to see what's in the urine, I take all that
3 to SLED. And then SLED does their thing. And, like I
4 said, they have their lab and their processes and protocol
5 that they do.

6 Q Now, how does a piece of drug or narcotics evidence,
7 for example, make its way from EPD to SLED and from SLED
8 back to EPD?

9 A Me. I take it.

10 Q How often do you have the pleasure of making that
11 trip down to Columbia?

12 A Well, this month, it's going to be, like, three
13 times. But, normally, it's like once a month.

14 Q And what do you do with narcotics evidence once you
15 receive it back from SLED?

16 A I put it in the computer that I've received it back
17 so it will show I've got it back. And I'll go back in my
18 room and I'll look to see which bin has room. And I'll
19 be, like, narcotics 10, is it, and that's where all the
20 drugs will go that I got back that day.

21 Q Now, that evidence room, who has access to that
22 evidence room?

23 A Just me.

24 Q So if the chief of police wanted to get into that
25 room --

1 A There's two keys to that room. And I have both keys
2 and they're in the safe.

3 Q Okay. Now, did you come into contact with any
4 evidence in this case?

5 A Yes, sir.

6 Q What type of evidence was it?

7 A It was a crystal-like substance that was sent off and
8 then determined to be methamphetamine.

9 Q And would you recognize that crystal substance if I
10 showed it to you today?

11 A Yes, sir.

12 MR. LAMPKE: Your Honor, again, purely for
13 identification purposes, I'm showing Defense counsel
14 State's Exhibit No. 8 and approaching the witness with the
15 same.

16 BY MR. LAMPKE:

17 Q Now, without going into any explicit detail of what I
18 just handed to you, can you tell the jury what that is?

19 A So this is the BEST pack. This is the BEST pack that
20 I was explaining. It's an envelope and then there's
21 another bag that's inside of it that -- it's got, like, a
22 seal at the top. And you have to rip off the -- it's like
23 a -- I don't know what you want to call this. It's just,
24 like, a little piece of paper that comes off it and you
25 seal it.

1 And then the drugs go inside it. There's two sides.
2 You put the form that faces in one direction, and then the
3 narcotics face out in the other direction.

4 Q Now, is there a case number for Easley Police
5 Department that's associated with this case?

6 A Yes.

7 Q And what is that case number?

8 A 2023-00680.

9 Q Now, that item you have in front of you, when did you
10 come into contact with it?

11 A The first time?

12 Q Yes.

13 A So if my memory serves me correctly, he had -- the
14 incident occurred on the 10th of March. But then I didn't
15 pull it out of the locker until the 13th.

16 Q And is that typical?

17 A Oh, yeah, absolutely. Because I'm wearing other
18 hats. So, sometimes, things will sit in the lockers
19 locked. If this happened on a Friday, which I don't
20 remember, and I come in on a Monday, then several days
21 will have passed.

22 Q So who is the person that took it from the evidence
23 locker and put it in the evidence room?

24 A I did.

25 Q And did you, eventually, take that item to the South

1 Carolina Law Enforcement Division as well?

2 A Yes, sir, I did.

3 Q Okay. So you're the person who, specifically, did
4 that?

5 A I did.

6 Q Do you remember what day it was that you took it the
7 SLED?

8 A Not off the top of my head. I'd have to look at my
9 chain of custody.

10 Q Would it refresh your recollection if I showed you
11 that chain of custody?

12 A Yes, sir.

13 MR. LAMPKE: Your Honor, I'm approaching the witness
14 with the same.

15 BY MR. LAMPKE:

16 Q There you are. Just refresh your recollection. And
17 whenever your memory is refreshed, just look back up at
18 me.

19 A So I'm showing that I took it on the 11th of April.
20 I checked it out at approximately 3:25 and that was in
21 2023.

22 Q Who picked it up from SLED?

23 A I did.

24 Q And when did that happen?

25 A Let's see. 12/16/24 at approximately 3:30 in the

1 afternoon.

2 Q And how did it get to court today?

3 A Me. I brought it. I checked it out as well.

4 MR. LAMPKE: The Court's indulgence just for a
5 moment, Your Honor.

6 BY MR. LAMPKE:

7 Q Detective Porter, was that package sealed when you
8 took it to SLED and was it sealed when you brought it back
9 as well?

10 A Correct. I seal it in the BEST pack. And I put --
11 even after the officer seals it, then I reseal it again,
12 which you can see on the BEST pack before I take it. And
13 then when SLED gives it back to me after they open it,
14 they seal it in this plastic bag and send it back.

15 Q So other than what they do with it at SLED to test
16 it, has that been changed or altered in any way?

17 A No.

18 MR. LAMPKE: The Court's indulgence once more, Your
19 Honor.

20 (Pause.)

21 MR. LAMPKE: Thank you, Detective Porter.

22 No further questions at this time.

23 THE COURT: Cross.

24 MS. WYSE: I have no cross, Your Honor.

25 THE COURT: All right. Thank you.

1 You may sit down -- step down.

2 Thank you.

3 THE WITNESS: Yes, sir.

4 THE COURT: Next witness.

5 MR. LAMPKE: Your Honor, the State calls Agent
6 Maribeth McCormack.

7 THE CLERK: If you would place your left hand on the
8 Bible and raise your right.

9 WHEREUPON,

10 MARIBETH MCCORMACK,

11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 If you would have a seat.

14 And state your name for the record, please.

15 THE WITNESS: Maribeth McCormack.

16 DIRECT EXAMINATION

17 BY MR. LAMPKE:

18 Q Agent McCormack, thank you for joining us today.

19 Can you tell the jury where you presently work?

20 A I work at the South Carolina Law Enforcement
21 Division, also, known a SLED.

22 Q And what do you do at SLED?

23 A I am a senior forensic scientist in the drug and
24 analysis department.

25 Q And what exactly does that mean? What do you do

1 day-to-day?

2 A I test evidence for the presence of drugs.

3 Q Now, I want the jury to get a sense of your
4 qualifications. Can you tell me what degrees you've
5 earned?

6 A I have a Bachelor of Science in Chemistry and a
7 Master of Teaching Chemistry and Physics both from the
8 University of South Carolina. I trained at SLED in the
9 drug analysis department. And I trained with the DEA with
10 their forensic chemist seminar.

11 Q So what was your first job after finishing your
12 degrees?

13 A I was a science teacher.

14 Q And how long did you do that for?

15 A Four years.

16 Q And how did you like that?

17 A It was fine.

18 Q Why did you make the decision to come work for SLED?

19 A I always wanted to be a forensic scientist. But
20 graduating from college, there were very few jobs. So I
21 taught school until I was able to get this current job.

22 Q How is that application process, trying to get a job
23 at SLED.

24 A It takes months. It's pretty extensive.

25 Q Agent McCormack, it's hard to brag on yourself, but

1 how would you characterize your grades, your background,
2 your experience, all that when you were trying to get that
3 job at SLED.

4 A It's a competitive process.

5 Q Now, once you joined the South Carolina Law
6 Enforcement Division, was there additional training that
7 you did right when you started?

8 A Yes. I trained in-house at SLED in the drug analysis
9 department.

10 Q What did that entail?

11 A It was about six months of intensive training,
12 classroom as well as hands on proficiency testing.

13 Q And how long have you worked at SLED in that
14 capacity?

15 A 17 years.

16 Q And did you have to -- or do you still have to do any
17 kind of continuing education as well?

18 A Yes. We attend various trainings throughout the year
19 and, also, undergo yearly proficiency testing.

20 Q And tell me about the training you had with the DEA.

21 A This was training up in Sterling, Virginia. And we
22 worked with chemists with the DEA. It was a week-long
23 training. So we attended classroom and, also, had
24 hands-on experience.

25 Q Now, how many times have you ran tests on substances

1 suspected to be drugs?

2 A Tens of thousands of times.

3 Q And how many times have you testified as an expert
4 witness at trial in that regard?

5 A Approximately 51 times.

6 Q Let's see. And were you qualified as an expert all
7 of those times?

8 A Yes.

9 Q Now, what capacity were you qualified as an expert
10 in? What was the particular phraseology?

11 A Drug analysis.

12 Q Okay. Now, without going into any particular detail
13 at this point, can you tell us how you were involved in
14 this case?

15 A Yes. I did the testing in this case.

16 Q Now, are there reliable principles and methods that
17 people like yourself and other scientists in your field
18 use when conducting forensic drug analysis?

19 A Yes.

20 Q Did you use those principles and methods in this case?

21 A Yes.

22 Q And did you have sufficient facts and data to be able
23 to make an opinion in this case?

24 A Yes.

25 Q And were you, ultimately, able to make an opinion in

1 this case?

2 A Yes.

3 MR. LAMPKE: Your Honor, at this point, the State
4 tenders Agent McCormack as an expert in forensic drug
5 analysis.

6 THE COURT: Any voir dire or objection from the
7 Defendant?

8 MS. WYSE: No, Your Honor.

9 THE COURT: All right. I qualify the witness as an
10 expert in forensic -- as a forensic drug analyst.

11 Ladies and gentlemen, witnesses -- most witnesses are
12 normally only allowed to testify as to what they saw,
13 heard, observed, smelled. They're not allowed to give any
14 kind of opinion.

15 We have a qualification of certain witnesses that are
16 determined to be expert witnesses by reason of their
17 education and experience. And those witnesses are allowed
18 to give opinions, unlike just lay witnesses. These -- the
19 testimony of an expert witness is to be considered just
20 like the testimony of other witnesses in the case. And
21 you give it the credibility it deserves as you do with the
22 other witnesses.

23 MR. LAMPKE: Thank you, Your Honor.

24 BY MR. LAMPKE:

25 Q Agent McCormack, I want to talk about how a suspected

1 narcotic -- suspected drug comes to your desk. So what is
2 the process by which a substance gets delivered to you?

3 A Evidence is delivered to SLED by an outside agency
4 and is stored in our evidence log-in department until it's
5 ready for analysis. So I would have been assigned the
6 case, go downstairs, pick up the evidence from there, and
7 bring it to our lab.

8 Q And is there any paperwork that's created through
9 that process tracking it as it goes from place to place?

10 A Yes. There's an electronic chain of custody created.

11 Q And what's the purpose of that chain of custody?

12 A Just to see where the evidence is stored, who has
13 possession of it.

14 Q And chain of custodies like that, are they made in
15 the regular course of business at SLED?

16 A Yes.

17 Q Are they created at or around the time that it's
18 moved from place to place?

19 A Yes.

20 Q And would you recognize the chain of custody in this
21 case if I showed it to you?

22 A Yes.

23 MR. LAMPKE: Your Honor, I'm showing opposing counsel
24 what's been marked as State's Exhibit No. 7 and I'm
25 approaching the witness with the same.

1 BY MR. LAMPKE:

2 Q Now, without going into any particular detail of what
3 that document contains, can you tell me what that is?

4 A This is the chain of custody for a particular lab
5 number.

6 Q And is that a fair and accurate depiction of that
7 chain of custody as you've last seen it?

8 A Yes.

9 Q Has it been changed or altered in any way?

10 A No.

11 MR. LAMPKE: Your Honor, at this point, the State
12 moves State's Exhibit No. 7 into evidence.

13 THE COURT: Any objection?

14 MS. WYSE: No objection.

15 THE COURT: State's Exhibit No. 7 is admitted without
16 objection.

17 (WHEREUPON, State's Exhibit No. 7 was admitted into
18 evidence.)

19 BY MR. LAMPKE:

20 Q Agent McCormack, looking at that chain of custody,
21 does it track who all it went through to get to you?

22 A Yes.

23 Q Does it say what date you, specifically, received it?

24 A September 10th, 2024.

25 Q And does it have a particular number that is assigned

1 to that, the SLED lab number?

2 A Yes.

3 Q What is the purpose of a SLED lab number?

4 A A SLED lab number is created for each case, just --
5 it's a unique number so it's easy to track. And it's
6 given a yellow sticker with a bar code for the chain of
7 custody to be scanned.

8 Q Okay. Now, in -- in this case -- let me ask it to
9 you this way --

10 MR. LAMPKE: Your Honor, I'm going to show State's
11 Exhibit No. 8 to opposing counsel and approaching the
12 witness with the same.

13 THE COURT: All right.

14 BY MR. LAMPKE:

15 Q Without going into any particular detail, do you
16 recognize what it is that I just handed you?

17 A Yes.

18 Q What is it?

19 A This is the drug evidence associated with this case.

20 Q Okay. And how do you know that?

21 A As I mentioned, there is a lab number with a bar code
22 and that matches this chain of custody.

23 Q And is that a fair and accurate depiction of the
24 substance that you tested for this case?

25 A Yes.

1 Q Does it appear that that substance or the packaging
2 it's contained in has been changed, or altered, or,
3 otherwise, tampered with in any way?

4 A It appears there is a number here that was written
5 after it was returned.

6 Q Other than the number written on there, anything --

7 A Yes.

8 MR. LAMPKE: Your Honor, at this point, the State
9 moves State's Exhibit No. 8 into evidence.

10 THE COURT: Any objection?

11 MS. WYSE: No, Your Honor.

12 THE COURT: State's Exhibit No. 8 is admitted without
13 objection.

14 (WHEREUPON, State's Exhibit No. 8 was admitted into
15 evidence.)

16 BY MR. LAMPKE:

17 Q So, Agent McCormack, let's walk through the analysis
18 you performed on State's Exhibit No. 8. Do you perform
19 any type of visual inspection when you look at a sample?

20 A Yes. Well, the first thing I do is make sure the
21 evidence is sealed. Once that is determined, it's opened
22 and separated according to what's in the bag. In this
23 case, it was just one item. And from there, I weigh the
24 substance and take a sample for my analysis.

25 Q What's the purpose of checking and making sure it's

1 sealed before you open it?

2 A Just to protect the integrity of the evidence to make
3 sure that it does not appear to be tampered with.

4 Q And when you reviewed that evidence in this case, did
5 you see any sign that it had been opened, tampered with,
6 anything like that?

7 A No.

8 Q Okay. Now, I'll ask you in a moment -- well, go
9 through the particulars of the analysis you performed.
10 But, generally, did you make a determination, based on
11 your expert opinion, as to what that substance is?

12 A Yes.

13 Q And what was your opinion as to what that substance is?

14 A May I refer to my notes, please?

15 Q Yes. Absolutely. Let me ask you this way, would you
16 recognize a copy of your report if I showed it to you
17 today?

18 A Yes.

19 MR. LAMPKE: Your Honor, I'm showing opposing counsel
20 what's marked for identification as State's Exhibit No. 9
21 and approaching the witness with the same.

22 THE COURT: All right.

23 BY MR. LAMPKE:

24 Q Now, again, without going into any particular detail,
25 can you tell me what it is that I just handed to you?

1 A This is a copy of my report.

2 Q And is it your report in this case?

3 A Yes.

4 Q And how can you tell that?

5 A The corresponding lab number and my signature.

6 MR. LAMPKE: Your Honor, at this point, the State
7 moves State's Exhibit No. 9 into evidence.

8 THE COURT: Any objection?

9 MS. WYSE: No, Your Honor.

10 THE COURT: State's Exhibit No. 9 is admitted without
11 objection.

12 MR. LAMPKE: Thank you, Your Honor.

13 (WHEREUPON, State's Exhibit No. 9 was admitted into
14 evidence.)

15 BY MR. LAMPKE:

16 Q So, Agent McCormack, looking at your -- your report
17 there, what was your determination as to what that
18 substance was?

19 A Methamphetamine.

20 Q And what was your determination as to what that
21 substance weighed?

22 A 19.16 grams.

23 Q Okay. So let's break that down a little bit. We
24 talked about the visual inspection with you speaking about
25 checking the seal. Is there a particular way that

1 methamphetamine often comes to you, the actual structure
2 of it?

3 A It's often in crystal form.

4 Q Okay. And how does that differ from some other
5 drugs?

6 A As you can see --

7 MR. LAMPKE: Permission to publish State's Exhibit
8 No. 8 to the jury.

9 BY MR. LAMPKE:

10 Q Yeah. You can go ahead and show it.

11 A It's a white crystal form that's common with
12 methamphetamine.

13 Q So from looking at it, did that, at first, seem to
14 you like that possibly could be methamphetamine?

15 A Possibly.

16 Q Okay. And then so, obviously, being a scientist
17 possibly isn't sufficient. So what did you do to conduct
18 tests on that?

19 A I performed a preliminary test, which is a chemical
20 spot test, and a confirmatory tests, which is gas
21 chromatography mass spectrometry.

22 Q So let's talk, first, about that initial chemical
23 test. Can you explain to the jury exactly what that
24 entails?

25 A Yes. A chemical test is just a preliminary

1 indicative test. It shows what the substance might be.
2 And this is used with every agent in a small amount of
3 sample, which may or may not produce a color reaction. In
4 this case, it did produce an orange, which is indicative
5 of methamphetamine.

6 Q Now, after getting that initial positive result for
7 methamphetamine, what's the next test that you ran on it?

8 A The next test would be a confirmatory test, which is
9 gas chromatography mass spectrometry.

10 Q What exactly is that?

11 A That is a form of instrumentation where compounds in
12 a substance are separated and identified.

13 Q And what does the readout -- the result of that look
14 like for you?

15 A It comes in two different readouts. There is a peak
16 from the gas chromatograph showing how long it took to
17 pass through the instrumentation. And then a spectrum
18 which shows a breakdown of the ions, which is unique for
19 every compound. Every compound has a unique way of
20 breaking down, which could be compared to, say, a
21 fingerprint.

22 And so those results are compared to a known chemical
23 standard. And I'm able to make a determination based on
24 that.

25 Q So does SLED have kind of a catalog of known illicit

1 substances you compare your results that you have to what
2 the known samples are consistent of?

3 A Yes.

4 Q So what was your analysis and your conclusion after
5 running that test on this sample?

6 A Methamphetamine was found.

7 Q Okay. And is that opinion to a reasonable degree of
8 scientific certainty?

9 A Yes.

10 MR. LAMPKE: Okay. Let's see.

11 (Pause.)

12 MR. LAMPKE: Thank you for joining us today, Agent
13 McCormack.

14 Your Honor, that's all the questions I have.

15 THE COURT: Any cross?

16 MS. WYSE: Very briefly.

17 CROSS-EXAMINATION

18 BY MS. WYSE:

19 Q Agent McCormack, do you know who wrote the numbers at
20 the top of the bag that you didn't write?

21 A No, I don't.

22 MS. WYSE: Okay. That's it.

23 Thank you.

24 THE COURT: Any redirect?

25 MR. LAMPKE: Yes, Your Honor, very briefly.

REDIRECT EXAMINATION

BY MR. LAMPKE:

Q Agent McCormack, what is the number written at the top of that bag, the one that you were referring to, the number that was written on the top of the bag?

A Do you want me to read it?

Q Yeah, if you could read it out.

A 2023-00680.

Q And if I may approach and retrieve State's Exhibit No. 9 from you, I'm just going to put it on the document camera.

Thank you very much.

There we go.

Agent McCormack, can you see that adequately?

A Yes.

Q What does it say about the SLED lab number?

A The SLED lab number is L23-06240.

Q And is that the same number that is on the chain of custody and on State's Exhibit No. 8, the substance you tested?

A Yes.

Q Okay. What does it say for your case number?

A 2023-000680.

Q So is the number that was written on that package the same case number as the case number that SLED had in their

1 system for this case?

2 A Yes. It's one less zero, but this would be the
3 agency's case number that submitted it.

4 MR. LAMPKE: Court's indulgence for a moment, Your
5 Honor.

6 THE COURT: Uh-huh.

7 (Pause.)

8 MR. LAMPKE: No further questions, Your Honor.
9 Thank you, Agent McCormack.

10 THE COURT: Any recross?

11 RECROSS-EXAMINATION

12 BY MS. WYSE:

13 Q So you said it's not an exact match; is that right?
14 You said there's one less zero?

15 A It appears to be one zero difference.

16 MS. WYSE: Thank you.

17 THE COURT: All right. You may step down.
18 Thank you.

19 All right. Next witness.

20 MR. LAMPKE: Your Honor, at this point, the State
21 rests its case.

22 THE COURT: All right. Ladies and gentlemen, the
23 State has rested. All of their evidence is in. So I'm
24 required at this time to take up some matters with them.
25 So I'm going to excuse you for a little bit.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 2:10 p.m.)

6 MS. WYSE: Judge, just for preserving the record --
7 well -- let me wait. I can hear them.

10 MOTIONS

12 Just to preserve the record, Your Honor, I would
13 renew any objection that I made earlier throughout the
14 case, as well as renew any motions that I made previously.
15 And I make a motion for a directed verdict based upon the
16 fact that since the client is not here, we cannot
17 positively absolutely say he is the one who, in fact,
18 committed these crimes.

22 As to the directed verdict, of course, if there's any
23 direct evidence or any substantial -- circumstantial
24 evidence that tends to prove guilt of the Defendant, then
25 the directed verdict must be denied. I do find there is

1 direct and circumstantial evidence in this case. And so
2 the motion for directed verdict is respectfully denied.

3 MS. WYSE: Thank you, Your Honor.

4 THE COURT: All right. Does the Defense intend to
5 call any witnesses?

6 MS. WYSE: No, Your Honor. The Defense's witness is
7 not here.

8 THE COURT: All right. Why don't we while we're at
9 it discuss charges. I'll tell you what I will do. I will
10 just give you a -- this is my charge here. I'll let y'all
11 just take a look at it right now.

12 And for the record -- I'll just do this for the
13 record. I'm going to charge the indictment is not
14 evidence, duties of the jury and the trial judge,
15 presumption of innocence, reasonable doubt, what is not
16 evidence, direct and circumstantial evidence, credibility
17 of the witnesses, expert witness charge since we just had
18 an expert. I'll give a charge on the absent Defendant,
19 criminal intent. I'm going to charge on the trafficking
20 methamphetamine under the statute.

21 I always give a sympathy charge. In other words, it
22 cannot be -- the verdict cannot be based on sympathy or
23 anything else other than the evidence, and then duty to
24 deliberate.

25 The verdict form. And as to the charge of

1 trafficking methamphetamine, we, the jury, unanimously
2 find the Defendant, Kenneth Charles Hendrix, guilty or not
3 guilty.

4 So I'll let y'all take a look. I'll give you a few
5 minutes to take a look at the charges. And then I'll just
6 give you a few minutes. I'll come back in about five
7 minutes.

8 Just let the bailiff know when you're ready and I'll
9 come back.

10 (WHEREUPON, a break was taken.)

11 THE COURT: Did y'all have an opportunity to take a
12 look at the charges and the verdict form?

13 MR. LAMPKE: We did, Your Honor. The only addition
14 from the State -- and I discussed this with Ms. Wyse and
15 she had no objection -- is the addition of one word, that
16 being "or" in the trafficking statute so it aligns with
17 the statutory language. There's a sticky note on there
18 referencing that, Your Honor.

19 THE COURT: All right. Anything else other than
20 that?

21 MR. LAMPKE: Nothing else from the State.

22 THE COURT: All right. Ms. Wyse, do you agree with
23 that?

24 MS. WYSE: Your Honor, yes, of course, I definitely
25 agree with the "or."

1 I only have one thing to suggest. The SLED agent
2 testified on the stand that she only took a portion of the
3 drugs and tested them. So I would ask that, based upon
4 that testimony, you allow for a possession charge to go to
5 the jury.

6 THE COURT: What's the State's response?

7 MR. LAMPKE: Just one moment, Your Honor.

8 Let's see. Your Honor, I am going to -- if I may
9 hand up a statute. I'm providing Defense counsel with a
10 copy of the statute as well of 44-53-392, which states
11 that withstanding any other provision of this article, the
12 weight of any controlled substance referenced in this
13 article is the weight of that substance in pure form or
14 any compound or mixture thereof.

15 So the -- the argument that the SLED analyst only
16 tested a portion of the drug, therefore, we can't be sure
17 about the weight is, actually, statutorily barred as far
18 as the State is aware.

19 THE COURT: Ms. Wyse, any response to that?

20 MS. WYSE: Your Honor, again, the testimony from the
21 stand was that she only tested a portion of it.

22 As far as the statute is concerned, I don't know of
23 any case law that has addressed this issue before, but I'm
24 sure that Mr. Lampke does because he knows everything.

25 MR. LAMPKE: Happy to oblige.

1 MS. WYSE: Can I just say off the record that I'm so
2 glad I was not in his law school class section, whatever.

3 MR. LAMPKE: There is case law to that effect, Judge.
4 It's State vs. Johnson. And I can give you that citation
5 and a copy, if you like.

6 THE COURT: All right. Mr. Lampke, what does State
7 vs. Johnson -- for the record, it's on paragraph --
8 Section Roman numeral two, Page 5.

9 MR. LAMPKE: Thank you for the help there, Judge,
10 indeed.

11 So let's see. The circuit court, specifically,
12 looked at 44-53-110, which defines methamphetamine as any
13 salt isomer, or salt of an isomer, or any mixture or
14 compound containing amphetamine or methamphetamine. Let's
15 see.

16 Then it further talked about 44-53-392, which defines
17 it as any compound or mixture thereof. We do not agree
18 with Johnson's contention that the legislature requires
19 the methamphetamine to be useable methamphetamine. Nor do
20 we agree that the statute disregards the weight of
21 byproduct in the manufacturing process. Let's see. I'm
22 trying to find exactly where, Judge. Let's see.

23 One moment, Your Honor.

24 THE COURT: Ms. Wyse, you're arguing that because she
25 tested only a portion of it that it doesn't meet the

1 weight? Is that what you're arguing?

2 MS. WYSE: Well, Judge, you said that the only way
3 the Defense would be able to get in an argument -- or a
4 charge for possession would be if there was any -- any
5 issue regarding the weight of the substance. And I cannot
6 take credit for this argument. It was definitely given to
7 me by another defense attorney.

8 THE COURT: But there's not a -- I mean, the witness
9 testified that it was -- it was methamphetamine.

10 MS. WYSE: Yes, sir.

11 THE COURT: What she tested was methamphetamine and
12 the total weight was 19.16 grams. So I don't think that
13 creates a dispute, despite the creative argument. I
14 understand and appreciate that, but I don't think, based
15 on that testimony, that creates that argument.

16 MS. WYSE: And I stated, I did not come up with it.
17 It was given to me. However, I'm going to hold onto this
18 case law that Mr. Lampke just happened to have 58 copies
19 of.

20 THE COURT: Well, I think the testimony does show it
21 was 19.16 grams and the witness did testify that it was
22 methamphetamine that she tested and that was -- based on
23 her test, the total weight was 19.16 grams. But your
24 objection exception is noted.

25 MS. WYSE: Thank you, Judge.

1 THE COURT: Anything else on the charges or verdict
2 form?

3 MR. LAMPKE: Nothing from the State, Your Honor.

4 MS. WYSE: No, Your Honor.

5 THE COURT: Okay. Are you all ready -- do you need
6 any time to get ready for your closing, or are you good?

7 MS. WYSE: We are absolutely ready to go.

8 THE COURT: Is the State ready?

9 MR. LAMPKE: The State's ready, Judge.

10 THE COURT: Okay. Let's bring them in.

11 Do you want to rest on the record, Ms. Wyse?

12 MS. WYSE: I will.

13 Thank you, Judge.

14 (WHEREUPON, the jury came into open court at
15 approximately 2:37 p.m.)

16 THE COURT: All right. The State has rested.

17 I recognize the Defense.

18 MS. WYSE: Thank you, Your Honor.

19 May it please the Court.

20 The Defense would rest.

21 THE COURT: All right. Very briefly, let me see the
22 lawyers just for a minute.

23 (WHEREUPON, a bench conference was held.)

24 THE COURT: All right. Ladies and gentlemen, what
25 I'm going to do is excuse you for one minute. I need to

1 address one thing. We are finished with the evidence.
2 All we've got is closing arguments. You're going to get
3 the case here in a little bit. I need one minute to
4 address something that I'm required to do. Give me one
5 minute.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 2:38 p.m.)

8 THE COURT: All right. Now that all the evidence is
9 in, any motions from the Defendant?

10 MS. WYSE: No, Your Honor. There are no motions. We
11 would just move to renew all previous objections and
12 motions made by the Defense.

13 THE COURT: All right. I note your renewed motions.
14 After all the evidence, motions will be respectfully
15 denied. As I said, I believe there is direct and
16 circumstantial evidence to submit the case to the jury.

17 Also, my rulings on the motion to suppress still
18 stand.

19 So those motions will be denied.

20 All right. Now, bring them back in.

21 (WHEREUPON, the jury came into open court at
22 approximately 2:39 p.m.)

23 THE COURT: All right. Ladies and gentlemen, we have
24 now reached the next to the last stage of the case. We
25 have the closing arguments for the jury and then my charge

1 to you, the jury. After that, then I'll give you the case
2 to deliberate.

3 So with that, I recognize the State.

4 CLOSING ARGUMENTS

5 MR. LAMPKE: Thank you, Your Honor.

6 May it please the Court.

7 Good afternoon, everyone.

8 Members of the jury, he didn't go looking for a drug
9 trafficker. One fell right in his lap. Members of the
10 jury, you heard all the testimony. And I was here only a
11 couple hours ago telling you what I expected the evidence
12 to be. And then you saw what the evidence, actually,
13 turned out to be. And we have proven our case beyond a
14 reasonable doubt that the Defendant is guilty of
15 trafficking methamphetamine.

16 Now, like the Judge told you at the beginning of the
17 trial and as he just mentioned a moment ago, after we
18 finish the closing arguments, he is going to instruct you
19 on the law. It's important to note that when the Judge
20 instructs you on the law, he's the judge of the law.
21 You're the judge of the facts. You have to make your
22 decision not based on what you wished the law or what you
23 hoped it would be, but simply the law as he charges it to
24 you.

25 Now, I want you to pay close attention when he talks

1 about the methamphetamine trafficking statute. Because
2 he'll, essentially, read the plain language of the statute
3 to you, which gives multiple ways in which someone could
4 commit the offense of trafficking methamphetamine, that
5 they're conspiring, to deliver it, to sell it, to
6 transport across state lines, so on and so forth.

7 The key word I want you to listen for is "or." There
8 are multiple ways that you can be guilty under that
9 statute. And the Judge will instruct you that one of
10 those ways is that the Defendant was in actual or
11 constructive possession of more than 10 grams of
12 methamphetamine.

13 Members of the jury, the three elements that we have
14 to prove to you today is, one, that substance was
15 methamphetamine; two, that it weighed, at least, 10 grams;
16 and, three, that he was in possession of it.

17 Now, the Judge will use that verbiage, either actual
18 or constructive possession. In this case, it's actual
19 possession. That's when it's physically in somebody's
20 custody or control. And that's exactly the situation that
21 we have today. Because that was found in his pocket.

22 Now, I'm going to take a moment to just walk through
23 all the evidence and show you how we've met our burden in
24 each of those three elements.

25 So, first of all, talking about whether the

1 substance -- this substance was, actually,
2 methamphetamine. Now, this is in evidence. It will be
3 back there with y'all in the deliberation room while
4 you're looking at it. Now, keep in mind, it's sealed. So
5 it's not going to hurt you, or anything like that. You're
6 able to touch it, finagle it around.

7 Agent McCormack testified that she ran a series of
8 chemical tests on this substance. She told you first
9 individual inspection, she saw it was crystal in
10 structure, crystal methamphetamine, as it's often called.
11 She said that that kind of perked her ears up to the fact
12 that this could, in fact, be methamphetamine.

13 She then conducted a chemical test which confirmed
14 those suspicions, yeah, this is methamphetamine. And then
15 she did a more intensive test. I always mess this up when
16 I try to say it, the gas chromatograph. She talked to
17 y'all about exactly what that entails.

18 And she described it, as I mentioned before, like a
19 fingerprint. That running that test gives a fingerprint
20 of what that substance is made out of, that she then
21 compares it to her database of known substances and in
22 this case, it was a match. So we proved through her
23 expert testimony that this was, in fact, methamphetamine.

24 Now, moving on to that second element, whether it
25 weighed, at least, 10 grams. You, also, will have her

1 report back there in evidence where it says, once again,
2 the tests she went through. It, also, actually, has her
3 CV on the back, her many degrees, her many
4 accomplishments. But it says that it was, in fact,
5 methamphetamine. And, importantly, it has a weight on
6 there. That she weighed it and it weighed over 10 grams,
7 in fact, 19 grams of methamphetamine.

8 Now, I want to make it abundantly clear again, the
9 State does not have to prove where it was going, who he
10 got it from, where he was taking it, what he intended to
11 do with it. Here in South Carolina, trafficking is weight
12 plus possession. And we have proven that. That it was
13 methamphetamine and it was, at least, 10 grams. That was
14 really the last two witnesses of the case, you know, that
15 was kind of the State's focus on.

16 Now, the other part is that the Defendant was in
17 possession of methamphetamine. And in order to prove
18 that, we started first by having Detective Smith take the
19 stand. And he told you about how long he's been in law
20 enforcement, how he was on the road at first. And then
21 eventually, he was promoted to detective. He told you
22 that's what he wanted to do for a while. So he's happy to
23 get that promotion.

24 And, members of the jury, you learned that he is
25 trusted with some of the most difficult and serious cases

1 that we have in this county, sex crimes and, especially,
2 sex crimes against children. He explained to you why he
3 didn't have a dash camera or a body camera that day. He
4 told you that detectives like him, they're not even
5 assigned body cameras. In the same way that he said,
6 well, if I had pepper spray, a bulletproof vest and a
7 taser, I would almost never use it. It's the same reason
8 he's not assigned a body camera that he's not assigned
9 pepper spray. He's not that kind of police officer. He
10 conducts investigations.

11 Officer Runser, he testified about the calls he
12 responds to, emergent situations. And I think he somewhat
13 comically said just about every single day. That's why
14 it's such a hard job being a police officer. But road
15 patrol guys, they respond to those emergent situations.
16 And that's why it makes sense for them to be assigned body
17 cameras. Someone like Detective Smith, he conducts
18 investigations and brings people into the station to
19 interview them.

20 And, most importantly, in the type of case that he
21 was investigating that day, he was trying to keep a low
22 profile. He can't be walking around in plain clothes with
23 a big camera on his chest that, essentially, screams, hey
24 there, I'm a police officer and I'm gathering evidence on
25 you. That just doesn't make sense for the job he had.

1 And the same goes for the dash camera that would be easy
2 for anybody to see as he's surveilling that area.

3 Now, Officer Smith's testimony is exactly that, it's
4 his testimony. And the Judge will give you an instruction
5 about the credibility of witnesses. The reason I called
6 Officer Runser and Ms. Readett is I wanted to corroborate
7 his testimony, not just put him up there and say, hey,
8 this one officer says this thing. I wanted to give you
9 other things that you could sink your teeth into that
10 corroborate or back up the testimony that Officer Smith
11 put on the stand.

12 And you saw that from the other items we put into
13 evidence. One of which is the CAD report, the readout of
14 the radio traffic that was going on that day. You can see
15 from the time Officer Smith reported that he saw that car,
16 the day he reported seeing the suspicious vehicle, when he
17 called in back up, when Officer Runser arrived and he,
18 eventually, transported him to the jail. Everything that
19 Detective Smith testified to is backed up by the CAD
20 report.

21 The same goes for Officer Runser's testimony where he
22 reported both the same vehicle that Detective Smith
23 mentioned that he saw on direct examination, as well as
24 his backseat camera. But you saw that was, in fact,
25 Mr. Hendrix that was in the back of the patrol car that

1 day. And he was wearing that very same jacket that
2 Detective Smith said that he pulled that methamphetamine
3 from. That's why I called those additional witnesses so
4 you can see that there is corroboration for what Detective
5 Smith was talking about.

6 Now, members of the jury, again, beyond a reasonable
7 doubt is exactly that, beyond a reasonable doubt. It's
8 not beyond any possible doubt you can possibly think of or
9 any doubt whatsoever. Instead, it's just enough evidence
10 such that you are firmly convinced as to the Defendant's
11 guilt. And, members of the jury, we have met that burden
12 today.

13 At the end of the day, this is a case -- and you can
14 look through the CAD report, the driving record, all the
15 evidence that we put in. You can see that in this case,
16 it was a single defendant in a car by himself registered
17 to him that was stopped -- well, I guess the Defendant
18 really stopped the officer. But he came into contact with
19 a sworn police officer who's been on the force and is
20 trusted to be a detective. That he was searched by a
21 sworn law enforcement officer and he had 19 grams of
22 methamphetamine, literally, in his pocket.

23 Members of the jury, he is guilty of trafficking
24 methamphetamine. And I wish that you go back there,
25 deliberate, and return a verdict of guilty.

1 Thank you very much.

2 THE COURT: Ms. Wyse.

3 MS. WYSE: Thank you, Your Honor.

4 May it please the Court.

5 Mr. Lampke.

6 Ladies and gentlemen, thank you for your patience.

7 Thank you for being here today. I know it's the last
8 place you wanted to be. We all thank you.

9 As Mr. Lampke has already stated in his closing and
10 as you are going to hear from the Judge in just a few
11 minutes, trafficking methamphetamine in the State of South
12 Carolina does not require any kind of selling. It is by
13 statute based on weight, as Mr. Lampke has already stated.

14 So that kind of disabuses the idea of the image that
15 Hollywood gives us as far as what actual trafficking is.
16 Of course, you can drive 18 wheelers up and down bringing
17 methamphetamine, or whatever else. That is, certainly,
18 not anything the State was able to prove that Mr. Hendrix
19 was doing. This was merely weight that was found inside
20 his jacket.

21 But I would like to state very clearly that based
22 upon everything that you have heard today, Mr. Hendrix
23 would not have received the ticket had he not stopped the
24 officer and asked him why he was following him. Even
25 though he articulated reasons for following him and

1 stating what he had done. Even though Detective Smith
2 states that he came into the neighborhood in a 2003
3 Cavalier so hard that his tires were squealing, so much so
4 that Detective Smith felt like he had to turn around and
5 follow this 2003 Chevy Cavalier and see what they were
6 doing.

7 He went through a stop sign and continued on through
8 the neighborhood. And then he saw him pull into a
9 driveway and then back out and take off again. And at no
10 point did he call for backup. At no point did he say over
11 to dispatch that he was checking out anything other than a
12 suspicious car.

13 And I want to tell you what's suspicious about that
14 is that that car, that make and model and the way it
15 looked is the reason why it was suspicious. Driving into
16 a very nice neighborhood in Easley where there are
17 beautiful homes that I'm certain cost more money than I
18 could afford, that car stuck out. And because that car
19 stuck out, Detective Smith felt like he had to follow it.

20 As I asked Detective Smith on the stand numerous
21 times where was this information located in your incident
22 report, where did you say he got out of his car and
23 approached you? Where is that in your report? Because we
24 don't have body cam. And it make sense that Detective
25 Smith didn't have body cam based upon what he was doing

1 that day. It makes a lot of sense.

2 So what do we have to rely on? We have the incident
3 report to tell us what happened. Because guess what, they
4 write those incident reports either the day something
5 occurs or maybe the next day. They write those incident
6 reports when they're really fresh in their mind and they
7 can remember everything. None of those details are in
8 that incident report. That was a lot of details, erratic
9 driving. He was described as erratic when he got out of
10 the car.

11 And the fact that he pulled his car caddy-cornered
12 and blocked an entire intersection is, also, not in the
13 incident report. That he got up out of the car and, you
14 know, started waving, it's not in the incident report.
15 Also, it is not located anywhere on that CAD report that
16 any of those things were happening as they happened.

17 So it leaves and begs the question of, if an officer
18 can just turn around and follow a beat up old car in a
19 neighborhood, what's to say they can't do it again?

20 Now, I don't know about you, but my memory of today
21 right now is pretty good. I could probably tell you most
22 of the things that happened. Two years from now, I won't
23 be able to do that. I won't remember where you're
24 sitting. I won't remember how many of you are males, how
25 many of you are females. I will probably remember that it

1 was St. Patty's Day, but that's about it as far as
2 specifics are concerned.

3 Two years from now, I'm not going to remember a lot
4 of details. I'd have to go back and look at my notes.
5 But even in my notes, I didn't write down what you're
6 wearing. I didn't write down anything about the
7 positioning of anyone in the courtroom. I'm not going to
8 be able to remember it.

9 You might say to yourself, well, you're not a law
10 enforcement officer. No, I'm not. But I do have a pretty
11 good memory. In two years, I won't be able to remember
12 the things that we did today. But I'll be able to
13 remember them tonight and I'll be able to remember them
14 tomorrow.

15 Ladies and gentlemen, everybody has the right to a
16 fair trial, everybody. If you are in the United States
17 and get charged with a crime, you have the right to have a
18 jury trial, which is what we're having here today. And
19 the fact that Mr. Hendrix is not here, that is, also, his
20 right. He doesn't ever have to speak. He doesn't ever
21 have to say anything. All we really know is what he did
22 say on that day, why are you following me and I was going
23 to stay with a relative.

24 Now, why is why are you following me important? I am
25 not going to sit here and tell you that if a car was

1 following me that I would notice it right away. But I
2 will tell you that if I enter a neighborhood and the
3 streets aren't very busy and somebody, basically, does a
4 U-turn and follows me, I would probably notice that. And
5 it would make me real nervous because I'm a single woman.
6 I would wonder who was following me.

7 And while I might not turn -- you know, park in
8 somebody's driveway and turn around, I probably would not
9 go to my home. I wouldn't want to take them with me if I
10 didn't know who they are. What Mr. Hendrix said is not
11 unreasonable. Why are you following me?

12 Ladies and gentlemen, you heard from the State a lot.
13 And I just want you to remember these things when you go
14 back there and you deliberate. First of all, there is
15 absolutely no evidence that Mr. Hendrix was trying to sell
16 any of the drugs that day. There were no bags. There was
17 no copious amounts of cash. I don't think there was any
18 cash, but I can't say that for sure. Certainly, he was
19 driving a 2003 beat up car.

20 Second of all, there are a lot of holes in that
21 incident report and then with the testimony that we heard
22 here today. And it's a big, big difference. Because you
23 know what, two years ago on this day, I don't have a clue
24 where I was or what I was doing. I could have been in
25 trial somewhere. I don't know.

1 And the last thing I want you to consider is that
2 while I am a private attorney and I do have a law partner,
3 I was appointed Mr. Hendrix's case. He did not pay for my
4 services. So, please, don't hold -- if you don't like me,
5 please, don't hold him accountable for whatever it is that
6 you don't like about me or think for one second that he
7 was able to afford my services.

8 So, please, consider all of this information when you
9 go back and you deliberate.

10 And on behalf of myself, my client, and everybody in
11 this courtroom, thank you again for being here.

12 CHARGE ON THE LAW

13 THE COURT: All right. Ladies and gentlemen, we are
14 at the last phase of the case. And if you would just give
15 me a little bit of your attention for the last part.

16 I want to thank you for your attention today in this
17 trial. All of you have paid attention and listened to all
18 the evidence. I appreciate that and the parties
19 appreciate that.

20 As I told you, the indictment in this case is for
21 trafficking methamphetamine. I will remind you the fact
22 that the Defendant was arrested, charged, and indicted in
23 this case is not evidence and cannot be considered by you
24 as evidence of guilt in this case, nor does it create any
25 presumption or inference of guilt.

1 This document simply is the formal written instrument
2 which contains the charge made against the Defendant.
3 It's the formal document by which this case is brought
4 into court.

5 I, also, want to remind you that you and I have had
6 duties in this trial. As the trial judge, it has been my
7 responsibility to preside over the case and rule on any
8 issues or -- evidentiary issues or the admissibility of
9 evidence which has been offered in this case. You are to
10 consider only the evidence that has been put before you,
11 whether in the witness stand here or any exhibits. That
12 is the only evidence that you are to consider in this
13 case.

14 Now, I have the additional duty to charge you the law
15 which is applicable in this case. I'm the sole judge of
16 the law in the case. And it's your duty, as jurors, to
17 accept and apply the law as I now state it to you. If you
18 already have any idea as to what the law is or what the
19 law should be and it does not agree with what I now tell
20 you it is, then you must abandon that idea. Because you
21 are sworn to accept the law as I give it to you now.

22 In every case tried in this court before a jury, the
23 jury becomes the sole and exclusive judge of the facts.
24 As I told you earlier, I cannot comment on or make any
25 statement to you, as the jury, about the facts of the

1 case. And since you are the sole judge of the facts in
2 this case, you are not to infer anything I may have said
3 or any ruling I may have made in this case.

4 You and you alone are the finders of the facts in
5 this case. And, as I said, I cannot decide the facts.
6 I'm not allowed to decide the facts. I can't have any
7 opinion on the facts.

8 Now, the Defendant has pled not guilty to this
9 indictment. And that plea puts the burden of proof on the
10 State to prove the Defendant guilty. A person charged
11 with committing a criminal offense in South Carolina is
12 never required to prove himself innocent.

13 It is an important rule of the law that the Defendant
14 in a criminal trial no matter what the seriousness of the
15 charge may be will always be presumed to be innocent of
16 the crime for which the indictment was issued, unless
17 guilt has been proven by the evidence satisfying you of
18 that guilt beyond a reasonable doubt.

19 This presumption of innocence does not end when you
20 begin your deliberations. But it accompanies the
21 Defendant throughout the trial and up until you can reach
22 a verdict, if you're able to do so. But it must be based
23 on the evidence satisfying you of guilt beyond a
24 reasonable doubt.

25 The presumption of innocence is like a robe of

1 righteousness placed about the shoulders of the Defendant.
2 And it remains with the Defendant until it has been
3 stripped from the Defendant by evidence satisfying you of
4 the Defendant's guilt beyond a reasonable doubt.

5 The presumption of innocence is not a mere legal
6 theory. It's not just a legal phrase. It is a
7 substantial right to which every defendant is entitled,
8 unless you, the jury, are satisfied from the evidence of
9 guilt -- his guilt beyond a reasonable doubt.

10 Now, as I said, the State has that burden. Some of
11 you may have served on a civil jury where the burden of
12 proof is a preponderance or the greater weight of the
13 evidence. In a criminal case such as this one, the burden
14 of proof is guilt beyond a reasonable doubt.

15 Now, proof beyond a reasonable doubt is proof that
16 leaves you firmly convinced of the Defendant's guilt.
17 There are very few things in this world that we know with
18 absolute certainty. And in criminal cases, the law does
19 not require proof that overcomes every possible doubt. If
20 based on the evidence and your consideration of the
21 evidence, you are firmly convinced that the Defendant is
22 guilty of the crime charged, you must find the Defendant
23 guilty.

24 If, on the other hand, you think there is a real
25 possibility that the Defendant is not guilty, you must

1 give the Defendant the benefit of the doubt and find him
2 not guilty.

3 The following thing are not evidence in this case,
4 the statements and the arguments of the lawyers, any of
5 the questions asked by the lawyers, or any objections
6 raised. The only evidence that you are to consider is the
7 evidence from the witness stand and any exhibits submitted
8 into evidence.

9 Now, there are two types of evidence, direct and
10 circumstantial evidence. Now, direct evidence is evidence
11 that directly proves the existence of a fact. It does not
12 require any deduction. Circumstantial evidence is proof
13 of a chain of facts and circumstances that indicate the
14 existence of a fact. Crimes may be proven by
15 circumstantial evidence. The law makes no distinction
16 between the weight or the value to be given to either
17 direct or circumstantial evidence.

18 However, to the extent the State does rely on
19 circumstantial evidence, all of the circumstances must be
20 consistent with each other and when taken together point
21 conclusively to the guilt of the Defendant beyond a
22 reasonable doubt. If the circumstances merely portray the
23 Defendant's behavior as suspicious, the proof has failed.

24 The State has the burden of proving the Defendant
25 guilty beyond a reasonable doubt. And it rests with the

1 State regardless of whether they rely on circumstantial
2 evidence, direct evidence, or a combination of the two.

3 Now, in determining this case -- or in deciding this
4 case, you must determine the credibility of the witnesses
5 who have testified in this case. Credibility simply means
6 believability. It becomes your duty, as jurors, to
7 analyze and to evaluate the evidence.

8 In determining believability of witnesses who have
9 testified in the case, you may believe one witness over
10 several witnesses, or several witnesses over one witness.
11 You may believe a part of the testimony of a witness and
12 reject the remaining part of the testimony of that same
13 witness. You may believe the testimony of a witness in
14 its entirety or you may reject the testimony of a witness
15 in its entirety. You may consider whether any witness has
16 exhibited to you any interest, any bias or prejudice, or
17 any other motive in this case. You may, also, consider
18 the appearance and manner of a witness while on the
19 witness stand.

20 Now, as I told you earlier today, we had a witness
21 who was classified as an expert witness. And those
22 witnesses are allowed to give opinion testimony. And we
23 call these witnesses experts because by education and/or
24 experience they have become an expert in some art,
25 science, profession, or calling. And they may state an

1 opinion as to any relevant and material matter in which
2 they claim to be an expert and may, also, state the
3 reasons for the opinion.

4 Now, you should consider any expert opinion received
5 in this case just like any other evidence and give it the
6 weight you think it deserves. If you decide that the
7 opinion of an expert witness is not based on sufficient
8 education and experience or if you conclude that the
9 reasons given in support of the opinion are not sound or
10 the opinion is outweighed by other evidence, you may
11 disregard the opinion entirely.

12 An expert witnesses testimony is to be given no
13 greater weight than that of any of the other witnesses who
14 have testified in this case simply because a witness is an
15 expert. Further, you are not required to accept an
16 expert's opinion even though it is not contradicted.

17 Now, under the laws of the state of South Carolina, a
18 Defendant may be tried even if the Defendant does not
19 attend the trial. But the fact that the Defendant is not
20 present may not be considered against the Defendant in any
21 manner whatsoever.

22 Now, in order to establish criminal liability,
23 criminal intent is required. For example, the mental
24 state required to be proven by the State for a particular
25 crime might be purpose, intent, knowledge, recklessness,

1 or criminal negligence. Criminal intent must be proven by
2 the State beyond a reasonable doubt.

3 Criminal intent is always a matter that must be
4 determined by you, the jury, from the circumstances
5 surrounding the situation. There is no way to prove
6 intent to a mathematical certainty. There is no way that
7 medical science can dissect a person's brain and determine
8 what that person had in mind.

9 So the law says that criminal intent may be inferred
10 from the circumstances that have been shown to have
11 existed. This is how you make a determination of whether
12 or not the element requiring intent was present.

13 It is not necessary to establish intent by direct and
14 positive evidence. But intent may be established by
15 inference in the same way as any other fact by taking into
16 consideration the acts of the parties and all the facts
17 and circumstances in the case.

18 Criminal intent is a mental state. It is a conscious
19 wrongdoing. And it's up to you to determine what the
20 Defendant intended to do based on the circumstances shown
21 to have existed. Criminal intent can arise from actions
22 or a failure to act. It may arise from negligence,
23 recklessness, or an indifference to the duty or to the
24 consequences that is considered by law to be the
25 equivalent of criminal intent.

1 Now, the Defendant is charged with trafficking
2 methamphetamine. The State must prove beyond a reasonable
3 doubt that the Defendant knowingly sold, manufactured,
4 cultivated, delivered, purchased, brought into this state,
5 provided financial assistance or otherwise aided, abetted,
6 attempted or conspired to sell, manufacture, cultivate,
7 deliver, purchase, or bring into this state, or that the
8 Defendant was knowingly in actual or constructive
9 possession or knowingly attempted to become in actual or
10 constructive possession of methamphetamine.

11 The State must, also, prove beyond a reasonable doubt
12 that the amount of the methamphetamine or any mixture
13 containing methamphetamine was 10 grams or more, but less
14 than 28 grams.

15 To prove possession, the State must prove beyond a
16 reasonable doubt that the Defendant had both the power and
17 the intent to control the disposition or use of the
18 methamphetamine. Possession may be either actual or
19 constructive.

20 Actual possession means that the methamphetamine was
21 in the actual physical custody of the Defendant.

22 Constructive possession means that the Defendant had
23 dominion and control or the right to exercise dominion or
24 control over either the methamphetamine itself or the
25 property on which the methamphetamine was found.

1 Mere presence at the scene where the methamphetamine
2 was found is not enough to prove possession. When
3 determining the weight of a controlled substance, the
4 weight of any controlled substance referenced is the
5 weight of that substance in pure form, or a compound, or a
6 mixture thereof.

7 Now, ladies and gentlemen, a verdict in this case
8 cannot be based on anything but the evidence in this case.
9 It cannot be based on any sympathy, passion, prejudice,
10 emotion, or any other consideration that's not found in
11 the evidence from the witness stand or any of the exhibits
12 that have been admitted into evidence.

13 Now, let me say something about your deliberations.
14 Deliberation -- the word deliberation has often been
15 defined as the act of thinking about or discussing
16 something and deciding carefully. The great thing about
17 our jury system is it allows 12 good people, different men
18 and women from different backgrounds, life experiences,
19 and perspectives to consider this evidence, talk about the
20 evidence and, ultimately, attempt to reach a verdict. We
21 call them deliberations for a reason.

22 You are to consider the evidence in this case
23 carefully and deliberately. Discuss it in a calm,
24 thorough, and courteous manner. Remember, you are not
25 partisans or advocates for either of the parties in this

1 case. You are judges, judges of the facts. Listen to the
2 views of all of your fellow jurors, consider other
3 people's points and points of view and talk it through and
4 discuss the evidence. And, remember, if you are doing
5 something deliberately, you're not in a big hurry and you
6 should not be in a big hurry here. The case is very
7 important to both sides. And this is their only day in
8 court.

9 When you retire to the jury room here in a few
10 minutes, you should discuss it with your fellow jurors to
11 reach an agreement, if you can do so. And, as I said,
12 your verdict must be unanimous. Each of you, again, must
13 decide the case for yourself, but you should do so only
14 after you have impartially considered all the evidence,
15 discussed it fully with your fellow jurors, and listened
16 to the views of your fellow jurors. Do not be afraid to
17 change your opinion if the discussion persuades you that
18 you should. But do not come to a decision simply because
19 other jurors think it's right.

20 It's important that you attempt to reach a unanimous
21 verdict. But that is only after each of you can do so
22 once you have made your decision -- or once you have
23 discussed it with your fellow jurors and considered all
24 the evidence. Do not change your opinion solely for the
25 sake of reaching a unanimous verdict.

1 Now, Madam Forelady, and, ladies and gentlemen, the
2 verdict form will be sent in there with you. And it is
3 very straightforward. It has one question. As to the
4 charge of trafficking methamphetamine, we, the jury,
5 unanimously find the Defendant, Kenneth Charles Hendrix,
6 and it has a place to check either guilty or not guilty.

7 There is no rhyme or reason of the order that I put
8 guilty before not guilty. I have to do it some way. And
9 I do it by the alphabet, G and N. So that is the only
10 reason. Do not take any -- do not look at it as any way
11 other than that. I have to simply do that to put it down
12 one way and that's the way I do it.

13 So, again, your verdict must be unanimous. If you
14 do -- once you do reach a verdict and if you do reach a
15 unanimous verdict, then, Madam Forelady, if you would,
16 sign it and let the bailiffs know that you have reached a
17 verdict.

18 Now, if you have any questions at all or if you
19 wanted to have some testimony replayed for any reason,
20 just write it on a piece of paper. There will be pen and
21 paper in there. Write your question, if you do have any
22 questions. Let the bailiff know. They'll let me know.
23 And I'll confer with the lawyers and let them know about
24 the question. And I may -- I'll answer in two different
25 ways. I may write the answer on the paper and send it

1 back to you or if I need to bring you back out to give you
2 my answer, I'll do that.

3 So with that, I'm going to excuse you. Don't
4 deliberate yet. I've got one final thing I have to check
5 with the lawyers to make sure my charge is correct. If it
6 is, then they will gather the evidence and the bailiff
7 will bring it in there to you and instruct you to begin
8 your deliberations. If for some reason I need to bring
9 you out, I'll do that. But, otherwise, I'm going to
10 excuse you. And once the bailiff tells you that you can
11 deliberate, you may begin.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 3:19 p.m.)

15 THE COURT: All right. Any exceptions to the charge?
16 Anything from the State?

17 MR. LAMPKE: Nothing from the State, Your Honor.

18 THE COURT: From the Defendant?

19 MS. WYSE: No, Your Honor.

20 THE COURT: If you'll check and make sure all the
21 exhibits are there and we'll gather it up and give it to
22 the jury.

23 All right. We'll be in recess.

24 (WHEREUPON, the proceedings were recessed at
25 approximately 3:24 p.m.)

1 (WHEREUPON, Court's Exhibit No. 6 was marked for
2 identification only.)

3 QUESTION FROM THE JURY

4 THE COURT: We've got a question, Can we get a copy
5 of the actual law? And then it has on the back, the
6 "ors."

7 So my intention is to bring them out and recharge
8 them on the statute. It is not my policy to give them the
9 charge. The Supreme Court has cautioned us to not give
10 them the charge. And if we do give the jury the charge,
11 we have to give them the whole thing and not just a part
12 of it.

13 But I'll hear from you.

14 Anything from the State?

15 MR. LAMPKE: Judge, I think the State is content with
16 just you recharging them.

17 Perhaps, if the question persists, we can give the
18 whole charge back. But I appreciate Your Honor's concern
19 with not creating any potential issues. I think just
20 recharging them is proper for the trafficking statute.

21 THE COURT: Ms. Wyse?

22 MS. WYSE: I agree.

23 THE COURT: All right. Bring them back in.

24 (WHEREUPON, the jury came into open court at
25 approximately 3:39 p.m.)

1 THE COURT: All right. Madam Forelady, I've got your
2 question. "Can we get a copy of the actual law?" And you
3 have under that, the "ors."

4 I'm not allowed to give you a copy of the
5 instructions and the law. But what I'll do is I will just
6 reread the statute. I assume you're talking about the
7 trafficking methamphetamine statute.

8 Is that what you are asking?

9 THE FORELADY: Uh-huh.

10 THE COURT: And let the record reflect I see
11 everybody is shaking their heads yes.

12 The Defendant is charged with trafficking
13 methamphetamine. The State must prove beyond a reasonable
14 doubt that the Defendant knowingly sold, manufactured,
15 cultivated, delivered, purchased, brought into this state,
16 provided financial assistance, or otherwise aided,
17 abetted, attempted, or conspired to sell, manufacture,
18 cultivate, deliver, purchase, or bring into the state, or
19 that the Defendant was knowingly in actual or constructive
20 possession, or knowingly attempted to become in actual or
21 constructive possession of methamphetamine.

22 The State must, also, prove beyond a reasonable doubt
23 that the amount of the methamphetamine or any mixture
24 containing methamphetamine was 10 grams or more, but less
25 than 28 grams.

1 To prove possession, the State must prove beyond a
2 reasonable doubt that the Defendant had both the power and
3 the intent to control the disposition or use of the
4 methamphetamine. Possession may be either actual or
5 constructive. Actual possession means that the
6 methamphetamine was in the actual physical custody of the
7 Defendant. Constructive possession means that the
8 Defendant had dominion and control or the right to
9 exercise dominion or control over the methamphetamine
10 itself or the property on which the methamphetamine was
11 found.

12 Mere presence at the scene where the methamphetamine
13 was found is not enough to prove possession. And when
14 determining the weight of a controlled substance, the
15 weight of any controlled substance reference is the weight
16 of that substance in pure form, or a compound, or mixture
17 thereof.

18 Now, did that satisfy you? Do I need to read it
19 again? If anybody wants me to read it again, I will do
20 so. Has that got it?

21 THE FORELADY: Uh-huh.

22 THE COURT: I'll excuse you and let you go back. If
23 you have any more questions, let me know.

24 THE FORELADY: Okay. Thank you.

25 (WHEREUPON, the jury was excused from open court at

1 approximately 3:43 p.m.)

2 THE COURT: All right. Any exception from the State?

3 MR. LAMPKE: No, Your Honor.

4 THE COURT: From the Defendant?

5 MS. WYSE: No, Your Honor.

6 THE COURT: All right. We'll be in recess.

7 (WHEREUPON, the proceedings were recessed at
8 approximately 3:42 p.m.)

9 THE COURT: All right. I understand we have a
10 verdict.

11 Bring them on in.

12 (WHEREUPON, the jury came into open court at
13 approximately 3:52 p.m.)

14 THE COURT: All right. Madam Forelady, I understand
15 y'all have a verdict.

16 THE FORELADY: Uh-huh.

17 THE COURT: If you will just hand it to the clerk
18 right there.

19 THE CLERK: Thank you.

20 THE COURT: Thank you.

21 All right. If you would, please, publish the
22 verdict.

23 VERDICT

24 THE CLERK: Yes, sir.

25 As to the charge of trafficking methamphetamine, we,

1 the jury, unanimously find the Defendant, Kenneth Charles
2 Hendrix, guilty.

3 Is this your verdict and still your verdict? So say
4 you all by raising your right hand.

5 (WHEREUPON, all of the jurors raised their right
6 hand.)

7 THE CLERK: Thank you very much.

8 THE COURT: Anything from the State?

9 MR. LAMPKE: No, Your Honor.

10 THE COURT: Anything from the Defendant?

11 MS. WYSE: No, Your Honor.

12 THE COURT: All right. Ladies and gentlemen, you are
13 finished with your service for this trial. And some good
14 news, you're finished for the week.

15 So I'm going to excuse you. I'm going to step back
16 for just a minute and speak with you. And you're free to
17 go wherever for the rest of the week.

18 Thank you.

19 (WHEREUPON, the jury was excused from open court at
20 approximately 3:54 p.m.)

21 THE COURT: I'm going to go speak with them for just
22 a minute. And then we'll come and do the sentencing.

23 As we discussed at the bench up here, I'll hear from
24 you about sentencing. Then I will execute the sentence
25 myself, seal it. And then upon the Defendant's

1 apprehension and presence -- he will need to be here for
2 the sentencing. And whoever the judge is at the time will
3 read the sentence. I do not have to be the judge that
4 reads the sentence.

5 But let me speak with them and I'll come back in.

6 (WHEREUPON, Court's Exhibit Nos. 7 and 8 were marked
7 for identification only.)

8 THE COURT: All right. Let me hear from the State on
9 sentencing.

10 MR. LAMPKE: Your Honor, the Defendant has two
11 qualifying prior convictions which leads this to be a
12 third offense. I have showed them to Ms. Wyse and have
13 had them marked as Court's Exhibit Nos. 7 and 8
14 respectively.

15 Your Honor, one is a 2015 conviction for possession
16 of methamphetamine first, which was pled down from a PWID.
17 The other conviction was a 2021 PWID methamphetamine that
18 was pled down from a trafficking second, which the
19 Defendant had 12 grams of methamphetamine, numerous
20 plastic baggies, and a scale. He pled guilty to that
21 charge in May of 2021. About a year and a half later and
22 while still on probation, he picked up a PWID third in
23 October of 2022.

24 And then he, additionally, picked up another PWID
25 third in January of 2023. And then about two months

1 thereafter and while on probation, he picked up this
2 trafficking.

3 Judge, Mr. Hendrix is a repeat drug dealer. And as a
4 result, the state legislature of South Carolina has
5 determined that third offense drug traffickers are
6 subjected to a mandatory minimum term of 25 years
7 imprisonment up to 30 years, as well as a mandatory
8 \$50,000 fine.

9 The only request from the State, Judge, is just to
10 make sure that the fine is on there. Because my
11 understanding is that can provide -- can cause some issues
12 if the fine is not on the sentencing sheet.

13 And, Your Honor, I can tender the --

14 THE COURT: All right. If you would, just make that
15 a Court's Exhibit.

16 MR. LAMPKE: Exactly.

17 THE COURT: I'll hear from the Defendant.

18 MS. WYSE: Thank you.

19 Every time you call me the Defendant, it catches me
20 by surprise.

21 Judge, I was not his lawyer on those prior
22 convictions. So I don't know the particulars about either
23 one of them, you know. Hearing about them from Jake and
24 him allowing me to read the plea sheet, it gave me, of
25 course, law enforcement's perspective of what occurred. I

1 can't speak to those things. I don't know why he pled. I
2 don't know if there was a problem with the case.

3 However, be that as it may, during my conversations
4 with Mr. Hendrix, he has always represented to me that he
5 is an addict and that he doesn't sell drugs. And I think
6 I did say that to you in chambers. Again, I was not privy
7 to the prior charges where baggies were found.

8 I would like to put this on the record just for the
9 Court's information, he was offered five years and he did
10 not take it. Well, he was going to take it. He signed a
11 sentencing sheet. He -- and then he decided the next
12 month he wasn't going to take it. At which point in time,
13 he shared with me he was HIV positive and that he was very
14 concerned about receiving his medication while at SCDC.

15 And I think I informed the Court of this as well that
16 he considered either one a life sentence, either the
17 possibility of going several years without his medication
18 as opposed to 25 without his medication, even though I
19 strongly encouraged him to take the five numerous times.
20 And the State is aware of that as well. I had him watch
21 another trial where the young lady was, also, found
22 guilty.

23 Anyway, I, certainly, tried to get him to take the
24 five years. However, he exercised his right to have a
25 jury trial. And, Your Honor, I would just ask that you

1 take all of that information into consideration when you
2 are giving him the sentence, even though I know that you
3 are confined 25 to 30.

4 Thank you, Judge.

5 THE COURT: Thank you.

6 All right. Anything from the State?

7 MR. LAMPKE: Nothing additional from the State.

8 THE COURT: Okay. I will -- as I said, I will decide
9 the sentence. And then we will -- I will sign the
10 sentencing sheet. It will be sealed. And whenever the
11 Defendant is here next once he's been apprehended, the
12 sentence will then be unsealed. And it can be from
13 another judge. It does not have to be me. But it will be
14 read at that point.

15 So until that time, we are adjourned.

16 Thank you both.

17 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens County, South Carolina, on the 17th and 18th days of March, 2025.

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

October 1, 2025

Hollie M. Jenkins, Court Reporter

THE STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	THIRTEENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA	)	NO. 2023-GS-39-1264
	)	
VS.	)	
	)	
KENNETH CHARLES HENDRIX	)	<u>TRANSCRIPT OF RECORD</u>
	)	
_____	)	Sentencing

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, JUDGE

DATE: April 17, 2025
Pickens, South Carolina

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

JACOB C. LAMPKE, ESQUIRE, ASSISTANT SOLICITOR

Attorney for the State

CATHERINE ANDERSON WYSE, ESQUIRE

Attorney for the Defendant

Reported by: Cathy J. Provost, RMR, Official Court Reporter

ALSO PRESENT:

Sean Karr,
Probation Agent

INDEXES

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INDEX TO WITNESSES

(No witnesses called.)

INDEX TO EXHIBITS

(No exhibits marked.)

- - - - -

1 -- P R O C E E D I N G S --

2 (Case called.)

3 ASS'T. SOL. LAMPKE: Your Honor, before you is Kenneth
4 Hendrix. He was tried in his absence during the March Term of
5 Court here in Pickens County. He was convicted by a jury of his
6 peers of trafficking methamphetamine, 10 to 28 grams, third or
7 subsequent offense. The trial judge for that case was Judge
8 Morgan, and he filled out a sentencing sheet in that regard and
9 has sealed that sentence.

10 Mr. Hendrix was apprehended yesterday in Spartanburg County
11 and transported to Pickens County today for his sentence to be
12 unsealed and to be sentenced.

13 THE COURT: All right. Are you Kenneth Charles Hendrix?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. As indicated -- and I have just --
16 let the record reflect that the clerk's office handed me an
17 envelope with a sealed sentencing, which I have just opened, for
18 a trial that the sentence was back on March the 18th of 2025 by
19 Judge Morgan.

20 Anything you want to say at this point before we proceed?

21 ATTORNEY WYSE: No, Your Honor.

22 THE COURT: All right. So this was a jury verdict where you
23 were found guilty on March the 18th of 2025. At that time Judge
24 Morgan sentenced -- and this was for trafficking methamphetamine,
25 10 grams to 28 grams, third offense. And the sentence of the

1 Court is 25 years and \$50,000, signed by Judge Morgan on March
2 the 18th of 2025.

3 ATTORNEY WYSE: Thank you, Judge.

4 THE COURT: Anything further from Mr. Hendrix?

5 THE DEFENDANT: No, sir. No.

6 THE COURT: All right. Good luck to you.

7 ATTORNEY WYSE: Thank you, Judge.

8 ASS'T. SOL. LAMPKE: Thank you, Your Honor.

9 THE DEFENDANT: Thanks.

10 (WHEREUPON, Other cases were called.)

11 THE COURT: Mr. Hendrix, we just took your plea just a few
12 minutes ago, but we're here for a violation of your probation. I
13 think it's probably wrapped up in whatever your sentence was.

14 So I'd be glad to hear from you.

15 PROBATION/PAROLE AGENT KARR: If it please the Court.
16 Basically, Your Honor, he just received a sentence, so the
17 probation -- of course we would ask for a full revocation, but at
18 this point it's kind of moot, I guess, because he's got -- the
19 sentence is lengthy.

20 THE COURT: Yeah.

21 PROBATION/PAROLE AGENT KARR: So it really would not -- we
22 can give the recommendation, you know, in regard to revocation,
23 but at the same time we can terminate it as well. But it's
24 really up to the Court at this time.

25 THE COURT: Ms. Wyse, is there anything you want to say?

1 ATTORNEY WYSE: Judge, I would really appreciate it if the
2 Court would just terminate the probation. I mean, he's in for 25
3 years, Your Honor. I mean, Your Honor -- and he's got the fine.
4 I mean, he's HIV positive, Your Honor. This is a death sentence.

5 THE COURT: Okay. All right. I'll go ahead and just
6 terminate based on the plea and the other indications, that it's
7 reviewed and administrated, so terminate. And that will be all.

8 PROBATION/PAROLE AGENT KARR: If it please the Court. Your
9 Honor, can we also not place him on administrative monitoring due
10 to the lengthy period of time? Because he would still be
11 responsible for that monitor.

12 THE COURT: Okay.

13 PROBATION/PAROLE AGENT KARR: And allow the time to serve
14 for the money's remainder?

15 THE COURT: That's fine. Thank you.

16 PROBATION/PAROLE AGENT KARR: Thank you, Your Honor.

17 ATTORNEY WYSE: Thank you, Judge.

18 (End of Transcript of Record.)
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CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter 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 the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of General Sessions for Pickens County, South Carolina, on the 17th day of April, 2025.

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

Date: November 14, 2025

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

DOCKET NO. 2023-GS-39-**1264**
SCF
 The State of South Carolina
 County of Pickens

COURT OF GENERAL SESSIONS
 DEC 03 2024 TERM 2023

THE STATE
 vs.
 KENNETH CHARLES HENDRIX

Indictment for
 0452
 TRAFFICKING METHAMPHETAMINE
 VIOLATION § 44-53-0375(C)(1)

WITNESSES

Easley Police Department

3/10/2023

Presenting Officer: LEANN PERMUTZ

Date: 12/3/2024

ARREST WARRANT NUMBER

2023A3920400159

ACTION OF GRAND JURY

TRUE BILL 03 DEC 2024
 Date

Anna M. Holcombe
 Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
 Date:

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
TRAFFICKING METHAMPHETAMINE

At a Court of General Sessions, convened on

DEC 03 2024

the Grand Jurors of Pickens

County present upon their oath:

That KENNETH CHARLES HENDRIX did in Pickens County, on or about the 10th day of March, 2023, knowingly sell, manufacture, deliver or bring into the State of South Carolina or did knowingly provide financial assistance or otherwise aid, abet, attempt or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than ten grams of Methamphetamine. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 102711

STATE ²⁸⁴ SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens

INDICTMENT/CASE#: 2023 - GS - 39 - 01264

STATE vs.

AW#: 2023A3920400159

Date of Offense: 3/10/2023

S.C. Code §

44-53-0375(C)(1)(

AKA: Kenneth Charles Hendrix

SSN: [REDACTED]

CDR Code #: 0452

RACE: WHITE SEX: M DOB: [REDACTED] 76

Range of Offense:

In disposition of the above Indictment comes now the Defendant who was

CONVICTED OF or

PLEADS

TO: Trafficking Methamphetamine 10g-28g 3

Range of Offense Pled

in violation of § 44-53-0375(C)(1)(of the S.C. Code of Laws, bearing CDR Code #

0452

NON-VIOLENT

X

VIOLENT

X

SERIOUS

MOST SERIOUS

Mandatory GPS

§ 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted

Lesser Included
Offense,Defendant Waives
Presentment to Grand Jury.

The plea is: w/o Rec/Negotiations

Negotiated

Recommendation

104683

Lampke, Jake

SC Bar #

WYSE, CATHERINE

73802

SC Bar#

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 25 days/months/years/Time Served YOA NTE 0 years and/or shall pay a fineof \$ 50,000 ; provided that upon the service of 0 days/months/years/Time Served and or paymentof \$ 0 ; plus costs and assessments as applicable* ; balance is suspended with probation for 0 months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: 0The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDC.
0 days/months To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

PTUP

No Contact with Victim

Domestic Violence Intervention Program

Hold for Inpatient Treatment

Sex Offender Registry pursuant to S.C. Code § 23-3-430

SAC/MHC if necessary

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: 0

Restitution \$

FINE: \$ 50,000.00

RESTITUTION See Separate Order (20% per S.C. Code §24-21-190(B))

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

Fine/Costs and Assessments are to be paid to the

Clerk of Court within 0 days/months

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL

\$ 53,750.00\$ 100.00

\$

\$

\$ 25.00\$ 150.00

\$

\$

\$

\$ 7120.15

\$

\$

\$ 107,145.75

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

Clerk of Court/ Deputy Clerk

Hollie Jenkins

Court Reporter

2773

Judge Code

3/18/2025

Sentence Date

Presiding Judge

SCCA217B

01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED
Mar 12 2026
SC Court of Appeals

Respectfully Submitted,



Kathrine H. Hudgins
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT

This 12th day of March, 2026.

